



नेपाल सरकार

शहरी विकास मन्त्रालय

पत्र संख्या: २०२१-२२/२३

चलानी नं.: ७१३



सिंहदरबार,
काठमाण्डौ, नेपाल।

मिति: २०८१/०७/०७

✓ श्री स्थानीय पूर्वाधार विभाग,
श्रीमहल, पुलचोक, ललितपुर।

स्थानीय पूर्वाधार विभाग
उप-महानिर्देशक ज्यूको पी.ए. शाखा
दर्ता नं.: २४९
मिति: ०८.१०.०८

स्थानीय पूर्वाधार विभाग
महानिर्देशक ज्यूको
पी ए शाखा
दर्ता नं.: २३६
मिति: ०८.१०.०८

विषय : ESMF, RPF, LMP & SEP स्वीकृति सम्बन्धमा।

प्रस्तुत विषयमा तहाँबाट Provincial and Local Level Road Improvement Project (PLRIP) को आयोजनाको Environmental and Social Management Framework (ESMF), Resettlement Policy Framework (RPF), Labor Management Plan (LMP) र Stakeholder Engagement Plan (SEP) स्वीकृतिको लागी पेश भएकोमा मन्त्रालयको मिति २०८१/०७/०६ गतेको निर्णयानुसार (सचिवस्तरीय) स्वीकृत भएको व्यहोरा जानकारीको लागि अनुरोध छ।

श्री उमेश्वर शर्मा,
०८१/०७/०८

श्री उमेश्वर शर्मा
PLRIP को लागि
ता. १६/०७/२१
PLRIP को लागि
१६/०७/२१

रोशन कुमार दास
(रोशन कुमार दास)
ईन्जिनियर

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Acronyms and Abbreviations

CBO	Community Based Organization
CBS	Central Bureau of Statistics
CDC	Compensation Determination Committee
CDO	Chief District Officer
CSC	Construction Supervision Consultant
DAO	District Administration Office
DCC	District Coordination Committee
DCID	Development Cooperation Implementation Division
DIA	Direct Impact Area
DLRO	District Land Revenue Office
DoR	Department of Roads
ESCP	Environmental and Social Commitment Plan
E&S	Environmental and Social
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
ESS	Environmental and Social Standard
GBV	Gender Based Violence
GRM	Grievance Redress Mechanism
LGBTI	Lesbian, Gay, Bisexual, Transsexual, Intersex
MoPIT	Ministry of Physical Infrastructure and Transport
PG	Province Government
PLGs	Provincial and Local Governments
RPF	Resettlement Policy Framework
RAP	Resettlement Action Plan
WB	World Bank

GLOSSARY

Terms	Description
Compensation	Compensation is the payment to the PAPs in cash or kind for private property acquired by the project, based on replacement value as defined by the Compensation Determination Committee (CDC). However, the depreciation and salvage value will not be deducted while computing the compensation with respect to the replacement value.
Compensation Determination Committee	The district-level committee will be established in each road district under Section 13(2) of the Land Acquisition Act, 203 4B.S. (1977), to determine replacement value and compensation rates against the property acquired under the Act.
Cultural heritage	Resources with which people identify as a reflection and expression of their Constantly evolving values, beliefs, knowledge and traditions.
Cut-off Date for Eligibility to Entitlement	The cut-off date is the date after which no further enumeration or claims can be made to affected land and/or associated assets.
Entitled Person	Any person who is entitled to get compensation due to loss of privately-owned Assets and other rehabilitation assistance.
Forced Eviction	The permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles.
Involuntary resettlement	Project related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. The term involuntary resettlement refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refusal and acquisition nor restrictions on land use that result in displacement.
Land acquisition	All methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the land holder relies up on such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible .Land includes anything growing on or permanently affixed to land such as crops, buildings and other improvement, and appurtenant water bodies.
Livelihood	Livelihood refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, and other natural resource-based livelihoods, petty trade, and bartering.
Project Affected Person	Any person directly affected by the project through the acquisition of assets belonging to him/her of his/her household or community. This includes any person whose rights, standard of living,

Terms	Description
	subsistence and income-generating capacity are adversely affected through the acquisition of assets, whether full/partial, or permanent/temporary.
Project Affected Household	The group of people residing in one house and operating as a single economic unit, who are affected by the project. The project affected families are included widow or unmarried daughters (biological or adopted), matured son, adopted son over the age of 18 years who is looking personal business as livelihood management and or acting as household head in absence of parents, will be entitled to rehabilitation measures.
Restrictions on land use	Limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on Land use within utility easements or safety zones.
Rehabilitation	The measures taken to mitigate identified social impacts, including compensation, displacement assistance, rental stipend, trade disturbance allowance and support allowance
Replacement Cost	Replacement cost is defined as method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Transaction costs includes administrative charges, registration or title fees, reasonable moving expenses and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.
Titleholders	The person who owns the project-affected land and/or building and has ownership certificate and the person who is authorized by law to receive the compensation Granted for the acquisition of land.
Non-Titleholders	Individuals residing on rented or encroached land.
Poverty	The national poverty line is the aggregate of the food and the non-food poverty lines. The revised official poverty line in 2022-23 is estimated at NRs. 72,908 per person per year as per the Nepal Living Standards Survey (NLSS) IV, 2022-23. "Poor" can be referred if any local government issued the poverty identification card.
Tenant	A person who does not have legal ownership of a property and is occupying/using the property of a titleholder according to the stipulations of the Land Act, 2021 (1964).
Vulnerable Groups	Vulnerable groups refer to individuals who, due to existing challenges, may be disproportionately affected by the project and could potentially face increased hardship. These individuals often have special needs and their circumstances may worsen as a result of the project.

Executive Summary

The Government of Nepal (GoN) recognizes the importance of a well-maintained road network in driving economic growth and improving the livelihoods of its citizens. In the context of the country's federalization, provincial and rural connectivity is paramount, serving as the backbone of the nation, enabling access to services and commerce. The Provincial and Local Roads Improvement Program (PLRIP) aims to connect 200 local level centers with all-weather road connections and provide connectivity to 21 unconnected local level centers. The program's investments will be based on a prioritization and selection framework that uses data-driven multi-criteria analysis. The core activities supported through the program that may induce land acquisition include rehabilitation of roads and bridges, upgradation of roads and bridges on existing tracks, and new roads, bridges, and complementary infrastructure (i.e., cold storage, foot trails, market sheds).

This Resettlement Policy Framework (RPF) has been developed to guide the resettlement planning process for activities proposed under the Program (PLRIP). The framework describes different modalities for land acquisition for the project and provides guidance on ways to avoid minimize and compensate for any adverse impacts that may arise from the acquisition of private land and property, as well as loss of livelihood and business. It is consistent with the legal framework of GoN and the World Bank Environmental and Social Standard (ESS 5) on Land Acquisition, Restrictions on Land use and involuntary resettlement.

The RPF accounts for potential impacts such as physical and/or economic displacement of landowners, temporary restriction and disruption of access to private land, residences, common property resources, and businesses, as well as construction-induced impacts such as loss of structures and crops. Any activities with significant adverse impacts such as physical displacement, loss of livelihood will be excluded from consideration during this project and moved to subsequent phases of the Series of Projects to allow sufficient time for preparation. RPF will not apply to land taken prior to and/or not associated with PLRIP or not done in anticipation of PLRIP.

This RPF is finalised after incorporating feedback received during stakeholder consultations on draft RPF at federal, provincial and local level and first six investments of the program. The main feedback/suggestions received during consultations were related to ensuring participation of women and other vulnerable groups particularly PAFs in the consultations meetings throughout project cycle, need to explore alternative designs of alignments, compensation modality and rates, management of families occupying non-registered land, need for deed transfer for existing road, management of absentees and others.

Legal Provision

- i. The Land Acquisition Act of 1977 is the primary instrument used by the government to acquire private land for public purposes. This law outlines the procedures for acquiring land, determining compensation rates, and providing compensation to affected individuals.

Adding to this law, key provisions of the World Bank's ESS5 have been considered in designing the RPF. Gap analyses have been conducted to measure the country's systems against the Bank's ESS. Some key gaps between the LAA and ESS5 include the requirement for preparation of a Resettlement Plan; consultations with the PAPs in the resettlement process, and compensation of non-formal/nontitle land users are not required under the Act. The act does not offer the option for replacement housing where affected persons lose homes or significant portions of their source of livelihood. Measures to bridge these gaps include the provision for all PAPs, both titled and non-titled holders, to receive appropriate compensation for loss of structures. The RPF also requires consultation of PAPs through census, asset enumeration and valuation, compensation payments and the need for grievance redress mechanism to address complaints from PAPs and other stakeholders.

Land Acquisition and Resettlement Framework

The Land Acquisition and Resettlement framework describes the Corridor of Impact (COI) for the program different approaches to taking land required for the projects and outlines compensation and resettlement assistance to be provided to Project Affected Persons (PAPs) depending on their specific circumstances. The RPF also includes a protocol that defines the circumstance under which voluntary land donation may be acceptable and describes detailed procedure for voluntary land donation. RPF also describes the consultations and information disclosure strategy along with Grievance Redress Mechanism for resettlement planning. The PAPs may include three categories: those who have formal legal rights to land or assets; those who do not have formal legal rights but have claims to such land or assets; and those who have no legal right or claim to the land they are occupying. PAPs under the first two categories will be provided compensation, while PAPs in the third category will be provided resettlement assistance, in lieu of compensation, if eligible. Eligibility under the framework for this RAP is determined by a cut-off date which is land acquisition notice published by the chief of Compensation Determination Committee for titleholders and date of completion of census survey for non-titleholders. Only structures or assets built or acquired before the cut-off date are considered for compensation. An entitlement matrix (see table 4.1) has been developed to inform compensation payments, summarizing the types of losses and the corresponding nature and scope of entitlements.

Implementation arrangement and Financing

The CPCU under DoLI, MoUD will serve as the Program Coordinating Agency responsible for overall coordination and monitoring of resettlement activities. The PPMUs under provinces with support from local government will serve as Program Implementing Agencies responsible for implementation of this framework. E&S officers hired by PPMU with the support of the local governments will carry out planning of resettlement activities and its implementation and monitoring. Social mobilisers at subproject level will facilitate the process at local level. A Third-Party Monitor will also be hired by the project for verification of the protocol for voluntary land donation. This Third Party shall monitor the voluntary land donation concurrently, confirm that voluntary land donation was done in true spirit and in

accordance with the protocol and certify the process for the project before seeking Bank no objection.

The cost of land acquisition and resettlement will be financed from the government's counterpart budget. CPCU at federal level, PPMU at provincial level and municipality will use their respective budgets for implementation of land acquisition and resettlement activities.

कार्यकारी साराँश

नेपाल सरकारले आर्थिक वृद्धि र आफ्ना नागरिकहरूको जीविकोपार्जनमा सुधार ल्याउन सडक सञ्जाललाई व्यवस्थित बनाउने कुरालाई महत्वपूर्ण रूपमा लिएको छ । सेवा र व्यापारको पहुँचलाई सुनिश्चित गर्दै राष्ट्रको मेरुदण्डको रूपमा रहेको प्रादेशिक तथा ग्रामीण सडक सञ्जाललाई महत्वका साथ हेरिएको छ । प्रादेशिक तथा स्थानीय सडक सुधार कार्यक्रम (PLRIP) ले २०० स्थानीय स्तरका केन्द्रहरूलाई सडक सँग जोड्ने गरि सर्वयाम सडक निर्माण गर्ने र सडक सञ्जाल सँग नजोडिएका २१ स्थानीय तह केन्द्रहरूमा सडक जोड्ने लक्ष्य राखेको छ । कार्यक्रमको लगानी प्राथमिकता र छनोट ढाँचामा आधारित हुनेछ, जसले data-driven multi-criteria analysis लाई प्रयोग गर्नेछ । कार्यक्रम मार्फत सञ्चालन हुने मुख्य गतिविधिहरूमा सडक र पुलहरूको पुनर्स्थापना, विद्यमान सडक र पुलहरूको स्तरोन्नति र नयाँ सडकहरू, पुलहरू निर्माण हुनेछन् जसमा जग्गा अधिग्रहण आकर्षित हुनेछ साथै पूरक पूर्वाधारहरू जस्तै कोल्ड स्टोरेज, फुट ट्रेलहरू, बजार शेडहरूको निर्माण पनि कार्यक्रममा समावेश गरिएका छन् ।

पुनर्वास नीति रूपरेखा PLRIP कार्यक्रम अन्तर्गत प्रस्तावित गतिविधिहरूको लागि पुनर्वास योजना प्रक्रियालाई मार्गदर्शन गर्न विकसित गरिएको हो । यस रूपरेखाले परियोजनाको लागि जग्गा अधिग्रहणको विभिन्न विधिहरूको बारेमा उल्लेख गर्दछ र निजी जग्गा वा सम्पत्ति अधिग्रहणबाट उत्पन्न हुन सक्ने प्रतिकूल प्रभावहरूका साथै जीविकोपार्जन र व्यापार व्यवसायमा पर्ने प्रभावलाई न्यूनीकरण गर्ने तरिकाहरू बारे मार्गदर्शन प्रदान गर्दछ । यो रूपरेखा नेपाल सरकारको कानुनी प्रावधान तथा विश्व बैंकको वातावरणीय र सामाजिक मापदण्ड ५ (ESS 5) सँग मेल खानेगरी तयार पारिएको छ ।

पुनर्वास नीति रूपरेखाले सम्भावित प्रभावहरू जस्तै जग्गा धनीहरूको भौतिक तथा आर्थिक विस्थापन र निजी जग्गा, आवास, सार्वजनिक सम्पत्तिका स्रोतहरू, व्यापार व्यवसायको पहुँचमा अस्थायि निषेध तथा व्यवधान साथै निर्माणको समयमा परेको प्रभावहरू जस्तै सँरचनाहरू र बालीहरूको साथै क्षति गर्ने विषयमा जिम्मेवारी वहन गर्दछ । भौतिक विस्थापन, जीविकोपार्जनमा असर जस्ता उल्लेखनिय प्रतिकूल प्रभावहरू भएका कुनैपनि गतिविधिहरूलाई यस कार्यक्रमको पहिलो चरणको क्षेत्राधिकार बाट बाहिर राख्दछ । साथै त्यस्ता प्रतिकूल प्रभाव सहितका आयोजनाहरू उक्त आयोजनाको अर्को चरणको तयारीको क्रममा पर्याप्त रूपमा अध्ययन तथा छलफल गरिनेछ । PLRIP भन्दा पहिले लिएका वा PLRIP सँग सम्बन्धित नभएका अथवा PLRIP ले आँकलन नगरेका जग्गामा यो पुनर्वास नीति रूपरेखा लागू हुने छैन ।

यो पुनर्वास नीति रूपरेखालाई सहभागि सरोकारवालाहरूको राय, सुझाव समेत समेटि तयार पारिएको छ । पुनर्वास नीति रूपरेखाको छलफल कार्यक्रम छ वटा उप आयोजना स्तर, तीन वटा प्रादेशिक कार्यक्रम व्यवस्थापन इकाई स्तर र एक केन्द्रीय स्तरमा गरिएको थियो । छलफलका क्रममा प्राप्त मुख्य राय, सुझावहरू कार्यक्रम चक्रभरि परामर्श बैठकहरूमा महिला र अन्य जोखिममा परेका समूहहरू विशेष गरि PAF हरुको सहभागिता सुनिश्चित गर्न, सडक रेखाङ्कनको वैकल्पिक डिजाइन, क्षतिपूर्ति मोडालिटी र दरहरू निर्धारण, गैर रजिष्टर्ड जग्गामा बस्ने परिवारहरूको

व्यवस्थापन, अवस्थित सडकको लागि स्वामित्व हस्तान्तरणको आवश्यकता, अनुपस्थित PAF को व्यवस्थापन सम्बन्धित थिए ।

कानूनी व्यवस्था

सरकारले सार्वजनिक प्रयोजनका लागि निजी जग्गा अधिग्रहण गर्न प्रयोग गर्ने प्राथमिक दस्तावेजका रूपमा जग्गा प्राप्त ऐन २०३४ लाई अवलम्बन गरेको छ । यस ऐनमा जग्गा अधिग्रहण, मुआब्जा दर निर्धारण र प्रभावित व्यक्तिहरूलाई क्षतिपूर्ति उपलब्ध गराउने कार्यविधिहरू उल्लेख गरिएको छ ।

यस पुनर्वास नीति रूपरेखा तयार गर्दा जग्गा प्राप्त ऐन २०३४ को साथसाथै विश्व बैंकको वातावरणीय र सामाजिक मापदण्ड ५ (ESS 5) का प्रावधानहरूलाई मुख्य रूपमा विचार गरिएको छ तथा जग्गा प्राप्त सम्बन्धि विद्यमान कानून र विश्व बैंकको वातावरणीय र सामाजिक मापदण्ड ५ (ESS 5) विचको दुरिलाइ विश्लेषण गरिएको छ । जग्गा प्राप्त ऐन र विश्व बैंकको वातावरणीय र सामाजिक मापदण्ड ५ (ESS 5) बीचमा केही मुख्य अन्तरहरू रहेका छन् । जग्गा प्राप्त ऐनले पुनर्वास योजनाको तयारी, पुनर्वास प्रक्रियामा प्रभावित व्यक्ति तथा परिवारहरू सँग परामर्श र जग्गाको स्वामित्व नभएका परिवारहरू लाइ क्षतिपूर्तिको व्यवस्था गरेको छैन । यस ऐनले प्रभावित व्यक्तिहरूले घर वा आफ्नो जीविकोपार्जनको महत्वपूर्ण अंश गुमाएमा प्रतिस्थापन आवासको विकल्प प्रदान गर्दैन । यी दुरिहरूलाई कम गर्ने उपायहरूमा सबै आयोजना प्रभावित व्यक्तिहरू (जग्गामा स्वामित्व भएका वा नभएका) लाई जग्गा, संरचना तथा ब्यापार व्यवसायमा हुने क्षतिको लागि उपयुक्त क्षतिपूर्ति प्राप्त गर्ने प्रावधान समावेश गरिएको छ । पुनर्वास नीति रूपरेखाले क्षति हुनसक्ने सम्पत्तिहरूको पूर्ण गणना, मूल्याङ्कन, क्षतिपूर्ति भुक्तानीका प्रावधानका साथै प्रभावित व्यक्तिहरू तथा अन्य सरोकारवालाहरूबाट आएका गुनासोहरू सम्बोधन गर्न गुनासो निवारण संयन्त्रको व्यवस्था गरेको छ ।

