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UEIP, Project Coordination Office

URBAN AND ENVIRONMENTAL IMPROVEMENT PROJECT

Loan No. 1966 NEP (SF)

FINAL REPORT

OF

SOCIAL ASSESMENT AND SHORT RESTTLEMENT PLAN

UNDER

SANITATION AND WASTE WATER MANAGEMENT SUB-PROJECT

FOR

CONSTRUCTION OF REED BED TREATMENT PLANT

OF

BANEPA MUNICIPALITY

February 2009

IMPLEMENTING AGENCY

Banepa Municipality

Urban & Environmental Improvement Project (UEIP)

Project Implementation Unit(PIU)

Banepa, Kavrepalanchowk, Nepal

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Acronyms

ACRP	Acquisition, Compensation and Resettlement Plan
ADB	Asian Development Bank
AP	Affected People
BS	Bikram Sambat (Nepali Calendar)
CAC	Compensation Assessment Committee
CDO	Chief District Officer
DEDCS	Detailed Engineering Design and Construction Supervision
DUDBC	Department of Urban Development and Building Construction
HH	Household
IR	Involuntary Resettlement
LAA	Land Acquisition Act
LCG	Local Consultative Groups
LPC	Land Purchase Committee
MPPW	Ministry of Physical Planning and Works
PAF	Project Affected People
PCO	Project Coordination Office
PIS	Project Implementation Support
PIU	Project Implementation Unit
RBTP	Reed Bed Treatment Plant
RP	Resettlement Plan
S.L.C	School Leaving Certificate
SPAF	Severely Project Affected People
UEIP	Urban & Environmental Improvement Project

Chapter I: INTRODUCTION

1.0 BACKGROUND

Government of Nepal with assistance from ADB is implementing Urban and Environmental Improvement Project (UEIP) in nine towns surrounding Kathmandu Valley namely- Banepa, Dhulikhel, Panauti, Bharatpur, Ratnanagar, Hetauda, Bidur, Kamalamai and Dhadingbesi. The Dhadingbesi town has been cancelled from UEIP project, as the town is not being municipality. Instead of Dhadingbesi, UEIP has selected Bishnumati Link road subproject under Kathmandu Metropolitan City (KMC). Banepa is the one of the nine towns where detailed engineering design and construction supervision of different sub projects under the Urban and Environmental Improvement Project (UEIP) is being carried out. The executing agency for the project is the Ministry of Physical Planning and Works (MPPW) through Department of Urban Development and Building Construction (DUDBC).

The Urban and Environmental Improvement Project (UEIP) intends to promote sustainable urban development in the selected urban areas surrounding the Capital City, the Kathmandu valley by addressing critical urban and environmental infrastructure/ service improvement needs. In order to achieve this, training activities for institutional capacity building and revenue improvement will be provided first for the relevant municipal staffs. Then, a number of capital investments in essential urban and environmental infrastructure and facilities will be implemented. At the same time, public health awareness campaigns and sanitation education programs are also proposed to carry out at the community level for the participating towns. Overall project implementation assistance will also be provided under the project.

The project will assist in the creation of improved urban environment and economic conditions in the UEIP towns, improve urban management, public health and sanitation, the environment, access to urban services especially by the poor and disadvantaged, and provide improved opportunities for employment and income generation, through the following intervention:

Component A. Municipal institutional strengthening and revenue mobilization: Institutional strengthening and capacity building through comprehensive training interventions at Project Towns and community levels, to promote improved urban management and revenue generation, improved communication and cooperation between the Project Towns and informal community sectors and improved participatory process. Preparation of urban map for all UEIP Towns is one of the sub-components under this component.

Component B. Construction of major urban environmental infrastructures: This component comprises a) Sanitation & wastewater management; b) Water supply; c) Neighbourhood road, Drainage and water supply development usually known as Land pooling project; and d) Road upgrading

Component C. Provision of supplementary (minor) urban improvements: It consists of Construction of urban community facilities such as public recreation parks, public toilets and urban area improvements; and Supporting revenue generating business enterprises through institutional and financial support for public-private partnerships.

Component D. Community development programs: This component comprises activities such as a) Public health awareness/ education programs; b) Women's development programs; and c) Improved household and school sanitation through participatory assistance programs;

Component E. Project implementation assistance: the component includes provision of logistical, technical and financial supports, to the central Project Coordination Office and the Project Implementation Offices at town levels.

Among aforementioned five different components, The Reed Bed Treatment System falls under component B. In general the purpose of the Reed Bed Sewage Treatment Sub-project is to bring about sustainable urban development in the municipalities by improving quality of disposed waste water, which support to improve personal hygiene, environmental sanitation and infrastructure improvement of the municipalities which support the government priorities of i) Environmental infrastructure improvement of secondary urban centres; ii) Environmental improvements; and iii) Improvement of public health.

