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Ministry of Physical Planning & Works

Department of Urban Development & Building Construction

UEIP, Project Coordination Office

**URBAN AND ENVIRONMENTAL IMPROVEMENT PROJECT**

*Loan No. 1966 NEP (SF)*

**FINAL REPORT ON  
SOCIAL ASSESSMENT AND PREPARATION OF A RESETTLEMENT PLAN  
FOR  
WATER SUPPLY SUB PROJECT  
FOR  
BHARATPUR MUNICIPALITY**

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Development Network Pvt. Ltd

## **Acronyms**

ACRP	Acquisition, Compensation and Resettlement Plan
ACRP	Acquisition, Compensation and Resettlement Plan
ADB	Asian Development Bank
AF	Affected Families
AH	Affected Household
AP	Affected person
BS	Bikram Sambat (57 years+AD)
CAC	Compensation Assessment Committee
CDO	Chief District officer
DDC	District Development Committee
DNet	Development Network Pvt. Ltd.
DUDBC	Department of Urban Development and Building Construction
EA	Executing Agency
GoN	Government of Nepal
IR	Involuntary Resettlement
LAC	Land acquisition and Compensation Committee
MOH	Ministry of Home
MPPW	Ministry of Physical Planning and Works
NGO	Non-government Organization
PAF	Project Affected Families
PCO	Project Coordination Office
PIU	Project Implementation Unit
PPTA	Project Preparation Technical Assistance
RBT	Reed Bed Treatment Plant
SPAF	Severely project affected families
SWM	Sanitation and Wastewater Management
UEIP	Urban and Environmental Improvement Project

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## **Chapter I: INTRODUCTION**

### **1.1 Background of Study**

Government of Nepal with a financial assistance of Asian Development Bank is implementing Urban and Environmental Improvement Project during the period October 2003 - September 2009 to nine towns surrounding Kathmandu Valley namely Banepa, Dhulikhel, Panauti, Bharatpur, Ratnanagar, Hetauda, Bidur, Kamalimai and Kathmandu Metropolitan City. The Executing Agency for the project is Ministry of Physical Planning and Works (MPPW) through Department of Urban Development and Building Construction (DUDBC). The main objective of the project is to facilitate sustainable urban development by addressing critical environmental needs, while supporting the government's priorities of a) environmental infrastructure improvement of secondary urban centers b) poverty alleviation c) decentralization of authority and d) strengthening municipal institutional capabilities.

The Project Preparation Technical Assistance (PPTA) study has identified three different water supply schemes i) rehabilitation and extension of existing Bharatpur water supply scheme - I ii) Bharatpur water supply scheme- II (new) and iii) Bharatpur water supply scheme- III (new).

Development Network Pvt. Ltd. (DNet) has been assigned the task for social assessment to understand the problems and issues associated with water supply sub-project. DNet has conducted social assessment starting from June 28 to July 11, 2007 and prepared this social assessment report as specified in the TOR.

### **1.2 Objective**

The Project Implementation Unit (PIU), UEIP of Bharatpur Municipality plans to construct water supply sub-project covering the urban area of ward nos. 1 to 12. The consultant in consultation with concerned stakeholders will carry out (a) social assessment and prepare a resettlement plan, if needed and preparation of due diligence report of water supply sub-project.

### **1.3 Scope of work**

The Scope of work include (a) for Sewerage system and RBTP, and water supply sub-project basically two tasks, i.e. conducting social assessment , and preparing a short or full resettlement plan , as required and (b) for Krishnapur neighborhood road drainage and water supply development project to update the relevant documents. This part of the report deals with water supply sub-project and other parts are dealt in separate reports.

## **CHAPTER II: METHODOLOGY ADOPTED**

### **2.1 Literature Review**

The detailed description of Bharatpur municipality is available in volume nine of Urban and Environment Improvement Project, Nepal (NJS et al. 2001). This volume describes the socio-economy, existing physical infrastructure, urban planning and development, town (municipal) management and urban growth strategy. In addition, there are reports prepared by Bharatpur Municipality, project proposal, and social assessment report of land development such as Darpan (Nepali text, 2001) and "An Introduction to Bhartpur Municipality (1999)". Darpan is an annual magazine of the employees of Bharatpur Municipality which has collection of articles describing various aspects of Bharatpur municipality. Regarding urbanization in Nepal, Sharma (1989) and Bastola (2001), Golfrey, Environmental Sanitation, (ed. 2004) discuss at great length about the processes of rapid urban growth in the Tarai towns of Nepal. About resettlement, the ADB Manual (2007) and Resettlement Plan (Volume I Action Plan) prepared under the Melamchi Water Supply Project (Nippon Koei et al 2001) are helpful in understanding the problems and issues associated with project implementation.