जग्गा अधिग्रहण र पुनर्वास ढाँचा

जग्गा अधिग्रहण र पुनर्वास ढाँचाले Corridor of Impact (COI) को आधारमा रहि आयोजनाहरूका लागि आवश्यक जग्गा लिनको लागि विभिन्न विधिहरू अवलम्बन गर्ने र आयोजना प्रभावित व्यक्तिहरू (PAPs) लाई प्रदान गरिने क्षतिपूर्ति र पुनर्वास सहायताको तौरतरिका सुनिश्चित गर्दछ । पुनर्वास नीति रूपरेखाले स्वैच्छिक जग्गा दान स्वीकार्य हुन सक्ने परिस्थितिलाई परिभाषित गर्ने र स्वैच्छिक जग्गा दानको विस्तृत प्रक्रियाको प्रोटोकल पनि समावेश गर्दछ साथै पुनर्वास योजनाको लागि गुनासो निवारण संयन्त्रको साथसाथै सरोकारवालाहरू सँगको परामर्श र सूचना प्रवाहलाई पनि सुनिश्चित गर्दछ । प्रभावित व्यक्तिहरूमा तीन वर्गहरू समावेश हुन सक्छन । (क) जग्गा वा सम्पत्तिमा स्वामित्व तथा औपचारिक कानूनी अधिकार भएकाहरू (ख) त्यस्ता व्यक्तिहरू जसको औपचारिक कानूनी अधिकार छैन तर भोगचलन गरिरहेको जग्गा वा सम्पत्तिमा दावी पुग्नेहरू र (ग) जसको कुनै कानूनी अधिकार छैन र जग्गा वा सम्पत्तिमा दावी पनि पुग्दैन । पहिलो दुई श्रेणी अन्तर्गतका प्रभावित व्यक्तिहरूलाई क्षतिपूर्ति प्रदान गरिनेछ, जबकि तेस्रो श्रेणीका व्यक्तिहरू राज्यको प्रचलित कानून वा यस पुनर्वास नीति रूपरेखा अनुशार योग्य ठहर भएमा पुनर्वास सहायता प्रदान गरिनेछ । यस रूपरेखा अन्तर्गत स्वामित्व भएका जग्गा धनिहरूको हकमा क्षतिपूर्ति निर्धारण

समितिले निकालेको सुचनाको मितिलाइ दावि गर्ने अन्तिम म्याद (cut-off date) मानिनेछ भने कानुनी रूपमा स्वामित्व नभएका ब्यक्तिहरुको लागि क्षती हुने जग्गा तथा सम्पत्तिको गणनाको अन्तिम मितिलाइ मानिनेछ । Cut-off date मिति अघि निर्माण वा अधिग्रहण गरिएका संरचना वा सम्पतिहरु मात्र क्षतिपूर्तिको लागि विचार गरिनेछ । तालिका ४.१ मा (Entitlement Matrix) क्षतीको प्रकार, योग्य ब्यक्ति, अधिकार तथा क्षतिपूर्तिको विवरण राखिएको छ ।

कार्यान्वयन तथा वित्तिय व्यवस्थापन

शहरि विकास मन्त्रालय, स्थानिय पूर्वाधार विभाग अन्तर्गत केन्द्रीय कार्यक्रम समन्वय इकाईले पुनर्वास गतिविधिहरुको समग्र समन्वय र अनुगमनको लागि कार्यक्रम समन्वय निकायको रूपमा काम गर्नेछ । स्थानीय निकायहरुको सहयोगमा प्रदेश अन्तर्गतका प्रादेशिक कार्यक्रम व्यवस्थापन इकाईहरुले यस रुपरेखाको कार्यान्वयनका लागि जिम्मेवारीका साथ काम गर्नेछन् । स्थानीय निकायहरुको सहयोगमा PPMU द्वारा नियुक्त गरिएका वातावरणिय तथा सामाजिक विज्ञहरुले पुनर्वास गतिविधिहरुको योजना निर्माण, यसको कार्यान्वयन र अनुगमन गर्नेछन् । उप आयोजना स्तरमा सामाजिक परिचालकहरुले स्थानीय तहमा कार्यक्रम कार्यान्वयनको प्रक्रियालाई सहज बनाउनेछन् । स्वैच्छिक जग्गा दानको प्रोटोकल प्रमाणिकरणको लागि आयोजनाले स्वतन्त्र अनुगमनकर्तालाई नियुक्त गर्नेछ । विश्व बैंकबाट जग्गा दानको प्रक्रियाको सहमति खोज्नु पहिले स्वैच्छिक जग्गा दान गर्नेकाम भइरहेको समयमा तेश्रो पक्षले स्वैच्छिक जग्गा दानलाई अनुगमन गर्नुका साथै स्वैच्छिक जग्गा दान प्रोटोकल अनुसार गरिएको छ की छैन भनी प्रमाणित भएको हुनुपर्नेछ ।

जग्गा अधिग्रहण र पुनर्वासको लागत सरकारको समकक्षी बजेटबाट खर्च गरिनेछ । संघीय स्तरमा CPCU, प्रदेश स्तरमा PPMU र स्थानिय निकायले जग्गा अधिग्रहण र पुनर्वास योजना कार्यान्वयन गर्न आ-आफ्नो बजेट प्रयोग गर्नेछन् ।

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1. INTRODUCTION

1.1 Program Background and Description

The Government of Nepal (GoN) prioritizes the development and maintenance of the provincial and local roads. The primary responsibility for these roads rests with the Provincial and Local Governments (PLGs), which, in turn, would require substantial financial and technical assistance. The Provincial and Local Roads Improvement Program (PLRIP) aims to empower PLGs to improve the existing road network, connect 200 local level centers with proper all-weather road connections, and provide connectivity to 21 unconnected local level centers. The program investment would be based on the prioritization and selection framework using data-driven multi-criteria analysis.

The PLRIP will support the following activities that may require resettlement planning:

- Rehabilitation of roads and bridges
- Upgradation of roads and bridges on existing tracks.
- New roads, bridges, and complementary infrastructure (i.e., cold storage, foot trails, market sheds).

Corridor of Impact (COI) for the program means the impact footprint and include the width of the road corridor from the line of cutting to the toe of embankment or in case of plain areas, toe to toe of embankment, and setback distance for safety measure.

This RPF will not apply to land taken prior to and/or not associated with PLRIP or not done in anticipation of PLRIP.

Standards of proposed road (carriageway and shoulder) are:

- Single lane: 5.75m
- Intermediate lane: 8.5 m
- Double lane: 10m

Other elements of road include footpath, drainage, and retaining structures, as necessary.

1.2 Purpose and scope of the Resettlement Policy Framework (RPF)

This Resettlement Policy Framework (RPF) is prepared to guide the resettlement planning process for the activities proposed under the PLRIP as the design of activities and location are unknown. This framework sets out the policies, procedures, and organizational arrangement for managing/mitigating adverse impacts resulting from taking of private land, properties and other assets and loss of livelihood and business while implementing PLRIP. This RPF will guide the preparation of Resettlement Action Plans (RAPs) to address possible risks of displacement both economic and physical. The framework is prepared in line with the World Bank Environmental and Social Standard (ESS 5) on Land Acquisition, and Restrictions on Land Use and Involuntary Resettlement, and GoN's laws on land acquisition and involuntary resettlement.

1.3 Potential Resettlement Impacts and Issues

Based on the rapid assessments considering the typology of works, previous experience with similar road project, potential involuntary resettlement impacts include:

- Physical and/or economic displacement of landowners and informal settlers and land users
- Temporary restriction and disruption of access to private land, residences, common property resources and businesses. Construction-induced impacts such as loss of structures and crops

2. LEGAL FRAMEWORK

This section outlines the legislative and policy instruments that guide land acquisition and resettlement in Nepal. These instruments and relevant WB Environmental and Social Standards have been used to inform this RPF. A short description of these instruments is attached in Annex 1.

2.1 Relevant National Laws and Regulations

- *Land Acquisition Act 1977*
- *Land Use Policy, 2015:*
- *Guthi Land Act, 1976*
- *The National Civil (Code) Act, 2017*
- *Sarkari Jagga darta, upayog tatha lizama upalabdha garaune sambandhi karyaniti, 2079 [Guidelines for registering, utilizing, and leasing government lands, 2022]*
- *Good Governance Act 2008*
- *National Land Policy, 2019 and Land Act 1964 (8th Amendment)*
- *Procedure for Providing Forest Areas for Other Purposes 2063 (2007)*

2.2 Relevant World Bank E&S Standards

Environmental and Social Standard 5(ESS5) on Land acquisition, Restriction on Land Acquisition, and Involuntary Resettlement

This standard provides guidance for Bank-funded operations to conduct land acquisition and resettlement. The objectives of ESS5 include:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives
- To avoid forced eviction
- To mitigate unavoidable adverse social and economic impacts from the land acquisition or restrictions on land use by (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing before the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the project nature may warrant
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected

Voluntary Land Donation (VLD)

The program will consider all options for taking land required for the project, including compensation, negotiation, and voluntary land donations. In certain circumstances described in the VLD protocol attached to this RPF, it may be proposed that part or all the land to be used by a project is donated voluntarily without paying full compensation. Subject to the approval of the World Bank, land donations may be accepted for project investments based on the following:

- a. The donor or donors have been appropriately informed and consulted about the project and the choices available to them
- b. Potential donors are aware that they have the right to refuse to donate and to receive assistance, and have confirmed in writing their willingness to donate land to the project
- c. The amount of land being donated is minor and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels
- d. No household relocation is involved
- e. The donor is expected to benefit directly from the project; and
- f. For community or collective land, donations can only occur with the consent of individuals using or occupying the land. The Proponent will maintain a transparent record of all consultations and agreements reached.

Where voluntary land donation transactions result in the displacement of persons, other than the seller, who occupy, use, or claim rights to the land in question, relevant requirements for mitigation under ESS5 will apply.

2.3 Gaps between the Country System and WB ESS's E&S Policies

A comparative analysis of the Government and World Bank ESS 5 on involuntary resettlement/land acquisition presents some common principles, as well as gaps, across the policies. Key gaps between the national regulations and WB ESSs related to resettlement planning, mode of acquisition, entitlement to compensation, information disclosure and consultations, attention to vulnerable project-affected persons and others. Measures to bridge the gaps are detailed in Table 2.1.

Table 2.1: Key Gaps between Nepal Land Acquisition System and WB's ESSs

Key Element of ESS	WB ESS5, ESS1, ESS7, ESS10	LAA 1977 & other applicable GoN acts & polices	Gap filling measures
Planning (ESS5)	<ul style="list-style-type: none"> • Social impact assessment & adoption of a mitigation hierarchy approach while acquiring land. • Preparation of a Resettlement Action Plan (RAP) through a participatory process and/or consultation 	<ul style="list-style-type: none"> • No requirement for social assessment for the land acquisition process. No need for RAP and no provision for consultation 	<ul style="list-style-type: none"> • Road will be designed following alternative analysis to avoid resettlement impacts to the extent possible. RAP will be prepared where needed prior to invitation for bids for corresponding civil works
Entitlement of land compensation (ESS5)	Compensation to those who have legal rights to land or those who have a recognizable claim to the land under national law and those who do not have rights to land.	Compensation to those who have legal rights to land or assets only.	<ul style="list-style-type: none"> • Compensation for land at replacement cost and transitional support to those who have a legalizable claim to land under national law. • Compensation to assets and transitional support to informal occupiers/ who have been occupying public land before the cut-off date.
Impacts considered (ESS5)	<ul style="list-style-type: none"> • Loss of assets • Disturbance costs and associated expenses • Loss of access to resources • Broader social and economic consequences (physical and economic displacements) 	<ul style="list-style-type: none"> • Loss of assets • Loss of business income 	<ul style="list-style-type: none"> • Additional provisions to assess the impacts related to loss of access to natural resources and broader social and economic consequences.
Cut-off date (ESS5)	<ul style="list-style-type: none"> • In conjunction with the completion of a census survey, projects must establish a cut-off date for eligibility. Information regarding the cut-off date must be well-documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cut-off date may be subject to removal. 	<ul style="list-style-type: none"> • Under the LAA (1977), the cut-off date for a project – i.e., the point after which affected lands cannot be bought or sold – corresponds with the invocation of Clause 9 of the LAA, which corresponds with a formal request on the behalf of a project proponent for the government to issue a decree pertaining to the land acquisition transaction. There is no domestic mechanism for establishing a legal cut-off date for structures, productive assets and / or improvements to the land, as the LAA only applies to land transactions, as stated above. 	<ul style="list-style-type: none"> • In case of the titleholders the publications of public notice on land acquisition that the chief of Compensation Determination Committee issues as per Clause 9 of Land Acquisition Act, 1977 is the cut-off date. For the non-titleholders the date when the census survey is completed and when publicly announced will be established as the cut-off date.

Key Element of ESS	WB ESS5, ESS1, ESS7, ESS10	LAA 1977 & other applicable GoN acts & polices	Gap filling measures
Compensation (ESS5)	<ul style="list-style-type: none"> • Options developed with PAPs through consultations: • Cash or in-kind such as: Replacement lands Replacement homes Rehabilitation program Community/Livelihood development program • Other form of assistance 	<ul style="list-style-type: none"> • Cash determined by Compensation Fixation Committee. • Does not specify mandatory replacement cost. • Clause 27 of the Act states that "notwithstanding anything contained elsewhere in this Act, the Government may acquire any land for any purpose through negotiations with the concerned land owner. It shall not be necessary to comply with the procedure laid down in this act when acquiring land through negotiations." • Land for land option is available only for those who lose entire land, if any waste land, or land belonging to GoN, or any other GoN land which it is going to allot or sell in accordance with prevailing Nepal laws. available 	<ul style="list-style-type: none"> • Provisions for compensation at replacement cost in consultation with the PAPs. Top -up compensation will be paid by implementing agencies as needed to meet replacement costs.
Accessing compensation (ESS5)	<ul style="list-style-type: none"> • Requires that on an exceptional basis, with prior agreement of the Bank, the Borrower may deposit compensation funds as required by the plan into an interest-bearing escrow or other deposit account and proceed with the relevant project activities. • Compensation placed in escrow will be made available to eligible persons in a timely manner as issues are resolved 	<ul style="list-style-type: none"> • 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 it, the local officer shall issue a notice prescribing a final time-limit of three months for receiving such compensation. In case the concerned person fails to receive compensation even with in such time-limit, he/she shall not be entitled to any compensation • 	<ul style="list-style-type: none"> • Systematic approaches to ensure that the entire Project affected Persons who have lost assets receive the compensation without any hinders within the reasonable timeframe. • A dedicated escrow or deposit account will be opened to transfer compensation refused or not available before taking of land and assets. PAPs will be informed of the account and that it is available when they come to receive it .
Targeted engagement and assistance to Vulnerable PAPs (ESS1, ESS5 and ESS10)	<ul style="list-style-type: none"> • Targeted consultation approach to ensure that women's and other vulnerable groups including IP's perspective are obtained and their interest factored into all aspects of resettlement planning and implementation. • Differentiated treatment of vulnerable groups; provision of assistance 	<ul style="list-style-type: none"> • No special provisions and additional support for vulnerable PAPs 	<ul style="list-style-type: none"> • Provisions of targeted and strategic communication with women and other vulnerable PAPs and also offers additional resettlement assistance along with compensation to help restore their livelihoods

