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Department of Irrigation

Rani Jamara Kulariya Irrigation Project



Resettlement Planning Framework Rani Jamara Kulariya Irrigation Project Phase II

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PREFACE

This document is the seventh of eight volumes, which describes the Resettlement Plan Framework (RPF) conducted in relation to the Modernization Rani Jamara Kulariya Irrigation Scheme (MoRJKIS) in Tikapur Kailali Districts, Far West in the Province Seven of Nepal. This study was conducted by project proponent (Department of Irrigation, Rani Jamara Kulariya Irrigation Project) between April to November 2017 and finalized on December 26, 2017. The Report has been prepared in compliance with the GoN Law and World Bank Safeguard Policies.

The report of these studies comprises eight volumes, which are arranged as follows:

- Volume 1: Executive Summary (combining the finds of EA, BIA, IPM, SA, VCDP & RPF)
- Volume 2: Environment Assessment (EA);
- Volume 3: Biodiversity Impact Assessment (BIA)-;
- Volume 4: Integrated Pest Management Plan (IPM);
- Volume 5: Social Impact Assessment (SIA);
- Volume 6: Vulnerable Community Development Plan (VCDP);
- Volume 7: Resettlement Planning Framework (RPF)-**this document**;
- Volume 8: Stakeholder Consultation Proceeding conducted at Tikapur on December 14, 2017.

The relevant inputs received from the stakeholders during consultation has already been incorporated in respective reports. It is enclosed for reference only.

Table of Contents

| | |
|--|-----------|
| 1.0 Introduction..... | 1 |
| 1.1 The Project | 1 |
| 1.2 The CONTEXT: Review of Existing SIMF | 2 |
| 1.3 The Resettlement Planning Framework..... | 3 |
| 1.4 Scope of Resettlement | 3 |
| 2.0 Policy principles and objectives | 4 |
| 2.1 Objective of the Resettlement Framework..... | 4 |
| 2.2 principles of the framework..... | 4 |
| 2.3 Principle for Land donation..... | 5 |
| 2.3 Legal and Policy Framework related to Resettlement Planning..... | 5 |
| 2.4 Identification of Gaps in National Policies and Recommendations to Bridge Gaps | 7 |
| 3.0 Planning Steps and Methods | 8 |
| 4.0 Information Dissemination, Consultation, Participation and Disclosure | 12 |
| 5.0 Institutional Arrangement for RPF implementation | 12 |
| 6.0 Grievance Redress Mechanism..... | 13 |
| 7.0 Monitoring and Evaluation..... | 15 |

List of Tables

| | |
|---|----|
| Table 1: Policy Entitlement | 10 |
| Table 2: Monitoring Schedule , Methods and Responsibilities | 16 |

List of Figures

| | |
|--|----|
| Figure 1- Location Map of RJKI System..... | 1 |
| Figure 2- Structure of Grievance Readdress Mechanism | 14 |

ABBREVIATION /ACRONYMS

AP/F Affected people/Family

| | |
|---------|--|
| CAD | Command Area Development |
| CBOs | Community Based Organization |
| CDC | Compensation Determination Committee |
| DADO | District Agriculture Development Office |
| DoI | Department of Irrigation |
| EA | Environmental Assessment |
| EIA | Environmental Impact Assessment |
| FGD | Focus Group Discussion |
| FMIS | Farmers Managed Irrigation System of Nepal |
| GRM | Grievance Redress Mechanism |
| GoN | Government of Nepal |
| IDA | International Development Association |
| IFC | International Finance Corporation |
| IFIs | International Financial Institutions |
| ILO | International Labor Organization |
| IP | Indigenous People |
| KII | Key Informant Interview |
| LEMC | Local Environment Monitoring Committee |
| LAA | Land Acquisition Act |
| Mol | Ministry of Irrigation |
| NCDN | National Committee for Development of Nationalities |
| NEFIN | Nepal Federation of Indigenous Nationalities (Adivasi/ Janajati) |
| NFDIN | National Foundation for Upliftment/Development of Indigenous Nationalities |
| NFIWUAN | National Federation of Irrigation Water Users Association of Nepal |
| NGO | Non-Governmental organizations |
| NPC | National Planning Commission |
| OP | Operational Policy (World Bank's) |
| PAP | Project Affected Person |
| PIO | Project Implementation Office |

| | |
|----------|--|
| PLARRIDP | Policy on Land Acquisition, Resettlement and Rehabilitation for the Infrastructure Project Development |
| RAP | Resettlement Action Plan |
| RJKIP | Rani Jamara Kulariya Irrigation Project |
| RP | Resettlement Plan |
| RPF | Resettlement Policy Framework |
| SA | Social Assessment |
| SIMF | Social Impact Management Framework |
| VCDP | Vulnerable Community Development Plan |
| VC | Vulnerable Communities |
| VDC | Village Development Committee |
| WB | World Bank |
| WUA | Water Users Associations |

1.0 INTRODUCTION

1.1 THE PROJECT

The Rani Jamara Kulariya Irrigation System (RJKIS) is the largest farmers' managed irrigation system in Nepal and was constructed by farmers of the Tharu community. According to the WUA record, Rani was built by farmers in 1896, Jamara in 1960 and Kulariya 1972. At present, Rani has 18 branches, Kulariya, 17 and Jamara, 15. In addition to the branches, each Kulo has large number of outlets and tertiaries to supply irrigation water to the farm fields. The water from the Jarahi Nala, a western branch of the Karnali River, has been diverted to irrigate the land in a traditional way. Over the past few years, the flow in the Karnali River has been shifting towards the East, leaving the Jarahi Nala with less and less water. The farmers are contributing huge number of labour to divert water by excavating a long supply channel up to the Karnali River, which is getting more and more difficult now days.