1.1 SCOPE AND OBJECTIVE

The main objective of this report is i) To conduct social analysis of affected people ii) To assess the social and economic problems and iii) To prepare a short resettlement plan if required.

1.2 PROJECT NEED AND URGENCY

By interacting several times with the people of the Banepa Municipality, it is understood that the municipality is using a combined sewerage system for the collection of the storm water and wastewater. The wastewater is ultimately disposed into the natural water bodies. After the implementation of sanitation and sewerage subproject, the new sewerage system will be constructed and existing sewerage system will be rehabilitated.

From the detailed engineering design documents of sewerage system, there are three sub-systems for the sanitation and sewerage subproject namely a) Nayabasti subsystem; b) Chandeshwori subsystem; and c) Core area and bazaar subsystem.

Four treatment plants are required at four different locations to treat the wastewater and to dispose it to the natural water bodies. Based upon the decision made by the Banepa Municipality, the sub systems have been spilted in two phases. Chandeshwori and Core area and bazaar subsystems kept in phase I and Nayabasti subsystem kept in phase II. Phase I will be implemented immediately and phase II will be implemented later by the municipality. Hence, social assessment report is prepared only for Phase I.

Urban and Environmental Improvement Project made it mandatory to construct the Reed Bed Treatment Plant before construction of sewerage system. Municipality and PIU have finalized location for the construction of RBTPs. Accordingly, all detail designs are carried out and submitted to PIU for the approval.

Several presentation and discussions were held on RBTP and sewerage system at Banepa Municipality to local community in the presence of PCO, PIS, PIU and Municipality officials at various dates.

The system proposed in the Reed Bed Treatment System that utilizes a horizontal bed consisting of sand, gravel and reeds with sludge drying bed, septic tank, bar screen, grit and grease chamber. Other components include the laying of sewers and the cleaning of existing sewers.

a) Chandeshwori Subsystem

The proposed Chandeshwori subsystem lies at ward no. 1, in the eastern part of Sheer Memorial hospital and north eastern part of the Banepa Bazar. The design requires about 3.25 ropanis of land to construct a complete system of sewerage treatment plant. The municipality has purchased land from one land owners.

b) Core Area and Bazar Subsystem

This subsystem has two treatment sites namely Budol downstream and municipality's land fill site. The treatment plant of Budole downstream lies at ward no. 10, in the south eastern part of Banepa Bazar. The municipality has purchased land for the Budol downstream sub project (treatment site) from five land owners.

The another treatment plant is proposed at municipality's land fill site lying at ward no. 10, in the south eastern part of Banepa Bazar. The land belongs to Banepa municipality and about 2/3 area of the land fill site will be used for the construction of complete system of sewerage treatment plant. The land was provided by the municipality so there is no need to purchase the land.

1.3 STUDY METHODOLOGY

Study is basically focused on interview method. The structured questionnaire is used to collect data. Along with this questionnaire, the study was carried out as a due diligence report collecting previous information from the municipality and negotiation minutes, reports etc. Desk study, focused group discussion, field observations were carried out for the collection of the primary information. The questionnaire is attached in **Annex 1**.

1.4 STUDY LIMITATION

Land for landfill site of core area and bazar subsystem was provided by the municipality. The study to be focused for all two subsystems- a) Chandeshwori sub system and b) Core area and bazar sub system, Budol downstream. The total land was purchased from six land owners to construct Treatment Plants for all three sub systems except land fill site where the land was provided by the municipality. Thus, the study is focused in these two subsystems and six land owners who have sold their land to the Municipality.

1.5 REPORT CONTENTS

The report contents in following five chapters:

- Chapter 1: Introduction.
- Chapter 2: Socio-economic studies.
- Chapter 3: Socioeconomic impacts on affected people.
- Chapter 4: Legislation, policy framework and for entitlements.
- Chapter 5: Short resettlement plan and conclusion.

Chapter II: Socio-Economic Study

2.0 INTRODUCTION

This chapter contains socio-economic study of the affected people to assess their socioeconomic status. As illustrated in methodology, all the six affected people (land owners) were interviewed with structured questionnaire.

2.1 THE PURCHASED LAND

Following are the Characteristics, Property Description and Quality of Land. This mainly includes their location. The acquired or purchased land is located at Banepa Municipality Ward No. 1 for Chandeshwori subsystem and at Ward No 11 for Core area and bazar subsystem. The characteristic, property description and quality of land are shortly described in the following sections.

2.2 IDENTIFICATION OF AFFECTED PERSONS

UEIP Resettlement Policies illustrates following persons are to be considered as Affected:

- Title holder: The persons having registered title holder on the land title certificate- called Lalpurja;
- Tenants (Mohi): Registered Tenants;
- Non-title holders: these non-title holders should have lived or cultivated in the plot for at least 3 years prior to the cut off date.

