



# Technical Assistance Consultant's Report

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Project Number: 44140  
Date: August 2013

## TA 7566-REG: Strengthening and Use of Country Safeguard Systems

Subproject: Strengthening Involuntary  
Resettlement Safeguard Systems (Nepal)

### **AWARENESS RAISING TRAINING MANUAL ON SAFEGUARD POLICY**

Prepared by ADB Consultant Team

This consultant's report does not necessarily reflect the views of ADB or the Government concerned, and ADB and the Government cannot be held liable for its contents.

Asian Development Bank



Training Manual

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**AWARENESS RAISING TRAINING MANUAL ON  
SAFEGUARD POLICY.**

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**TA 7566 REG Strengthening and Use of Country Safeguards System.  
NEP Subproject Strengthening Involuntary Resettlement Safeguard  
Systems in Nepal**

**For Asian Development Bank**

This is consultant's draft to raise awareness on safeguard system and project management cycle, the Manual does not necessarily reflect the views of ADB or the Government concerned, and ADB and the Government cannot be held liable for its contents.

**22<sup>nd</sup> August 2013**

## **Awareness Raising Training Manual**

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## Abbreviations

ADB	Asian Development Bank
CDC	Compensation Determination Committees
CRP	Compliance Review Panel
DDC	District Development Committee
DoR	Department of Roads
GoN	Government of Nepal
IR	Institutional Reform
LA Act	Land Acquisition Act
LACRP	Land Acquisition, Compensation and Resettlement Policy
MOF	Ministry of Finance
MOHA,	Ministry of Home Affairs
MOLJ	Ministry of Law and Justice
MOLRM	Ministry of Land Reform and Management
MOIDT	Ministry of Infrastructure Development and Transport
MOFALD	Ministry of Federal Affairs and Local Development
MOE	Ministry of Energy
MOI	Ministry of Irrigation
MOSTE	Ministry of Science Technology and Environment
MOTCA	Ministry of Tourism and Civil Aviation
MOUD	Ministry of Urban Development
NLC	Nepal Law Commission
NDAC	National Development Action Committee
NGO	Non-Governmental Organization
NPC	National Planning Commission
SPF	Special Project Facilitator
TA	Technical Assistance
TOT	Training of Trainer
VDC	Village Development Committee
WB	World Bank
WG	Working Group
PAP	Project Affected People

## **Module Specification**

**Title:** Manual for Awareness Raising on Social Safe guard System.

**Prepared for:** ADB, TA 7566 REG: Strengthening and Use of Country Safeguards System.  
**NEP Subproject:** Strengthening Involuntary Resettlement Safeguard Systems in Nepal

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## **About the Manual On Awareness Raising Training**

### **Context and Focus.**

The present sub-project (TA 7566) aims to make Nepal's involuntary resettlement safeguard system more effective so that it addresses the gap in between the best international practices and the current practices of the country. It will assist the Government of Nepal to conduct a diagnostic study of the existing regulatory frameworks and policies with the best international practices, including the assessment of financial implications of the draft policy and the specific practices that have been adopted by the government to address the gap between international best practices and hence develop technical guidelines. It will also assist in identifying institutional and capacity development requirements in line with the proposed policy and the legal reforms. The subproject envisages strengthening the effectiveness of the public delivery system and mainstreaming of social safeguards in the government system in line with the Country Partnership Strategy 2010-2012.

The main outcomes of this subproject can be summarized as: i) diagnostic study of the legal and regulatory framework, ii) institutional strengthening through Institutional and Capacity Development Plan, iii) developing guideline for land acquisition and involuntary resettlement for procedural clarity and iv) Taking capacity building measures for IR implementation. These outcomes are the priority needs of GoN for enhancing its involuntary resettlement system and practice.

Different development projects are in conduction, some are in the verge of conduction and some others are in the process. Nepal government has drafted land acquisition and Resettlement and rehabilitation policy, these are high in priority to modify and prepare it to be approved from the cabinet. The history of land laws starts date back to BS 2013; it indicated the practice is long almost the 68 years. The land policy has to be adjusted according to time that brought changes in development of the country. Mostly development is focused on infrastructure such as roads, dams, electricity tunnels, transmission lines, and irrigation projects and so on.

The management of all projects is a crucial part in the development process, timely completion and properly completion is most important to build confidence among the people on the government and projects. Project management is a most challenging task, it should be handled carefully since the project manger is a bridge in between public and the board. The aspiration of people and the project situation both need to balance properly. If it is not balanced well, there might be a problem in the project.

There are different rules and regulation of the government and the international organizations that also need to be full filled. This rule and regulation, organizational structure and its problems in different sector and ways of solving the problems should be refreshed to the managerial people. Especially, the people who are facing these problems in day to day life.

This manual have divided in to three chapters, the first chapter is about organization, project cycle, the second one is for the social safe guard polices and history of land acquisition and resettlement.

The third chapter is about the management on resettlement and rehabilitation, valuation, compensation and discussion on the problems faced in the real field related to land and others. These chapter will help to enhance the capacity of the managerial level of people with refreshment on

handling monitoring, result based management and developing proper monitoring tools in line with the project planning.

## General Objectives of the training program:

### **The Broader Objective of the Awareness Raising Program.**

- The training program will assist to enhance the capacity on visioning the project with new approaches and making aware on international standard in R&R .
- The participants will be refreshed in the monitoring, evaluation, project cycle and their implementation.
- The organizational development will be explored and the capacity to understand the role of the organization and its board member enhanced.
- The enhanced the capacity to deal in resettlement and rehabilitation, valuation, and land acquisition act.
- Identifying the most pressing issues in compensation.

## **Overview of the module**

The training manual is developed as basic resource for training to enhance the capacity on understanding the organization, project cycle, Safe guard policies, resettlement management and others to the managerial level of people involved in implementing the project activities.

This training module is designed as a basic resource of training to enhance the capacity in broader understanding of an organization (Institution), land acquisition, resettlement and rehabilitation and valuation for the managerial level of an institute /organization. This module will help to understand the international practices on the social safeguard system specially with the safe guard policies of ADB . Other international organization's safeguard policies are also included briefly in the manual. The manual is divided into three different chapters and. Each chapter is divided in sub topics, these sub topics are with specific objectives.

**Target Group:** This training manual is for training project mangers those are involved to implement the project plans and programs. The people need to have an concept of project cycle, monitoring strategies specially on the action plan monitoring, developing a plan for monitoring, resettlement and rehabilitation management, finding the gaps , problems, mitigation of the problems.

## **Instructional Goals**

Enhancing the understanding the social safeguard policies( System ) , organization, resettlement and rehabilitation and elements, design project monitoring for action plan and help to complete the projects in time with the satisfaction of the people.

## Learning Objectives

After completion of all the activities and study materials of the manual, participants will be able to;

- View the project with new approaches and making aware on international standard in R&R .
- Identify the crucial stage in an organization and assess the function of the organization.
- Develop the monitoring, evaluation, project cycle and their implementation.
- The enhanced the capacity to deal in resettlement and rehabilitation, valuation, and land acquisition act.
- Apply the existing laws in land acquisition
- Implement the resettlement plan with understanding its core elements.