The proposed Rani Jamara and Kulariya Irrigation project involves upgrading and rehabilitation of existing irrigation system including service roads among others. Since most of the activities will largely remain limited to lands traditionally used by the system, it is unlikely, that the issue of land acquisition will come up during the project implementation. Initial assessment of the pilot schemes also indicates that there will be no signification social impacts on land acquisition and resettlement.

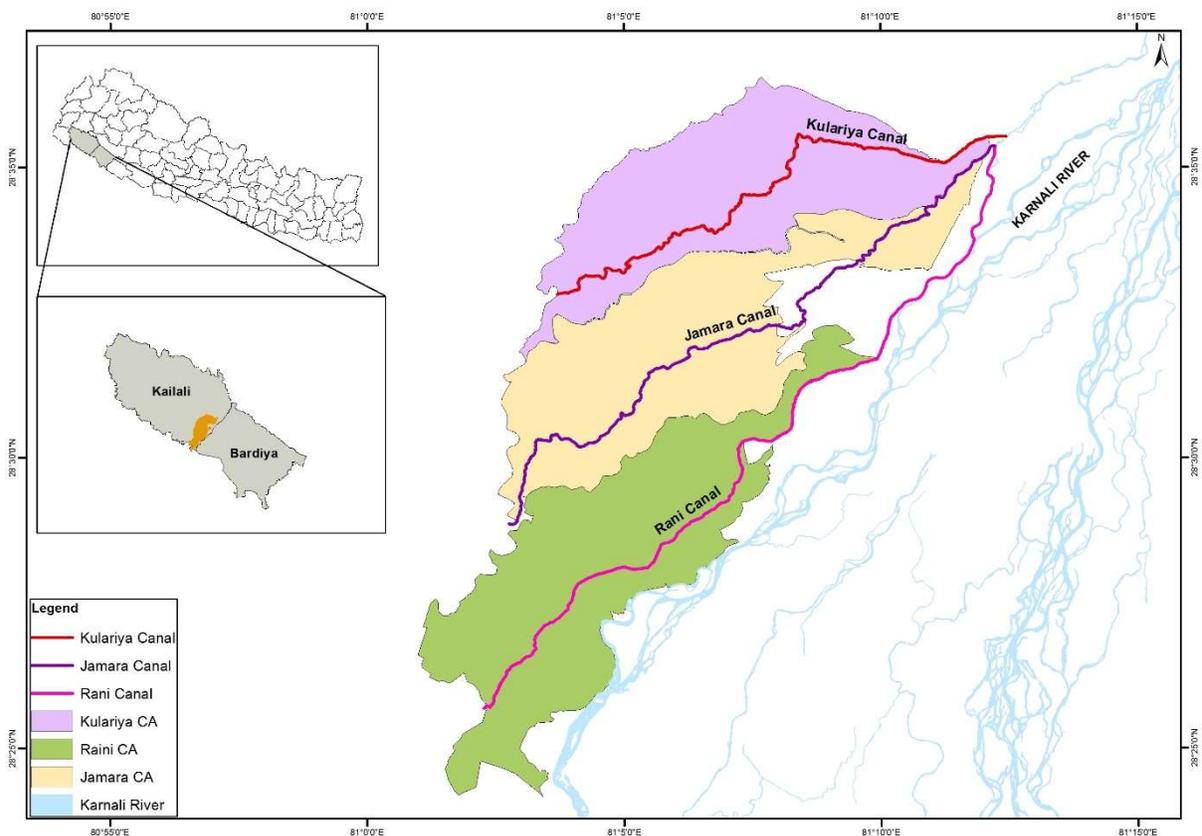


Figure 1- Location Map of RJKI System

Since the final technical design of the difference components of the project is not available to understand the nature and scale of social impacts this framework has been prepared. This framework is developed to guide detailed resettlement planning to address land acquisition and resettlement impacts. This framework covers a range of possible land, structure and livelihood related impacts that could occur during later stage of project planning and implementation. In RJKIP, no physical displacement is envisioned, but the framework provides guidance for all possible events in line with the Safeguards Policy of the World Bank and Government of Nepal's Land Acquisition Act (1977) and other relevant Acts and policies.

1.2 THE CONTEXT: REVIEW OF EXISTING SIMF

In order to provide appropriate guidelines to identify impacts, prepare plans, and mitigate adverse impacts likely to arise from the activities financed under RJKIP, the project prepared and enacted Social Impact Management Framework (SIMF) during the planning of the phase-I activities. The framework guidelines further provided strategies and principles for identifying project affected individuals, families, communities, and to assess potential social impacts of interventions, and suggests measures to avoid/minimize and manage any adverse impacts. The SIMF guidelines provided standards for incorporating involuntary resettlement considerations through Resettlement Planning Framework and safeguarding the concerned of vulnerable communities residing in project area.

Under infrastructure improvement component, construction of 7.3 km Feeder Canal was one of the major activities of carried out during the modernization of RJKIS -I. It was totally new alignment and due to passing through forest and residential area, impact on natural resources and personal property were detected as a result of project intervention. Following the provision specified in the RPF prepared as a part of the SIMF, the project prepared resettlement planning document to identify project affected individuals, families, communities, and to assess potential social impacts of interventions, and suggests measures to avoid/minimize and manage any adverse impacts.