It is found from the analysis that all the six peoples are Titleholder owners; registered tenants (Mohi) and non-title holders were not found. All the 6 affected people have their residence located near by the project area.

2.3 FINDINGS AND ANALYSIS OF SOCIO-ECONOMIC SURVEY

Based upon the structured questionnaire, the following socio-economic analyses are presented. Tables and charts were also presented for six people as Project Affected Peoples.

2.3.1 Caste/ Ethnic Background

Culturally all six are from Newar Community. Surname of five households are Manandhar and for the remaining one household surname is Bhochimaya. The Table 2.1 shows the caste/ethnic background of the land owners.

Table 2.1: Caste/ethnic background

SN	Caste/ethnic group	No of Household	Percentage
1	Newar	6	100%
	Total	6	100%

2.3.2 Education Level of Affected People

The education levels of the families of affected people are presented in Table below. The Table 2.2 shows that almost 34 % of family members are literate. Six person are illiterate and about 30% of the people have passed the S.L.C.

Table 2.2: Education Level

SN	Education Level	Numbers (Male & Female)	Total	% of the Total
1	Illiterate	6	6	22.0
2	Literate	9	9	33.50
3	S.L.C	8	8	29.50
4	10+2	4	4	15.0
5	Graduate	-	-	-
Total		27	27	100%

2.3.3 Landownership and Other Sources of Income

All the 6 households have the landowner certificate (Lal Purja). The land holding size of the all six affected households is given in the following Table 2.3. The Table 2.3 shows all families have contributed more than 25 % of their total land to the project. However, loss of income from the procured land is less than 18% hence they are not in SPAF,s.

Table 2.3: Households Affected by Land Tenure Status

SN	Land owners' Name	Area of land sold to the project		Remaining Land (Ropani)	Total Land (Ropani)	% land sold
		Land area sq.m.	Land Ropani			
1	Biswonath Bhoohimaya	1,550.62	3.05	0.75	3.80	80.25
2	Kanchha Manandhar	1,600.32	3.14	2.50	5.64	55.71
3	Janak Lal Manandhar	532.78	1.05	1.25	2.30	45.58
4	Mangal Lal Manandhar	443.32	0.87	1.63	2.50	34.90
5	Laxmi Manandhar	572.54	1.13	1.75	2.88	39.13
6	Nirmala Manandhar	616.27	1.21	1.50	2.71	44.67

Note: 1 Ropani = 508.90 Sq.m.

2.3.4 Type of Land and Yields

The type of land with respect to their location is described below. Chandeshwori and Core area bazar (Budol downstream) lands are purchased for the construction of reed bed treatment plant. The yield from the land is considerably low as no irrigation facility is available. Rice is the main crop in these area followed by wheat. The yield from the land is presented in Table 2.4.

Table 2.4: Yields from the Land with Respect to Location

SN	Location	Crop	Yield per Ropani (Kgs)	Remarks
1	Chandeshwori	Rice	190	No Irrigation facility available.
2	Core area and Bazar (Budol)	Rice	200	No Irrigation facility available.
		Wheat	80	

Respondents were asked the income/ yield from the land with respect to their total income. Table 2.4 illustrates the income/ yield from the land with respect to the total income of the individual household. Three household's income from the land is less than 5% of their total income. Similarly

one household has 10% and remaining two household has income from the land is less than 20% of their total income. The yield versus income is presented in Table 2.5.

Table 2.5: Yield from the Land with Respect to House Holds Total Income

SN	Name of Affected persons	Area of Land Procured by Project		Yield from the Land			Annual Total Income of HH (Nrs.)	Reason for selling land
		Ropani	Sq.m.	< 5% of the Total Income	5-10% of the Total Income	11-20% of the Total Income		
1	Bishwonath Bochhimaya	3.05	1,550.62			√	220,000	C, I
2	Kancha Manandhar	3.14	1,600.32			√	250,000	C
3	Janak Lal Manandhar	1.05	532.78	√			175,000	C, I
4	Mangal Lal Manandhar	0.87	443.32		√		150,000	C, I
5	Laxmi Manandhar	1.13	572.54	√			190,000	C, I
6	Nirmala Manandhar	1.21	616.27	√			145,000	C
	Total			3	1	2		

Note: C= Cooperating towards project work and I = better and regular income

2.3.5 Other Sources of Income

Service and business is the main source of income of affected peoples. The following Table 2.6 depicts the main occupation of the affected households. It illustrates three persons has business as a primary occupation. Remaining three each family is dependent upon service and agriculture. The primary and secondary occupation of the affected people is presented in Table 2.6.