Key Element of ESS	WB ESS5, ESS1, ESS7, ESS10	LAA 1977 & other applicable GoN acts & polices	Gap filling measures
	depending on needs		
Grievance Redress Mechanism (GRM) (ESS1, ESS5, and ESS10)	<ul style="list-style-type: none"> • Required without restriction as to the nature of complaint and period • A project is required to maintain a GRM throughout the project lifecycle 	<ul style="list-style-type: none"> • Allowed to approach CDO or Ministry of Home Affairs but restricted to a few critical decisions only and limited within a fixed period during land acquisition • The project is not required to have a formal GRM system 	<ul style="list-style-type: none"> • Establishment of an efficient and reliable Grievance Redress Mechanism (GRM) within the project framework to provide Project-Affected Persons (PAPs) with a platform to voice their concerns and complaints regarding the risks and impacts of project activities, such as land acquisition, at any stage of the project's development.
Stakeholder engagement and information disclosure (ESS1, ESS5 and ESS10)	<ul style="list-style-type: none"> • Required to identify and categorize project stakeholders and prepare engagement strategy, particularly for vulnerable people and IPs 	<ul style="list-style-type: none"> • LAA (1977) does not require systematic engagement but limited engagement and consultations with the landowners during land acquisition • The CFC does not require the participation of either the representatives of PAPs or representatives from the local / municipalities (now RM/M). 	<ul style="list-style-type: none"> • A comprehensive SEP that outlines the procedures for identifying, classifying, and engaging with project stakeholders, particularly those who are vulnerable or Indigenous Peoples, with the goal of fostering effective communication and collaboration."
Physical resettlement and Loss of livelihoods (ESS5).	<ul style="list-style-type: none"> • Required to offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; and provide relocation assistance suited to the needs of each group of displaced persons. • Required assist displaced persons in their efforts to improve, or at least restore, livelihoods and living standards, in real terms, to pre-displacement levels. 	<ul style="list-style-type: none"> • LAA focuses on cash compensation, • Land for land option is available only for those who lose entire land, if any waste land, or land belonging to GoN, or any other GoN land which it is going to allot or sell in accordance with prevailing Nepal laws. available • There is no specific provision to ensure that livelihood of the PAPs is restored at least to pre-project level. 	<ul style="list-style-type: none"> • Provision for compensation at replacement cost to address the full loss of income and livelihoods over time when land and assets are taken. • Provision of additional assistance like moving allowances, rental allowances, etc.
Voluntary land donation	<p>Accepted only in specific circumstances and require the following:</p> <ul style="list-style-type: none"> • Require that donor(s) have been appropriately informed of all the 	<ul style="list-style-type: none"> • LAA 1977 does not have specific provision related to VLD but Clause 27 of the Act states that "notwithstanding anything contained elsewhere in this Act, the Government may 	<ul style="list-style-type: none"> • Prepare and establish of a VLD protocol that defines specific circumstance under which it may be applied and a detailed procedure to ensure voluntary nature of the process and

Key Element of ESS	WB ESS5, ESS1, ESS7, ESS10	LAA 1977 & other applicable GoN acts & polices	Gap filling measures
	<p>choices available to them and are aware that refuse to donate is an option</p> <ul style="list-style-type: none"> • Donor(s) have confirmed in writing their willingness to donate land to the project • Amount of land being donated is minor and will not reduce donor's livelihood at current level • No household relocation is involved • Donor is direct beneficiary • Community or collective land donation can happen with the consent of individuals occupying the land. • The Borrower will maintain a transparent record of all consultations and agreements reached 	<p>acquire any land for any purpose through negotiations with the concerned land owner. It shall not be necessary to comply with the procedure laid down in this act when acquiring land through negotiations."</p> <ul style="list-style-type: none"> • The National Civil (Code) Act, 2017 Clause 407 defines the procedure by which individuals can donate land at free of cost to another person for various purpose. But the act does not require assessment of impact on the land donor due to land taking. • Clause 5 of the Guidelines for Registering, Utilizing, and Leasing Government Lands, 2079 [2022] defines the process & steps for accepting voluntary land donation by individuals. The guideline, however, does not define the conditions under which voluntary land donation from individuals may be accepted. 	<p>assess the impact on the land donor.</p> <ul style="list-style-type: none"> • Provision of Third-Party Monitor to concurrently monitor and confirm and certify VLD consultations and agreements have occurred and have been documented consistent with ESS5 for the project.

2.3.1 Measures to Bridge the Gaps

The results of this policy review of gaps are considered in developing this RPF, including a policy matrix for entitlements to compensate losses from project interventions. Policy measures to close the identified gaps and limitations are:

- i. A project-affected person will be defined in the RAP as a person who, as a result of the implementation of a project, loses the right to own, use/access or benefit from a built structure, land, crops and trees, or any other fixed or movable asset, either in whole or part, permanently or temporarily.
- ii. Entitlements will be established for each category of loss.
- iii. Special attention will be dedicated to addressing and protecting the interest of IPs and vulnerable groups
- iv. Once the notification date as the cut-off date is announced, no opportunistic encroachments after this date will be considered eligible for entitlements of compensation and the cut-off date will be widely disseminated and measures will be put in place to prevent additional encroachments after the cutoff date. .
- v. The landless farmers/ informal settlers who have been occupying public land before the cut-off date but without legal title, which has not been claimed by others, will be entitled to compensation for the loss of structure and support for livelihood investments and resettlement.
- vi. Non-land assets will be compensated without delay at replacement value, and their relocation and transportation must be assisted. Support for IPs and vulnerable groups should be provided to improve their livelihood
- vii. Applicable provisions will be made for the compensation for all lost assets at replacement cost¹ without depreciation or reductions for salvage materials.
- viii. All compensation and assistance will be paid prior to taking of land and assets.

¹ Replacement cost is defined as method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Transaction costs includes administrative charges, registration or title fees, reasonable moving expenses and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

3. LAND ACQUISITION AND RESETTLEMENT POLICY OF PLRIP

3.1 Key Policy Objectives

The key policy objectives of PLRIP on land acquisition and resettlement are as follows:

- Involuntary land acquisition and involuntary resettlement will be avoided where feasible or minimized, exploring all viable alternative project designs
- Where it is not feasible to avoid involuntary land acquisition and resettlement, it will be executed as a sustainable development program and displaced persons will be meaningfully consulted and resettled; and
- Displaced persons will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the commencing project implementation, whichever is higher.

PLRIP will adopt the following policy principles to each subproject planning deemed to have involuntary resettlement impacts.

3.2 Avoidance and minimization of involuntary resettlement impacts

Put efforts to avoid and minimize involuntary resettlement impacts, particularly physical displacement, defined here as loss of residence requiring the occupants to relocate and re-establish residence elsewhere, and economic displacements, defined here as loss of the household's productive assets or access to assets, or income earning capacities. Where displacements are unavoidable, people losing assets, livelihoods, and access to resources, will be minimized and/or compensated, and appropriate assistance will be provided to improve or at a minimum regain their pre-displacement livelihood and living standard at no cost to themselves.

“The affected person's legal status on the land shall not preclude him/her from receiving compensation/assistance for other lost assets and restriction of access to resources”

Project-affected persons irrespective of their legal status will be entitled to compensation and assisted in regaining their standard of living. The PAPs who do not have recognized legal claim to the land will receive compensation for lost assets other than land (such as crops, structures, irrigation canals, ripraps, and other improvements made to the land) at replacement cost and the compensation will be available prior to the taking over of assets. Tenants and leaseholders will be compensated for the remaining or unserved period of the rent/lease and the disturbance caused by the untimely termination of contracts. For leased land plots, compensation of land will be paid to renters for their actual losses, and assistance will be provided to the lessee to allow them access to some other land to continue agricultural activities. Owners of crops and trees who cannot show the legally recognizable title to land will be compensated for crop or tree losses.

3.3 Differentiated approach and compensation/benefits to the IPs and other vulnerable project affected persons/families

In considering the needs of vulnerable people, special attention should be given to groups such as Dalits, female-headed households, Indigenous Peoples, and any other relevant groups. Vulnerable groups will be provided with opportunities to participate in the planning, implementation, and monitoring of the resettlement program, including the development and implementation of appropriate compensation and additional assistance to help them adapt to project-related changes. Strategies for meaningful consultation with affected indigenous peoples and vulnerable groups will be prepared to ensure their participation in project design and implementation and involvement in decisions on appropriate compensation and additional assistance. Based on the project location and presence of specific vulnerable groups targeted measures such as the training and deployment of local indigenous facilitators, including women, use of local languages for sharing information and consultations, and household level visits will be considered to enable participation of the vulnerable groups. Additional assistance may include livelihood assistance, assistance in demolition, transportation of assets and reconstruction, assistance.

3.4 Information disclosure and participatory approach

As envisaged by the SEP developed for PLRIP, carry out information dissemination and consultations with the PAPs and other stakeholders through appropriate and effective means throughout the resettlement planning and implementation process. Deploy a special communication strategy to reach out to vulnerable groups, including indigenous peoples, to ensure their participation in planning and to implement the resettlement activities in a culturally appropriate manner.

3.5 Gender considerations

During resettlement planning for affected families, pay due attention to ensure that women are involved in the entire resettlement planning and implementation process and are clearly listed as beneficiaries of compensation and resettlement assistance. In addition, adopt the following measure as part of gender considerations to achieve the larger goal of equitable participation of women in the preparation and implementation of resettlement activities.

- Surveying project affected families to understand the overall socio-economic and gender situation of the affected families to inform appropriate measures to support the families in restoring their livelihood to at least pre-project level
- Establishing a pre-project condition of women in the project area while preparing profiles of affected people and households, identifying heads of households by gender
- Including women in the team that carry out consultation processes to determine compensation entitlements
- Conducting women-only focus group discussions or individual outreach to engage women in the RAP process
- Depositing compensation in a bank account held by both wife and husband. Additional assistance and support under the projects will be offered to single or both

spouse with women as first beneficiary even if the title of the land/assets is held only by the husband

- Considering the disproportionate impact that resettlement has on women and accounting for that in developing compensation packages
- Ensuring that monitoring of resettlement is attentive to women's issues, and
- Developing mechanisms for prompt corrective actions whenever additional measures are required to ensure the objectives of the program are met for affected women.
- Ensuring active participation of women in project-related meetings.

4. RESETTLEMENT PLANNING

4.1 Modalities for Land Acquisition

The program will consider different modalities of taking land based on level of risks and impacts identified during the social screening. These include the following:

Acquisition through formal procedure:

GoN may acquire the land through a formal procedure as per the Land Acquisition Act (1977) (Please see Annex 2). The Act empowers the government to acquire any land, on the payment of compensation, for public purposes or for the operation of any development project initiated by government institutions. The acquisition and compensation of privately-owned land and assets are completed according to a formal procedure which is broadly as follows.

- Preliminary Officer from the project initiates acquisition procedures;
- Investigation of land for acquisition (area selection, land size/ type, quality of land etc.) is carried;
- Formal acquisition notification issued to the land owners;
- Formation of Compensation Determination Committee (CDC) and land price fixation is completed;
- Compensation notification and payment; and
- Appeal procedure.

Acquisition through Negotiation:

Negotiated settlement is considered as an alternative to formal expropriation proceedings. The project proponent negotiates directly with the owners over the terms of acquisition of the property deemed necessary for the public benefit. The owner retains the choice to either negotiate a satisfactory compensation amount or to contest eventual expropriation terms. The Land Acquisition Act (1977) includes a provision for acquisition of land through negotiations. Clause 27 of the Act states that "notwithstanding anything contained elsewhere in this Act, the Government may acquire any land for any purpose through negotiations with the concerned land owner. It shall not be necessary to comply with the procedure laid down in this act when acquiring land through negotiations."

Voluntary Land Donation:

Voluntary Land Donation (VLD) is also considered as one of the options for land acquisition under the PLRIP for subproject activities for which only small strips of land are required with no economic or physical displacement. The Borrower will have to acquire prior approval from the World Bank if a subproject activity proposes to rely on land that is donated on a voluntary basis, without payment of full compensation. VLD may become an acceptable option only in the event that the Borrower demonstrates all of the following:

- a. The donor or donors have been appropriately informed and consulted about the project and the choices available to them have been clearly communicated in the languages they understand;

- b. Potential donors are aware that they have the right to refuse to donate, and have confirmed in writing their willingness to donate land to the specific subproject activity;
- c. The voluntary land donation will be limited to small strips of land up to 10 percent of the total land holding
- d. The amount of land being donated is minor and will not result in any economic displacement or reduce the donor's remaining land area below that required to maintain the donor's livelihood;
- e. No household relocation is involved;
- f. The donor is expected to benefit directly from the project; and
- g. For community or collective land, donations can only occur with the unanimous consent of all individuals using or occupying the land.
- h. The Borrower will maintain a transparent record of all consultations and agreements reached. All alternatives will be explored to reduce the impacts to people due to loss of land, damage to structures, livelihoods.
- i. Land acquired through VLD shall be monitored concurrently, and third-party will confirm that voluntary land donation was done without coercion or fear of retribution.

A VLD protocol (Annex 6) defining the circumstances under which it can be used along with principles and detailed procedure is prepared as part of a Resettlement Policy Framework (RPF). Any activities that do not meet the protocol will not qualify for VLD.

4.2 Eligibility

Project Affected Persons (PAPs) affected by land acquisition and relocation and/or rehabilitation of structures/assets (houses, business, trees) are eligible for compensation and resettlement assistance in accordance with the principles of this RPF. Depending upon the nature of the ownership rights of affected assets, PAPs would fall into any of the following three categories:

- i. Those who have formal legal rights to land or assets.
- ii. Those who do not have formal legal rights to land before the cut-off date but have a claim to such land or assets, provided that such claims are recognized under the laws of the country
- iii. Those with no recognizable legal right or claim to the land they are occupying (*informal users occupying the COI or government land*).

Those PAPs covered under category (i) and (ii) will be provided assistance/compensation for the land to be acquired, for loss of buildings, crops, or other assets, for restriction that are placed on land they own or use, and other assistance specified in this RPF and in the RAP. PAPs falling into category (iii) will be provided resettlement assistance in lieu of compensation for the land they occupy, for loss of crops or other assets, and other assistance.

Eligibility for entitlements is determined by a **cut-off date** established for the program. In case of the titleholders the publications of public notice on land acquisition that the chief of Compensation Determination Committee issues as per Clause 9 of Land Acquisition Act, 1977 is the cut-off date. For the non-titleholders the date when the census survey is

completed and when publicly announced will be established as the cut-off date. Person who encroaches the area after the given cut-off-date are not entitled to compensation or any other forms of resettlement assistance.

4.3 Entitlement Framework

The general entitlements of PAPs affected by tenure/ownership status and type of asset affected are summarized in Table 4.1.

Table 4.1: Entitlement Matrix for Resettlement Impacts of the projects

Type of Loss	Application	Definition of PAPs	Compensation Entitlements
Land			
Permanent loss of agricultural and non-agricultural land	<ul style="list-style-type: none"> PAPs permanently losing private land, both agricultural or residential/ non-agricultural and regardless of impact severity 	<ul style="list-style-type: none"> Titleholder/ Registered owners 	<ul style="list-style-type: none"> Compensation at full replacement cost (current market rate plus associated transaction costs²) If residual land (remaining after the land acquisition process) becomes unviable for productive use, the whole land plot will be acquired at replacement value. In the case of farmland, the PAP will be entitled to the harvest crop or disruption allowance equal to one-crop-cycle production will be paid.
		<ul style="list-style-type: none"> Landowner and Tenant by a written agreement 	<ul style="list-style-type: none"> Both the landlord & the tenant will be entitled for 50 percent of land compensation amount each (As per 2058 B.S. amendment in Land Act).
		<ul style="list-style-type: none"> Renters/Lease holders 	<ul style="list-style-type: none"> Non-eligible for land compensation; only for other losses indicated in the Entitlement Matrix.
Loss of <i>Guthi</i> (Trust) Land	Land owned by <i>Guthi</i> Corporation as per the <i>Guthi</i> Corporation Act 2033.	Entitled Person/ institutions and tenant in accordance with the <i>Guthi</i> Corporation Act 2033.	<ul style="list-style-type: none"> As per the Clause 42 of the <i>Guthi</i> Corporation Act, 2033 the government will replace land or provide replacement cost.
Temporary loss of private land or restrictions on land use	PAP not losing their land, but unable to cultivate the land due to either temporary occupation of land by project activities or restrictions in the use of that land triggered by construction-related	<ul style="list-style-type: none"> Titleholder/ Registered owners Tenants and landowner both being the owner of equal. 	<ul style="list-style-type: none"> Compensation for lost crop production and other property losses for the duration of temporary occupation. Compensation for other disturbances & damages caused to property. Project to ensure that real user/s of land affected because of temporary acquisition rather than the owners are compensated for the temporary period. Land to be returned to the owner at the end of the temporary

² Transaction cost include Disconnecting/Reconnecting Utilities, Permits and approvals, Capital gains taxes/ income tax, Title Transfer/Registration, Inheritance Documents, Notary Public.