Due to project intervention one public school, one temple and two community forestry offices were completely evacuated. Similarly, 17 families residing along canal alignment were displaced at the same time. Evaluation of affected property (communal and Personal) was done by the project office before civil works were initiated and APs were provided with compensation amount according to the law of land and SIMF. The compensation includes cost of property (mainly structures) loosed, house displacement allowance, Business disruption allowance and support allowances as compensation of land they occupied was not provided because all displaced households were settled in the government land (Ailani land).

Most of the displaced families (13 out of 21) seem to be satisfied with the compensated amount. Whereas, 8 respondents have shown their dissatisfaction with the amount that they received as compensation. Lower property valuation, partiality in valuation and well settled business disruption and no cooperation in establishing new settlement by the project were few reasons behind dissatisfaction of APs. Furthermore, nonfulfillment of commitment for including them in income generation activities and employment opportunity as agreed during planning stages were additional reason behind the displeasure toward the project management. This indicates the need to strengthen effectiveness of consultation with affected people.

Other mitigation measures listed in the RAP were not implemented. Consultation with the affected community and project office revealed that the Social Environment and Institutional Unit responsible for the implementation of the RAP suffered from frequent turnover and discontinuation of the staff in the unit. As a consequence there was delay in implementation of those mitigation measures and change in affected household's demands.

1.3 THE RESETTLEMENT PLANNING FRAMEWORK

The main purpose of this Resettlement Planning Framework (RPF) is to provide appropriate resettlement guidelines to identify impacts, prepare plans, and mitigate adverse impacts likely to arise from the activities financed by RJKIP. The RPF spells out strategies and principles for identifying project affected individuals, families, communities, and to assess potential social impacts of interventions, and suggests measures to avoid/minimize and manage any adverse impacts. Further to this, the RPF aims to enhance the capacity of the project implementing agencies that requires incorporating involuntary resettlement considerations while preparing project investment plans. The provisions articulated in this RPF will ensure that the infrastructure improvement activities financed under RJKIP are fully designed in accordance with the WB operation policy (OP 4.12) as well as applicable national laws of the country.

The RPF includes: (i) likely scope of land acquisition and resettlement, (ii) objective policy framework and entitlements (iii) methodologies for socio-economic information collection, (iv) consultation, participation and disclosures, (v) grievance redress mechanism (vi) Institutional arrangement and implementation including capacity building of relevant agencies, (vii) Budget and financing, and (viii) monitoring of resettlement plan.

The RPF will be a 'live document' allowing revision as and when necessary. As the state is under the process of restructuring, a number of laws, acts and regulations are supposed to be formulated defining the new roles, right and duties for both central and federal entities. This structural adjustment may require changes in project implementation arrangements in future which will have to be assessed accordingly and appropriate management measures are to be incorporated by updating this Framework. Such revisions will also cover and update any changes or modifications introduced in the legal/regulatory regime of the country. Also, based on the experience of application and implementation of this framework, the provisions and procedures will be updated, as appropriate understanding between key stakeholder associated with RJKIP implementation.

1.4 SCOPE OF RESETTLEMENT

The proposed operation, Phase II of the project, will focus on modernization of the lower-order irrigation system so that irrigation water can reach farmers' fields with the optimal flows, continuation of the WUA institutional support program including implementation of a comprehensive agricultural improvement/development program.

As a part of system improvement, the scope of the work includes the rehabilitation and modernization of 13 sub-branch (secondary) canals (66.7 km) and 32.3 km of tertiary canals in Kulariya; 12 sub-branch canals (86 km) and 20 km of tertiary canals in Jamara; and 13 sub-branch canals (60 km) and

36 km of tertiary canals in Rani canal. The component will also include construction of division boxes, unit outlets and the field outlets. All these system, at present are in functional stage. The strategy adopted by the project is to follow the existing alignments for infrastructure improvements. This implies that land acquisition will not be required for canal improvement in majority of cases, however, minor changes in existing alignment to increase the water conveying efficiency or any other valid reasons may not be ignored totally.

The social impact assessment of pilot schemes didn't identify any adverse impacts, since preparation of scheme specific resettlement planning document has not been required. However, during implementation of these pilot schemes, implementation if any loss or impact on private asset is noted then the project would have to manage such cases as per this RPF. Whereas each of the system improved under RJKIP will have to be screened against the set of criteria specified in Resettlement Planning Framework and level of impacts will be determined by the type, location, scale, nature, magnitude of potential impacts on affected beneficiaries and appropriate mitigation plan or measure are prepared according to the procedures spelled out in this RPF.

2.0 POLICY PRINCIPLES AND OBJECTIVES

2.1 OBJECTIVE OF THE RESETTLEMENT FRAMEWORK

The main objective of this framework is to ensure that adequate measures are designed and implemented to make sure that people affected through loss of assets could improve or at least restore their living standard. Possible impacts could include loss of land (homestead; agriculture; community land), loss of structure (residential; commercial; community), loss of livelihood, loss of standing crops/trees, loss of access to common property resources (CPR) and facilities.

2.2 PRINCIPLES OF THE FRAMEWORK

The key resettlement principles for the RJKIP are as follows:

- a) Involuntary land acquisition and resettlement impact will be avoided or minimized through careful planning and design of the project;
- b) For any unavoidable involuntary land acquisition and resettlement, APs will be provided compensation at replacement cost and/or assistance so that they will be as well-off as without the sub-project;
- c) APs will be fully informed and consulted during project design and implementation, particularly on land acquisition and compensation options;
- d) An absence of formal legal title to land will not be a bar to compensation for house, structures, and trees/crops, and attention will be paid to vulnerable groups and appropriate assistance provided to help them improve their status;
- e) Land compensation and resettlement assistance will be completed before award of civil works contracts, while other rehabilitation activities will continue during sub-project construction; and

- f) Land acquisition and resettlement will be considered part of the sub-project and costs related to resettlement will be included in the project cost.