Table 2.6: Primary and Secondary Occupation of the Affected People

S N	Name of the affected persons	Primary occupation of the family				Secondary occupation		
		Agriculture	Service	Business	Others	Agriculture	Business	Others
1	Bishwonath Bochhimaya		√			√		
2	Kancha Manandhar			√		√		
3	Janak Lal Manandhar		√			√		
4	Mangal Lal Manandhar	√					√	
5	Laxmi Manandhar			√		√		
6	Nirmala Manandhar			√				√
	Total	1	2	3	-	4	1	1

2.3.6 Reason for Selling Land

During the interview all land owners expressed that they have sold their land in order to have better and regular income. Low income from the cultivation, increasing labour rate and possibility for investment in other sectors are the main reason for selling of the land. All agreed that they want to invest in their business, shop and deposit in bank in order to raise their income for better and regular income. One of them expressed that he is getting better and regular income from the house rent as he has added a storey of his house from the money he received after selling of the land to the municipality.

Chapter III: Socio-economic Impacts on Affected People

3.0 INTRODUCTION

This chapter contains socio-economic impacts of the affected people for the implementation of sanitation and sewerage subproject especially for the construction of Reed Bed Treatment Plant at Banepa Municipality. The chapter starts with area of purchased land and ends on the effect on livelihood of the affected people.

3.1 LAND PURCHASED AREA

Land purchase particularly for sanitation & sewerage sub-project (for the construction of reed bed treatment plant) is needed. Initially, DEDCS Consultant suggested several possible location of Reed Bed Treatment Plant for all sub-systems. Later on the location was revised based upon land available to purchase. A description of all the land purchased is provided in the Table 3.1 below.

Table 3.1 Description of Purchased Land

SN	Location of land	Size (Ropani)	Size (Sqm.)	Present land use	Remarks
1	Chandeshwori	3.05	1,550.62	Agriculture	Private land
2	Core area bazar (Budole)	7.40	3,767.21	Agriculture	Private land

3.2 NUMBER OF AFFECTED HOUSEHOLDS, AREA AND TYPE OF PROPERTY LOSS

The number of Affected Families and the type of the property loss is given in the following Table 3.2.

Table 3.2: Number of HHs Affected by type of Property Loss

Particulars	Land only	House Only (no ownership of land)	Land and House	Total
No of HHs	6	-	-	6
% of Total	6	-	-	100

No man made structures are present within the purchased land area. All the six affected households have registered land titles without tenants.

3.3 NUMBER OF AFFECTED TREES, PLANTS AND PLANTATION

The land was virgin farm land. No trees, plants and plantation exist in the purchase land.

3.4 NUMBER OF AFFECTED HOUSEHOLDS BY PROPERTY LOSS

By the time of purchasing land, some of the land was cultivated by the land owners and thus one season of crops were allowed to harvest to the concerned land owners. Table 2.5 (Yield from the land with respect to household total income) of chapter 2 gives the details of the affected people and their loss of property.

3.5 SEVERELY PROJECT AFFECTED FAMILY

The loss of income by selling land is varies from 5 to 18%. None of the families are considered severely project affected family as the loss of income from the procured land is less than 18% of their total income.

3.6 IMPACTS OF LAND ACQUISITION TO THE AFFECTED PEOPLE

The investment of money received from the Municipality is illustrated in Table 3.3. Mr. Bishwonath Bochhimaya, Nirmala Manandhar and Kancha Manandhar have invested the money received from the sale of the land for the extension of their buildings. Similarly Mr. Mangal Lal Manandhar has invested his money in business. Likewise Laxmi Manandhar and Janak Lal Manandhar deposited their money in local bank. All expressed their full satisfaction on it.

Table 3.3: Investment of money Received

SN	Investment of Compensating Money received in	Numbers
1	Business/ Shop	1
2	Construction of House /Additional one storey	3
3	Bank deposit	2
Total		6

After selling the land, all the affected households are found to invest the money for better income purpose than the product getting from sold land. Table 3.4 depicts the status of present income of the affected families after sale of their land. All the affected families have expressed their full satisfaction toward the better income as they are receiving from the investment.

Table 3.4: Status of Income after Sale of Land

SN	Heads of affected persons	Better income from (Present business or previous land)
1	Bishwonath Bochhimaya	Construction of an additional storey and collecting extra rent (for regular and better income).
2	Kancha Manandhar	Construction of an additional storey and collecting extra rent (for regular and better income).
3	Janak Lal Manandhar	Getting interest from the bank
4	Mangal Lal Manandhar	Investment for business
5	Laxmi Manandhar	Getting interest from the bank
6	Nirmala Manandhar	Construction of an additional storey and collecting extra rent (for regular and better income).

3.7 EFFECTS ON LIVELIHOOD

The above study shows that all affected persons have invested the money received after selling the land in the productive sector as illustrated above. They have expressed their full satisfaction on having better investment from the money they received from sale of their land.