## Structure and Contents.

**The manual is designed in to three learning units.**

**Unit I:** This unit introduces the concept of Organization, project cycle and enables to develop monitoring mechanism.

**Unit II:** It helps to understand the safeguard policies and resettlement and rehabilitation process, land acquisition act and enables to apply the policies.

**Unit III:** It introduces land valuation practices, enables to develop a valuation matrix, resettlement and rehabilitation management.



**Timing:** Three days and contact hours (24 hrs).

**1. Training Manual Delivery Schedule:**

	Programs	Morning session Time	Programs/Content	Afternoon session Time	Remarks
Day 1	Expectation collection and objectives of the training	8:30-10.00	1.4. Project cycle.	2.20- 3:20	
	Break				
	<b>1. Organization:</b> 1.1 Definition and Introduction of Organization 1.2. Structure of the organization. 1.3. Role of the Board.	10:10-11:40	1.5. Monitoring Mechanism development. (RBM)	3:20-4:20	Criteria formation RBMF
	Break				
	1.3. Managers and responsibilities.	11:50- 1:20	1.4.2. Project evaluation and wrap up session.	4:20- 4:50	Assignment. R&R policy, LA Act.
	Lunch Break: 1:20- 2:20				
	Programs	Morning session Time	Programs/Content	Afternoon session Time	Remarks
Day 2	2.1. Need of safe guard policies	8:30-10.00	2.4 Safeguard policy of ADB.	2.20- 3:20	
	Break				
	2.2. History and practices of land acquisition.	10:10-11:40	2.5. Safeguard policy of World Bank.	3:20-4:20	.

			Wrap up Session	4:20-4:30	
	Break				
	2.3. Nepal government Draft Act on land acquisition and Draft R&R policy.	11:50- 1:20			
	Lunch Break: 1:20- 2:20				
Day 3	Programs.	Morning session Time	Programs/Content	Afternoon session Time	Remarks
	3.1. Land valuation a practice in Nepal.	8:30-10.00	3.4. Compensation- A practice in Nepal.	2.20- 3:20	
		Break		Break	
	3. 2.Valuation matrix development.	10:10-11:40	3.5. Livelihood creation management	3:20-4:20	
		Break			
	3.2.Resettlement Management	11:50- 1:20	Wrap up of the program.	4:20- 4:0	
	Lunch Break: 1:20- 2:20				

**Unit: I Organization.****1.1. Sub Topic: Introduction and Collection of expectations.****Duration:** 1 hr.30 Minutes**1.2. Learning objectives:**

- Introductory session will create a conducive environment to learn and share the experiences of the participants one another.
- The session will identify the expectations of the participants in learning from the training.

**Instructional Materials:** Meta cards, markers, blue tag, board. Different cut pictures for the introduction program.

**Key words:** Organization, memorable, expectation, association

**1.3 Introduction of the participants.**

This is the first day and first session, so it should be made memorable. Somme thing new could be added to make the day a memorable one. This depends on the situation, time and available materials. An idea has presented below, it does not mean that, the facilitator should follow the same.

**1.3.1. Delivery Approach:**

Activities	Methodology	Time
<b>Step: I</b> Welcoming the participants and motivating them what the facilitator is going to do.	Lecture	5
<b>Step II.</b> Explain the participants to perform a task that is picking up a beautiful picture from the board. All participants should have at least a picture.	Lecture and demonstrate.	10
<b>Step III:</b> Ask to the participants, to introduce herself or himself associating why s/he picked the picture. What was the specialty in the picture that attracted her or him?	Demonstration	30

**1.3.2. Sub topic: Collection of Expectations.**

- Distribution of met cards and asking them to write their expectation from the training.

**Instructional materials:** LCD projector, Flip Paper, Markers, Meta cards,

**Delivery approach:**

Activities:	Methodology:	Time (Minutes)
<p><b>Step I:</b> Divide the participants in small group with the number of 3 or 4.</p> <ul style="list-style-type: none"> <li>• Ask them to write on what their expatiations to learn from the training.</li> <li>• What sort of behavior/ help expected from the trainers during the training session?</li> </ul>	Group formation. Exercise and explanation (lecture)	5 mints.
<p><b>Step II:</b> Ask them to discuss on the points given in step I and write it in a flip chart/ computer.</p>	Practical	15 mints.
<p><b>Step III:</b> Ask the group to present their expectations and pest it in the wall.</p> <p><b>Tips for facilitator:</b> Relating with expectation, the course outline of the training should be provided after completed the presentation from the participants.</p>	Practical, Lecture, Demonstration.	15 mints
<p><b>Step IV:</b> Preparation of class rules and regulations, duties and responsibilities for each day.</p>	Lecture, participation	10 mints

**General Description of the introductory Session:** Creating learning environment during the training session is a major important part. This session is about to get to know one another and disciplining themselves in the class rooms. When an adult comes to the class room, his child hood habit may return but with his conscious effort it has been controlled. Get to know one another makes the training lively, enthusiastic, sharing ideas, opens up themselves. It will help to create a complete different learning environment. The session helps to change their certain behavior and paves smooth way for incoming session.

## 1.2. Organization:

### 1.2.1. Subtopic: Definition and Introduction of Organization.

**Time:** 1:30 Minutes.

**1.2.2 Learning Objective:** After completing this session participants will be able to;

- Describe what an organization is and finding the core elements of and development stages of the organization.
- Create a structure and describe the role of the board.

**Instructional materials:** Meta cards, markers, flip papers, LCD projector.

**Key Words:** Elements, organization, definition

### 1.2.3. Delivery approach:

Activities:	Methodology	Time Minutes
<b>Group Exercise</b>		
<b>Step I :</b> Introduction of the session and its objectives . Dividing the participants into five groups and providing the work as follow.	Lecture	<b>5</b>
<b>Group A. <u>Definition of Organization:</u></b> Divide participants into mixed groups of 3-5 people each and give them a case study of their organization to view on it. Ask them to come up with a working definition and main properties of an organization.	Discussion, Lecture,	<b>15</b>
<b>Group B. <u>Organizational Structure:</u></b> Draw an organizational structure what they have perceived.	Discussion, presentation, group	<b>15</b>
<b>Group C. <u>Core Elements of an organization:</u></b> Ask the group on finding the core elements of an organization. ( based on their Experience.)	Participation.	<b>15</b>
<b>Group D . <u>Development stages of an organization.</u></b> Identification of development stage Identify the characteristic of each step and write them in the flip chart.	Discussion, presentation, group participation	<b>15</b>
<b>Group E. <u>Governing Body of an Organization:</u></b> Identify the role of the board.	Discussion, presentation, group participation	<b>15</b>

Presentation		
Activities	Methodology	Time
Assembling the group have each group present their findings. Describe the output of each group. Encouraging each group to comment, clarify and critique one another's findings.	Presentation	40 Minutes ( each group 10 minutes)
M , Wrap up session		

Activities	Methodology	Time
<p><b>Concluding the session with key learning points:</b> Core elements of organization, organizational Growth and its characteristic, declining stage and ways to improve it.</p> <p>Responsibility of the Board to drive the organization in dynamically. Etc.</p> <p>Why do we need formal structure? Should be highlighted.</p>	Visual on the core elements	20
Hand out distribution and evaluation of the session.	Discussion	10

**Evaluation:** The participants will be given an assignment on the following.

- a. Identify the weaknesses of your own organization and provide suggestions to improve.
- b. Why an organization starts to decline, provide the main points from your own experience.
- c. What should be the role of the board to improve the organization?