### **2.2 Meetings**

#### **2.2.1 Meeting with Project Staff**

A meeting was organized in Bharatpur Municipality in Project Implementation Unit (PIU) with UEIP staff and Bharatpur Municipality to share the schedule and objective of the assessment. After discussion and approval of TOR and schedule for assessment, questionnaire and checklist, the consultant proceeded for social assessment.

#### **2.2.2 Meeting with Users Committee**

A meeting was organized with Bharatpur Municipality, Users Group of Water Supply sub project and beneficiaries. Intensive interaction with users and stakeholders was conducted to draw their interest, views and suggestions regarding the project and other social issues.

### **2.3 Focus Group Discussion**

Number of focus group discussions with stakeholders of water supply development sub-project. In focus group discussion participants from water users group, local leaders, representation from beneficiaries provided relevant information, suggestions and feedbacks. The participants (stakeholders) shared their ideas and concerns openly.

### **2.4 Key Informant Interview**

Key informant interviews were carried out with the land owner, their relatives regarding land sold for construction of reservoir tank and boring site. The participants/key informants provided their views and were found positive about the project implementation. Constructive suggestion from the informants for the implementation of project has justified the needs of the projects and support for the implementation. Considering the location and availability of users and key informants as representatives of different political parties also were consulted and gathered their opinions and views regarding implementation of the project and its impact and effect to communities.

The consultant observed the project site and discussed with users, and stakeholders to get their views individually. They were found to be positive and interested for the construction of water supply sub-project and provide the land for the purpose. No any objection and reservation were found from the land seller, their relatives and local people.

## CHAPTER III: SOCIO ECONOMIC STUDY

### 3.1 General

The primary objective of the socio-economic studies is to assess the socio-economic status of the affected people. All affected persons were interviewed by using structured questionnaire and obtained primary data qualitative as well as quantitative.

### 3.2 Identification of affected institutions

As per the UEIP resettlement policies following persons are considered to be the Affected Persons (AP):

- a) **Title holder:** The persons having registered title holder on land holding certificate (*Laal Purja*).
- b) **Tenants ( Mohi):** Registered tenants
- c) **Non- title holders:** These non- title holder should have lived or cultivated in the plot for at least 3 years prior to the cut off date.

All the cases were found to be Titleholder; no latter two cases were found.

### 3.3 Findings & Analysis of Socio-economic Survey

Having the socio-economic survey done for all, following are found.

#### 3.3.1 Stakeholder families

Two plots of land are procured through competitive bidding for water supply sub-project. While carrying out socio economic assessment of land owners, it was found that they have sufficient land in other wards of the municipality. Both of them have settled with the compensated amount of money they received from selling the land.

#### 3.3.2 Caste / ethnic Background with indigenous and minority group

In the project site there are no minority and ethnic communities. However, one of the ethnic groups "Gurung" live in the areas, but economically they are strong and well off. Two small plots of land have been purchased for construction of reservoir tank and for purpose of boring well for water supply sub project. Out of two plots of land purchased one from Gurung and another from Brahmin, both of the land owners owned land in other areas also. The land was purchased with bidding process and the land owners got reasonable price and they are happy. There are no other people from the indigenous group. Please refer Annex 4 for bidding notice, land ownership document, registration document, decision of municipality and minutes of meeting.

#### 3.3.3 Women headed households

The survey data shows that none of the women member own land property in the project areas and also there are no women headed family. Generally in Nepali society, women owning land registration or ownership certificate is rare cases and the land ownership do not belong to the woman members in the family.

### 3.3.4 Educational level of stakeholders

**Table 3.1: Education level**

S.No	Education level	Male	Female	Total	% of the Total
1	Illiterate	0	0	0	0.00%
2	Literate	0	1	1	11.11%
3	Up to class ten	2	1	3	33.33%
4	S.L.C.	2	1	3	33.33%
5	10+2(I.A.)	0	0	0	0.00%
6	Graduate	2		2	22.22%
<b>TOTAL</b>		<b>6</b>	<b>3</b>	<b>9</b>	<b>100%</b>

Source: Social Assessment Report, 2007

The educational levels of the families of Affected Persons (APs) are presented in the table above. The table depicts that almost 100% of family members are literate. 55% of the people have passed the S.L.C and above. Two persons are graduates.

### 3.3.5 Landownership and other source of income

All the affected households have the landowner certificate (Annex 3, *Lal Purja*). The land holding size of the all 2 affected households is given in the following Table 3.2: **Households Affected by Land Tenure Status**. The table shows that none of the families have contributed more than 15.25 % of their land to the project.