Chapter IV: Legislation, Policy Framework & Entitlements

4.0 INTRODUCTION

This chapter contains scope and objective of land purchase and resettlement with reference to Urban and Environmental Improvement Project (UEIP). In addition to this review of RRP and ADB resettlement policy is also included.

4.1 SCOPE, OBJECTIVES OF LAND ACQUISITION & RESETTLEMENT WITH REFERENCE TO UEIP

Use of land for various development purposes has the long history in Nepal. But the effective legal document on which Acquisition, Compensation and Resettlement Plan (ACRP) of Nepal Operates over the years is the Land Acquisition Act –LAA of B.S. 2034 (1997). There have been only few changes in this Act after the formation of democratic government in Nepal in 1990. In the procedures of this Act, the role of Zonal Commissioner has been transferred to the Chief District Officer (CDO) becomes responsible for any kind of dispute involved while acquiring the land. Section 42 of this Act provides mechanisms of GoN projects to guide the government agency in the compensation and rehabilitation of the Project Affected Families (PAF).

The Land Act empowers GoN the authority to acquire any land compulsorily for public purposes. The Act has the provision that the land acquired from the public must be compensated. The Act also states that it is not mandatory to compensate the land value according to the market price, which is acquired for GoN's institutions/projects. The Act has a provision for Compensation Assessment Committee (CAC) comprising of following individuals

- The Chief District Officer (CDO)
- Chief of Land Treasury Officer (Mal),
- A representative of the District Development Committee, and
- Project Chief if the land is being acquired for the project. The C.D.O. is an ex- officio chairman of such a committee.

Notwithstanding any provision of LAA 2034, GoN may acquire any land for any purpose through direct negotiations with the concerned land owners. Some of the ingredients of this Act, which may not be in compliance with the ADB's guidelines (see below), are as follows:

This Act operated only when a person can prove himself as the legal owner of the land, house and other properties.

The price of land lost by the family may not be compensated as claimed by the Project Affected Families PAF or the prevailing market value of the area.

The government can acquire any land compulsorily for public purposes. The public (here a person or family) has no choice except to give his land for "public purpose".

"Public Purpose" is defined to include, inter-alia, any purpose for the welfare, benefit or use of people in general; anything to be performed by GoN; projects approved by Government; and projects to implemented by different levels of local authorities.

But the definition of the PAF, according to the ADB Manual (1996) is as follows.

"A family whose main residence, place of business or main source of income earning activity is a house/house plot, either as owner, tenant or physical possessor and such house/ house plot as the consequence of the project activity, is completely damaged or demolished".

The problem of landownership is complex in Nepal. This is mainly as follows.

- Different members of the family own land legally but all of these member could eat and live together in one household;
- Registered tenant farmers in each plot of land;
- Non registered tenant farmers or informal tenants or share croppers;
- Sukumbasi (legally a landless farmer but owns some land without ownership)
- Squatters (illegal settlers)

In addition, there are categories of people or families who do not own land legally or illegally but depend on that particular plot of house or land for livelihood. Such people are:

- Agricultural labours (who do not own land but depend on that particular land as agricultural labourer);
- Shopkeeper(does not own land but runs a shop in that particular land or house for livelihood);
- Artisan groups or untouchables who do not own land but depend on landowners of that area for livelihood by selling their skills.

In 1997, the government passed an Act that "dual ownership" of land is not acceptable and thus any registered tenant could make himself as the registered landowner. According to the Act, the informal tenants were forfeited to become landowner of registered tenants for ever. According to this Act, there will be no registered tenants in the future.

The other common problem among many landowners in Nepal is ownership of "non - registered land" which a farmer has right over the years. The normal pattern is that a farmer who owns a piece of registered land in an area gradually encroaches the near-by areas if the land is barren or vacant or unregistered such as the river basin area or the forest area or barren land.

4.2 REVIEW OF RRP AND ADB RESETTLEMENT POLICY

4.2.1 Review of RRP

RRP (NEP 32239) for the Urban and Environmental Improvement Project – Oct. 2002 (Appendix-12) describes that land acquisition for the Project will not be large and no directly caused resettlement is anticipated.