### 1.3. Sub topic: Managers and Their Responsibilities.

**Time:** 1 hr 30 Minutes

**1.3.1. Learning Objective:** After completing this session participants will be able to;

- Describe the meaning of managers and importance in an organization.
- Identify the responsibilities of a Manager.

**Instructional materials:** Meta cards, markers, flip papers, LCD projector.

**Key words:** Goals, Verifiable, Accountability, Manager, responsibility

#### 1.3.2. Delivery Approach:

Activities	Methodology	Time Minutes
<p><b>Definition of Manager:</b></p> <p><b>Step I:</b> Definition of a Manager will be asked from the participants and it will be recorded in the flip chart.</p> <p><b>Definition:</b> <i>All who obtain results by establishing an environment for effective group endeavors undertakes the same function.</i></p> <p><b>Step II:</b> Definition as an output from the participants will be displayed and the definitions mentioned above will be shown by LCD projector for reconciliation among the definitions.</p>	<p>Discussion, lecture. LCD presentation.</p>	20
<p><b>Goals of a Manager:</b></p> <p><b>Step I.</b> Goals of a manager will be asked from the participants and it will be recorded in the flip chart.</p> <p><b>Goals of a manager:</b> The managers goal is to establish an environment for group effort so that individuals will contribute to group objectives with the least cost- whether money, time, discomfort or materials. (<i>Detail in handout</i>)</p> <p><b>Step II:</b> Goals of a manager as an output from the participants will be displayed and the definitions mentioned above will be shown by LCD projector for reconciliation among the definitions.</p>	<p>Discussion, lecture with LCD Presentation.</p>	30

<p><b>Responsibilities of a Manager:</b>  <b>Step I.</b> Meta card will be distributed to record the responsibilities of a Manager from the participants. They will write whatever they have experienced.</p>	<p>Discussion, lecture with LCD Presentation</p>	<p>5</p>
<p><b>Step II.</b> Meta card will be collected and they will be displayed on the board and they will be read without commenting them.</p>		<p>10</p>
<p><b>Responsibilities of a Manager:</b> These will be displayed by the LCD projector and will be clarified on the displayed points.</p> <p><b>Planning:</b> Planning is his first stage, when he decides which objectives or goals he will pursue. These objectives and goals could be in totality or in part. In practice, managers oversee many plans in various stages of execution.</p> <p><b>Organizing:</b> Organizing involves the establishment of an intentional structure of roles by identifying and listing the activities required to achieve the purpose of an organization/project, the grouping of these activities, the assignment of such groups of activities, the delegation of authority to carry out them and provision for coordination of authority and informational relationship horizontally and vertically.</p> <p><b>Staffing:</b> The organizational structure provides the human resource requirement to organization/project and keeping the human resource is the responsibility of a manager. It also includes, inventorying, appraising, selecting candidate for positions, compensating; and training or otherwise developing both candidates and incumbents to accomplish their tasks effectively.</p> <p><b>Directing:</b> It involves guiding and leading subordinates, whether they be managers or non managers. This is done with the overall framework of pre-planned objectives. (hierarchy of objectives)</p> <p><b>Controlling:</b> This involves the measuring and correcting of activities of subordinates to ensure the events conform to plans. So we, have to understand controlling is a method measuring performance against goals and plans, shows where negative deviation exist and by putting in motion action actions to correct deviations, it helps to assure accomplishment of plans.</p> <p><i>Coordination: The achievement of harmony of individual effort towards the accomplishment of group goals is the purpose of management. Each of the managerial function is an exercise of coordination.</i></p>		
<p><b>Step III:</b> The responsibilities what they have written and the LCD projector will be read and made clarification where necessary. During this process handout will also be distributed - Hand out No 2.2</p>		<p>10</p>
<p>Wrap up session</p>		
<p>Activities</p>	<p>Methodology</p>	<p>Time</p>
<p>1. Visual on the role of managers</p>	<p>Visual on the core elements</p>	<p>5</p>
<p>2. Hand out distribution and evaluation of the session.</p>	<p>Discussion</p>	<p>10</p>



**Evaluation.**

1. The participants will be asked question on the role of a manger.
2. Accountability, discussion on it.
3. Is responsibility transferrable: A discussion?

## 1.4. Sub Topic: Project Cycle:

**Time:** 1:30 Minutes

**1.4.1. Learning Objective:** After completing this session participants will be able to;

- Describe the stages of the project cycle.
- Prepare monitoring and the evaluation chart.

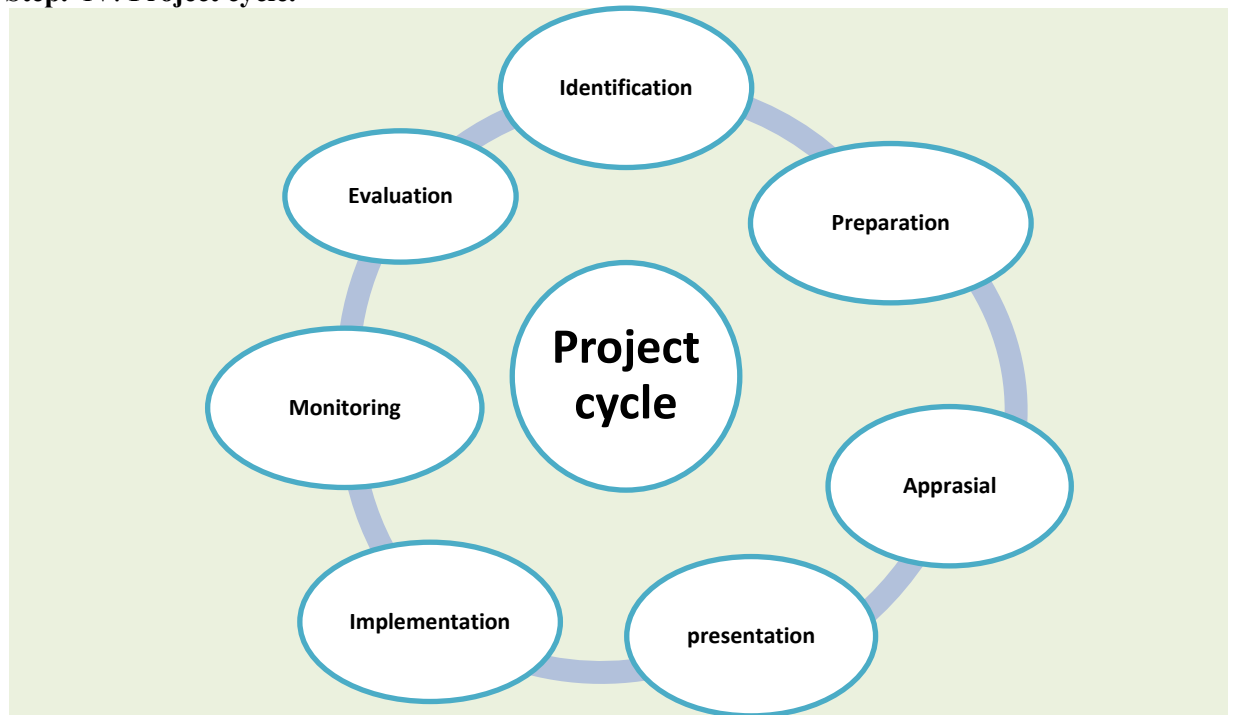
**Instructional materials:** Meta cards, markers, flip papers, LCD projector.