Type of Loss	Application	Definition of PAPs	Compensation Entitlements
	activities		acquisition period by restoring its original condition or improved as agreed with the owner.
Buildings and Structures			
Loss of privately-owned residential buildings/structures	The private land to be acquired for project related to construction	All titleholder/PAPs regardless of legal status, including informal occupiers and users of public land, renters/Lease holders, and Tenants and landlord both being the owner of equal	<ul style="list-style-type: none"> • Compensation for full or partial loss of house and other structures at the full replacement cost of materials and labor according to house/structure type, with no deduction for depreciation. • 50% compensation will be paid in advance and remaining 50% will be paid after dismantling the structure. • For partial loss, the engineer will assess and confirm that the structural integrity of the structure is not affected otherwise full compensation will be provided. • All titleholder/PAPs regardless of legal status are free to take and use the salvaged materials extracted after demolition of the building or structure as per their wish • For minor damages like veranda, parapet wall, ramp other than the main structure, Project may undertake all repair and maintenance works. • Advance notice of 35 days to vacate. • Allowance as appropriate based on household characteristics and extent of impact. These include transition allowance, rental allowance, transportation allowance, transaction costs coverage
Loss of privately-owned non-residential buildings/structures, animal sheds, storage facilities, fences, etc.	The private land to be acquired for project related to construction	All Titleholder/PAPs regardless of legal status, including Informal occupiers and users of public land, renters/Lease holders, and	<ul style="list-style-type: none"> • Compensation at full replacement cost for lost structures without depreciation in addition of compensation for loss of land. • All titleholder/PAPs regardless of legal status are free to take and use the salvaged materials extracted after demolition of the building or structure as per their wish

Type of Loss	Application	Definition of PAPs	Compensation Entitlements
		Tenants and landlord both being the owner of equal	<ul style="list-style-type: none"> • Eligible for compensation at the full replacement cost of all structures built by the informal occupiers and users of public land • For minor damages like a veranda, parapet wall, ramp other than the main structure, Project may undertake all repair and maintenance works.
Loss of Community Infrastructure/Common Property Resources			
Loss of community buildings/ structures, cultural assets, or loss of access to such assets	Community/Public Assets	Community/Local Government/Provincial government/federal government and User's group	<ul style="list-style-type: none"> • Cash compensation for restoring affected community and cultural resources. • Restoration of affected community buildings and structures to at least previous condition, or replacement in areas identified in consultation with affected communities and relevant authorities. • Restoration before commencement of the project where necessary, or to be determined in consultation with the community.
Loss of public land or access to such assets	Community/Public Assets	Local municipality or community/ User's group	<ul style="list-style-type: none"> • Compensation to replace the land of equal quality in the surrounding area • The replacement land will be identified in consultation with affected communities and relevant authorities and the local municipality. • Restoration of access to the replaced land.
Loss of Income and Livelihood			
Loss of Non-perennial crops	Standing crops affected or loss of planned crop incomes	• All Titleholder/PAPs, regardless of legal status	<ul style="list-style-type: none"> • Advance notice of 35 days to harvest crops • Where harvesting is not possible, the loss of non-perennial crops (standing seasonal crops) will be paid in accordance with the output value • The net value of existing crops as determined by the Compensation Determination Committee (CDC), which as per Clause 16 (2) of the Land Acquisition Act of 1977 is required to consider prevailing market rate while determining compensation for crops.
Loss of Trees & Perennial Crops	Perennial Crops or Trees affected	• All PAPs, both titled and non-titled	<ul style="list-style-type: none"> • The loss of the privately-owned timber trees will be compensated at replacement cost or the cost agreed upon by both the owner and

Type of Loss	Application	Definition of PAPs	Compensation Entitlements
			<p>the project. In land acquisition through appropriation, such trees will be compensated at the rate fixed by the Compensation Determination Committee (CDC), which is required to consider the prevailing market rate while determining compensation for trees.</p> <ul style="list-style-type: none"> • The loss of the fruit-bearing trees will be compensated based on the annual income loss for 5 years. The compensation will also consider the planting and raising costs. • The loss of fodder trees and fuelwood trees will be compensated based on the value of 3 years of annual net production or as determined by the CDC.
Loss of business or employment	Business/employment loss	Business owner	<ul style="list-style-type: none"> • Every displaced household with a business affected will be entitled to receive a one-time lump sum grant for re-establishing lost business; a minimum of three month's income based on the nature of the business, one-time cash assistance equivalent to one month's rent for temporarily moving the business to alternative premises and the type of losses assessed on a case-to-case basis in consultation with the Business owner. • The household will be entitled to a rental stipend for the loss of rented accommodation • Cash compensation for damages to structures resulting from the temporary occupation of land at replacement cost. • Livelihood restoration skill training as agreed during consultation.
		Workers/employees	<ul style="list-style-type: none"> • Indemnity for lost wages equal to 3 months of minimum subsistence income³ • Assistance with livelihood and other vocation training that would help in obtaining employment and/or earning livelihood.
Allowances			
Transportation and displacement allowance for physical relocation	Transport/transition costs	• All PAPs, regardless of legal status	• All displaced households will receive a fixed transportation allowance as spelt out in the sub-project RAP.

³ Minimum wages for industrial workers approved by government of Nepal

Type of Loss	Application	Definition of PAPs	Compensation Entitlements
of houses			<ul style="list-style-type: none"> • Every physically displaced household is entitled to a displacement allowance,
Rental Allowance	Rental cost for physically displaced	<ul style="list-style-type: none"> • All PAPs 	<ul style="list-style-type: none"> • Rental allowance will be determined through consultation with PAP and spelt out in the sub-project RAP.
Additional vulnerable Allowance	Additional vulnerable allowance to be paid to affected vulnerable PAPs	PAPs with income below the poverty line, landlessness, female-headed with orphans, low caste (Dalits) with evidence of exclusion, and households with chronically ill household heads, among others. Allowance aimed at preventing further vulnerability due to displacement	<ul style="list-style-type: none"> • Vulnerable PAPs will be given additional allowance for 90 days at the rate of local unskilled agricultural labor rate/day as per current district rate for their livelihood restoration. This is one time cash assistance
Transaction Allowance	Allowance to cover all transaction costs associated with the acquisition and registration of new lands and other assets including business.	All PAPs.	<p>This transaction allowance include:</p> <ul style="list-style-type: none"> • Disconnecting/Reconnecting Utilities • Permits and approvals • Capital gains taxes/ income tax • Title Transfer/Registration • Inheritance Documents • Notary Public

4.4 Compensation Payment process and Escrow Account

All compensation for land and assets will be paid by the concerned provincial and local government agency directly to the affected land and asset owners. There may be instance of people not accepting compensation or not available to receive compensation or there may be insufficient documentation to receive compensation, etc. In such instances, the PPMU and municipality in consultation with CDC will establish an interest-bearing escrow account where the undisbursed amount due to the above reasons will be transferred prior to taking over of those lands.

4.5 Unanticipated Damages/Changes in the Required Area

Unanticipated land needs such as additional area or right of way shall be subject to additional social screening and application of the requirements of this RPF including the Entitlement Matrix above and negotiations with owners. However, if the damages are caused by the contractor, these shall be settled by the contractor with their owners and claimants in accordance with the requirements of this RPF.

4.6 Land Ownership Transfer

The PLRIP will be implemented in existing roads as well as in new track. Deed transfer for additional land for the improvement/upgrading works and land required for new track will be done during project implementation period. Further, ownership transfer will also be done for the existing land occupied by the road if deed transfer has not been completed of such lands.

5. PREPARATION AND IMPLEMENTATION OF RAPS

Below is a process for completing and adopting Resettlement Action Plans (RAPs) that will be prepared prior to invitation for bids for contracts; and to implement RAPs before construction works commence. The PLRIP will implement the following steps for the preparation and implementation of the subproject level RAPs as required.

5.1 E&S Screening

Every subproject will be subjected to an E&S screening process, as described in the ESMF, before it is selected for inclusion in the PLRIP. The screening process will determine, among others, the eligibility of subprojects as per different funding conditions under the Program, the scope of ESIA (which would cover both indigenous people and involuntary resettlement impacts including SEA/SH risks and impacts), the need for RAP and IP Plan, SEA/SH risk mitigation plan etc. The E&S screening will be carried out in close consultation with various stakeholders, including the beneficiaries, PAPs, women, IPs, and vulnerable group such as Dalits and other local key informants. The information gathered through the screening process will be reviewed and validated by the E&S specialists of CPCU at DoLI as part of the process of subproject selection. Sample screening checklist is provided in ESMF Annex-1.

5.2 Social Impact Assessment of the Affected Communities

The social impact assessment of the affected communities is one of the components of the subproject level E&S assessment. It is usually conducted in consultation with project affected communities while conducting ESIA, EIA/IEE/BES, or ESMP. The main scope of the social impact assessment is to collate information sufficient to determine land requirements for the subproject, the precise location of land acquisition and probable social and resettlement impacts that may be triggered by the land acquisition. The assessment will also serve to identify and analyze disproportionate impacts on indigenous peoples and on vulnerable and marginal groups and the specific measures required to ensure their participation in meaningful consultation and identification of compensation and benefits tailored to their needs. This action will be completed in tandem with DPR and prior to the invitation of bids for corresponding activities.

5.3 Census Survey of PAPs

Each subproject is required to conduct a census survey of all the PAPs who would be impacted by the project in terms of either physical or economic displacement. The census will provide baseline socioeconomic data of the PAPs and their households, informing the project about the scale of the risks and impacts. Specific information about the PAPs and their households will also be used in identifying vulnerabilities and determining the appropriate assistance to be extended and approaches to be employed during the land acquisition and resettlement process. A sample survey questionnaire has been added as an **Annex 4** to this RPF.

5.4 Valuation of Affected Assets

All assets that will be affected, as identified by the census survey teams, will be properly recorded and verified in the presence of the concerned persons or owners of the impacted assets. During this process, the assets to be impacted will be carefully accessed by technical experts, and measurement of such assets will be taken with full consent from asset owners to ensure scientific methodology and preciseness in computing the compensation amount. The detailed survey asset information will be electronically recorded. The valuation of affected assets will be undertaken in coordination with the District-level Compensation Determination Committees (CDCs). The concerned PLGs will make efforts to record the geo-references of the said assets (land, structures) by using a Global Positioning System (GPS) to ensure proper electronic recording of each asset to be affected.

The methods of valuation for verifying the replacement for each type of losses, which will be carried out by the CDC, are, but not limited to, the following:

Land:

- Recent compensation rates paid by nearby projects;
- Land value based on market rate; and
- District Land and Revenue Office (DLRO) land rate (fixed annual valuations depending on land category/type)
- Determine whether the established rates are sufficient or not to purchase the same quality and quantity of land in the similar location.

Structures:

- Evaluate whether the compensation for the structures will enable APs to rebuild their affected structures by consulting landowners, based in an inventory of
 - (i) types of structures, size, stories, rooms, land area similar location and nature of structure, materials used and the cost of various materials,
 - (ii) Who built the structures (AP or Contractor) and whether will be used or not.
- Obtain cost estimates by consulting at least three local/regional contractors and suppliers in order to:
 - (iii) Identify local/typical cost of materials and labour transportation cost,
 - (iv) Identify cost of different types of houses according to Categories,
 - (v) Compare prices with those prevailing in the District.
- During valuation of structures, depreciation (i.e., the age or current condition of the structure) will not be deducted when determining the compensation amount for structures. The compensation amount is therefore an estimate of the cost of replacement of the Project-affected structure, as new.

Crops and Production Trees:

The approach to determining the valuation rates for crops, trees, and grasses / herbs / fodder also adheres to the concept of replacement cost in considering both market values and

transactions costs. The compensation will be defined based on district rates determined by the concerned competent authorities which are equivalent to the full replacement cost.

5.5 Consultations with Prospective PAPs

To build understanding among the perspective of PAPs on the project approach, proposed entitlements, eligibility for compensation and assistances, and understand their concerns and need, information dissemination and consultation with the PAPs will be carried out during preparation of RAP. Information on the availability of the project Grievance Redress Mechanism will also be disseminated at the first consultation meeting on the draft RAP to ensure that PAPs are aware of their avenues for submitting complaints and concerns related to the RAP process or the project more generally and the process for appeals and resolution. The subproject will consult with the prospective PAPs and present the principles, policies, compensation determination methods, resettlement assistance and additional support to IPs and vulnerable people along with the options available to the PAPs. This consultation will inform how their needs/concerns are incorporated and seek feedback on the compensation package. The consultations will also result in the identification and selection of feasible options, among others. The consultations, including all the concerns and suggestions made by the participating PAPs, will be well documented. At the end of the consultation, the assigned E&S staff of the subproject will read out the broad outcomes of the consultation to verify them from the participants. All the meeting notes and minutes will also be communicated to both the PAPs and other concerned agencies through the information dissemination channels prescribed by the SEP. The minutes of the meeting will be attached to the RAP.

5.6 Development of the RAP

The subproject will draft RAP by using the agreed principles and policies of RPF, compensation determination methods, resettlement assistance, and additional support to IPs and vulnerable people and incorporating the results of the consultations with project affected families. Livelihood support schemes will be designed as part of the RAP in consultation with PAPs in commensurate with the level of impact on income sources and livelihood strategy. The livelihood restoration support might be in the form of preferential employment opportunities (project construction works) for members of the affected households who would like to work. Similarly, as a part of the income restoration program for the rehabilitation of the physically/economically displaced and vulnerable households, livelihood support training will be conducted based on need assessment during project implementation. The E&S specialists/staff at PPMU and IDOs of the concerned PLGs and participating municipalities, with the support of DPR consultants, independent E&S specialists will take a lead role in developing the draft RAP.

5.7 Disclosure of draft RAP

The draft RAP will be presented to the PAPs for confirmation of the- timeline, the whole process of acquisition, including the determination of compensation, resettlement assistance

and additional support to IPs and vulnerable people and the mode of compensation payment. All the comments/concerns/suggestions/feedback expressed in the consultation meeting will be documented, and the results of the meeting will be communicated to the PAPs and project stakeholders through the information dissemination channels prescribed by the SEP. The minutes of the meeting will be attached to the RAP. The draft RAP will also be disclosed through the respective website of the DoLI, PPMU and the concerned PLGs.

5.8 Finalization of RAP and Disclosure

The RAP will be finalized based on the results of the consultation on the draft RAP with PAPs and the final version of the RAP will be disclosed to the PAPs through the information dissemination channels prescribed by the SEP developed for PLRIP. The Final RAP will also be made available in the communities. Once finalized and approved by the CPCU/PPMU, the copies of the approved RAP will be posted on the websites of DoLI, PPMU and the concerned PLGs. The executive summary of the final RAP will also be made available in local language. The finalization, approval and disclosure of RAPs will be completed prior to the invitation of bids for corresponding sub-project/activities. Based on RAPs, all compensation will be paid prior to the taking over the land.

6. PUBLIC PARTICIPATION, CONSULTATION AND GRIEVANCE MECHANISM

The CPCU, PPMU and the concerned PLGs will conduct meaningful consultations with all the project stakeholders, including project-affected people, other interested parties and IPs, and vulnerable people, to arrange for proper resettlement planning and implementation at sub-project level. Public consultation includes comprehensive and timely dissemination of RPF and RAP-related information to the project-affected people while involving at the same time all agencies who will implement and monitor the process. Care will be taken to maintain transparency, reduce potential conflicts, minimize the risk of project delays, and enable the Project to design the resettlement and the rehabilitation program as a comprehensive development program to suit the needs and priorities of the PAPs. Given the relevance of consultation to the project, the RPF will be disclosed on the website of CPCU/PPMU/DoLI and MoUD for public information and consultation. Consultation sessions with relevant stakeholders, including local communities and Compensation Fixation Committees – will be held to explain the RPF and RAPs. Comments from the disclosure and consultation sessions will be incorporated into the RPF and RAPs to finalize it.

6.1 Summary of Consultation on draft RPF

The draft RPF was publicly disclosed in the DOLI website on November 1, 2023. Additionally, CPCU/DOLI organized consultations on the draft RPF with different project stakeholders in six sub project level, three PPMU level and one federal level from 18 March 2024 to 2 May 2024. The participants included representatives from affected families, affected community, civil society organizations, federal and provincial level government, contractors, INGOs, and organizations representative different vulnerable groups such as women, Dalits, IPs and People with Disabilities. Major feedbacks and concerns raised during the consultations were related to ensuring participation of PAF, women and other vulnerable groups in the consultations meetings throughout project cycle, need to explore alternative designs of alignments, compensation modality and rates, management of families occupying non-registered land, need for deed transfer for existing road, management of absentees. The CPCU/DOLI responded to all queries and also explained how it would be incorporated while finalizing the RPF. The details of consultations are summarized in **Annex-7**.

6.2 Stakeholder Engagement Planning

The Stakeholder Engagement Plan (SEP) prepared for the program, guides a meaningful consultations with stakeholders, including the PAPs, during sub-project design and implementation, throughout the project lifecycle and to ensure that they have equal opportunities to participate in and benefit from the project.

During detailed design, all project stakeholders will be identified for the project. Project stakeholders included:

- Project-affected parties are those Directly affected people who are physically or economically displaced due to project-related land acquisition and other construction

activities or the restrictions created by the project activities in accessing the land and common property

- Other interested parties such as government departments, non-government organizations, and media groups.
- Vulnerable groups including Dalit, indigenous groups, women, children, youth and the elderly, people with disabilities, LGBTI (lesbian, gay, bisexual, transsexual, and intersex), minority groups, and households in extreme poverty.

6.3 Mechanisms of Consultation and Participation of PAPs

Public consultation will include local communities, project affected households, IPs and vulnerable groups, women groups, differently able groups, media, politicians, water user groups, and civil society throughout the project lifecycle. In the consultations, the PAPs would be regularly provided with information on the project and the resettlement process prior to and during the preparation for resettlement actions. Mechanisms of consultation and participation will include:

- Public meetings in the subproject area
- Information/ awareness campaigns
- Interviews/surveys in project-affected households
- Information about the restriction in access to common resources
- Focus group discussions (separate focus group discussion if required),
- Development of grievance redresses mechanism in line with the Project's SEP.

6.4 Consultations with IPs and Vulnerable Individuals and Groups

The project and the subprojects will deploy special measures to mitigate any adverse impacts on vulnerable project-affected persons. The IPs includes the 60 ethnic groups categorized as indigenous peoples by the government. The vulnerable groups may include the Dalits, women (including women of single-headed households, women of low-income households, and landless women), children, youth and elderly, people with disabilities, those who identify as LGBTI, minority religious groups, and households living in extreme poverty. SEP outlines the specific measures proposed for engagement with the IPs and the vulnerable groups throughout the project lifecycle. The time and location of consultations will be determined as appropriate to the needs of IPs and vulnerable people.

6.5 Disclosure and Dissemination Strategies

Project-related information will be publicly disclosed throughout the project lifecycle using a range of channels, including the following:

- Periodic stakeholder consultations, such as public hearings
- Posted on the notice boards at the public offices
- Social media such as Facebook, Messenger or WhatsApp and local communality radio, among others.

- Digital boards will also be placed on selected worksites to display up-to-date information regarding the project, ensuring that local people understand the information well.
- Development and distribution of project factsheet, information on the GRM, and FAQ in Nepali.