4.2.2 ADB Resettlement Policy

All ADB assisted Projects should follow specific ADB safeguard guidelines on environmental and social issues. ADB's Policy on Involuntary Resettlement (1995) and the Handbook on Resettlement: A Guide to Good Practice (1998) is followed to address the resettlement impacts of the Project. The ADB Policy recognizes & addresses the R&R impacts of all the affected persons irrespective of their titles. These ADB policies are the guiding policies to identify impacts and to plan measures to mitigate various losses of the subprojects. ADB's main policy guidelines are:

- Involuntary Resettlement (IR) should be avoided or reduced as much as possible by reviewing alternative alignments for the project;
- Where IR is Unavoidable, Affected People (AP) should be assisted to re- establish themselves and improve their quality of life.
- Gender equality and equity should be ensured and adhered to throughout the project cycle:
- Affected people should be fully involved in the selection of relocation sites, livelihood compensation and development option sat the earliest opportunity. Resettlement polices (RPs) should also be prepared in full consultation with APs, including disclosure of RP and project related information.
- Replacement of land must be explored as an option for compensation in the case of loss of land. However, in the absence of land for replacement, adequate cash compensation should be provided to all APs.
- Compensation for loss of land, structures, other assets and income should be based on full replacement cost and be paid promptly. This should include transaction costs such as administrative charges and taxes;
- All RP to be planned and implemented with full participation of local authorities;
- The RP to be planned and implemented with full participation of local authorities;
- Assistance to APs to become economically and socially integrated into the host communities by means of design and implementation of participatory measures;
- Provision for replacement of Common Property Resources and community/ public services to the APs;
- Resettlement to be planned as a development opportunity for the APs;
- Lack of legal titles will not be a bar for resettlement assistance;
- Special attention to vulnerable people/groups namely households below the recognized poverty line, indigenous People, disabled elderly persons and female headed households.

4.2.3 Resettlement Policies for UEIP

- All losses including land, buildings, structures, and trees that result from project implementation will be compensated at full replacement costs at market value.
- Compensation Determination Committees will also include two representatives of project-affected families, including one representative of women or of vulnerable group, as invited members.
- The time of gap will be minimized between the notice of acquisition and the compensation.
- The date of census/survey of affected households and assets will be the cut of date for eligibility for compensation and assistance. However, non- title- holder affecters should have lived or cultivated in the plot for at least 3 years prior to the cut- off date to be eligible for resettlement and rehabilitation support.
- Special attention will be given to the vulnerable groups, such as women headed households, poor, landless elderly, and minority ethnic groups.
- Option of the land -for -land compensation will also be availed of for the poor and vulnerable affecters, if they desired so.
- The project will use land and /or other assets only after the compensation is paid to the affecters and those entitled to relocated to their new sites. In cases where authentic documents for affected land parcels are lacking or titleholders could not be present within

the given time civil works may continue. The compensation in such cases will be paid as soon as authentic documents are presented or the titleholders are present.

- Affected households will be classified into two groups- SPAFs and PAFs- according to the proportion of the loss of land income or house. Those who lose 25% or more of their land/ income will be classified as Severely Project Affected Families (SPAFs), and those who lose less than 25% land or income will be classified as Project Affected Families(PAFs). Households who lose residential/ business house will be classified as SPAF. If affected land /house is under tenancy, both the landowner and tenants will be included in the list of SPAF or PAF for entitlements and compensation /rehabilitation purposes.
- Due attention will be given to restoration of livelihoods of affectees. SPAFs will be assisted with rehabilitation measures.
- If large -scale resettlement involves, efforts will be made to relocate communities in groups/communities. Existing Social and cultural institutions will also be supported.
- Resettlement families will be given priority for restoration of their public facilities, such as electricity, water supply sewerage and public transport, utilized prior to the project.
- One person from each SPAF and vulnerable household will be given priority in project jobs or construction works. They will be provided suitable skill training prior to the construction works. Bidding/ tender documents and contract specification will also include requirements of hiring SPAFs and vulnerable groups in the order of priority,
- Each municipality will prepare a resettlement Plan (RP) for particular sub- project, if any involuntary resettlement involved before pre qualification of the civil works contracts. Consolation with the affected and concerned.
- If any affected household purchases farmland in another place with one year from the date of compensation, the land registration fees for equal amount of land will be provided by the project.
- Construction works will, as far as possible, be planned to allow for the harvesting of standing crops before land is acquired. Where crops cannot be harvested or the destruction of crops is unavoidable, cash compensation will paid, based on market values.
- Local Consultative Groups (LCGs) will be established in each affected Ward to support the affecters and resolve the conflicts that arise during compensation process.
- After the Acquisition of land if the remaining portion is considered small to be viable for cultivation or other use, the owner will have the option to relinquish the remainder of that parcel or landholding if they desire so. Such a threshold will be 2.5 *ana* in urban area and 8 *ana* in rural areas.
- Affectees will have access to effective procedure for lodging complaints and for their appropriate resolution.
- Landowners who are severely affected through loss of agricultural land should also be offered assistance with identification and purchase of suitable privately-owned cultivation land in the community.

4.2.4 Entitlements

As described in the previous section the following UEIP Resettlements polices are considered to be the affected persons.

- Title holder: The persons having registered title holder on the holding certificate.
- Tenants (Mohi): Registered Tenants.

- Non-title holders: These non-title holders should have lived or cultivated in the plot for at least 3 years prior to the cut off date.