**Key words:** Project cycle, Evaluation, Monitoring

### 1.4.2. Delivery Approach:

Activities	Methodology	Time: Minutes.
<p><b>Step I.</b> Asking to the participants on the definition of the project. Recording the output from the participants without comments.</p> <ul style="list-style-type: none"> <li>•</li> </ul>	Lecture, discussion	10
<p><b>Step II:</b> LCD shown on the definition of projects. The projects are time bounds. <b>Size of the projects: Mega, Large, Medium and Small.</b> It depends country to country. ( These are determined by output , End result , budgetary based, most of the country associated with budget)</p> <ul style="list-style-type: none"> <li>• Reconciling with their definition that is projected by the projector.</li> </ul>		10
<p><b>Step III: Project cycle with its stages.</b> The project cycle differ slightly it means Different organization has different project cycle, it should be considered properly but the core elements of the cycle remains the same. During presentation it may vary slightly.</p> <p>General project cycle and ADB project cycle is given in the hand out no 2.3. For their comparison.</p>	Cycle presentation and discussion especially on the steps.	30
<p><b>Step IV: Discussion of project cycle stage:</b> Stages discuss and ask with the participants what should be involved and in each stage and find major points from them and record them in flip chart. At the end of the session show them in the LCD projection.</p> <p><b>LCD presentation:</b> It is in the handout 2.3. of the manual</p>	Presentation on project cycle	20

**Step. IV. Project cycle.**



Wrap up session		
Activities	Methodology	Time
Showing visuals , explain the [project cycle.	Lecture	5 Minutes
Hand out distribution and evaluation.	Discussion	5 minutes.

**Evaluation:**

- Define project cycle.
- Explain appraisal, what are the thing that should be considered in the stage of appraisal.

## 1.5. Sub topic: Development of Monitoring Mechanism

**Time: 1 hr: 30 Minutes**

**1.5.1. Learning Objectives:** After completion of the activities and content of this topic the participants will be able to;

- Explain the importance of monitoring mechanism.
- Prepare a monitoring mechanism for the project and sub projects

**Instructional materials:** Flip paper, markers, LCD projector, Meta cards, and blue tack.

**Key words:** Monitoring, Surveillance, Result based Monitoring.

### 1.5.2. Delivery mechanism:

Activities	Methodology	Time Minutes
<p><b>Step I:</b> Definition of Monitoring and Evaluation. A useful definition of monitoring (and the one used in this document) is provided by Hellowell (1991), modified by Brown (2000): <i>Monitoring is an intermittent (regular or irregular) series of observations in time, carried out to show the extent of compliance with a formulated standard or degree of deviation from an expected norm.</i> In line with this definition, we need to define the state desired in terms of objectives or targets, and then undertake monitoring to assess whether these objectives are being met.</p>	Instruction, Discussion, recording and presenting.	10
<p><b>Step: II</b> Dividing the group in to two and giving them the topics to develop a monitoring and evaluation mechanism based on their project experience.</p>	Group formation	30
<p><b>Step III:</b> Asking with the participants on how to develop the monitoring mechanism. Develop a frame work useful as monitoring tool, the project which was selected in the group.</p>	Discussion	20
<p>Step IV: Summing up the preparation asking them to present their frame work suitable to implement in the projects.</p>	Presentation	
<p>Step: V. Components of monitoring: LCD projection on the monitoring mechanism and finding the way for developing a result based monitoring system.</p>	Discussion, Lecture and demonstration,	10
<p>Step VI: Revising major points before concluding the lesson with evaluation.</p>	Lecture, LCD Presentation	10
Wrap up session		
Activities	Methodology	Time
	Visual on the core	5

1. Showing visuals , explain on monitoring with differentiation surveillance.	elements	Minutes
2. Evaluation and assignment.	Discussion	5 minutes.

**Evaluation:**

- How do you define monitoring?
- Explain the importance of monitoring?
- What is surveillance? How it differs with monitoring.
- What is result based monitoring?

**Assignment: Project cycle and responsibilities of a manager.**

Mention the roles of the Manager in the following steps

S.N	Activities / Project cycle	Responsibility of a manger
1	<b>Project preparation</b> What should be the role of manager in project preparation, give your own idea based in your experience.	
2	<b>Appraisal.</b> What is the responsibility of a manager during the process of appraisal in project proposal preparation?	
3	<b>Presentation.</b> What major step will be required in presentation of the proposal?	
4	<b>Implementation:</b> What should be prepared before hand as a manger?	
5	<b>Monitoring:</b> Why do we need monitoring? How do you monitor the project of your responsibility? Please mention the major points on monitoring.	
6.	<b>Evaluation:</b> Mentioned the aspects of evaluation.	

**Hand Outs**

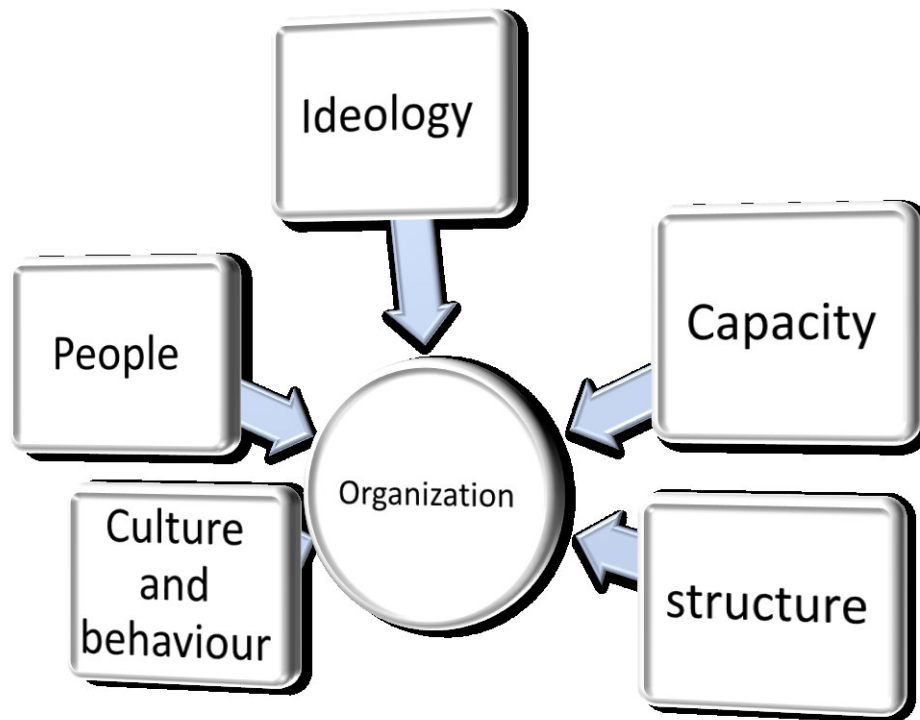
**1.1. Organizations:**

**1.1. Organization:** Human being is asocial animal and most of the action takes place in an organization. The action will also be influenced by an organization. We have been associated with an organization since our born. The family is also an organization with common goal and vision. We get education from school, this is also an organization. Most of the human join and spend much part of their life working in formal organizations of economic, social, religious and political nature. The product what are we using is the product of another organization. At the same time each individual who is working is contributing to deliver services /products to the society through the organization.