In addition, the draft and final version of the RAP will be disclosed to the stakeholders, including the PAPs through an appropriate channel (e.g. project/provincial/local government website, hard copies available at concerned municipalities), and consulted with them to get their comments, concerns, and feedback on the draft RAP. The RAP will be finalized by incorporating the relevant suggestions and feedback received from the stakeholders, including the PAPs. The final RAP will be disclosed once approved by PPCU/DoLI and World Bank.

Executive Summaries (ES) of RPF/RAPs will be translated into the Nepali language and paper copies will be made available to the PAPs of the project area through the concerned offices of local governments and offices of government line agencies. As per Clauses 3, 7 and 8 of the Right to Information Act, 2064 (2007), copies of RPF/RAPs and other project documents will be provided to any requester. Besides key highlights of the final RPF, it will also be disseminated through appropriate means of communication like Social Media, FM radio broadcasts through local radio stations, community meetings, focus group discussions, participatory appraisal techniques, household interviews and social mobilization techniques. All the plans prepared under this framework will be disclosed and disseminated following the above-mentioned strategies.

6.6 Establishment of Grievance Redress Mechanisms

As SEP prepared as per the ESS 10, PLRIP will establish a program (PLRIP) specific Grievance Redress Mechanism to receive, evaluate, and facilitate the resolution of affected persons' concerns, complaints, and grievances related to social, environmental, and other concerns on the project. The GRM will allow affected persons and other related stakeholders to appeal any disagreeable decisions, practices, and activities that may arise during the preparation and implementation of the RAP. The GRM will ensure greater accountability of the project authorities towards affected person. The PAPs will be made fully aware of their rights and the procedures for filing the complaints and grievances verbally and in writing during the consultation, survey, and time of compensation. Information on the availability of the project Grievance Redress Mechanism will be disseminated at the first consultation meeting on the draft RAP to ensure that PAPs are aware of their avenues for submitting complaints and concerns related to the RAP process or the project more generally and the process for appeals and resolution.

The project will set up a three tiers functional GRM where all stakeholders can register their grievances or provide feedback. The complainants may file their grievances at any channels of their convenience in writing, verbally or through other electronic media. All GRCs have designated Nodal Officers who are liable to play key role in facilitating grievance registration

and redressing procedures. GRM will also have a focal person for handling grievances related to GBV and SEA/SH. Table 6.1 depicts structure of GRM.

6.7 Key Steps and Procedures of the GRM System

Step 1: Receive, register and acknowledge the grievance

The Project will ensure the availability of a variety of methods for stakeholders to lodge grievances. Affected people and other stakeholders can lodge a grievance at Level 1 by:

- Filling out and submit complaint forms at the project site office. The E&S consultant at the Project Site Office will assist in filling out the complaint form for complainants who are unable to read or write and/or are unfamiliar with the grievance process. In such case, the Social Consultant or any other person assigned for the task will formally register the grievance by filling out the complaint form made available for the project,
- Sending emails or by calling in the assigned number/s of the project office,
- Using the project social media handles such as Facebook,
- Sending grievances through postal service to project offices at provincial and local levels.

Upon receipt of complaints, the E&S consultants or any other person assigned for the task will provide a unique grievance number to each grievance for easy tracking and will acknowledge the receipt of the complaint within 5 working days through a phone call, text message, or a meeting with the complainant. The acknowledgement will include the grievance registration number so the complainant can use this as a reference to track the status of the complaint either by visiting the project site office or calling the assigned staff. If the grievance is not well understood or if additional information is required, the assigned staff may contact the complainant during this step for further clarification.

Step 2: Review and investigate the grievance

The grievance is screened, and the significance of the grievance will be assessed within 15 days of receipt. If the grievance is admissible and related to the project or triggered by the project activities, the Level 1 GRM committee will start processing the complaint. The E&S staff at the project site office will immediately start processing grievance of all levels of significance as described in the table given below.

If the grievance is not related to the project or not triggered by the project, it will be treated as non-project-related grievances and the complainant will be communicated along with an explanation.

Step 3: Develop resolution and respond to the complainant

During investigation, the committee will propose a resolution as soon as possible, and in consultation with the complainant and other concerned, not later than one week (8 days) after screening and assessing the grievance at Level 1. The resolution is communicated to the complainant through the proper channel. The Level 1 GRM committee will ask the complainant for a written acceptance of the resolution if he/she is satisfied with the resolution. In that case, the agreed set of actions will be implemented and once the set of

actions are completed, the grievance will be formally closed by using a Grievance Closure Form provided in Annex 3 in the SEP.

Step 4: Scale-up the grievance if the complainant remains dissatisfied

If the complainant rejects the proposed resolution or the Level 1 GRM system fails to provide a resolution within the stipulated time, the Level 1 GRM system will refer the case to the grievance to the Level 2 GRM system led by the Project Manager at the IDO Office. The four-member Level 3 GRM committee, which also includes the Social and Environmental Officer of the PPMU will facilitate to reach an agreeable resolution and the committee will produce a resolution within two weeks or 15 working days. If the resolution is accepted by the complainant, it will be implemented, and the grievance will be closed once the implementation is completed.

Step 5: Scale-up the grievance to level 3 if the complainant remains dissatisfied

If the complainant rejects the proposed resolution or the Level 2 GRM system fails to provide a resolution within the stipulated time, the Level 2 GRM system will refer the case to the grievance to the Level 3 GRM system led by the Project Manager at the PPMU at the provincial MoPID. The four-member Level 3 GRM committee, which also includes the Social and Environmental Officer of the PPMU will facilitate to reach an agreeable resolution and the committee will produce a resolution within two weeks or 15 working days. If the resolution is accepted by the complainant, it will be implemented, and the grievance will be closed once the implementation is completed.

Step 6: Recourse to legal and other formal recourse

If the complainant rejects the proposed resolution, the complainant is free to utilize legal and other formal mechanisms in place at the local or national level.

Table 6.1: Structure of Grievance Redress Committee in different level

Tier-1 (Sub-project Level)	Tier-2 (IDO level)	Tier-3 (PPMU level)
<p><i>Chaired by:</i> Site In charge of the Sub Project</p> <p><i>Members:</i></p> <ul style="list-style-type: none"> • Rural/Municipality Ward Chief/Member: Member • Nominee of the Road Users Committee (If existing): Member • Contractors Engineer : Member • Representatives (one male and one female) from project affected families nominated by themselves <p>Social mobilizer will act as a facilitator</p>	<p><i>Chaired by:</i> Chief of the Infrastructure Development Office</p> <p><i>Members:</i></p> <ul style="list-style-type: none"> • Nominee from each Rural/Municipality (if more than one) - elected representative : Member • Site In charge of respective sub projects- Member • A nominee of the Road Users Committee (If existing): Member • Representatives (one male and one female) from project affected families nominated by themselves <p>Social mobilizer/ social development consultant will act as a facilitator</p>	<p><i>Chaired by:</i> Project Coordinator, PPMU</p> <p><i>Members:</i></p> <ul style="list-style-type: none"> • Nominee from each Rural/Municipality (if more than one) - elected representative • Chief of IDO - Member • Environmental Specialist, PPMU - Member <p>Social Specialist, PPMU will act as a facilitator</p>

7. MONITORING AND EVALUATION

The implementation of the RAP will be subject to internal and external monitoring, with the objective of identifying areas of difficulty and success and providing timely feedback to management in order to facilitate prompt corrective actions and adjustments to the implementation arrangements.

7.1 Monitoring of the RAP

The objectives of the monitoring activities are:

- To ensure that the standard of living of PAPs are restored or improved;
- To ensure that the timelines for resettlement and compensation are met;
- To assess if compensation, rehabilitation measures and social development support program are sufficient;
- To identify problems or potential social conflicts; and
- To identify methods of responding immediately to mitigate problems.
- To assess effectiveness information dissemination, consultations and engagements with PAPs , and functioning of GRM

7.2 Types of Monitoring

For sub-projects where resettlement and land acquisition will be required, specific monitoring and evaluation program will be implemented to (i) record and assess project impacts and the number of persons affected and compensated and (ii) confirm that former subsistence levels and living standards are being re-established. The range of activities and issues that would therefore have to be recorded and checked includes:

- land acquisition and transfer procedures;
- compensation payments;
- voluntary land donation process
- Impact on vulnerable and marginal groups including IPs and implementation of specific measures required to ensure their meaningful participation and targeted compensation and benefit packages
- Information dissemination and engagements with PAPs
- Functioning of GRM
- construction of replacement houses by displaced households;
- re-establishment of displaced households and business enterprise
- reaction of Project Affected Persons (PAPs) , in particular, to resettlement and compensation packages; and
- Re-establishment of income levels.

Two main monitoring mechanisms will be applied:

7.2.1 Internal Monitoring

This type of monitoring studies the ongoing process and the respective outputs, compared against established social indicators. The projects will be responsible for internal monitoring

of RAP implementation. The PPMU/MoPID with the support of local level will supervise the land acquisition components of the RAP. The Social Development Expert in CPCU/DoLI under MoUD gives guidance on the monitoring and prepares quarterly reports on the findings of the monitoring reports received from the sub-projects. The quarterly monitoring reports will be disseminated through the websites of CPCU/DoLI, PPMU/MoPID of the concerned province governments (PGs) and participating local level under PLRIP.

7.2.2 External Monitoring

The external monitoring to be conducted by an independent monitoring agency will assess the extent to which resettlement and rehabilitation objectives have been met or are being achieved. The CPCU, following the approval of the ToR for a specific task, will recruit an independent external firm/consultant for an independent annual review of RAP implementation and RAP completion audit to determine whether intended goals are being achieved, and if not, what corrective actions are needed. The independent agency will carry out field visits and hold consultations with the PAPs, including IPs and vulnerable communities. The findings of the external monitoring reports will be subject to public disclosure through a public consultation meeting. External monitoring reports will be submitted to the CPCU/ DoLI. After review from the CPCU for public disclosure, the external monitoring reports will be disseminated through the websites of CPCU/DoLI, PPMU of concerned PGs and participating local level under PLRIP.

Every case of voluntary land donation will be reviewed concurrently during implementation by a Third Party Monitor. The CPCU/PPMU/DOLI, after the approval of the TOR, will hire a separate Third-Party Monitor for monitoring of VLD protocol compliance and verification of VLD agreements. The Third-Party will conduct site visits, hold consultations with affected households, and observe consultation and other VLD related activities. A separate monitoring report will be submitted directly to the PPMU for each stage of the VLD: sub-project selection stage and design stage.

7.3 Indicators to Monitor the Effectiveness of the Proposed RAPs

The table 7.1 presents the basic indicators that are recommended under this framework for monitoring the success/failure of the resettlement activities and the livelihood supports for vulnerable groups.

Table 7.1: Framework for monitoring social Issues Related to Resettlement and Vulnerable Groups

Type	Indicator	Variables
Process monitoring indicators	PAP involvement in ongoing project work, Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> • Number of consultations with the PAPs and issues discussed • Number of registered grievances, types, and resolution • Number of FDGs with IPs and or vulnerable groups on RAP issues • Number of PAPs who complain that they don't understand entitlements • Number of PAPs receiving compensation and resettlement assistance
	Procedures in Operation	<ul style="list-style-type: none"> • Census and CDC asset determination/verification procedures in place • Effectiveness of compensation payment/delivery system • Number of land transfers undertaken • Status of livelihood restoration activities. • Number of targeted beneficiaries provided support with employment and other income-generating activities, among others.
Output monitoring indicators and	Acquisition of Land	<ul style="list-style-type: none"> • Area of private land acquired • Area of public/government land acquired • Compliance with established norms in land acquisition • Number of disputes resolved related to land acquisition
	Structures	<ul style="list-style-type: none"> • Number, type, and size of private structures acquired • Number, type, and size of community structures acquired
	Trees and Crops	<ul style="list-style-type: none"> • Number and type of private crops and trees removed • Number and type of government/community crops and trees removed • Crops destroyed by area, type, and number of owners

Type	Indicator	Variables
	Compensation and Rehabilitation	<ul style="list-style-type: none"> • Number of households affected in terms of loss of land, buildings, trees, crops • Number of owners compensated by type of loss • Amount compensated by type and owner • Number and number of allowances paid • Number of replacement houses constructed by concerned owners • Number of replacement businesses constructed by owners • Number of owners requesting assistance for the purchase of replacement land • Suitability of entitlements to APs as per RAP objectives • Number of poor and vulnerable APs requesting assistance to allocate land and provide lease/temporary rights • Number of assistances made related to poor and vulnerable APs
	Reestablishment of community resources	<ul style="list-style-type: none"> • Number of community buildings/facilities repaired/ replaced • Number of saplings supplied for plantation • Number of trees planted by government agency as compensatory plantation
Outcome/ Impact evaluation indicators	and Household Earning Capacity	<ul style="list-style-type: none"> • Changes to agricultural income-earning activities – pre-and post-disturbance • Changes to off-farm income-earning activities - pre-and-post-disturbance • Amount and balance of income and expenditure • Number of vulnerable groups received livelihood opportunities • Number of APs received employment opportunities to restore pre-project income levels and maintain their original living standards.
		Changes to the Status of Women
	Multiplier effect	<ul style="list-style-type: none"> • Changes in the economic activities, enterprises, and functions of the market • Changes in the employment status of the population • Changes in the economic and social infrastructures • Changes in the pattern of consumption

8. INSTITUTIONAL ARRANGEMENTS FOR RAP IMPLEMENTATION

8.1 Organizational Structure to Implement the RAP

The Government of Nepal has placed DoLI/PLRIP under the Ministry of Urban Development (MoUD). Hence, Central Project Coordination Unit (CPCU) will be placed in the central office of DoLI for necessary coordination and policy level works. Similarly, there is Ministry of Physical Infrastructure Development in the province. For the effective implementation of the project, there will be a Provincial Project Management Unit (PPMU) which is responsible for the overall management of the projects in the province. The PPMU will directly involve in, document control, quality assurance of the document, and approval of the document in financial management in coordination with the line ministry and Ministry of Finance in the province. The CPCU and PPMU have good coordination to resolve policy level issues related to the project. Infrastructure Development Office (IDO) is the project implementation unit at the bottom, which is responsible for environmental and social document preparation and implementation. The following is the organizational structure of the project.

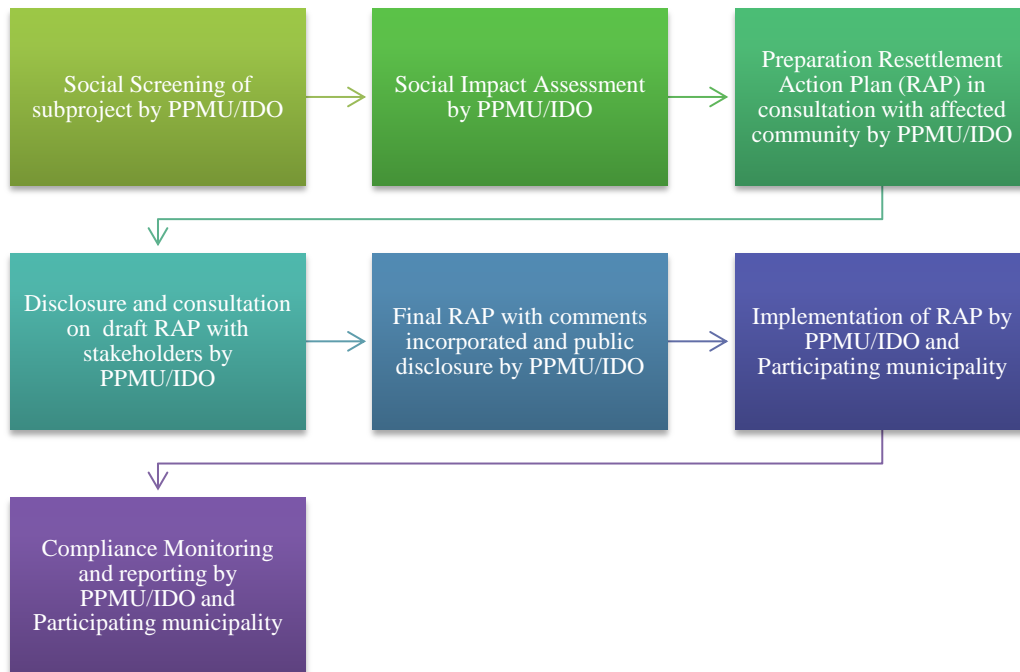


Fig. 8.1: Diagram of key agencies involved in the implementation of RPF/RAP

8.1.1 Central Project Coordination Unit (CPCU):

During the project implementation phase including RAP, the CPCU will play a central role for necessary coordination with federal MoUD, Provincial MoPID for necessary budget allocation for compensation/assistance, coordination with donor agencies and coordination with PPMU for effective implementation of the project including RAP and so on. The CPCU will recruit dedicated Social Development Specialists who will be responsible to provide necessary

coordination and support to PPMU social officer for planning, designing and implementing the RAP, monitoring and reporting quarterly on the implementation of the RAP and other social management plans.

8.1.2 Provincial Project Management Unit (PPMU) and IDO:

At the PPMU, there will be dedicated technical, environmental and social specialists responsible for facilitating and assisting in planning, designing, implementing and monitoring the RAP in coordination with Infrastructure Development Office (IDO) which will be the project implementation office.

The PPMU office will recruit a Social Safeguards Specialist to be responsible for the implementation and monitoring of the planned activities of the RAP, with technical support and guidance from the Social Safeguards Expert at CPCU. The Social Specialist of PPMU in coordination with IDO and municipality will organize community consultations, manage project-related complaints and grievances, and support community mobilization efforts of the project. In addition, the Social specialists at PPMU will also serve as the focal persons for the GRM Level 1 at the local level. The organizational structure will be reviewed periodically to ensure the effectiveness of RAP implementation.