2.3 PRINCIPLE FOR LAND DONATION

The following principles will be followed for land donation:

- a) Meaningful consultation with affected persons and communities on alignment finalization and appropriate design to avoid/minimize additional land take and resettlement effects;
- b) APs will be informed of their right to compensation for any loss of their property (house, land, and trees) that might be caused by the project intervention, and the land donation might be accepted only as a last option;
- c) No one will be forced to donate their land, and APs will have the right to refuse a land donation proposal from the project authority;
- d) In case APs are directly linked to project benefits and thus are willing to voluntarily donate their land after they are fully informed about their entitlement, the project will assess their socio-economic status and potential impact of land donation and accept land donation only from those APs who will not fall below the poverty line after the land donation;
- e) Any voluntary land donation will be confirmed through a written record, including a "no coercion" clause verified by an independent third party
- f) The donation will be limited to only land and minor assets (houses and major assets will be excluded from donation); and
- g) A grievance redress committee will be set up and APs who are not satisfied with the land donation can file their complaint with GRC. If GRC finds that the above provisions are not complied with, APs will be excluded from the land donation.

2.3 LEGAL AND POLICY FRAMEWORK RELATED TO RESETTLEMENT PLANNING

Because of the absence of comprehensive and inclusive national policy & regulations for development projects, resettlement related issues in Nepal are being addressed through project specific guidelines prepared in accordance with donors' involuntary resettlements policies. These guidelines have been acknowledged by the Government under Article 16(ka) of the LAA 1977, which provides for Government directives as one of the basis for fixing compensation. Additionally, Financial Administration Rules of the Government of Nepal has provisions which allow any agreement between the Government and donor agencies to prevail. Such provisions provided ground to adopt alternative practices to formulate project specific policies for involuntary resettlement. To avoid inconstancies existed in resettlement process, the government recently introduced Land Acquisition, Resettlement and Rehabilitation Policy for Infrastructure Development Project (LARRPIDP) 2071, paving the way for developers of various physical infrastructure projects to acquire land without affecting livelihood of people who have to be relocated from the area where such projects will be built. However, in the absence of a legal instrument like related Act and regulation to implement the provision articulated in this policy, it

may become redundant as there is no compulsion or penalty involved in connection with the implementation of the policy.

The Constitution of Nepal (2015) guarantees the fundamental rights of a citizen. **Article 25 (i)** establishes the right to property for every citizen of Nepal, whereby Every citizen shall, subject to laws, have the right to acquire, enjoy own, sell, have professional gains, and otherwise utilize, or dispose of property ; (ii) states that except for social welfare, the state will not acquire or exercise authority over individual property; and also (iii) In the case when the land of a person is acquired by the State according to clause (2), the basis of compensation and the relevant procedure shall be as prescribed by Act.

The Land Acquisition Act -1977, and its subsequent amendment in 1993, specify procedures of land acquisition and compensation. 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. There is a provision of Compensation Determination Committee (CDC) chaired by Chief District Officer to determine compensation rates for affected properties. The Act also includes a provision for acquisition of land through negotiations. It states in Clause 27 "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". The Act also protects tenant's right on land; Clause 20 states that when state acquires land under tenancy, the registered tenant and the landlord will each be entitled to 50 % of the total compensation amount.

The Land Related Act (1964) establishes the tiller's right (chapter 7) on the land which s/he is tilling. The act specifies the compensation entitlements of registered tenants on land sold by the owner or acquired for the development purposes. Tenants are verified through a record of tenancy at the Land Revenue Office (LRO).

The Public Roads Act, (1974) empowers the State to acquire any land on a temporary basis for storage facilities, construction camps, etc., during construction and upgrading of roads. Any buildings and other structures (such as houses, sheds, schools, and temples) are to be avoided, wherever possible. The State is required to pay compensation for any damages caused to buildings, standing crops, and trees. Compensation rates are negotiated between the Government and the landowners.

The National Planning Commission has introduced Land **Acquisition, Resettlement and Rehabilitation Policy for Infrastructure Development Project, 2071**. The policy seems very much in line with satisfying the inadequacy existed in LAA 1977. In order to translate the policy provision in reality, the subsequent act and regulation are under the process of formulation. The key highlights of newly introduced policy are; (i) creation of scientific standard for land valuation (ii) extension of compensation equivalent to minimum market value of land (iii) provision for action against those who try to disrupt land acquisition process (iv) categorization of projects based on economic and social impact assessment (v) relocation and rehabilitation of people

affected by the project, and (vi) special consideration for vulnerable people, if affected by the project.

Irrigation policy and directives: Irrigation Working Policy 2045 first opened avenue to involve water user, through their organized institutions, in the process of irrigation development. Implementation of Water Resources Act 2049 and Water Resources Regulation 2050 further provided space to register water users' association and function as a legal entity. Irrigation Policy 2049 (and 2070) and irrigation Regulation 2056; WUA formation and operational directive 2072 made obligatory involvement of water users association in the implementation of irrigation projects and programs.