**Table 3.2: Households Affected by Land Tenure Status**

S.No	Name of land owner	sold to the Project (A)		Agri Land (Kattha) (B)	Housing Plot (Kattha) (C)	Sub total (B+C)	Total Land (A+B+C)	% land sold
		Kattha	Sqm					
1	Kamal Acharya	3	1016.26	8.675	8	16.675	19.675	15.25%
2	Sant Bahadur/Yuv Raj Gurung	2.2	745.26	17.775	4.925	22.7	24.9	8.84%

Source: Social Assessment Report, 2007

### 3.3.6 Yields from land

Land sold by Mr. Santa Bahadur and Yuv Raj Gurung is located in Krishnapur, which was upland having no irrigation facilities. Productivity of upland is very low which contribute less than 5% in terms of total income of affected families. Thus the contribution from the sold land for livelihoods is low and does not affect their socio-economic condition. They have other land also in other location for their livelihoods. The table below depicts the picture

**Table 3.3: Yield from the land wrt house hold total income**

S.No	Name of APs	Area of land procured by the Project (A)		Yield from the land			Annual Total Income of Hh (NRs)	Reason for selling Land
		Kattha	Sqm	Less than 5 % of Total income	5-10% of Total income	11-20 of Total Income		
1	Kamal Prasad Acarya	3	1016.32	√			180,000.00	P, C
2	Sant Bahadur/Yuv Raj Gurung	2.2	745.26	√			240,000.00	L,C
<b>TOTAL</b>			<b>1,761.58</b>	<b>2</b>				

Source: Social Assessment Report, 2007

<p><i>L= Low income from cultivation</i>  <i>C= Cooperating toward project work</i>  <i>P = Primary occupation being other</i></p>
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### 3.3.7 Other sources of income

Table 3.4 illustrates the main occupation of the affected households. The table shows that agriculture is the secondary occupation; primary occupation is service of one family and business of another joint family.

**Table 3.4: Primary and Secondary Occupation of the Affected People**

S.No	Name of Affected Persons	Primary Occupation of Family					Secondary Occupation		
		Agriculture	Service	Business	Industry	Others	Agriculture	Business	Industries
1	Kamal Prasad Acharya		√				√		
2	Sant Bahadur/Yuv Raj Gurung			√			√		
<b>TOTAL</b>			<b>1</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>2</b>		

Source: Social Assessment Report, 2007

### 3.3.8 Reasons for selling land

Table 3.3 also illustrates the reason for selling land. It depicts the transformation of primary occupation other than agriculture. Low income from cultivation, primary occupation being other than agriculture and cooperation for the project are the main reasons for selling off the land.

## CHAPTER IV: SOCIO ECONOMIC IMPACTS ON AFFECTED PEOPLE/ STAKEHOLDERS

### 4.1 Land procurement area

Land procurement especially for water supply subproject (for construction of service reservoirs and developing deep boring) is needed. Procurement of land is not required for construction of sewage treatment plant and other appurtenance viz. pipelines, sewer lines, chambers etc. as they are proposed in public land.

#### 4.1.1 Water supply sub project

Bharatpur Water Supply Sub-project is proposed to have four separate systems to serve the urban areas of the Bharatpur Municipality. The Scheme I is further divided into Scheme IA & IB. Hence the four systems are Scheme IA, IB and Scheme II & III, (Refer scheme layouts plan for detail).

##### Scheme IA:

It is a part of the scheme I including the Narayanghat Bazaar and the Belchowk area which is proposed to be served by the new reservoir at Bharatpur Municipality. A ground reservoir and two tube wells are proposed in the Bharatpur Municipality complex and the land is under the ownership of Bharatpur Municipality.

##### Scheme IB:

It is larger part of scheme I serving the eastern part as well as the some areas in the western part. It utilizes the already existing facilities at NWSC compound to its full capacity. An additional tube well is proposed in the public land.

##### Scheme II (new) and Scheme III (new) :

**Scheme II** shall serve the parts of wards 5,6,7,& 10 of the Bharatpur Municipality. The system also integrates the already served population through NWSC system utilizing the tube well at Trichowk.

**Scheme III** shall serve the parts of wards 7, 8 & 9 of the Bharatpur Municipality. The system also integrates the already served population by NWSC through the Saradpur Well. A ground reservoir, an overhead reservoir and two tube wells are proposed in Katar chowk, Krishnapur ward no.7 of the Bharatpur Municipality and the land is under the ownership of Bharatpur Municipality. This land area 5 Katha and 4 Dhur is purchased by Bharatpur Municipality through competitive biddings in the year 2006.