Only the title holders were found, no latter two cases were found. Similarly no man made structures were found in the land. The following Table 4.1 gives the entitlement matrix for the affected people.

Table 4.1: Entitlement Matrix

Nature of Loss	Application	Definition of AP	Entitlements	Result of action	Responsibility
A. Land Acquisition					
Loss of agricultural land by Land Owners	Land acquired for construction work	Person(s) with land records verifying ownership	Cash compensation based on current market rate at full replacement value	Compensation for lost assets	Banepa Municipality
B. Loss of Residential/ Community Property					
No man-made structures are present within the purchase land.					
C. Loss of trees and plants					
No trees, plants and plantation exist in the purchased land.					

CHAPTER V: SHORT RESETTLEMENT PLAN

5.0 INTRODUCTION

This chapter deals for short resettlement plan. It will illustrate land purchase process and financial disbursement plan.

5.1 COMPENSATION / RESETTLEMENT PRINCIPLES & ASSISTANCE

The UEIP/ PIU Banepa municipality have been providing compensation to all affected persons identified Based on the above Policy features, the broad principles of R&R for the Project have been the following;

- The negative impact on persons affected by the project should be avoided or minimized as much as possible;
- The land should be purchased through direct negotiation with the landowners who were voluntarily willing to sell their lands;
- Cash compensation to households affected by the loss of land or as per Entitlement matrix. Full Compensation should be made as per prevailing market rate;
- One season of cultivation and harvesting could be allowed even after the acquiring of land;
- No man made objects were found and thus no compensation for structure is needed;
- Before taking possession of the acquired lands and properties, compensation should be paid in accordance with this policy;
- Appropriate grievances redress mechanism should be made available to ensure speedy resolution of disputes.

5.2 PROCESS OF LAND PURCHASE

5.2.1 Formation of Land Purchase Committee (LPC)

To buy the land as described above, Land Purchase Committee was formed at the municipality.

To purchase land at Nayabasti, Chandeshwori and Core area and bazar (Budol downstream) sub systems, a land purchase committee was formed and a negotiation meeting was held at municipality/PIU office with various consultations beforehand with land owners. The meeting was chaired by Mr. Rabin Shakya and the other participants in the meeting were executive officer of Banepa Municipality, Project manager PIU, LPC committee member and land owners during the negotiation meeting which recommended for purchase the land. The minute of the meeting is attached herewith in **Annex 3**.

The LPC committees carried out following steps;

- Public consultation for the determination of probable land sellers
- Verification and identification of the landowners who are willing to voluntarily sell the land. No involuntarily acquisition of land is made.
- Negotiation with the land owners.

5.2.2 Fixation of Land Price

The above mentioned LPC committee, in the presence of affected persons and their representative negotiated the rate of the land depending upon the productivity, accessibility and vulnerability (eg. river bank). Following Table 5.1 summarizes the presence of official/local people.

Table 5.1 Presence of Local People during Negotiation

SN	Sewerage sub system	Ward No.	Date of negotiation	No of official/local people present
1	Chandeshwori	1	2064/12/4	7
2	Core area bazaar (Budol)	11	2064/9/2, 2064/9/22	7

The mutually agreed rate for purchase and sale of the land is given in the Table 5.2 below

Table 5.2: Negotiated Rate for Purchase of Land

SN	Sewerage Subsystem	Land owners	Land Area (Ropani)	Land Area (Sqm.)	Ward No.	Location	Mutually negotiated rate per Ropani (Nrs)	Remarks
1	Chandeshwori	Bishwonath Bochhimaya	3.05	1,550.62	1	Chandeshwori	1,300,000.00	For Reed Bed Treatment Plant.
2	Core Area and bazar	Kancha Manandhar	3.14	1,600.32	11	Shreekhandapur	318,012.40	
		Janak Lal Manandhar	1.05	532.78	11	Shreekhandapur	330,000.00	
		Mangal Lal Manandhar	0.87	443.32	11	Shreekhandapur	330,000.00	
		Laxmi Manandhar	1.13	572.54	11	Shreekhandapur	330,000.00	
		Nirmala Manandhar	1.21	616.27	11	Shreekhandapur	330,000.000	

Note: 1 ropani = 508.9 sq.m.

5.2.3 Distribution of Amount

Based on the negotiation, Municipality distributed the land price to the affected persons as described in the following Table 5.3. District Administration Office also agreed following amounts to be paid to the affected persons on account of purchase of their land from the municipality.