The WB operation policy on Involuntary Resettlement (OP 4.12) requires preparation of Resettlement Action Plan or Resettlement Policy Framework that includes measures or strategies to mitigate the impoverishment risks due to physical or economic displacement. The operational principles on involuntary resettlement under OP 4.12 are: assess all viable alternative project designs to avoid, where possible, or minimize involuntary resettlement; b) identify, assess and address the potential economic and social impacts of the project that are caused by the Involuntary taking of land; c) ensure consultation with and participation of the IPs, hosts communities and local NGOs; d) inform displaced person of their rights, consult them on options and provide them with technically and economically feasible resettlement alternative; e) Give preference to land based resettlement strategy for displaced persons whose livelihoods are land based; f) provide resettlement assistance in lieu of compensation for land to the affected people without legal right to help improve or at-least restore their livelihoods; g) disclosure of the draft resettlement plan; and f) implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement.

2.4 IDENTIFICATION OF GAPS IN NATIONAL POLICIES AND RECOMMENDATIONS TO BRIDGE GAPS

The main gaps and limitations of the national legal and policy framework are:

- a) National law makes provision for compensation to the titled landholder only and, by default, omits all other PAP, including non-registered tenant farmers, landless farmers, squatters, agricultural labourers, shopkeepers, artisan groups and *Dalits*.
- b) National law does not make any provision for landless, encroachers or squatters regarding to the entitlement for compensation. There is no provision for rehabilitation assistance for such vulnerable groups.
- c) When GoN requires assets, national law does not specify about the provision of mandatory replacement cost.
- d) The Land Acquisition Act, 1977 does not emphasize transparency and stakeholder participation for various decisions that directly affect the long-term wellbeing of PAPs.

- e) Lack of consideration of the apparent time gap between notification of acquisition and the payment of compensation is another limitation of the existing legal framework.

Followings are the policy recommendations to close the identified gaps and limitations are:

- a) A project affected person needs to be defined as a person or household whose livelihood or living standard is adversely affected through loss of land, housing and other assets, income, or access to services as a consequence of the implementation of the project, causing a change in land use.
- b) Entitlements should be established for each category of loss covering both physical loss and economic loss.
- c) Special attention should be given to protect the interest of vulnerable groups. With a census date as cut-off date, no fraudulent encroachments after this date should be considered eligible for entitlements of compensation. However, landless farmers/squatters who have been occupying public land for at least 3 years before the cut-off date, but without legal title, which has not been claimed by others, should be entitled to compensation for the lost land and entitled to be legalized on the remaining unaffected portion, if they do not have title to any other agricultural land. Non-land assets should be compensated at replacement value and their relocation and transportation must be assisted. Support for vulnerable groups should be provided to improve their livelihood.
- d) Practical provisions must be made for the compensation for all lost assets to be made at replacement cost without depreciation or reductions for salvage materials. Efforts must be made to assess the real replacement costs of land to the extent possible.

There must be legal provision of PAPs and local representatives of Rural/Municipalities participation in settling the resettlement issues related to compensation, relocation and rehabilitation.

3.0 Planning Steps and Methods

The Resettlement Policy Framework is a guiding document to address the potential resettlement and land acquisition issues in the schemes under RJKISP-II. As the project is likely to involve mostly improvement and upgrading of the existing facilities in the project, the expected adverse impacts are generally considered to be minimal.

a. Social Impact Assessment:

Once the possibility of land acquisition has been confirmed, a fresh SIA incorporating socio-economic surveys of Affected People (AP) should be undertaken and integrated into the detailed design of project components. The SIA combined with Socio-economic survey based on 15-20% sample households of project area, will gather relevant information about PAPs (Project Affected Persons), including: (i) demographic characteristics (ii) an inventory affected assets, facilities and resources, (iii) landownership, usage and productivity (iv) socio-economic status of PAPs and assessment of their risks including income (v) social and gender issues including prevalence of

indigenous people (vi) stakeholders and their activities (vii) people's interest and expectations including their attitude towards the project, and (viii) impact minimization/ mitigation measures based on community consultations. The SIA will help in determining the magnitude of displacement, prospective losses, better targeting of vulnerable groups, ascertaining resettlement magnitude and costs, and preparing and implementing resettlement and other plans as required.

The SIA will identify measures to avoid/minimize/mitigate involuntary resettlement risks. Vulnerability assessment of PAPs will be part of SIA and a list of vulnerable PAPs prepared and finalized in consultation with local community.

The SIA will also assess options for any relocation, opportunities for income restoration/economic rehabilitation, and any need of special assistance for vulnerable groups. It will also solicit PAPs willingness to donate their land. Based on this information, the eligibility criteria and entitlement for compensation/assistance will be established and appropriate resettlement plans (RAP) will be prepared.

b. Census Survey:

Once a broader picture of the project affected area and peoples emerges from social impact assessment, the proponent will need to undertake census survey of the affected people. At this stage, final designs of the project physical components and interventions are expected to be ready to provide project impacts more precisely. The census will enumerate of all PAPs based on site investigation sufficient to identify titled, legalizable and non-titled APs. The census will also serve as a cut-off date for the entitlement purpose. The information will be gathered in participation of community, local NGOs/CBOs, and PAPs.

c. Resettlement Action Plan (RAP): The Resettlement Action Plan (RAP), RAP, is a major planning document which is based on their information gathered from census survey of affected people and inventory of lost assets. The content of full RAP should include a statement of involuntary resettlement objective and strategy, with (i) organization responsibilities, (ii) community participation and disclosure arrangements; (iii) finding of the socio-economic survey ; (iv) legal framework, including eligibility criteria and entitlement matrix; (v) mechanisms for resolution of conflicts and appeals procedures; (vi) compensation and resettlement measures; (vii) inventory, valuation of, and compensation for, lost assets; (viii) land ownership, tenure, acquisition, and transfer; (ix) access to training, employment, and credit; (x) shelter, infrastructure and social services; (xi) environmental protection and management; (xii) monitoring and evaluation; (xiii) a detailed cost estimate with budget provisions; and (xiv) an implementation schedule, showing how activities will be scheduled with time-bound actions in coordination with the civil works. The RAP should establish an eligibility cut-off date.