**Table 4.1: Description of Procured Land**

S. N.	Sub project	purpose of land	Location	Size in kattha	Size in sqm	present land use	Owner
1	Water supply Scheme IA	Deep tube well and Ground Reservoir	Bharapur Municipality Compound	3	1015.80	Barren	Bharatpur Municipality
		Distribution pipe line & Other minor components	Roads			Roads	Government
2	Water supply Scheme IB	Tube well	One required to be located in the public Land	1	338.60	Barren	Government
		Distribution pipe line & Other minor	Roads			Roads	Government

		components					
3	Water supply Scheme II_ & III	Deep tube well, Ground and Overhead Reservoir	Katar Chowk	5.20	1760.72	Agriculture	Bharatpur Municipality (Land procured through competitive bidding)
		Distribution pipe line & Other minor components	Roads			Roads	Government

#### 4.2 Affected households area and type of property

The number of affected families and the type of property loss is shown in the following Table

**Table: 4.2 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	2	-	-	2
% of Total	100	-	-	100.0

Source: Field Survey 2007

No man made objects are present within the land procurement area. All the 2 affected households have registered land titles without tenants.

#### 4.3 Affected households by property loss

In two plots of land acquired for water supply sub project is still cultivated by the previous land owners and can continue till the start of construction at these sites. But due to the lack of irrigation facilities the cultivation is totally based on the rainfall and so the crop yield is not satisfactorily justified in respect to the investment made.

#### 4.4 Identification of severely project affected families (SPAFs)

Both families corresponding to Mr. Kamal Prasad Acharya and Mr. Santa Bahadur/Yuv Raj Gurung have sold 15.25% and 8.84% of land respectively. Not more than 15.25 % of land area has been procured by the project and the land contribute less than 5 % to their total income and their primary occupation being other than agriculture (*Pls. refer Table 3.3: Yield from the land wrt house hold total income*) they are categorized as Project Affected Family (PAF). No Severely Project Affected Family (SPAFs) are found and program for them is not required.

#### 4.5 Impact after land procurement to the affected people

Mr. Kamal Prasad Acharya has invested in purchasing the land and house from the money that he has received from the project. Mr. Santa Bahadur /Yuv Raj Gurung has invested for purchasing of land and expansion of electric shop business and expressed satisfaction on it. After procurement of land all the affected households are found to invest the money for better income purpose and have expressed their satisfaction toward the better income they are receiving from the investment.

#### 4.6 Status of remaining area of land and effect in livelihood

Respective landowners are cultivating the remaining area of land, which municipality has not procured. They are able to continue their occupation even during and after the construction.

## Chapter V: Legislation, Policy Framework & Entitlements

In this chapter, legislations relating to land pooling, land acquisition and resettlement with reference to UEIP are discussed.

### 5.1 Scope and Objectives of Land Acquisition and 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 of B.S. 2034(1977). 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 Anchaladhis (Zonal Commissioner) has been removed and the Chief District Officer (CDO) becomes responsible for any kind of dispute involved while acquiring the land.

Section 42 of this Act provides guide to the government agency in the compensation and rehabilitation of the Project Affected Families (PAF). This Land Act empowers GoN, the authority to acquire any land compulsorily for public purposes. The Act has 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 the following persons: i) The Chief District Officer,(CDO) ii) Chief of Land Treasury Officer (Malpot),iii) a representative of the District Development Committee (DDC), and iv) Project Chief, if the land is being acquired for the project. The CDO. is an ex-officio chairman of such a committee.

Some of the ingredients of this Act, which may not be in compliance with the ADB's guidelines (see below), are as follows:

1. This Act operates only when a person can prove himself as the legal owner of the land, house and other properties.
2. The price of land lost by the family may not be compensated as claimed by the PAF as per the prevailing market value of the area.
3. 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 purposes".

"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 GoN; and projects to be 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. Some issues are shown as follows;

1. Different members of the family own land legally but all of these members could eat and live together in one household;
2. Registered tenant farmers in each plot of land;
3. Non-registered tenant farmers or informal tenants or share crops;
4. Sukumbasi (legally a landless farmer but owns some land without ownership)
5. 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:

1. Agricultural laborers (who do not own land but depend on that particular land as agricultural laborer);

2. Shopkeeper ( does not own land but runs a shop in that particular land or house for livelihood);
3. 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 then 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 this Act, the informal tenants were forfeited to become landowners or registered tenants forever. According to this Act, there will be no non-registered tenants in the future. The other common problem among many landowners in Nepal is the ownership of “non-registered land” which is a farmer has the use temporarily right over the years.