It indicates that organization is so closely associated in our life, if we try to dislocate, it will not be possible. If you try to dislocate from one another is needed. Only few of us put on effort to understand what really makes an organization and what keeps it going. This is true for even leaders and managers who create organization and

**1.1.2 Core elements of an organization:**

Organization has some character to satisfy the need of human by providing services or products. The organization emerges out of the need, so there are some core elements in the organization those are mentioned below.



*Fig .Core elements of an organization*

**People :** People are the main elements to run an organization. Some people identify the need of the society, developing trends and they motivate the people to view the opportunity to serve the people and to satisfy their need as well. They create an organization. These are core people, together with other senior organizational member, guide directions and structure for the action of the people in the organization. They give leadership and management. The workforce performs the action to produce the desired results within the set direction and structure. An organization will perform effectively if these people share common understanding of the purpose, have expected capacity to perform, and coordinate their effort through some kind of structure.

**Ideology:** Here the ideology refers to the fundamental ideas that are guiding towards the direction and operation of an organization. Each organization have some kind of vision about their future direction, mission or purpose to pursue, strategies, it implies to achieve the mission and it also set specific output goals to be achieved within a specific period of time. Without the proper vision and mission, the organization is likely to wander about without getting anywhere. Every organization will perform better if organizational members have agreed on its vision, mission, strategies, and goals. These core ideas determines other elements of organizational functioning such as structure, capacity and behaviors.

**Structure:** In organization structure is an arrangement of people, activities, resources and process of for coordinating them to operate an organization. It is a systematic framework for carrying out

functions necessary for pursuing mission and implementing strategies. It involves various elements such as function of group of activities necessary for achieving the goals, policies, system for their implementation; governance process; roles and responsibilities of people and defined pattern of relationship among various roles and people in terms of communication, authority, accountability, supervision, and control; mechanism for coordinating people; their actions, and the resources available. For an organization to work effectively, it is necessary to have a structure that is in line with its ideology and culture. It provides best opportunity for its people to use their capabilities.

**Culture and Behavior:** Value, norms and conduct of the people in the organization is the organizational culture. The conduct or behavior of the people is shaped by the organizational culture. The creation of culture is carried out by the founding members, its goals and objectives. The culture of the organization evolves through the experience of the organization, interaction one another. The functioning of an organization effectively, efficiently with the norms and values set by the organization reflects in the culture and behavior of the organization.

**Capacity:** Organizational capacity refers the competencies of the work to carry out within the given time and condition. The condition applies for its quality delivery of services and products. It includes commitment, knowledge and skills, conduct, institutionalization of the system and process with accountability in span of the control. The capacity of the staff should also be enhanced with the development of the organization as per the set goals and target to accomplish the tasks. To achieve the set target the capacity of the organization and staff should be enhanced regularly.

Capacity enhancement of an organization refers to the updating with changing technology, machines, equipment, introducing effective communication technology in the system and as per the changing approach enhancing the capacity of the staff to tackle with the changing technology and approaches.

**Coordination:** A proper coordination of these core elements with each other is a precondition for effective organizational functioning. For example, if the strategy of an organization is to work through partnership with other organizations while supporting them for their organization capacity development, then it must have a strong in-house capacity and structure, probably a separate capacity development support unit or role with necessary professional expertise to help partner organizations develop their capacity. The organization should also have a strong culture of collaboration, mutuality, and regular consultations. Much of the problem in developing organizational effectiveness arises as a result of a lack of coordination between any two or more of the core organizational elements. Development organization is in a large measure a process of designing and redesigning these core elements to establish proper coordinate among them.

### **1.1.3. Growth stages of an organization.**

Most organizations pass through a sequence of stages of development, although at different rates. It is important that leaders and managers are familiar with the various stages and are able to direct the organization according to the needs of the stage it is in.



## Growth stage of an Organization

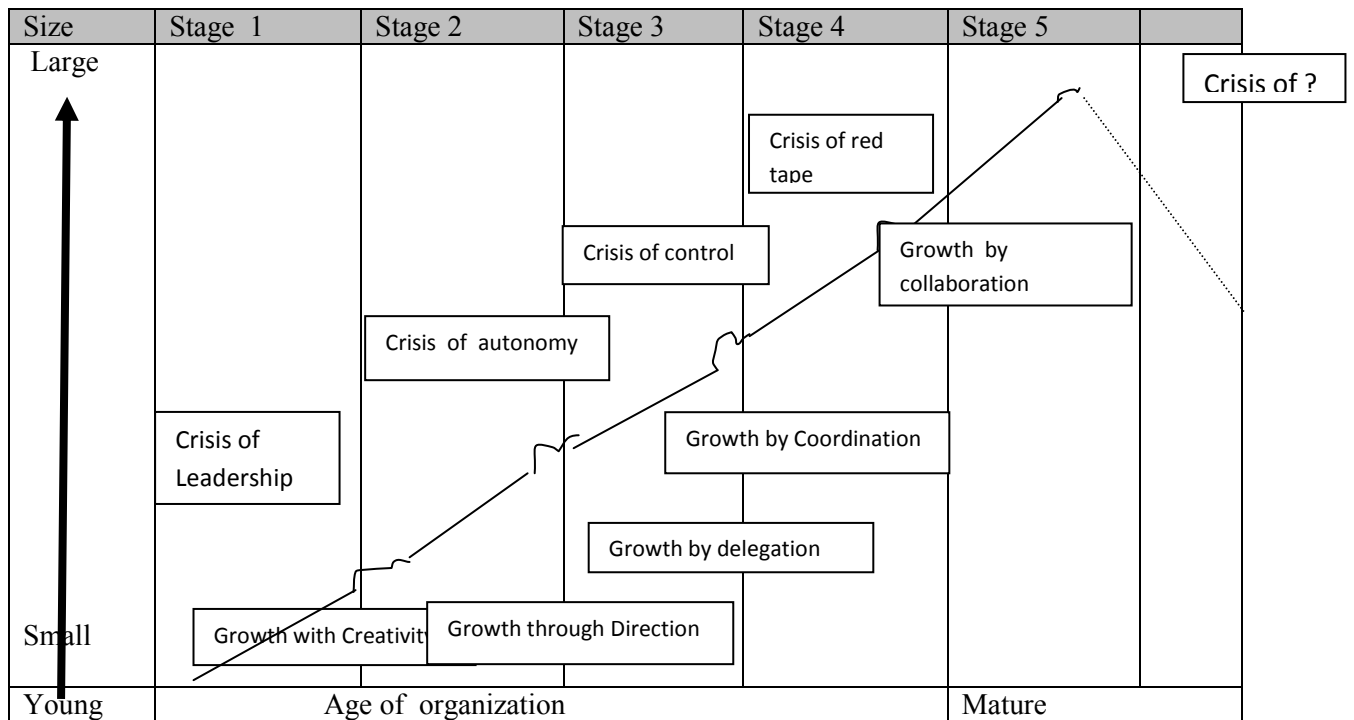
			MATURE
		<b>CONSOLIDATION</b>	Board participates in fundraising and monitoring strategies/sustainability plans
	<b>LAUNCH/GROWTH</b>	Board is in place and fully functional: Diverse members	A general procedures manual covers all organizational activities and is followed.
<b>EMERGENT</b>	Organization has expanded, established function or program units	Strategic and sustainability plans implemented.	Staff development and training mechanisms in place.
Organization's objectives often unclear, unrealistic	Organization has set some long-term goals. May not yet have strategic plan.	Personnel policies implemented but not consistently followed	Organization is able to support 30-50% of operations from self generated revenues.
Fragile Management	Organization chart exists but does not reflect actual structure	More sophisticated organ gram showing units /reporting/coordinating relationship unit created.	Detailed , affective human resources , financial management other systems in place.
Founder makes program decisions. Conducts, fund raising	Records reports designed primarily to satisfy the authority	New systems implemented with written guidance	Regular review, updating of management systems, guidance and training on systems use.
Few initiative without support	Supervisors do not regularly plan, report.	Increased diversity of funding agencies, revenue other support	Ability to track cost centers, project revenues and expenditures.
Income limited	The Board is not functioning as required/ hallow effect.	Staff trained required as donor support program.	Marketing assets including training to generate revenue.
Small staff	Community outreach program are not structured properly	Community outreach and participation fully incorporated into problem identification, planning, implementation, monitoring.	Community major source of revenue and support.
Board in formation: Limited community input	Increased reliance in external funds.	Supervision decentralized with effective feedback, follow-up mechanism	Bottom-up planning with consolidation feedback, monitoring at higher levels.