3.2 ELIGIBILITY AND ENTITLEMENT:

The eligibility criteria defining different types of Project Affected Persons (PAPs) are as follows:

Project Affected Persons includes any person or persons who because of the project activities would have their: (i) standard of living adversely affected; (ii) legally recognized title, or interest in any house, land (including residential, agricultural and grazing) or any other moveable or fixed assets acquired or possessed, in full or part, temporarily or permanent; and (iii) place of work or habitat adversely affected with or without displacement.

Severely Project Affected Families (SPAFs): Families who lose 10% or more of their land and/ or a residential house because of project activities; *Project Affected Families:* All members of a project affected households residing under one roof and operating as a single economic unit, who are adversely affected by the project or any of its components;

Squatters: People who are occupying land in violation of the laws of Nepal and are not entitled to compensation of land under this policy. However, they are entitled to resettlement assistance if displaced as well as compensation for loss other than land, in particular, structures and crops.

Encroachers: People who have trespassed into public/private/community land to which they are not authorized.

Vulnerable Groups: Distinct groups of people who are socially distressed or economically backward and who might suffer disproportionately from resettlement effects. These include, but are not limited to the following: all ethnic minority/indigenous groups present in the Tarai; women-headed households; the poorest (based on poverty line and local wealth ratings); the disabled; elderly and landless/Kamaiya families.

In consistent with GON legal framework and World Bank Policy guidelines, different categories of affected people will be entitled to different types of resettlement and rehabilitation packages. These will include mainly the compensation at replacement value, displacement allowance, transportation allowance and additional assistances to vulnerable households. The actual amount of such compensation and allowances including other assistances will be provided in scheme specific RAP. **Table -1:** provides major policy entitlements to the affected people / families asked on loss categories.

Table 1: Policy Entitlement

| Type of loss | Entitled person | Policy/Entitlement |
|--|------------------------|---|
| Acquisition of private, tenancy, or Guthi land | Titleholder Tenants | <ul style="list-style-type: none"> Land with equivalent size and category, or cash compensation at replacement cost, In case of vulnerable group, preference will be in replacing land for land, Any transfer costs, registration fees or charges, Tenant will receive 50% value of the land, Land registration in the name of both land owner and spouse (in case of land for land compensation), If remaining land becomes unviable as a result of land acquisition, APs have an option to relinquish unviable remaining portion of land and receive similar benefits to those losing all their land parcel(s), Non-titled persons will receive compensation for crops and subsistence allowance for one year's crop, any up-front costs for the |

| Type of loss | Entitled person | Policy/Entitlement |
|--|---|---|
| | | tenancy agreement will be reimbursed either through an agreement with the landlord or by the EA |
| Temporary loss of land | Titleholder Tenants | <ul style="list-style-type: none"> • Advance notice for crop harvesting • Compensation at replacement cost for the net loss of income, damaged assets, crops and trees etc. • Agreement between contractors and APs before entering site |
| Loss of residential, commercial, and other structure | Landowner Tenants Non-titled (encroachers and squatters) | <ul style="list-style-type: none"> • Compensation for full or partial loss at replacement cost of the affected structure(s) without depreciation or deduction for salvaged material, • Displacement and transportation allowance for residential and commercial structures to cover actual transaction cost as estimated in the resettlement plan, • Rental stipend equivalent of three months' rent for tenants who have to relocate from tented building |
| Loss of community structures and/or resources | The users of the facility or community or group | <ul style="list-style-type: none"> • Reconstruction by the sub-project leaving such facilities in a better condition than they were before, or • Cash compensation at full replacement cost without depreciation or deduction for salvaged material |
| Loss of trees and crops | Owner of the affected fruit/nut trees | <ul style="list-style-type: none"> • Advance notice for harvesting • Cash compensation based on annual value of the produce and calculated according to Department of Agriculture (DOA) norms, |
| | Owner of the affected timber and fodder trees | <ul style="list-style-type: none"> • Cash compensation based on calculation of the production and calculated according to the district norms as decided by the Department of Forestry |
| | Owners and sharecroppers of affected crops | <ul style="list-style-type: none"> • Advance notice for harvesting • Cash compensation based on local market prices for the produce of one year and calculated as per the norms of District Agriculture Development Office, • 50% cash compensation of the lost crop for the sharecropper |
| Loss of time and travel expenses | All sub-project affected persons eligible for compensation | <ul style="list-style-type: none"> • Program facilitates transportation in official process, • Payment on the same day as other compensation. |
| Land donations | Voluntary donation is accepted only if AP: (i) is direct project beneficiary and is fully consulted and informed about rights; (ii) doesn't fall below poverty line after land donation; (iii) All adult family members have agreed to donate ¹ ; (iv) freely willing to donate (with an agreement, including a "no coercion" verified by a third party); and (v) all donations will be limited to less than 10% of landholding and minor assets | <ul style="list-style-type: none"> • No compensation for the donated land, but entitled for compensation of other assets such as house, structures, allowances, etc. • Transfer of land ownership by negotiation (DDC and the owner). • Free/escape of any transfer costs, registration fees, or charges. • Preferential employment in sub-project construction work |