## 5.2 Review of PPTA, RRP and ADB resettlement policy

**Review of PPTA:** PPTA report (*NJS consultant et al*) has identified lands to be procured particularly for Water supply sub project. The detail of land is as per following table.

**Table 5.1: Land need to be purchased as per PPTA Report**

S. No	Sub-project	Purpose of land	Location of land	Size (Ropani)	Size (Sqm)	Present land use	Tentative land price (Nrs/Ropani)
1.	Water supply	Tube-well and overhead reservoir	Inside Cancer Hospital, ward 7	1	508.9 Sqm	Hospital Open land	
2.	Water supply	Tube-well and overhead reservoir	Near Narayani Temple, ward 8	1	508.9 Sqm	Agricultural land	1 ropani land to be purchased @ 5 lakh
3.	Water supply	Tube-well	Near Bhojad, ward 11	0.5	254.5 Sqm	Agricultural land	0.5 ropani land to be purchased @ 5 lakh
4.	Water supply	Tube-well	Near Jagrichok, ward 11	0.5	254.5 Sqm	Agriculture land	0.5 ropani land to be purchased @ 5 lakh

(1 Ropani = 508.9 sqm, 1 lakh means 100 thousand)

The PPTA recommends only for voluntary acquisition. It further states, in addition to the landowners, the situation of any other Affected Person (APs) should be assessed such that they may also be reasonably compensated. The terms and conditions of payment should be as decided and agreed between the municipality and each AP. It recommends substituting land rather than cash compensation to affected poor and marginal families, whose livelihood is based on land.

**Review of RRP:** RRP (NEP 32239) for the Urban and Environmental Improvement Project – Nov-2002 (*Appendix-12*) describes that land procurement for the Project will not be large and no directly caused resettlement is anticipated. It describes of having no building in any required plots. It also describes procuring for about 3.00 ropani of private land. Actual land procurement is as shown in the table 3.3.

Water supply users committee and project steering committee decided to procure the land required for the construction of tube-well and reservoir for scheme II and III at the same place and the land procured is as specified in S.No.1 and 2. Land specified in S.No. 3 is the land at municipality complex for the construction of tube-well and ground reservoir which will serve Narayangarh Bazar and Belchowk area of ward no.4, i.e. water supply scheme IA. This scheme IA is required due to the complete washing of intake structure and the sedimentation tank of Jugedi water supply scheme I in 2002 flood and washed away and missing all the main transmission line about 9 km and due to the addition of main core area of Belchowk, wards no 4. Land specified in S.No. 4 is for additional tube well -1 no. required for strengthening the supply in existing reservoir at Bharatpur, i.e. water supply scheme IB.

## **ADB Resettlement Policy**

All ADB assisted projects must 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:

- a) Involuntary Resettlement (IR) should be avoided or reduced as much as possible by reviewing alternative alignments for the project;
- b) Where IR is unavoidable, Affected People (AP) should be assisted to re-establish themselves and improve their quality of life;
- c) Gender equality and equity should be ensured and adhered to throughout the project cycle;
- d) Affected people should be fully involved in the selection of relocation sites, livelihood compensation and development options at the earliest opportunity. RPs should also be prepared in full consultation with APs, including disclosure of RP and project related information;
- e) 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 for to all APs;
- f) 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;
- g) All compensation payments and related activities must be completed prior to the commencement of civil works;
- h) The RP to be planned and implemented with full participation of local authorities;
- i) Assistance to APs to become economically and socially integrated into the host communities by means of design and implementation of participatory measures;
- j) Provision for and replacement of Common Property Resources and community/public services to the APs;
- k) Resettlement to be planned as a development opportunity for the APs;
- l) Lack of legal titles will not be a bar to resettlement assistance;
- m) Special attention to vulnerable people/groups' namely households below the recognized poverty line, Indigenous People, disabled, elderly persons and female headed households

### **5.3 Entitlements**

As described in the previous section following UEIP Resettlement policies below given are considered to be the Affected Persons:

**Titleholder:** The persons having registered titleholder on land holding certificate (*Laal Purja*).

**Tenants ( *Mohi*):** Registered tenants

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

Only the titleholders were found; no latter two cases were found. Similarly no man-made objects were found in the land.