If we study each stage of growth of an organization, the work of the organization has grown with each successive stage of growth. With each successive stage, an organization should re-examine its systems and structures to examine if it is keeping pace with the new realities that it is facing. For example, most new organizations do not have adequate management system or staff.

Opportunities are present at all stages; they need to and addressed be recognized and used in order to advance through to the next stage. Problems may occur at any stage; they should be anticipated,

diagnosed to move on to the next stage. Otherwise decline and dissolution processes may start at any stage. If the stages are not managed effectively, each stage may end in a crisis due to a major problem triggered off the process of decline and dissolution. To advance to the next stage, managers need to successfully manage and solve the problem –based crisis. The general problems and growth strategies at each stage of the growth is presented in the table below.

#### 1.1.4. Organizational growth stage and its character



The table above presents the growth components and its crisis. The manager needs to recognize the crisis and stages of growth to lead the organization. In each organization, there is a need of leadership management whether it is government run or private run organization. If care is not given the organizational performance will start to decline when it reaches to the highest pick. Innovations demands from the apex to accelerate the growth.

### **1.1.5. Governing body of an organization:**

Board comprises with individual committed to contribute in the organization and in private organization, the board members are the share holders. The share holders elect/select the governing board. Law and theory dictate that the board is in charge, and is accountable for the overall direction and policies of the organization. The power is given to the board by the constitution of the organization prepared and amended by the board.

#### **1.1.5.1. Role of the board:**

**Organizational Direction:** The board is responsible to determine its goals, mission and policies to establish its general direction of operation. This is determined before establishing the organization. The board should determine the course of action to achieve its objectives. Preparing strategies and planning accordingly for its outcomes. It prepares various regulatory documents that set out of rules, regulations and procedures.

**Financial Responsibility:** The board is responsible to determine its fiscal policies and boundaries and organizing the financial requirements from the share holders and other sources where what is needed. Preparing required budget and submitting with the concerned authority for financial approval with its program. It is also responsible for financial controls and monitoring and making the organization financially sound.

If any fund need to raise, the program need to be launched for fund raising. It applies in type of organization.

**Executive selection:** The board is responsible for selecting, nurturing and supporting the chief executive officer of the organization as well as assessing his/her performance. It also have the right for terminating the executive officer. The public image needs to maintain and develop of the organization for its proper development; so the selection of the executive officer is a crucial task. They should be taken care of credibility of the officer.

**Representation and Communication:** The board needs to maintain the relationship with the community. They should put clearly the objectives of the organization to the community so that the trust will be built among the stake holders. The confidence will be built by the proper communication establishment with the community.

**Compliance with Regulatory Provisions:** The Board must ensure that the provisions of the organization's responsibilities and the law are being followed. There certain rules and regulations set by the government they should be followed while operating such as tax regulation, leave and staff regulations etc. Organizing auditing and preparing annual financial statement etc and registration of the organization is also the responsibility of the board.

**Self Assessment and development:** The board need to self assessed with its performance and setting the targets accordingly. Self assessment provides a view on the work carried out by the board; and it also provides with the positive works and where the work went wrong. It helps to adjust the future programs accordingly. In many organizations this aspect of the board is left out then it will hamper to determine the future course realistically.

## Handout

### 1.6. Managers and their responsibilities:

**Definition:** All who obtain results by establishing an environment for effective group endeavors undertakes the same function.

**Responsibilities of a Manager:** These will be displayed by the LCD projector and will be clarified on the displayed points.

**Planning:** Planning is his first stage, when he decides which objectives or goals he will pursue. These objectives and goals could be in totality or in part. In practice, managers oversee many plans in various stages of execution.

**Organizing:** Organizing involves the establishment of an intentional structure of roles by identifying and listing the activities required to achieve the purpose of an organization/project, the grouping of these activities, the assignment of such groups of activities, the delegation of authority to carry out them and provision for co-ordination of authority and informational relationship horizontally and vertically.

**Staffing:** The organizational structure provides the human resource requirement to organization/project and keeping the human resource is the responsibility of a manager. It also includes, inventorying, appraising, selecting candidate for positions, compensating; and training or otherwise developing both candidates and incumbents to accomplish their tasks effectively.

**Directing:** It involves guiding and leading subordinates, whether they be managers or non-managers. This is done with the overall framework of pre-planned objectives. (Hierarchy of objectives)

**Controlling:** This involves the measuring and correcting of activities of subordinates to ensure the events conform to plans. So we have to understand controlling is a method measuring performance against goals and plans, shows where negative deviation exist and by putting in motion action actions to correct deviations, it helps to assure accomplishment of plans.

**Coordination:** The achievement of harmony of individual effort towards the accomplishment of group goals is the purpose of management. Each of the managerial function is an exercise of coordination.

## Hand Out 1.7.

### Project cycle.

**Definition:** Projects can be defined as temporary rather than permanent social systems that are constituted by teams within or across organizations to accomplish particular tasks under time constraints. (www.wikipedia)

**Project cycle:** Project cycle is known as from design to the evaluation process, result of the project is crucial in the cycle. Without evaluation, the cycle will not be completed.

To evaluate the result, the impact assessment also conducted. So the each steps are crucial to the project. If it is known well as a part of cycle, than the success of the project is higher.

Project plan is also a crucial stage. It has to be well planned with its merits and demerits, social aspects, impact in the life of the people. Contribution in different sector, national economy, income generation, social upliftment, (impact in the quality of life of the people), environmental protection etc has looked into in the planning stage.

### Stages of Project cycle:

There are 7 stage of project cycle. Some organization has designed their own project cycle even though the core elements of the cycles are the same.

- **Identification stage:** This is a crucial stage, the approach is first local need identification, demand from the people, overall problems identification by the government etc.