8.1.3 Participating Municipality:

The E&S staff at the participating municipality will be responsible for managing resettlement planning and implementation of the subprojects project at the local level, with technical support and guidance from the E&S specialists at the PPMU/IDO and CPCU.

8.2 The Roles and Responsibilities of Units/Agencies and individuals

The role and responsibility of the units/agencies involved in PLRIP have specific roles for the implementation of RAP, which are presented in Table 8.1.

Table 8.1 Roles and Responsibility of related Agencies/Units

Key agency/unit	Roles and Responsibilities	Timeline
Ministry of Urban Development	<ul style="list-style-type: none"> • Coordination with Donors and other line ministry and department • Overall direction for the Program • Approval of policy level documents 	<ul style="list-style-type: none"> • Throughout preparation and implementation.
DoLI	<ul style="list-style-type: none"> • Approval of Technical documents • Monitoring the program 	<ul style="list-style-type: none"> • Throughout implementation
CPCU	<ul style="list-style-type: none"> • Overall management of the program and reporting to the Department, Ministry and DPs • Coordination with MoUD, DoLI, PPMU and DPs for financial, technical and other issues related to the program. • Preparation of technical and policy level documents and recommends for approval 	<ul style="list-style-type: none"> • Throughout implementation

Key agency/unit	Roles and Responsibilities	Timeline
	<ul style="list-style-type: none"> Overall monitoring of implementation of RPF 	
Social Development Specialist (CPCU)	<ul style="list-style-type: none"> Training and orientation on RPF Follow up and support to implement RPF Coordinate and monitor RPF/RAP activities with the partner municipalities and provinces Update progress monthly and prepare progress reports Periodic monitoring of resettlement-related activities 	<ul style="list-style-type: none"> Onboard by financial agreement and throughout implementation
Province Government	<ul style="list-style-type: none"> Coordination with MoUD, DoLI, CPCU and concerned Municipality Budget allocation for Compensation/Assistance Approval of Provincial level policy issues 	<ul style="list-style-type: none"> Throughout implementation.
PPMU/TID	<ul style="list-style-type: none"> Overall management of the project in the province Review technical documents prepared by IDO and recommend for approval Project level monitoring and providing feedback for Province government and CPCU. Support Social officer for RPF implementation and preparation of RAP and so on. Approval of the RAP and other social plans and budget in coordination with the provincial government. Involve in grievance resolution 	<ul style="list-style-type: none"> Throughout implementation.
Social Officer (PPMU)	<ul style="list-style-type: none"> Carry out screening, guide assessments and preparation of RAP , Support for the implementation of all above mentioned social plans RAP monitoring and supervision preparation of progress reports 	<ul style="list-style-type: none"> Onboard by financial agreement and throughout implementation
IDO	<ul style="list-style-type: none"> Support PPMU with DPR preparation with RPF compliance Support PPMU with social screening, assessments and preparation of RAP, as necessary. Conduct periodic community consultation and disclosure of the RAPs and other activities. Project implementation/RAP Ensure compensation payments before initiating construction works. Contract award and contractor mobilization Supervision of the sub-projects Coordination with PMU and province government for the necessary budget, Involve in grievance resolution 	<ul style="list-style-type: none"> Throughout implementation
DPR consultants or independent specialist	<ul style="list-style-type: none"> Support preparation of RAP. 	<ul style="list-style-type: none"> Before commencement of detailed assessment.

Key agency/unit	Roles and Responsibilities	Timeline
E&S focal person in participating Municipality	<ul style="list-style-type: none"> • Support PPMU and IDO in implementing RAP • Resolve resettlement-related issues of the road sub-projects 	<ul style="list-style-type: none"> • Throughout implementation.

8.3 Approval and Implementation Schedule for the Resettlement Action Plan

The PPMU will procure DPR/independent social consultants to prepare subproject-specific RAP where required before the bidding process for road and road construction begins. For all sub-projects where RAP is prepared, the RAP will be implemented fully before construction begins.

RAP will be prepared per the guidelines made and provisions specified in the RPF. The RAP will be reviewed by the E&S specialist of CPCU. RAP will be approved by PPMU. If any confusion or contradictions appeared in the preparation and implementation of RAP, the PPMU can resolve it immediately in consultation/coordination with CPCU.

Concerned PPMU and municipalities will manage required funds for the implementation of RAP and will make payment of private land and other assets and losses, before taking land and other assets. Additionally, PPMU will ensure that contracts for civil works will not be given out until the agreed compensation/assistance has been provided and the transfer of land titles has been completed.

For the project, an indicative schedule for implementing the RAP is shown in Table 8.2, assuming a sequential order of proposed activities. Some of these steps may overlap in timing and some will be repeated throughout the project cycle.

8.4 Cost Estimate and Financing for the RAP

The actual location and scope of the project intervention are yet to be finalized. However, new construction and upgrading of roads and bridges may require the project to obtain privately owned land resulting in physical and economic displacement. Land acquisition and resettlement costs will be itemized and included in the overall Program costs under the budget for "Environmental and Social Management Costs". The cost of land acquisition and resettlement will be financed from the government's counterpart budget. CPCU at federal level, PPMU at provincial level and municipality will use their respective budgets for implementation of RAP activities. The detailed cost estimates for the selected subprojects will be captured in the respective sub-project specific RAPs. The cost estimates will include:

- Planning and preparation costs, including the sub-project specific RAP and asset inventory survey,
- Resources for land acquisition and resettlement costs,
- Funds for PAPs consultations, information dissemination, and GRM operation
- Resources for external monitoring

- Contingency arrangements.

The above list is not exhaustive and a detailed cost estimate chapter will be included in the sub-project level RAP and it will be updated as and when required.

ANNEXES

Annex 1: Legal Framework

1. Relevant National Laws and Regulations

1.1 Land Acquisition Act 1977

The Land Acquisition Act, 1977 is the main legal instrument of the state to acquire private land and other physical asset acquisition for public purposes. The Act allows the government to acquire land at any place in any quantity by providing compensation. The following are the main legal provisions outlined in the Act:

- The acquisition and compensation of privately-owned assets will be undertaken according to a formal procedure, consisting of the initial procedure, a preliminary investigation process, acquisition notification, compensation notification, and appeal procedures.
- Compensation Determination Committee (CDC) will be established at the concerned district to ascertain compensation rates for the land and other assets.
- CDC ascertain compensation rates must be notified to the government or Provincial Government by Chief District Administration Officer.
- Compensation must be paid (a) for damage caused by investigations during the project (including sanding crops, trees, and houses)
- Compensation must be in cash, although titleholders who have lost all their landholdings can be provided land for resettlement, if available.
- Compensation against all types of loss will be paid to the affected person who has the right to claim compensation.
- Titleholders are required to submit compensation claims or complaints within a specified period after the issuance of a land acquisition notice.
- Compensation for land will be after the valuation of the rate by the compensation determination committee.
- In determining the compensation amount, the committees have to consider relevant periodic guidelines of the government and the loss suffered by persons due to acquisition of land, the shift of residence, or place of business to another place.
- If the land must be acquired, the CDC must consider the following in determining the compensation amount: the price of the land prevailing at the time of notification of land acquisition, price of standing crops, and structures, and damage incurred by persons being compelled to shift their residence or place of business due to the land acquisition.
- The law also allows land acquisition through direct negotiations.

1.2 Land Acquisition, Rehabilitation and Resettlement Policy 2015

The policy aims at facilitating land acquisition process for infrastructure projects. 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 the assessment envisaged by the policy, projects will be categorized as high, medium, and low risk based on the number of households that the project displaces. Projects displacing 50 or more households in the mountainous region are deemed as high-risk projects. Similarly, projects

displacing 75 or more households in the hilly region, and 100 or more households in the Tarai. Medium-risk projects, on the other hand, are those that will result in relocation of fewer than 50 households in the mountainous region, less than 75 households in the hilly region, and less than 100 households in the Tarai. Low-risk projects refer to those, which cause productive property to shrink by up to 10 percent.

1.3 Land Use Policy, 2015:

The policy aims to maintain a balance between the use of land and development. Under the policy, land use in Nepal is categorized into the following land use zones. (i) Agricultural Zone, (ii) Residential Zone, (iii) Commercial Zone, (iv) Industrial Zone, (v) Main and Minerals Zone, (vi) Cultural and Archaeological Zone, (vii) River and Lake Reservoir Zone, (viii) Forest Zone, (ix) Public Use and Open Space Zone, (x) Building Material Excavation Zone, and (xi) Other Zone as specified and necessary. The policy discourages the use of arable land in non-agricultural use and fragmentation and stresses the conservation and optimum use of forests. The policy also discourages non-use, under-use, and excessive use of land, suggesting that decisions about land use should be carefully considered with the view to minimizing land-take.

1.4 Guthi Land Act, 1976

Guthi is a concept of preserving ritual and cultural value by organizing and celebrating various festivals. The *Guthi* Corporation, which functions under the *Guthi* Corporation Act, 1976 owns a huge quantity of land throughout the country to generate perpetual sources of revenue to maintain age-old rich cultures. The acquisition of land under the ownership of *Guthi* Corporation is mandated by the *Guthi* Corporation Act, 1976 and it is the only act applicable if the land required for the project belongs to *Guthi* Corporation or some other *Guthi*. As per section 42 of the act, the government can provide replacement land when it acquires *Guthi* land instead of the compensation amount. Similarly, section 42 (a) says that the government can acquire land belonging to *Guthi* Corporation for social welfare and community interest activities at a reasonable/discounted price. However, the act remains unclear about the procedures of allowing infrastructure development in the land owned by the *Guthi* Corporation.

1.5 The National Civil (Code) Act, 2017

Clause 407 of the code defines the procedures by which individuals can donate land at free of cost to another person for religious, social, public, or community purposes. Clause 407 notes that individuals can donate a certain amount or property for any specific purpose by making an announcement in writing or in a public function organized for that purpose and adds that no lawsuit can be filed if the person fails to transfer the property as per the announcement. Similarly, clause 208 notes that any donation made as per the law will be void if the person entitled to donation rejects the offer or if the person entitled to donation or gift dies or if the donated property is destroyed before the testamentary made for donation or gift becomes effective. In addition, clause 409 provisions a deed of the donation will be voided if a person donates or gifts a property that has right and ownership of another person, if a person donates or

gifts a property without obtaining the consent of another person where such consent is needed pursuant to law, if the person offering such donation or gift is an incompetent or partially competent person, and if the donation or gift is made without fulfilling the legal requirements. Land for project investments will be acquired and compensated for as per the Land Acquisition Act, 1977. However, where land donation is accepted under the project, the specific provisions of this Act will apply.

1.6 Good Governance Act 2008

The Good Governance Act 2008 provides legal provisions in relation to good governance by making public administration of the country accountable, transparent, inclusive, and participatory. Amongst other it requires the Government to undertake necessary consultations with stakeholders and civil society before implementation of any matter of public concern, including impact assessment and overall analysis of any project. It also states that every ministry or department or government agency is required to have a grievance management system that ensures proper management of the grievances and suggestions received.

1.7 National Land Policy, 2019 and Land Act 1964 (8th Amendment)

National Land Policy 2019 seeks to address the issues related to land tenure, ownership, rights, access and use. It recognizes different tenure systems in Nepal and systemize such tenurial forms in three categories: formal, non-formal and informal.⁴ It also aims to identify and manage existing system of customary land tenures and informal tenure, and ensure the security of land tenure by adopting appropriate and scientific land survey and registration system. Land Act 1964 (8th Amendment) allows the Government to address issues related to informal tenure. The act provides provisions to allow ownership of land for ‘landless squatters’ and ‘unorganized settlers’ who are long term users and/or occupants of public land for ten years before the Land Act (8th Amendment) was enacted. Based on the Act, procedures to recognize and allocated land and issue ownership has been prepared and is being implemented by Land Commission.

1.8 Guidelines for registering, utilizing, and leasing government lands, 2022

Clause 5 of this Guidelines for Registering, Utilizing, and Leasing Government Lands, 2079 [2022] defines the process and steps for accepting voluntary land donation by individuals. The guideline, however, does not define the conditions under which voluntary land donation from individuals may be accepted.

⁴ Four tenures Raikar (Private), Guthi (Trust), Sarkari (Government) and Sarbajanik (Public Land) fall under Formal land tenure. Under Non-formal tenure, different land tenures like land already surveyed and Field Book created but not titled; land taxation, possession and records so existing but not surveyed and titled; and land without document and Swobasi (under long-term possession, which can be addressed through existing legislation. Under informal tenure system, it has categorized land which have been used for a long period but without any proof, which cannot be addressed through existing legislations, and land under encroachment.

Annex 2: Steps of Land Acquisition through Eminent Domain in Nepal (formal procedure)

SN	Steps	Activity
1	Decision to Acquire Land	The government/project shall nominate designate a Preliminary Action Officer (PAO) who would undertake the preliminary action. The officer should be a Gazetted Class 3 officer or Head of Office or the Project Chief.
2	Posting of Notice (Intent to Acquire)	The PAO will post a notice of land acquisition intent near or around the properties to be acquired and at the VDC or Municipality Office.
3.	Entry of the property to undertake validation/confirmation of suitability	Three (3) days after posting, the PAO may enter the subject property along with employee and workers to conduct survey, map, collect samples of the soil, demarcated, etc. to confirm land suitability. During this activity, any trees, crops, or wall to be demolished maybe done with the approval of the PAO and in the presence of the concerned property owner.
4.	Payment of compensation for damage during the Preliminary Action	PAO to determine the amount of compensation and pay the property owner for any losses because of clearing and confirmation
5.	Filing and resolution of any complain about the Preliminary Action damage compensation	If dissatisfied with the amount of compensation payment, the PAP owner shall file complaint to the District Officer. District Officer's decision is final.
6.	Preparation and Submission of Report on the Findings of the Preliminary Action	The PAO shall complete the preliminary action within fifteen (15) days and then submit a report containing necessary information in respect to preliminary action to the Local Office/CDO as early as possible. The report shall mention the property losses/damage during preliminary action and the amount of compensation paid.
7.	Notification of Land Acquisition	After receiving a report of Preliminary Action Report, the local officer/CDO shall issue a notification containing particulars about the property to be acquired, the associated assets to be affected, the purpose for the acquisition, the particulars for the information of the concerned PAP, including requirements for an application for compensation, the time-limit for the claims (i.e. fifteen days) and time-limit for felling trees or harvesting corps grown on the land, demolition of structures, etc. The notification shall be posted in the ff: (a) The local office of the project; (b) the district government office, (c) the VDC or Municipality Office, (d) Land Revenue Office, (e) thoroughfares around the subject land, (f) others. However, the local officer may, if he/she so deems appropriate and feasible, personally send a notice to property owners.
8.	Land Revenue Office to suspend all transaction	After the notice mentioned has been affixed, the appropriate Land Revenue Office shall suspend land title of the land. The suspension

SN	Steps	Activity
	relating to the title of the land	shall be lifted in case the local officer directs the Land Administration or Revenue Office in writing to that effect
10.	PAP appeal period regarding the Notice of Land Acquisition	Within seven (7) days from the date of the publication of a Notice, the concerned landowner may file a complaint with the Ministry of Home Affairs, the Government of Nepal through the local officer/CDO, explaining the reasons, if any, why his/her land should not be acquired. In hearing the complaint, the Ministry of Home Affairs, the Government of Nepal shall exercise the powers vested in a district court in respect to conducting local investigations. Decision on the complaints shall be pronounced ordinarily within fifteen days from the date of receipt of such complaint.
11	PAP submit application for Compensation Claim based on the Notice	Concerned person shall apply claiming compensation within a minimum time-limit of fifteen days, along with documentary evidence of his/her title to the land
12.	List of Entitled to Compensation	Based on the applications received within the time-limit prescribed in the notification issued, the local officer/CDO shall prepare a list of persons entitled to compensation and issue a notice accordingly for the information of the concerned persons.
13.	PAP appeal regarding the List of Entitlements	A person who is not satisfied with the list contained in the notification issued may file a complaint with the Ministry of Home Affairs, the Government of Nepal within fifteen (15) days after the publication of such notification.
14.	Taking possession of the land	After a decision has been made on the complaint or at any time after the expiry of period allowed to file a complaint, the local officer/CDO takes possession of the land and hand it over to the Project. If any house is to be acquired along with the land, and if it is being occupied personally by the owner thereof, it shall not be taken possession of (by the local officer) unless (the owner thereof) is paid 50 percent of the amount of compensation payable to him/her, if such compensation has already been determined, or reasonable expenses in advance as required to enable him/her to shift his residence, if the amount of compensation has not already been determined.