Table 5.3: Details of Amounts Paid to the Affected Persons

SN	Sewerage Subsystem	Affected Persons	Land Procured (Ropani)	Land Procured (m2)	Ward No.	Location	Paid Amount (Nrs)	Date of Payment	Office Making Payment
1	Chandeshwori	Bishwonath Bochhimaya	3.05	1,550.62	1	Chandeshwori	3,960,937.50	2065 /3/9	Banepa Municipality
2	Core Area and bazar	Kancha Manandhar	3.14	1,600.32	11	Shree-khandapur	1,000,000.00	2064/12/12	
		Janak Lal Manandhar	1.05	532.78	11	Shree-khandapur	345,468.00	2064/12/19	
		Mangal Lal Manandhar	0.87	443.32	11	Shree-khandapur	286,945.00	2065 /3/12	
		Laxmi Manandhar	1.13	572.54	11	Shree-khandapur	373,054.00	2065 /3/12	
		Nirmala Manandhar	1.21	616.27	11	Shree-khandapur	399,609.00	2064/12/19	
		Total						6,366,013.50	

5.2.4 Arrangement for Housing Relocation

All purchased land does not possess any housing (temporary or permanent) structures and affected people are living in their own houses and hence no relocation or re-settlement plan is required.

5.2.5 Financial Disbursement Plan

As described in Table no. 5.4, a total amount of Nrs. 6,366,013.50 has been paid to all land owners in fiscal years 2064/65 BS (2008 AD). A financial disbursement plan is shown in the Table 5.4 below.

Table 5.4: Financial Disbursements Plan

SN	Particulars	Amount(Nrs.)	Fiscal Years	Remarks
1	Compensation for land procured (Nayabasti) for the construction of Reed bed Treatment Plant	6,363,281.00	FY 2064/65	Already paid
2	Compensation for land procured (Chandeshwori) for the construction of Reed bed Treatment Plant	3,960,937.50	FY 2064/65	Already paid
3	Compensation for land procured (Core arae bazar, Budol) for the construction of Reed bed Treatment Plant	2,405,076.00	FY 2064/65	Already paid
4	Registration Fees for purchasing land	254,622.76	FY 2064/65	Already paid
5	Provision of registration fee for PAFs people	450,000.00	FY 2064/65	Not used yet

5.2.6 Grievance Redress Mechanism

There is a provision under the Land Acquisition Act of Nepal 2034(1977) to allow interested persons (i.e. APs) during land acquisition process to file or represent their cases to the CDO and raise objection against. A Grievance Redress Committees (GRC) is established at municipality for hearing the complaints of APs and for their appropriate resolution. Other than disputes relating to legal rights, it will review all grievances relating to land acquisition. In order to address such project related grievances, as per clause 11 of Land Acquisition Act 2034. A grievance Redress Committee established at Banepa Municipality to hear complains of APs, consist of following personals:

- Chief and Executive Officer, Banepa Municipality
- Project Manger, PIU, Banepa Municipality
- Administrative officer, Banepa Municipality

The project office has always welcomed the grievance or suggestions from the affected people as well as other stakeholders. After having all land purchased with full voluntary agreement of all the affected people, PIU Banepa has forwarded a copy of the same to Project Coordination Office in Kathmandu.

The District Administration Office is the legal authority where the affected people are to register a legal complaint, the affected people can directly contact the PIU Banepa, PCO Kathmandu and DUDBC in case they have any grievance. But no registration of complaint till date in this regards.

5.2.7 Communication and disclosure

Different consultation meetings (Annex 3) were held right from the project initiation phase. In these meetings, project modalities and compensation procedure were discussed with each affected household. The land was purchased through the mutual negotiation.

Once the report will approved it will be kept in departmental web site and can be upload in DUDBC web site. The report of the same will be kept in PIU/ Banepa Municipality.

5.2.8 Monitoring

The Executing Agency (EA) of UEIP i.e. PCO has the overall responsibility and will monitor all activities from planning to construction and operational phases of the project. The UEIP/PCO under DUDBC has Project Implementation Unit (PIU) in Banepa Municipality.

There will have both internal and external monitoring mechanism. Internal monitoring will be a regular activity for PIU and Community Development Section of the Banepa Municipality and will be responsible for the internal monitoring and preparation of annual and trimester reports on the progress of the implementation. The PIU will organize periodic progress review workshops involving APs representatives.

5.3 CONCLUSION

- A full amount of compensation has been paid to the affected people.
- Based upon the decision made by the Banepa Municipality and PIU, Chandeshwori and Core area and bazaar sub systems are kept in phase I and will be implemented immediately.
- The land acquired through the purchase on the basis of mutual negotiation in the presence of project officials and local people.
- The primary occupation of the affected family is other than agriculture and income / yield from the land is considerably low.
- The money they received are being utilized for promoting business (shops), Bank deposit and adding a storey to the house etc which will help them to strengthen their financial situation. All have expressed their full satisfaction for having better income from invested assets.
- The land required for the subprojects does not consist any man made structure and affected people are living in their own house, hence no further relocation/ resettlement plan is required.