¹ All adult members of the affected family should be consulted as far as possible so as to avoid litigations and claims by family members who were absent during the process.

| Type of loss | Entitled person | Policy/Entitlement |
|--------------------------|---|--|
| Additional Assistance | | |
| employment opportunities | All APs | <ul style="list-style-type: none"> • priority in wage labor/employment on sub-project construction during implementation, • APs shall be given priority after construction for work as maintenance workers, mandated in local body agreement |
| Income restoration | One member of each project affected family belonging to vulnerable group/below poverty line | <ul style="list-style-type: none"> • One time financial assistance; or • Skill training and income generation support |

4.0 INFORMATION DISSEMINATION, CONSULTATION, PARTICIPATION AND DISCLOSURE

The RAPs should identify primary and secondary stakeholders and include specific measures for consultation, participation and information disclosure in full compliance with the WB's Policies on Involuntary Resettlement and Public Communication. The primary stakeholders include PAPs, beneficiaries and stakeholders directly involved in the project. The secondary stakeholders include other individuals or groups with interest in the project such as local NGOs and municipalities. The information will have to be made available through public consultation meetings, direct discussion with APs, brochures, leaflets, or booklets in local languages and FM radio programs.

In addition, the PIO should disclose relevant information in a timely manner, in places, and in a form and language, that the APs have access to.

- (i) A draft RAP, before sub-project appraisal;
- (ii) A final RAP, after completion of such RAP; and
- (iii) The revised RAP, in case so prepared, following the detailed technical design or change in scope in the sub-project.

As part of disclosure, summary copies of the translated Nepali versions of RAPs should be placed publicly accessible places. At the center, the RAP should be posted in the website of the Project and Dol whereas in district and subproject level, hard copies of these documents should be placed in difference offices viz municipality, PIO, Wards, WUA offices etc.

5.0 INSTITUTIONAL ARRANGEMENT FOR RPF IMPLEMENTATION

The key agencies involved in implementation of this framework are the Ministry of Irrigation, Department of Irrigation, the RJKIP PIO Office.

The Ministry of Irrigation and Water Resources will be responsible for overall coordination of RAP-related activities. The PIO will have the planning and implementation responsibilities. All the

activities articulated in the RPF are to be carried out as part of the project implementation process and procedures through the same institutional set up for project execution.

The Social, Environment and Institutional Unit (SEIU) in the office of the PIO will lead and supervise the activities related to the preparation and implementation of the Resettlement Action Plans. The SEIU will work together with the engineers in the Project Office on-site to make sure that the RPF will be followed. They will also coordinate with the local administrations for RAP preparation and implementation.

The local administrations at municipality level will also join the resettlement planning and implementation process. They will participate particularly in impact inventory survey, evaluation of the compensation rates, payment of compensation funds etc. Local competent NGOs may also be hired and engaged to expedite the RAP implementation, especially for activities related with training, skill transfer, input supply and distribution, income generation, awareness raising on health, sanitation.

6.0 GRIEVANCE REDRESS MECHANISM

Grievance Redress Committees (GRC) are locally constituted committee in accordance with the project provision for dispute resolution with regard to overall project intervention. The GRCs established at the various level of the project will mandated to receive and facilitate the resolution of APs' concerns and grievances about physical and economic displacement including other impacts due to project intervention, paying particular attention to the impacts on vulnerable groups.

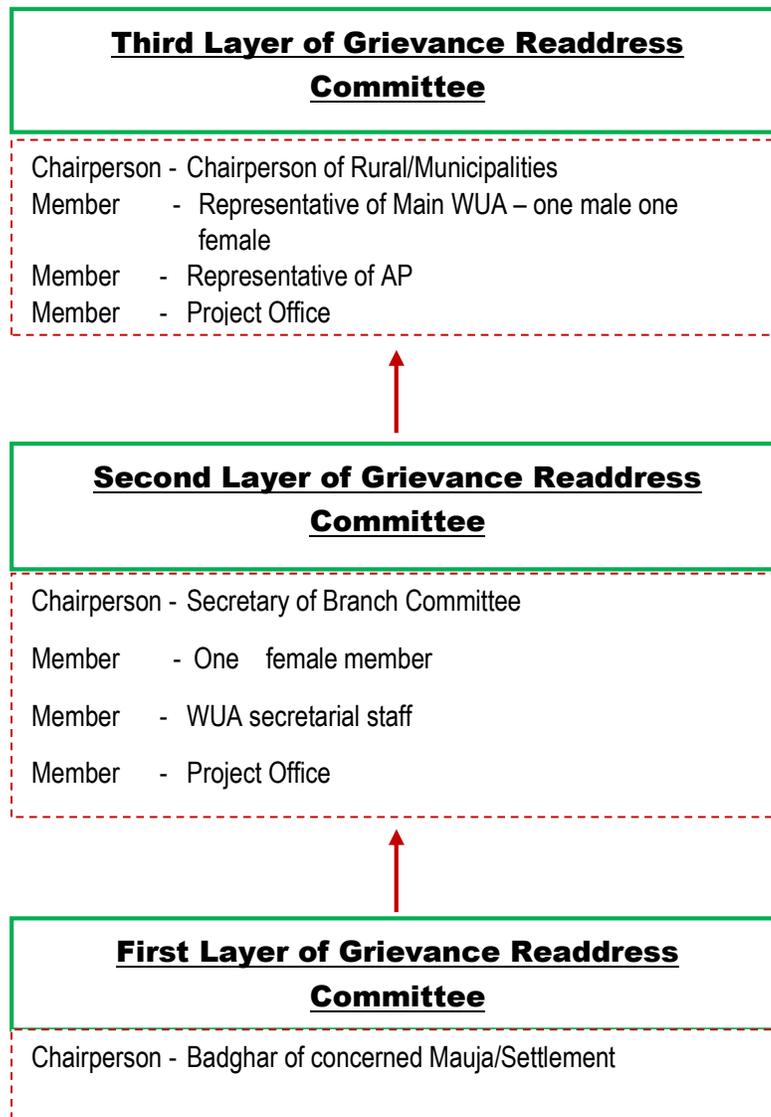
The project Grievance redress mechanism (GRM) consists of three layers. The first layer of the GRM will be at Mauja or settlement level led by Badghars. This will be the continuation of existing indigenous practices of grievance resolution. The second layer of GRCs will be created at branch canal level, led by the secretary of Branch committee whereas the project level, the GRC will be led by the by elected chairperson of rural/municipalities. The structure of GRM is presented in following figure.