Annex 3: Indicative Contents of the Resettlement Action Plan (RAP)

1. **Description of the project.** General description of the project and identification of the project area.
2. **Potential impacts.** Identification of:
 - The project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project.
 - The zone of impact of such components or activities.
 - The scope and scale of land acquisition and impacts on structures and other fixed assets.
 - Any project-imposed restrictions on use of, or access to, land or natural resources.
 - Alternatives considered to avoid or minimize displacement and why those were rejected; and
 - The mechanisms established to minimize displacement, to the extent possible, during project implementation.
3. **Objectives.** The main objectives of the resettlement program.
4. **Census survey and baseline socio economic studies.** The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The census survey also serves other essential functions:
 - (a) Identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population.
 - (b) Information on vulnerable groups or persons for whom special provisions may have to be made.
 - (c) Identifying public or community infrastructure, property or services that may be affected.
 - (d) Providing a basis for the design of, and budgeting for, the resettlement program.
 - (e) in conjunction with establishment of a cutoff date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and
 - (f) Establishing baseline conditions for monitoring and evaluation purposes.
 - (g) As the Bank may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey:
 - (h) Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas)

- governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area.
- (i) The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and
 - (j) Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e. g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.
5. ***Institutional framework.*** The findings of an analysis of the institutional framework covering:
- (a) the identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons.
 - (b) an assessment of the institutional capacity of such agencies and NGOs/CSOs, and
 - (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.
6. ***Eligibility.*** Definition of displaced(physical and economic both) persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.
7. ***Valuation of and compensation for losses.*** The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.
8. ***Community participation.*** Involvement of displaced persons (including host communities, where relevant): a description of the strategy for consultation with and participation of displaced persons in the design and implementation of the resettlement activities.
- (a) A summary of the views expressed and how these views were considered in preparing the resettlement plan;
 - (b) A review of the resettlement alternatives presented, and the choices made by displaced persons regarding options available to them; and
 - (c) Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.
9. ***Implementation schedule.*** An implementation schedule providing anticipated dates for displacement and estimated initiation and completion dates for all resettlement plan

activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

10. **Costs and budget.** Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.
11. **Grievance redresses mechanism.** The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should consider the availability of judicial recourse and community and traditional dispute settlement mechanisms.
12. **Monitoring and evaluation.** Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation .

Additional planning requirements where resettlement involves economic displacement

- If land acquisition or restrictions on the use of, or access to, land or natural resources may cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the resettlement plan, or into a separate livelihood improvement plan. These include:
 - *Direct land replacement.* For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.
 - *Loss of access to land or resources.* For those whose livelihood is affected by the loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources or otherwise provides support for alternative livelihoods.
 - *Support for alternative livelihoods.* For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including the provision of relevant supplemental assistance, including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods.

- *Consideration of economic development opportunities.* The resettlement plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for the development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the feasibility of prospects for financial distributions to communities, or directly to displaced persons, through establishment of project-based benefit-sharing arrangements.
- *Transitional support.* The resettlement plan provides transitional support to those whose livelihoods will be disrupted. This may include payment for lost crops and lost natural resources, payment of lost profits for businesses, or payment of lost wages for employees affected by business relocation. The plan provides that the transitional support continues for the duration of the transition period.

Annex 4: PAP Census Questionnaire Template

Name of the Subproject: _____

Address/Location: _____

Name of Interviewee: _____

Residential Address: _____

Address in Project Area: _____

Age, sex _____

Relationship to the PAP: _____

Date of Interview: _____

1. Name of PAP? _____
2. Age of the PAP? _____ Gender? _____ HH head? _____
3. Civil status of the PAP? _____
4. Number of members in the PAP household? _____
5. What is your main occupation of the PAP? _____
6. Estimated annual income of PAP from all sources? _____
7. How many in PAP household are earning regular incomes (incl. PAP)? _____
8. What is the estimated combined annual income of the PAP household? _____
9. How many children below 5y of age are in the PAP household? _____
10. Have any of the children been diagnosed as underweight/undernourished? _____
11. Persons with disability in the PAP household? _____ Nature of disability? _____
12. Are there elderly persons in the PAP household? _____
13. Has the PAP lost his home before? _____ How/Why? _____
14. What is the total (estimated) area in hectares of all PAP landholdings? _____
15. What is the floor area of PAP's current house? _____
16. Does the PAP own the house he is currently living in? _____
17. Does the PAP belong to any caste? _____ which one? _____
18. Does the PAP belong to any IP group? _____ which one? _____
19. Does the PAP home have access to piped drinking water? _____
20. Does the PAP home have electricity connection? _____

Other relevant observations (about socioeconomic status, ethnicity, etc.):

Annex 5: Inventory of Affected Assets for RAP

Survey Status (Preliminary/Final):

PAP Code#/ Name	Affected Asset	Quantity	Concurrence Signature) (PAP
xxx01 (Name is optional)	Land	x	xx
	Entire Home*	x	
	Structure*	x	
	Trees	x	
	Crops	x	
	Total	x	
xxx02	Land	x	xx
	Entire Home*	x	
	Structure*	x	
	Trees	x	
	Crops	x	
	Total	x	
xxx03	Land	x	xx
	Entire Home*	x	
	Structure*	x	
	Trees	x	
	Crops	x	
	Total	x	
xxx04	Land	x	
	Entire Home*	x	
	Structure*	x	
	Trees	x	
	Crops	x	
	Total	x	
xxx05	Land	x	
	Entire Home*	x	
	Structure*	x	
	Trees	x	
	Crops	x	
	Total	x	
xxx06	Land	x	
	Entire Home*	x	
	Structure*	x	
	Trees	x	
	Crops	x	
	Total	x	

*Even if only portions are affected but the remaining is no longer viable as a dwelling place, the entire home is deemed displaced. Otherwise, the affected portion will be counted as part of the other structures in the property.

Annex 6: Voluntary Land Donation (VLD) Protocol

Voluntary land donations will be accepted under the project as an approach to acquiring land for no compensation where project activities have been selected and agreed upon by community beneficiaries as donors. VLD are typically acceptable where there is community demand and/or community involvement in identifying, prioritizing and finalizing the sub-projects or preparation of PTMPs and MTMPs. VLD will be considered where alternative for sections of the alignment can be selected/changed for the project activities and/or where assistance is available in the event that there is no agreement to volunteer land which is necessary for project design. Assistance provided will ensure the affected landowner is not left worse off than the current level.

Every case of voluntary land donation will be reviewed during implementation to verify the acceptability of the donation as per the requirements described in this protocol.

VLD will be done within the ‘Corridor of Impact’ (COI) for proposed activity. Corridor of impact typically means the impact footprint, and may include the width of the road corridor from the line of cutting to the toe of embankment or *in the case of Plain area*, toe to toe of embankment, and setback distance from property line.

Key Criteria for application of VLD:

- Community led decision making for selection.
- Involves little loss of private land or private structures and the remaining land and structure remain viable for continued and productive use.
- Availability of alternatives to change sections of alignments and design modification to avoid land takes and associated impact.
- The affected land donor (landowner) is expected to benefit directly from the project
- Each affected land donor (including all adult family members) is informed of the choices available including option to refuse to donate and confirm in writing their willingness to donate land.
- Land donated per each donor would be minor and limited to only 10 percent of the donor’s total landholdings and/or individual land parcel. The remaining land within the affected land parcel (after donation) should be viable for continued use.
- The assessment of impacts on livelihood of the donor will also consider other livelihood activities and assets that the donor has or involved in. In situations where the assessment is based on land, the remaining land should be enough to maintain the donor’s livelihoods at current levels.
- No physical displacement (household relocation) is involved.
- Buildings/structures on the land donated are not accepted as donation.
- Any donated land that is not used for its agreed purpose is returned to the donor.
- Affected landowner does not belong to the vulnerable group (e.g. households below poverty, marginal land holder, and others as identified during assessment)

- Grievance Redress Mechanism is available, and donors have access to raise concerns associated with the application of this VLD protocol prior to entering into VLD. The GRM should also be available for determining eligibility for assistances for impacts on land and assets.

PROCEDURE FOR VOLUNTARY LAND DONATION:

Sub-project selection / E&S screening stage:

- Conduct rapid impact assessment of households affected due to land taking:
 - Land loss – assessment of land taking
 - Impact on livelihood sources on both landowners and land users
 - Impact on other assets
 - Impact on vulnerable households
- Project relevant information shared in advance (at least a week) with the affected community on overview of project, selection criteria, E&S risks and impacts, land acquisition approach and other provisions displayed on public notice boards and other public/community spaces, project information brochures, etc. The information (in Nepali and other local language) can be provided through the following means:
 - Project information brochure
 - Public consultations at several points along the proposed sub-project footprint
 - Social media pages of the concerned agency
 - Announcements from local radio stations
 - Mobilization of social mobilizers for information regarding consultation and distribution of brochures, door to door visits.
- The time and date for the Environment and Social Screening exercise should be conveyed to the community. The community should be given prior notice at least a week ahead so that there is broad-based community participation during the actual E&S screening exercise.
- Establish an effective Grievance Redress Mechanism (GRM). Ensure that information about the GRM is disseminated to all PAFs through different means including during consultations.
- Conduct stakeholder consultations including information sharing to sensitize the affected community and affected households/landowners about the project, alignment and other specifications, project provisions through meetings, household level visits and FGDs to allow informed decision making in project selection (and voluntary land donation). Ensure each affected landowners are informed of the choices available.
- Assess and document if there is a broad community support from the community
- Evidence through third party verification that sufficient information about project and its provision was provided, affected landowners/households actively participated in decision making consultation process and document their willingness to donate land and awareness of right to refuse.

Project Planning and Design Stage (Social Impact Assessment and Mitigation planning):

1. Information dissemination, consultations, and grievance redress:

- Project information will be disclosed, as early as possible and throughout the preparation stage, to the stakeholders to understand the risks and impacts of the project and project provisions in place.
- Throughout preparation stage, meaningful consultations will be undertaken in a manner that allows the stakeholders/affected landowners to express their views on project risks, impacts, and mitigation measures.
- Establish GRM to allow community to share feedback, suggestions and concerns related to the project design, VLD process and impact assessment and facilitate resolution of any concerns and grievances throughout preparation stage.

2. Alternative analysis and finalization of alignment: At this stage, in coordination with the engineering team various alternatives should be considered to reduce project footprint, identify alternative alignment or design modification and finalize alignment based on consultations with the community.

3. Cadastral Verification along with identification of Land Parcel Number and Land Owners

- Once the sub-project alignment and design has been finalized based on the mitigation hierarchy, the project must carry out cadastral verification based on the sub-project footprint.
- This exercise will help the sub-project to establish the type of land (public, private, *guthi* among others), the land plot numbers, and the land ownership details of the proposed sub-project.
- This exercise will also help to assess percentage of land loss and eligibility for voluntary land donation.
- Finalization of land parcel numbers and land owners for the census survey of the affected households.
- Provide information on the affected land parcel numbers and land owners through newspaper notices and public notices (posted in public places) and disseminate information through social media posts, local FMs, and local project personnel

4. Census Survey of the Affected Households

- The census survey to establish the status of the affected households will be conducted with all the households impacted due to voluntary land donation for the sub-project. A sample questionnaire has been added as an annex to this RPF.
- This exercise will help to identify the following:
 - Marginal landowners
 - Households below the poverty line
 - Other vulnerable households
 - Households with livelihood losses

- Loss of trees and crops
- Other losses that need to be assisted based on the entitlement matrix
- Absentee landowners
- This exercise will also help to collect further information to assess the extent of impact on livelihood sources of the affected households as a result of land taking and eligibility for land donation.
- Preparation For Census Survey: Provide information of the planned survey to the affected households two weeks before the planned survey so that the affected households are aware of the census survey. The information can be provided through the following channels.
 - Provide letters or carry out calls to the affected households confirming the date and tentative time for the census survey.
 - Mobilization of social mobilizers/community-based project personnel
 - Publish information for Census Survey in local newspapers, local radio stations, and the social media page of the concerned offices.

(Note: While carrying out the census survey, the project should again provide full information of the project, ESMF, Entitlement Matrix, and also the awareness of the right to refuse to donate land)

5. Impact, mitigation measures and entitlements

- All assets that will be affected, as identified by the census survey teams, will be properly recorded, and verified in the presence of the concerned persons or owners of the impacted assets.
- Affected families will be informed and consulted on the losses and their entitlements/project support.
- In case of loss of structures and other assets including business, benefits and assistance for the losses will be provided as defined in the entitlement matrix (table 4.1) to ensure that PAPs are not left worse off than current level as a result of the losses.
- In case of refusal to donate land, compensation/assistance for loss will be determined through negotiation.

6. Voluntary land donation eligibility assessment and MOU

Eligibility of each affected landowner for donation will be assessed against the following:

- Each Affected landowner will be informed of the project approach to taking land and choices available to them.
- The land donor is the legitimate owner of such lands.
- The land donations must apply to agreed project activity (not for other purpose).
- The donated land is not in dispute.
- The location and land size is identified by PAPs and verified by facilitators, community forum and it should be free from any environmental impact and health risk.

- There are no structures of historic or cultural value on the donated land.
- Amount of land being donated is minor and will not reduce the donor's remaining land area below that is required to maintain the donor's livelihood at current level.
- No household relocation
- Donor is expected to benefit directly from the project
- Each affected landowner are aware that refusal is an option
- Each affected landowner is informed about their rights to receive assistances before making the decision to donate the land voluntarily. The donor may request monetary or non-monetary benefits or incentive as a condition for donation.
- The affected land owner will be provided with information of time and date for actual land donation to be confirmed through a written record, including a "no coercion" clause verified by an independent third party.
- In order to ensure that land donation is not done under duress/coercion the following measures should be duly followed:
 - The donating households will be duly informed about the land donation process, including that they had the right to refuse a land donation proposal.
 - Voluntary land donations were only carried out in the presence of the witnesses who also signed the consent form attesting that they were a witness to the consent.
- Record of all consultations and individual agreements reached documented.
- Verification must be obtained from each person donating land (either through proper documentation or through confirmation by at least two witnesses).
- Any donated land that is not used for its agreed purpose is returned to the donor.
- In addition, the following aspects need to be carried out:
 - (i) Social mobilisers should provide an opportunity to land owners to have an independent consultation prior to making the decision to voluntarily donate their land for the sub-project.
 - (ii) Consultation with landowners concerning land donation must guarantee that no pressure is applied to land owners in the process of deciding on whether to donate land.
 - (iii) Landowners have the right to refuse the land donation and project management should take measures to identify alternative locations for the facilities. The right of refusal is specified in the donation document the donor will sign.
 - (iv) Voluntary land donations must be documented in a legal document, the Statement Letter for Land Donation, to be signed by landowners, social mobilisers and village leader, community witnesses, as well as heirs. A template Statement Letter for Land Donation is provided in **Annex-6B**.
 - (v) All other documentation related to voluntary land donation including minutes of meetings, grievances and procedures for the settlement of disputes need to be attached.
 - (vi) Following the project's grievance mechanism, and if necessary, the grievance process involves the participation of reviewers who are not directly affiliated with the project implementers or not traditional leaders who are a party to the donation

process.

- (vii) An original copy of the Statement Letter should be kept both by the landowner and by the Office (IDO/PPMU) as part of the proposal. A copy of the Statement Letter should be put in the village office. The proposal should be made available for the public.
 - (viii) The donated land should be legally processed for its ownership status after the land is donated.
 - (ix) All transaction cost including any taxes, travel cost, accommodation and others to be paid by the land donor for the registration of the land transfer, if applicable, should be covered in full by the project.
- PPMU is also responsible in maintaining the record with documentation for each instance of land donation. The documentation is made available for review in any grievance that may arise.
- 7. Preparation of mitigation plan** (stand-alone/part of the ESIA): Mitigation plan will be prepared documenting the process and outcome of the consultations and agreements reached for donation and other mitigation measures.
- 8. Third Party Verification:** VLD will be monitored concurrently, and third-party agency will confirm that voluntary land donation was done in true spirit and in accordance to agreed principles and certify VLD for all roads.
- Third party shall be an individual or an institution that will not have any direct interest in the process or the sub-project activity and who is acceptable to the concerned community at large and do not have any conflict of interest.
 - Third party shall:
 - Assess that affected landowners were provided timely information on the project impacts and provisions.
 - Assess the affected landowners were clearly informed of the choices available to them.
 - Ensure there is no coercion involved in the process.
 - The report of the Third-party verification agency will be reviewed by the Bank along with DPR documents and corrective actions, if any, will be undertaken by the respective implementing agency.

Reporting:

- The size of land voluntarily donated to the project
- Number of consultations held
- Number of land donations processed and documented;
- Delivery of entitlement or assistance in compliance with the terms and conditions for VLD if any.

Annex 6 A: VLD MITIGATION PLAN TEMPLATE

1. Mitigation Plan includes the following information:

- Objective of Sub-project
- Location of sub-project and detailed design
- Definition of ‘Corridor of Impact’
- Summary of alternatives
- Summary of impacts,
 - i. Approximate percentage of land donated:
 - ii. Impact on livelihood sources, businesses, structures, etc.
 - iii. How impacts will be mitigated- in line with entitlements matrix
- Details of any land users impacted by land donation, how these impacts will be mitigated- in line with the Entitlements Matrix
- Summary of public consultations with all PAFs who are donating land and other impacted land users, including summary of information provided to PAF’s and views expressed.
- GRM:
 - i. Describe GRM procedure in place for the project
 - ii. Summary of how information about the GRM has been made available to PAF during preparation and any grievances received.
- Cost and Budget with tables showing categorized cost estimates for all planned activities including sources of funds.
- Implementation Schedule providing anticipated timing of initiation and completion of planned activities linked to the implementation of the overall sub-project.
- Monitoring and Evaluation describing monitoring by the implementing agency, supplemented by third-party monitors; performance monitoring indicators to measure inputs, outputs and outcome of the activities, and others.

2. Annex includes –

- Minutes of public consultations with all PAFs including details that all VLD requirements as per the ESMF were provided and understood
- Photos of all consultations
- Signed consent forms from all households of the VLD Household Checklist i.e., including confirmation that households were appropriately informed, exercised free will i.e., they could say ‘no’, and that they understand will benefit from the project. All signatures should be verified by a witness or an independent third party.