**Preparation:** This is a proposal stage; in this stage the following cycle should be appropriate. Part A. Background of the project, Rational of the project , Objectives of the project, Activities to implement the project (Drawing Design, IEA) , Project implementing structure , proposed manning , Time frame.

- **Appraisal:** this stage involves whether the project is suitable or not, cost effectiveness, environments impact assessment, output, expected results etc. This appraisal will ensure the project is viable or not.
- **Presentation:** This is the stage for presenting to approval, presenting to the donor agency, government and securing the fund for the project.
- **Implementation stage:** This stage is the one where the project is ready to implement, human resources are available, ensuring the equipments, materials, etc are ready and starting the project.
- **Monitoring the project:** This is related to the progress of the project against the project plan. Some basic step of monitoring should be drawn from the activities that are time bound and processes, stages as well. These should be the basic guide lines. Apart the stage the monitor should be taken care on the following.

**Human resource relation:** How is the relation in between human resources, whether the relation is going to be hampered the project, social aspect, health and safety aspects. General record keeping procedure, procurement procedure. Etc.

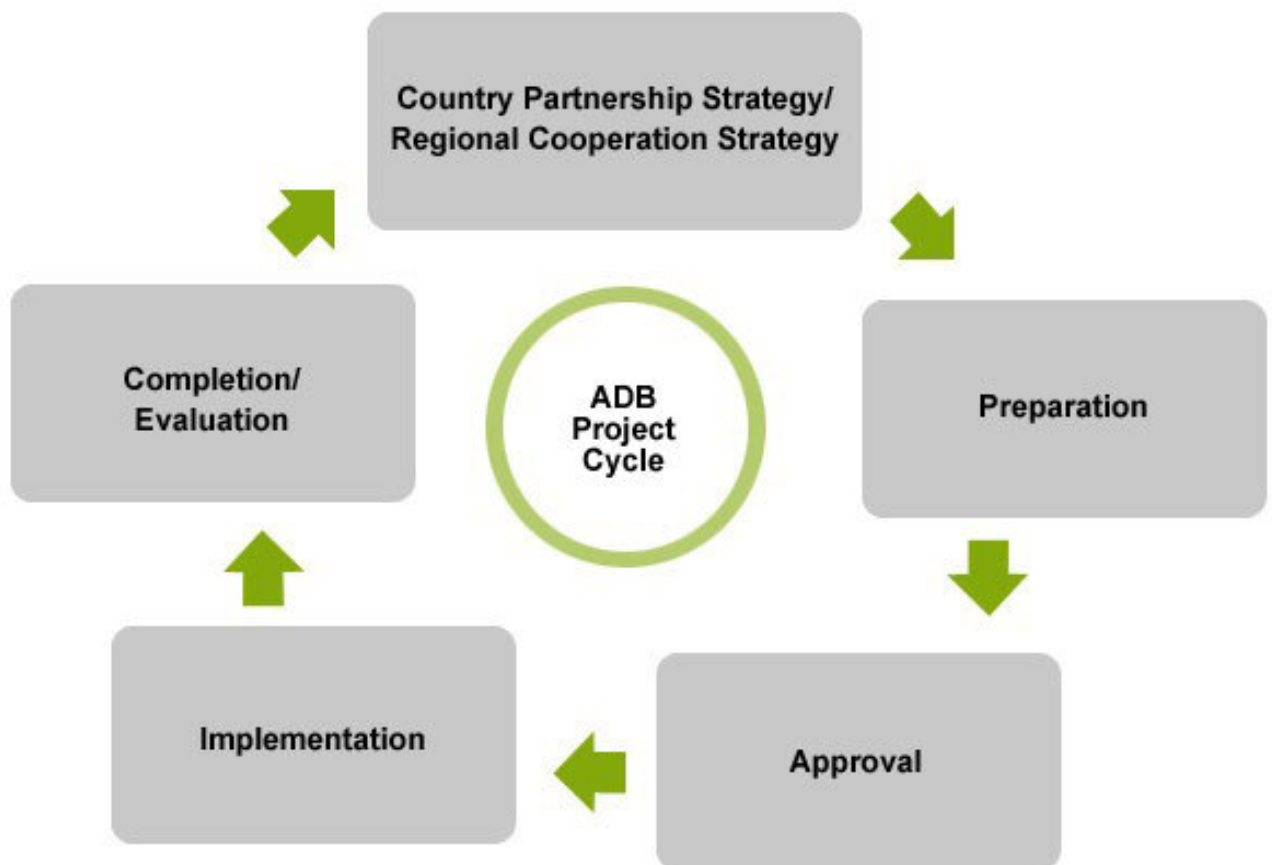
Basic idea of the monitoring is supporting to the project to complete in /on time within the budget. Keeping the project in track without much deviation.

- **Evaluation:** This is the last stage in the cycle, end result output and other part is evaluated comparing with the time frame, budget, performance, efficiency etc.

**Part B.**

**Financial calculation:** Financial calculation is carried out against the activities, required human resources, duration, social aspects, environmental protection etc. This is done as per the size of the project.

**ADB Project Cycle.**



## 1.8. Hand Out.

### **Development of Monitoring Mechanism:**

Monitoring mechanism should be developed on the basis of the project action plan or objectives. Basically, the monitoring is to keeping in track for its development. So monitoring mechanism should be as per the projects action plan a format of developing the monitoring mechanism is given below.

Different project should have their own monitoring matrix. Stages of developing Monitoring mechanism.

1. **Project cycle:** Each project has cycle. Each cycle have to go through a sub cycle, it could be said process. The processes of each cycle should be considered as the nature of the project.
2. **Resources:** Resource should be available to implement the project, its availability, difficulties to attain the resources. If resources are not available in time, this should be organized well in advance. What should be done to make the resources available to the projects?
3. **Progress:** How it should be progressed need to be time bound.

### **Result Based Monitoring System:**

**Design a Monitoring frame work (DMF):** PPMS outline a systematic way of designing and implementing projects. The DMF, the key element of PPMS, is a results-based tool for analyzing, conceptualizing, designing, implementing, monitoring, and evaluating projects. It structures the project planning process and helps communicate essential information about the project to stakeholders in an efficient, easy-to-read format. The DMF approach distinguishes between the DMF design process and the DMF itself. The process refers to the steps involved in designing a project— stakeholder analysis, problem and objectives analysis, and analysis of alternatives. The results of the DMF process are then summarized and presented in a matrix format, referred to as the design and monitoring framework or DMF (see figure 1).

In ADB, the DMF, previously called project or technical assistance (TA) framework, has been mandatory since 1996 and is included in TA papers .... The DMF approach can be applied to analysis and planning of country programs, sector strategies, and program, project, and technical assistance interventions. These Guidelines focus on its application at the project and TA level.

## Design monitoring framework: (DMF):

Design	<b>Design Summary</b>	<b>Performance Targets/ Indicators</b>	<b>Data Sources/ Reporting Mechanisms</b>	<b>Assumptions/ Risks</b>
<b>Alternatives Analysis</b>	<b>Impact</b>			
<b>Objectives Analysis</b>	<b>Outcome</b>			
<b>Problem Analysis</b>	<b>Output</b>			
<b>Stakeholder Analysis</b>	<b>Activities with Milestone</b>			<b>Inputs</b>

## Result Based Monitoring Frame work.

**RBMF:** Result Based monitoring Frame work is also called milestone monitoring mechanism, this is most beneficial to keep the track of the project progress and useful especially involved in implementing the projects. The system has to incorporate key areas such as Project title, Location, activities, completion target, Indicators, resources required, responsibility, risk factor involved. It demands a little more micro level of preparation and planning.