The following Table 5.2 gives the entitlement matrix for the affected peoples (AP)

**Table :5.2 Entitlement Matrix**

Nature of Loss	Application	Definition of AP	Entitlements	Result of action	Responsibility
<b>A. Land Procurement</b>					
Loss of agricultural land by land owners	i) Land procured for construction work of water supply sub project	Person(s) with land records verifying ownership	Cash payment as demanded by the owner (quoted amount by the land owner ); based on current market rate at full replacement value	Payment for lost assets	Bharatpur Municipality
<b>B. Loss of Residential/Community Property</b>					
No man-made structure existing in the land. Hence not-applicable					

## CHAPTER VI: SHORT RESETTLEMENT PLAN

### 6.1 Compensation / Resettlement Principles & Assistance

The UEIP /PIU of Bharatpur municipality have been providing compensation to all affected persons identified based on the above policy features, the broad principles of R&R for this 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 procured through direct negotiation and competitive bidding 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 procurement of land.
- No man made objects were found in the land procured for water supply sub project and thus no compensation for structure is needed. In neighborhood road drainage and water supply development sub project existing structure shall remain as it is and could be used as usual 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.
- The land has been procured according to the prevailing laws of Government of Nepal.

### 6.2 Process of land procurement

Lands required for water supply sub project are as follows:

For the procurement of land required for water supply sub project (scheme II and III) public notices were published and details are given below: (Refer to Annex 1 and 2)

- a) 35 days Public notice published in "Gorkhapatra" National daily on 5 November 2005 (2062/07/19). Four landowners submitted the sealed proposal and public opening was made on 11 December 2005 (2062/08/26) and the details found are tabulated below:

**Table 6.1: Details of bidding 1**

S.N.	Landowner's Name, address	Quoted rate in NRs per katha	Security amount	Remarks
1	Indra Maya Regmi, Bharatpur Municipality - 8	375000.00	28125.00	mentioned that out of 0-10-12 Bighas shall sale 0-3-0 Bighas only
2	Kamal Prasad Acharya, Bharatpur Municipality - 7	400000.00	30000.00	
3	Tika Ram Bhattarai, Bharatpur Municipality - 6	600000.00	45000.00	
4	Ram Raj Poudel, Bharatpur Municipality - 7	595000.00	45000.00	mentioned that out of 0-04-6 <sup>1</sup> / <sub>2</sub> Bighas shall sale 0-3-0 Bighas only

Source: Information provided by UEIP/PIU, Bharatpur

Bharatpur Municipality decided to purchase the 3 Katha land from plot no. Kalyanpur 7/Ca 603 of Mrs. Indra Maya Regmi and she was informed to collect the cash amount as per her demand and transfer the ownership of land to Bharatpur Municipality. The landowner Mrs. Indra Maya Regmi was not willing to sale this land and she forwarded this notice to Municipality. After receiving this notice

Bharatpur Municipality decided to purchase the 3 Katha land from plot no. Kalyanpur 7/Ga 3880 of Mr. Kamal Prasad Acharya as per the quoted rate i.e. NRs 400000.00 per Katha. On 15 June 2006 (2063/03/01), NRs 1200000.00 was paid to the landowner Mr. Kamal Prasad Acharya and on the same day the ownership of the land was transferred to Bharatpur Municipality.

- b) 7 days Public notice was published in Bargikrit National daily on 27 June 2006 (2063/03/13). Three sealed proposals were submitted from the interested landowners and public opening was made on 4 July 2006 (2063/03/20) and the details found are tabulated below: (Refer to Annex 1 for public notice, Annex 2 for minutes of meeting)

**Table 6.2: Details of bidding 2**

S.N.	Landowner's Name, address	Quoted rate	Security amount	Remarks
1	Sant Bahadur Gurung, Yuv Raj Gurung; Bharatpur Municipality - 7, Krishnapur	800000.00	20000.00	mentioned that Lump sum amount for 0-02-04 two katha four dhur from plot no. 3881
2	Tum Lal Poudel, Bharatpur Municipality - 7, Krishnapur	500000.00 per katha	25000.00	2 katha land from plot no.803 adjoining the road side
3	Yuv Raj Gurung, Sant Bahadur Gurung; Bharatpur Municipality - 7, Krishnapur	600000.00	30000.00	2 katha land from plot no.403 adjoining the road side

Source: Information provided by UEIP/PIU, Bharatpur

Bharatpur Municipality decided to purchase the 2 Katha 4 Dhur land from plot no. Kalyanpur 7/Ga 3881 of Mr. Sant Bahadur Gurung, Yuv Raj Gurung as per the quoted rate i.e. Lump sum NRs 800000.00 and they were informed to collect cash amount and transfer the ownership of land to Bharatpur Municipality. On 20 July 2006 (2063/04/26) NRs 800000.00 was paid to the landowner Mr. Sant Bahadur Gurung, Yuv Raj Gurung and on the same day the ownership of the land was transferred to Bharatpur Municipality and now the new established plot no. of this piece of land is Kalyanpur 7/Ga 4074.