Annex 6B: Sample MOU/consent Letter on Land Donation

..... Municipality,
Office of the Municipal Executive of Municipality,

Subject: Letter of Voluntary Land Donation

I/we, the undersigned, legitimate owner of the land with plot number, with an area of, dhur, kattha, bigha (..... square meter), resident of tole, in ward of municipality, district, granddaughter/grandson of, daughter/son of, am aware the aforementioned land lies within the construction area of road project in ward I am fully aware that I/we have the free will to donate or refuse to donate the aforesaid land registered in my/our name for the road construction. I/we here by agree to donate the foresaid land with my/ my family members' consent to the municipality to be utilized for the construction of the forementioned project without coercion, threat, or intimidation of any kind.

I/we append my/our signature herein in the presence of the following witnesses.

Done in 2080 __ month __ date B.S.

Signature of the landowner

Full name and address of the landowner

Date

Name of witnesses	Address	Signature
1. Mr./Ms.		
2. Mr./Ms.		
3. Mr./Ms.		

Attachment: Sitemap of land to be donated and photo.

Remarks: original copy of this letter will be kept by the land donor and by the Project. A copy of the letter should be archived in the Municipality office.

(Sample consent letter in Nepali)

मिति: २०....।.....।.....

श्री नगरपालिका,
नगर कार्यपालिकाको कार्यालय
.....।

विषय:- स्वौच्छिक जग्गा दान पत्र ।

उपरोक्त सम्बन्धमा मैले/हामीले जिल्ला
नगरपालिका वडा नं टोलमा बस्ने
.....को नाती/नातिनी
.....को छोरा/छोरी
म/हामी.....को नाममा श्रेस्ता कायम भएको/भोग चलन भएको
जग्गा कि.नं.....क्षेत्रफल.....धुर.....कष्टा.....विघा (.....वर्ग
मिटर) जग्गा वडा नं हुदै जाने सडक आयोजना भित्र परेको व्यहोरा बारे
मलाई/हामीलाई अवगत छ । उक्त सडक संरचना निर्माण गर्दा मेरो/हाम्रो नाममा रहेको उल्लेखित
जग्गा निःशुल्क रुपमा दान गर्ने वा नगर्ने अधिकार समेत म/हामी सगैँ रहेको जानकारी छ ।
उक्त सडक निर्माणको लागि मैले/हामीले उल्लेखित जग्गा पूर्णरुपमा मेरो/हाम्रो परिवार समेतका
सहमतीमा राजीखुशीका साथ कसैका करकाप, डरधम्की एंव बलजफती विना निम्न व्यक्तिहरुको
साक्षीमा जग्गा दान गर्न सहमत भएको व्यहोरा खुलाई यो कागजमा दायाँबायाँ सहिद्वाप समेत
गरिदिएको छु/छौँ ।

इति सम्बत् २०८०..... रोज.....शुभम् ।

जग्गा धनीको
दस्तखत:.....
जग्गा धनीको पूरा नाम, ठेगाना-
.....
मिति

साक्षीहरुको नाम
दस्तखत
१. श्री.....
२. श्री.....
३. श्री.....

ठेगाना

Annex 7: Summary of RPF Consultation

Central Project Coordination Unit (CPCU)/ Department of Local Infrastructure (DoLI) organized RPF consultation in six sub project level, three PPMU level and one federal level from 18 March 2024 to 2 May 2024. Total 10 events of RPF consultation have been conducted comprising 354 participants. The participants were form affected people, community people, representatives from local level, different civil society organizations, representative from federal and province governments, contractors, INGOs, and other concerned stakeholders. The personnel from the World Bank participated as an observer.

1. Federal Level

Date: May 2, 2024

Time: 11.00-13.00 hours

Venue: DoLI meeting hall, Shree Mahal, Pulchowk

Chaired by: Program Coordinator (CPCU)

Number of Participants: 11

The details of the feedback, suggestions and comments received from participants are as follows;

Stakeholder	Key Points Raised by Stakeholders
Department or Road (DoR)/ Geo-Environment and Social Unit (GESU)	<ul style="list-style-type: none"> ➤ Participation of women and other vulnerable groups should be ensured in consultation meetings over the project cycle. Majority of the PAF should be consulted/engaged in the project cycle. ➤ The category “POOR” or the "POVERTY" line should be defined in the Resettlement Policy Framework (RPF). It can be referred if any local government issued the poverty identification card. The national poverty line is the aggregate of the food and the non-food poverty lines. The revised official poverty line in 2022-23 is estimated at NRs. 72,908 per person per year as per the Nepal Living Standards Survey (NLSS) IV, 2022-23. ➤ In regards to third party verification for voluntary land donation, the ward chair/ or representative should not be engaged so as to avoid intimidation to the land owner. ➤ Functional GRM system should be in place for effective management of grievances. Intermittent appointment/input of Social Mobiliser will not be sufficient, if social mobiliser is assigned as the GRM focal person. ➤ 10 percent threshold for voluntary land donation is not clear whether it is from affected plot or entire land holding of particular household. Need to clarify. ➤ Ensured participation of affected persons while conducting Training Need Assessment (TNA) for enhancement of their livelihood.

Stakeholder	Key Points Raised by Stakeholders
	<ul style="list-style-type: none"> ➤ Deed transfer should be done for additional land along with existing land (occupied by the existing road) ➤ Land Acquisition Act 1977 is being amended through an ordinance in which compensation value should not exceed three times of the market value. ➤ Occupational Health and Safety (OHS) policy guideline has been approved by the Ministry of Physical Planning and Transport that also can be referred.
Ministry of Urban Development (MOUD)	<ul style="list-style-type: none"> ➤ Attendees request to review the National Urban Development Policy-2081 (<i>drafted by the Ministry of Urban Development which is under approval process</i>) prior to finalization of the RPF. ➤ Engage the stakeholder in the process rather informing them and make ensure for creative engagement in stakeholder consultations. ➤ Member secretary would be appropriate position instead of facilitator for subproject and IDO level GRC. ➤ Voluntary Land Donation (VLD) practice followed by other projects should also take into account.
Federation of Community Forestry Users Nepal (FECOFUN)	<ul style="list-style-type: none"> ➤ CFUG members should be identified as stakeholder similar to IPs and Local Communities (LCs) and ensure their meaningful participation in the process of stakeholder engagement. ➤ Project documents (ESMP, RAP etc.) should also be prepared considering the local context and in local languages with a view to ensure project documents are accessible and understandable for local people.
Swiss Agency for and Development Corporation (SDC)	<ul style="list-style-type: none"> ➤ Develop procedure to address the issues of absentee household. ➤ The land valuation procedure for fully displaced household. ➤ Make GRC chairperson more accountable in the GRM. ➤ Department of land survey should be made more accountable in cadastral survey of affected land and deed transfer.
Road Connectivity Improvement Project- Additional Funding (RCIP-AF)	<ul style="list-style-type: none"> ➤ Local government should be made responsible for third party verification and project need to ensure robust monitoring mechanism in place. ➤ Traditional approach should not be followed while imparting the livelihood improvement program rather suggested to select the trade such as driving, equipment operating, mason etc. ➤ Include technical person or officer from planning section of the Local level in GRC and involvement of LRUC member as part of GRM does not seem logical as it is obsolete organization. ➤ Mechanisms to stop transaction of donated land parcels after MOU

Stakeholder	Key Points Raised by Stakeholders
	for VLD need to be put in place as transaction of land often happen even after land is donated.
Foreign Commonwealth and Development Office (FCDO)	<ul style="list-style-type: none"> ➤ The RPF presentation would have been better if learning of other projects under DoLI was also included. ➤ Raised concerns on coordination among the provincial government, local government and project affected people. ➤ Ensure existing LRUCs in Grievance Redress Mechanism. ➤ Bridge the gap between policy of GoN and ESS 5 of World Bank. ➤ Project Management Information System should be established so that the progress of each component can be monitored/assessed systematically.
ILO	<ul style="list-style-type: none"> ➤ Define the timeline of compensation payment in the Resettlement Policy Framework.
National Inclusion Commission (NIC)	<ul style="list-style-type: none"> ➤ It would be good if feedback from previous consultation was also incorporated in the presentation.

2. Madhesh Province

2.1 PPMU Level (Madhesh Pradesh)

Date: March 21, 2024

Time: 15.00-17.00 hours

Venue: Ministry of Physical Infrastructure and Development, Janakpurdham

Chaired by: Chief of Province Program Management Unit (PPMU)

Number of Participants: 28

The details of the feedback, suggestions and comments received from participants are as follows;

Stakeholder	Key Points Raised by Stakeholders
Chief of District Land Revenue Office (DLRO)	<ul style="list-style-type: none"> ➤ Inform about a <i>KARYANITI</i> in place which has a provision of voluntary donation of private properties for public purposes if the assigned committee provisioned in the <i>KARYANITI</i> deemed necessary. (सरकारी जग्गा दर्ता, उपयोग तथा लिजमा उपलब्ध गराउने सम्बन्धी कार्यनीति, २०७९) ➤ Prior message should be given to landowner for acquisition of land. ➤ Policy is not clear about land registration certificate for public land (<i>Alani Jagga</i>).
Local Government (Ward chair-7, 3 & 5- Hanspur M)	<ul style="list-style-type: none"> ➤ Raised concern about the compensation of standing crops. ➤ Consultation was not done properly during survey. ➤ Concern about the relocation of Temples. ➤ Seek alternative design options in case of alignment passes through agricultural land.

Stakeholder	Key Points Raised by Stakeholders
	➤ Representative of local government informed that prior to contractor mobilization, temporary structures (movable kiosk) will be relocated.
Representative of Dalit Commission	➤ Concern raised on compensation modality (Government rate or current rate/market rate).

2.2 Subproject Level

2.2.1 Raghunathpur (Hulaki Sadak)-Sonama-Tarhari-Sundarpur Road: Mahottari District

Date: March 20, 2024

Time: 14.00-16.30 hours

Venue: Sonama Rural Municipality

Chaired by: Chair-Person, Sonama Rural Municipality

Number of Participants: 37

The details of the feedback, suggestions and comments received from participants are as follows;

Stakeholder	Key Points Raised by Stakeholders
Affected People (AP)	<ul style="list-style-type: none"> ➤ Concern about the compensation of non-registered land ➤ Proper road safety measures should be in place during construction.

2.2.2 Manaharpur (Sahid Marg) – Hanspur – Kharyani – Simrari Road: Dhanusha District

Date: March 21, 2024

Time: 9.00-12.00 hours

Venue: Hansapur Municipality

Chaired by: Chair-Person, Hansapur Municipality

Number of Participants: 45

The details of the feedback, suggestions and comments received from participants are as follows;

Stakeholder	Key Points Raised by Stakeholders
Affected People (AP)	➤ Concern about the compensation of non-registered land.
Local Government	➤ Movable structures (Kiosk) will be relocated prior to mobilization of contractor in market areas by the local government.

3. Sudurpaschim Province

3.1 PPMU Level (Sudurpaschim Pradesh)

Date: March 18, 2024

Time: 15.00-17.30 hours

Venue: Ministry of Physical Infrastructure and Development, Dhangadhi

Chaired by: Secretary of Ministry of Physical Infrastructure and Development, Sudurpaschim Province

Number of Participants: 29

The details of the feedback, suggestions and comments received from participants are as follows;

Stakeholder	Key Points Raised by Stakeholders
National Federation of Disabled Nepal (NFDN)	<ul style="list-style-type: none"> ➤ There might be possibility of misusing compensation money. ➤ If resettlement needs, location should be fixed prior to resettle the affected household. ➤ Concern on management of E&S impacts during construction such as health hazards, dust pollution, road accident etc. ➤ Stakeholder engagement should be inclusive and ensure PWD participation. ➤ Information dissemination should be in place throughout the project cycle.
Nepal Federation of Indigenous Nationalities (NEFIN)	<ul style="list-style-type: none"> ➤ Host community should take into account during resettlement of affected families. ➤ Raised about the mechanism for fully displaced resident who are residing in non-registered land. ➤ Concern on likely damage of standing crop during construction (deposition of spoil material) ➤ Concern on damage of temples and cultural heritage. ➤ Local employment in construction activities should be ensured.
Local Government (Ward chair-1, Chure RM)	<ul style="list-style-type: none"> ➤ Raised about the mechanism for fully displaced resident who are residing in non-registered land. ➤ Deed transfer should be done for total land (Additional + Existing Land)
Community People	<ul style="list-style-type: none"> ➤ Road should be constructed through LEP approach.
Freed Bonded Labourer (FBD)	<ul style="list-style-type: none"> ➤ Raised about the mechanism for fully displaced resident who are residing in non-registered land. ➤ Suggested to restrict land donation up to 10% for poor families and should not have limitation for wealthy families.

3.2 Subproject Level

3.2.1 Sahajpur-Nigali Road, Kailali District)

Date: March 17, 2024

Time: 16.00-18.00 hours

Venue: Chure Rural Municipality

Chaired by: Chair-Person, Chure Rural Municipality, Sudurpaschim Province

Number of Participants: 38

The details of the feedback, suggestions and comments received from participants are as follows;

Stakeholder	Key Points Raised by Stakeholders
Affected People (AP)	<ul style="list-style-type: none">➤ Concern about the compensation of non-registered land➤ Gender based violence should not be happened during construction. Adequate mitigation measure and awareness campaign should be conducted on GBV to school children, adolescent, PWDs, women etc.➤ Proper road safety measures should be in place during construction.
Local Government (Chairperson- Chure rural municipality)	<ul style="list-style-type: none">➤ No impacts on physical properties along the road.➤ Cut-off date should be applied to avoid further encroachment of CoI.

3.2.2 Chandev-Laljhadi-Punarbhas Road, Kanchnapur District

Date: March 18, 2024

Time: 9.00-12.00 hours

Venue: Laljhadi Rural Municipality

Chaired by: Chair-Person, Laljhadi Rural Municipality, Sudurpaschim Province

Number of Participants: 50

The details of the feedback, suggestions and comments received from participants are as follows;

Stakeholder	Key Points Raised by Stakeholders
Affected People (AP)/Community People	<ul style="list-style-type: none">➤ Gender based violence should not be happened during construction. Adequate mitigation measure and awareness campaign should be conducted on GBV to school children, adolescent, PWDs, women etc.➤ Proper road safety measures should be in place during construction.

4. Karnali Province

4.1 PPMU Level (Karnali Pradesh)

Date: April 3, 2024

Time: 10.00-12.30 hours

Venue: Ministry of Physical Planning and Development, Birendranagar, Surkhet

Chaired by: Secretary, Ministry of Physical Planning and Development, Birendranagar

Number of Participants: 28

The details of the feedback, suggestions and comments received from participants are as follows;

Stakeholder	Key Points Raised by Stakeholders
Chief of District Land Revenue Office (DLRO)	<ul style="list-style-type: none"> ➤ Prior message should be given to landowner for acquisition of land. ➤ Policy is not clear about land registration certificate for public land (<i>Alani Jagga</i>). ➤ Deed transfer can be done based on the voluntary land donation agreement paper and individual application of land owner.
Local Government	<ul style="list-style-type: none"> ➤ Raised concern about the compensation of standing crops. ➤ Consultation was not done properly during survey. ➤ Concern about the relocation of Temples and cultural heritage ➤ Seek alternative design options in case of alignment passes through agricultural land. ➤ Compensation should be settled prior to taking possession of affected structure.
Representative of Dalit Commission	<ul style="list-style-type: none"> ➤ Concern raised on compensation modality (Government rate or current rate/market rate). ➤ Ensure Dalit participation on stakeholder engagement.
Nepal Federation of Indigenous Nationalities (NFIN)	<ul style="list-style-type: none"> ➤ Meaningful participation of IPs should be ensured in each cycle of the project. ➤ Land donation should be transparent and inform all the land owners prior to making land donation agreement.
Federation of Contractors Association, Surkhet	<ul style="list-style-type: none"> ➤ Timely site clearance (private properties, temples, electric pole, trees etc.) along the road should be done so as to expedite the construction works. Proper mechanism should be in place making coordination between provincial and local Government.
District Forest Office, Surkhet	<ul style="list-style-type: none"> ➤ Tree cutting and other environment issues can be done in time if proper reports or other document produced. DFO would not make any delay for clearance of trees.

4.2 Subproject Level

4.2.1 Galphaghat-Sirnagar-Thadakate Road: Humla District)

Date: March 30, 2024

Time: 17.00-18.30 hours

Venue: Adanchuli Rural Municipality

Chaired by: Chair-Person, Adanchuli Rural Municipality

Number of Participants: 36

The details of the feedback, suggestions and comments received from participants are as follows;

Stakeholder	Key Points Raised by Stakeholders
Affected People (AP)	<ul style="list-style-type: none">➤ Concern about the local employment in construction works.➤ Proper road safety measures should be in place during construction.

4.2.2 Dungeshwor-Dandaparajul Road: Dailekh District

Date: April 1, 2024

Time: 15.00-17.00 hours

Venue: Dungeshwor Rural Municipality

Chaired by: Chair-Person, Dungeshwor Rural Municipality

Number of Participants: 52

The details of the feedback, suggestions and comments received from participants are as follows;

Stakeholder	Key Points Raised by Stakeholders
Affected People (AP)/Community People	<ul style="list-style-type: none">➤ Concern about the compensation of non-registered land.➤ Residential house should be protected providing engineering measures (walls).➤ Concern about the deed transfer of existing and additional land at once.➤ Priority should be given to local people for construction works.➤ Concern raised about the compensation of standing fruit trees.
District Land Survey Office (DLSO)	<ul style="list-style-type: none">➤ Deed transfer of existing and additional land can be done at once.

Annex 8: Photographs (RPF Consultation)