GRC procedures:

The information about the existence and working procedures of GRCs will widely be disseminated in the project area. The committees are mandated to address the concerns of APs' and complaints promptly, using an understandable and transparent process that is gender responsive and socially inclusive, culturally appropriate, and readily accessible to the APs at no costs and without retribution.

The APs may submit their concerns or grievances verbally or in writing to the Committee. All complaints/grievances received are documented properly at branch and system level GRCs. Respecting the indigenous practices of grievance handling at Mauja/ settlement by Badghar, documentation of complaints/grievances will not be mandatory, however the project will encourage them to document grievance received at settlement level too.

Figure 2 Structure of Grievance Readdress Mechanism



The followings steps are followed for grievances management

Steps 1: APs file the complaints in GRC at settlement level. Complaints of APs on any aspect resulted due to project intervention or issues related to land donation, compensation, relocation or unaddressed losses is in the first instance are discussed and settled verbally or in written form with GRC at settlement level. The GRC at this level will have to respond within 7 days from the date of complain registration.

Steps 2: If no understanding or amicable solution reached from the GRC at settlement level, APs can appeal to their respective branch level GRC. While lodging the complaint, the AP must produce documents to support his/her claim. The Committee will have to make field-based

assessment to verify and examine the grievances. After proper examination and verification of the grievances, the committee will facilitate WUA, APs, and other concerned parties to agree on a time-bound action plan to resolve the grievance if found to be genuine. The GRC at branch level will have to provide the decision within two weeks from the registration of the appeal.

Step 3 If the grievances are not settled at branch level APs can appeal to the project level GRC. While lodging the complaint, the AP must produce documents to support his/her claim. The working procedures of the committee will be decided by itself. The GRC at project level will have to provide the decision within one month from the registration of the appeal.

Steps 4: If AP is not satisfied with the decision of project level GRC or in the absence of any response of its representatives, within one month of the complaint, the AP, in his/her last resort, may file the case to the appropriate courts of law and access the country's legal system.

7.0 MONITORING AND EVALUATION

The Planning and implementation of social safeguards compliance will be monitored both internally and externally. The purposes of both monitoring are to provide feedback to the management to take timely corrections in the implementation procedure and improve the performance both outcome and impact levels. Major objectives of monitoring are to ensure the followings: (i) the standard of living of APs as well as income sources are restored (ii) the time lines for resettlement and compensation are met for land acquisition and transfer procedures (iii) assess the adequacy of mitigation measures such as compensation, rehabilitation, livelihood restorations and other supports provided to Aps including construction of new houses for relocation (iv) identify problems related to social, ethnic and other conflict, and (v) suggest practical measures to address the outstanding issues.

Two monitoring systems will be applied as follows;

1. **Internal Monitoring:** The internal monitoring is undertaken on a regular basis to track the problems and performance against the planned activities and schedules. The Project will be responsible to undertake internal monitoring which will include mainly the indicators of RAP implementation. The indicators to be captured are normally the progress on resettlement and compensation payment, payment of resettlement and rehabilitation assistance as per RAP, progress on providing other assistances and activities targeted to the vulnerable people, supports to severely affected people, restoration of income and livelihood of Aps. The project will produce quarterly monitoring report and submit to the Bank.
2. **External Monitoring:** An Independent expert or Agency will be hired to undertake external monitoring of RAP. Overall objective of external monitoring is to provide unbiased and updated status on implementation of social safeguard measures including compensation, resettlement, rehabilitation, training, income generation and livelihood improvement.

Table 2: Monitoring Schedule , Methods and Responsibilities

| Performance/results | | | | |
|--------------------------------|---|--|--|------------------------------------|
| Type of monitoring | Frequency | Against | Tool, process/Method | Responsibility |
| Process | Day to day | Action Plan | Field visits, progress review, public hearing/auditing | Branch and sub-branch WUA+PIO |
| Progress | Quarterly/annually | Action Plan | Field visits, progress review, public hearing/auditing | PIO |
| Involvement party/group | | | | |
| Internal | Quarterly, annually | Work plan, progress report, field visit report | Field visits, progress review, public hearing/auditing | WUA+PIO |
| Independent | Occasionally as needed but at least once during the implementation period | Issues based, progress or field report | Progress review. interaction with primary stakeholder | Independent experts hired by PIO |
| Joint | At the end of the implementation of plan | Action plan | Progress review. interaction with primary stakeholder | All stakeholder involved including |