### 6.3 Payment of quoted amount for procurement

Based on the above competitive bidding procedure municipality distributed the payment to the affected person as described in the following table:

**Table 6.3: Amounts of Payment**

S.No	Affected Persons	Land Procured (Katha)	Land Procured (Sqm)	Ward No	Location	Paid Amount (NRs)	Date of Payment	Office distributing payment amount
1	Kamal Prasad Acharya	0-3-0	1016.26 Sqm	7	Near Katar chowk	1200000.00	15 June 2006 (2063/03/01)	Municipality
2	Sant Bahadur Gurung, Yuv Raj Gurung	0-2-4	745.26 Sqm	7	Near Katar chowk	800000.00	20 July 2006 (2063/04/26)	Municipality
<b>TOTAL</b>		<b>0-5-4</b>	<b>1761.52 Sqm</b>			<b>2000000.00</b>		

Source: Information provided by UEIP/PIU, Bharatpur

(1 Katha = 338.755 sqm)

#### 6.4 Arrangement for Housing Relocation

The concerned land in water supply sub project do not possess any housing (temporarily or permanent) structures and APs are living in the urban area in their own houses.

#### 6.5 Arrangement for Income Restoration

Primary occupation of almost all the Affected Families (AFs) involved in non-agricultural occupation is other than agriculture occupation for livelihoods. Due to the land selling their means of livelihood will not be affected or disturbed. The project thus does not need to make any additional provision for support to these families for resettlement for livelihoods. They themselves are well established for arrangement of their livelihoods.

#### 6.6 Financial Disbursement plan

As described in the above table a total amount of NRs. 2, 000,000.00 (100%) has been paid in concerned fiscal years. A provision of amount NRs. 80,000.00 has been paid for the land registration fees for purchasing of land and the registration fee will be paid on demand within a year from the date of payment. Financial Disbursement plan has been shown in the Table 6.4 as follows:

**Table 6.4: Financial Disbursements Plan**

S.No	Particulars	Amount (NRs)	Fiscal Years	Remarks
1	Payment for land procurement for water supply sub project	1,272,000.00	FY 062/63	Amount includes registration fees
2	Payment for land procurement for water supply sub project	848,000.00	FY 063/64	Amount includes registration fees
3	Provision of registration fee to the APs in the case of land purchase with in a year from the date of payment	80,000.00	FY 063/064 to 064/065	The registration amount will be paid on demand within a year from the date of payment
<b>TOTAL</b>		<b>2,200,000.00</b>		

Source: Information provided by UEIP/PIU, Bharatpur

#### 6.7 Grievance Redress mechanism

The project has always welcomed for the grievance or suggestions from the APs as well as other stakeholders and well incorporated their suggestions in the project plan. After procured required land from formal competitive bidding process with full of voluntary agreement of all the APs, PIU Bharatpur has forwarded a copy of procurement process of land to the PCO in Kathmandu for information and approval.

Though the District Administration Office under Ministry of Home (MOH) is the legal authority where the APs are to register a legal complaint, the APs can directly contact the PIU Bharatpur, PCO-Kathmandu, DUDBC and MPPW in case if they have any complain or grievances. None of the families has made complain about the process of land procurement process. No registration of complain is found in this regard.

#### 6.8 Institutional Framework

The responsibilities of project execution have been delegated to UEIP *i.e.* PCO have the overall responsibility of monitoring of all activities starting from planning and during construction and

operational phases of the project. This institutional provision will ensure sustainable management and operation of the project after completion.

There are quite a few clubs and local NGOs in the project area carrying out some kind of social activities. They will be useful for information sharing and awareness generating programs.

The UEIP/ PCO under DUDBC have a Project Implementation Unit (PIU) in Bharatpur Municipality. The PIU and Bharatpur Municipality are fully responsible for implementation and monitoring of the resettlement plan for which a committee has been formed representing from Municipality and PIU. The responsibilities and duties of the committee are as follows:

- The committee should meet at least once in a month;
- The committee should collect all complaints from the affected peoples, affected families concerning payment and take necessary decision for action.
- The monitoring committee should identify the deficiency regarding the project and take an action for further correction and improvements;
- Any slackness regarding the payment should be considered seriously and take necessary action;
- Receive, review and provide feedback on progress reports, periodically and take necessary actions if required.
- The committee should prepare quarterly report and post it on the website.
- The committee should also supervise project implementation and provide necessary feedback and instruction to the consultants.

Please refer Annex-5 (Resettlement policies of UEIP vs procedure adopted in Bharatpur UEIP). Also refer Annex 6 for involuntary resettlement framework for UEIP project.

## Chapter VII: Conclusion

- I. The land required for the water supply subprojects are procured through competitive bidding and payment are set on the basis of mutual negotiation as per the amount demanded by the landowners in the proposal submitted by them. The land do not consists of man made objects.
- II. Primary occupation of most of the AF is other than agriculture and income /yield from the land is considerably low.
- III. The payment money they received are being utilized for promoting business (shops), adding land etc. All have expressed satisfaction for having better income from present invested assets than from the sold land.
- IV. Land procurement for the project has not produced marked effect to the AFs who instead have expressed their satisfaction for having better income from the invested money obtained from payment. Full payment has been made to the AFs.
- V. Implementation of proposed scheme under water supply sub-project will not create any significant adverse impacts on environment. The project will create positive impacts on socio economic environment of project area. Thus from the IEE, it can be seen that no adverse or harmful impacts of any significance are expected and so a full scale EIA is not required (Refer IEE report).

## Annex 5

Even though voluntarily acquisition of land was performed, following table exhibits “Resettlement policies for UEIP” and procedure adopted for Bharatpur (UEIP) project

S. No	Resettlement Policies for UEIP	Response /Action taken in the case of UEIP, Bharatpur Municipality	Remarks
1	All losses including land, buildings, structures, and trees that result from project implementation will be compensated at full <u>replacement costs</u> at market value.	No buildings, structures, trees were in the land procured for water supply sub project. Land was compensated at full replacement costs at market value as demanded by the landowners in the proposal submitted by them in the competitive biddings.	
2	Compensation Determination Committees will also include two <u>representatives of project-affected families</u> , including one representative of women or of vulnerable group, as invited members.	Payment is made as per the demand made by the affected families.	
3	The time of gap will be minimized between the notice of acquisition and the compensation.	The payment has been made within few days of negotiation.	
4	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.	Cut off date has been set as date of meeting with the landowners.	
5	Special attention will be given to the vulnerable groups, such as women-headed households, poor, landless, elderly, and minority ethnic groups.	Paying special attention to all the AFs; the compensation amount was disbursed within a week.	
6	Option of land-for-land compensation will also be availed for the poor and vulnerable people affected, if they desired so.	All APs desired for money as payment against the land.	
7	The project will use land and/or other assets only after the compensation is paid to the people affected, 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.	<ul style="list-style-type: none"> <li>▪ The project used land only after the payment. The APs were allowed to cultivate one more season even after distribution of payment.</li> <li>▪ Relocation is not required as there is no man made structure in the land procured for water supply sub project</li> <li>▪ No other cases are found.</li> </ul>	
8	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 (SPFAs), 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,	<ul style="list-style-type: none"> <li>▪ No SPAF is found.</li> </ul>	

	both the landowner and tenants will be included in the list of SPFA or PFA for entitlements and compensation/rehabilitation purposes.		
9	Due attention will be given to restoration of livelihoods of affectees. SPAFs will be assisted with rehabilitation measures.	Primary occupation being other than agriculture, APs livelihood will not be affected remarkably.	
10	If large-scale resettlement involves, efforts will be made to relocate communities in groups/communities. Existing social and cultural institutions will also be supported.	Not Applicable	
11	Resettlement families will be given priority for restoration of their public facilities, such as electricity, water supply, sewerage and public transports, as utilized prior to the project.	Not Applicable	
12	One person from each SPAF and vulnerable household will be given priority in project jobs or construction works. They will be provided suitable skill trainings 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.	No SPAF is found.	
13	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 people and concerned	No involuntarily resettlement is involved.	
14	If any affected household purchases farmland in another place within one year from the date of compensation, the land registration fees for equal amount of land will be provided by the project	Budgetary provision is made to provide on demand by the AH within a year from the date of compensation.	
15	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 be paid, based on market values.	<ul style="list-style-type: none"> <li>▪ Full amount has been paid.</li> <li>▪ Construction work is going to start only after 15 months from the date of compensation.</li> </ul>	
16	Local Consultative Groups (LCGs) will be established in each affected Ward to support the affectees and resolve the conflicts that arise during compensation process.	<ul style="list-style-type: none"> <li>▪ Monitoring mechanism has been set.</li> <li>▪ Full amount has been paid off.</li> </ul>	
17	After the acquisition of land if the remaining portion is considered too 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 <i>ana</i> in urban areas and 8 <i>ana</i> in rural areas.	Not applicable	
18	Affectees will have access to effective procedures for lodging complaints and for their appropriate resolution.	<ul style="list-style-type: none"> <li>▪ Grievances redress mechanism is available.</li> </ul>	
19	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.	<ul style="list-style-type: none"> <li>▪ Not applicable</li> </ul>	