## A model for preparing RBMF (table 2)

**Project title:** Const ruction of resettlement units for 10 families with 3 bedroom flats.

**Location:** Shreechaur resettlement project.

**Table: 2**

Activities	Target Date	Indicators	Input		Risk analysis
			Responsible	Monitoring aspects.	
1.Site clearance	10 <sup>th</sup> October,2013	Physical check up of site clearance, program	Er. Chandra Prakash, Er. Haris	Condition of site: progress: Time left: Completion date: Resource:	<b>Risks:</b> Natural calamities, political disturbances <b>Risk Mitigation approach:</b> Medical attention, Emergency fund creation. Dialogue with the political parties regarding the project/s and its importance.
2.Foundation lay out	1 <sup>st</sup> Nov.2013	Foundation should be laid out	Er. Chandra Prakash, Er.Harish	Foundation laid out : Progress: Time left: Completion date: Resource:	<b>Risks:</b> Natural calamities, political disturbances <b>Risk Mitigation approach:</b> Medical attention, Emergency fund creation. Dialogue with the political parties regarding the project/s and its importance.
3.Erection of pillars	28 <sup>th</sup> December	All pillars casting completed.	Er. Er. Chandra Prakash, Er.Harish	-Pillars Casted: -progress: Time left: Completion date: Resource:	<b>Risks:</b> Natural calamities, political disturbances <b>Risk Mitigation approach:</b> Medical attention, Emergency fund creation. Dialogue with the political parties regarding the project/s and its importance.
4.Form work completion	30 <sup>th</sup> January 2014	Form work completion for casting the floor	Er. Er. Chandra Prakash, Er.Harish	All rod works : Form work completion: Time left: Completion date: Resource :	<b>Risks:</b> Natural calamities, political disturbances <b>Risk Mitigation approach:</b> Medical attention, Emergency fund creation. Dialogue with the political parties regarding the project/s and its importance.
6: Wall	10 <sup>th</sup> january	All wall works including	Er. Chandra Prakash	Wall making :	

Activities	Target Date	Indicators	Input		Risk analysis
			Responsible	Monitoring aspects.	
erecting		windows and door frames		Completion Date:	
7.Plastering Work	20 <sup>th</sup>		Er. Chandra Prkash	Completion: Resources:	
8.Cmpletion of the project	March 30 2014	All Works of the peoject should be completed on 30 <sup>th</sup> Of march	, Er.Harish Er. Chandra Prkash	Completion Resources	
9.Inaguration	7 <sup>th</sup> April		Project team	Resources Required. Invitation preparation:	
10 . Handing over the project	10 <sup>th</sup> April		Project team	Handing over document draft: Completion date:	

*( This is a model of monitoring requirement of know as milestone monitoring approach, The MSMP (Milestone monitoring Plan ) should be prepared well in advance , before starting the construction works*

## 2.1. Subtopic: Need of Safeguard Policies.

**Time:** 1:30 Minutes.

**Learning Objective:** After completing this session participants will be able to;

- Define safe guard policy.
- Explain the need of safe guard policy with its major elements.

**Instructional materials:** Meta cards, markers, flip papers, LCD projector

**Key words:** Safe guards, involuntarily resettlement, rehabilitation, safe guard policies

**Delivery approach:**

Activities:	Methodology	Time Minutes
<b>Group Exercise</b>		
<p><b>a. Definition of social safe guard :</b>  <b>Step- I:</b> Discuss on the concept of safe guard policy from the experience of the participants.</p> <p><b>Definition:</b> Safe guard is to protect something from loss, harm or damage. (Re. Advance learner dictionary -1128.) Social safeguard is to protect people especially on involuntarily land acquisition for the projects of the government or the public interest.</p> <p><b>Ask them to come up with a working definition and main elements of safe guard policy.</b>  Safeguard policy to help staff promote socially and environmentally sustainable approaches to development as well as to ensure that the project operations do not harm people and the environment. These safeguard policies include Environmental Assessment (EA) and those policies that fall within the scope of EA: Cultural Property; Disputed Areas; Forestry; Indigenous Peoples; International Waterways; Involuntary Resettlement; Natural Habitats; Pest Management; and Safety of Dams.</p>	<p>Discussion, lecture, presentation, LCD  Presentation on safe guard policy.</p>	<b>10</b>

<p><b>Developments of Social safe guards:</b> Dividing the participants into four groups. Step II: <i>Asking the groups what should be the social safe guard especially on the following aspects to the people those are involuntarily displaced</i> <i>Social impact, Resettlement, Rehabilitation, Environmental protection.</i> Recording their finding and reconciling with the following points,</p> <p><b>LCD Presentation:</b></p> <p>Elements of social safeguard. Elements of Social Safe guards: identification of groups and their status. The status is as below. Social impact, Environmental Impact (Environmental assessment) and Resettlement and rehabilitation. These are three major aspects of social safeguard system.</p> <p>Other elements are also associated such as livelihood restoration, better living condition, compensation, not delineating form their own groups and community, protecting their culture and cultural related activities.</p>	Discussion, presentation, group participation.	30 minute for working out.
<p><b>Presentation:</b></p> <p><b>Step I .</b> Assembling the group has each group present their findings. Describe the output of each group. Encouraging each group to comment, clarify and critique one another’s findings.</p> <p><b>A. <u>Environmental protection:</u></b> Aspects of environmental protection. -community consultation and mitigation approaches.</p>	Discussion, presentation, group participation	40 Minutes
<p><b>B. Social Impact:</b> Identification of the affected people and their assessment on the basis of their land holdings, gender, livelihood, ethnicity and culture, endogenous people. <b>C. Resettlement approaches:</b> Resettlement and their management. <b>D: Rehabilitation:</b> Presenting on the rehabilitation approach the group identified.</p>	Discussion, presentation, group participation. LCD presentation.	

Wrap up session		
Activities	Methodology	Time
1.Showing visuals , explain the core elements and stages resettlements and rehabilitations	Visual on the core elements	5 Minutes
2.Hand out distribution	Discussion	5 minutes.

**1. Evaluation:** The participants will be given an assignment on the following.

- d. Identify the major issues in environmental protection during the time of project construction and implementation..
- e. Why an organization starts to decline, provide the main points from your own experience.

f. What should be the role of the board to improve the organization?

**Project work:** Reading of Drafted R& R policy and identifying its major areas of R& R Policy.

- Identifying the areas where it need to address in the drafted document.
- Identifying the major areas that most required in day to day practices

## 2.2. Sub topic: History and practices of land acquisition:

**Time:** 1hr.30 Minutes.

**2.1. Learning Objective:** After completing this session participants will be able to;

- Explain the history of land acquisition.
- Differentiate between voluntarily and involuntarily land acquisition.

**Instructional materials:** Meta cards, markers, flip papers, LCD projector

**Key Words:** Acquisition

### 2.1.2. Delivery Approach

Activities:	Methodology	Time Minutes
<p><b>Definition of acquisition:</b></p> <ol style="list-style-type: none"> <li>1. The act of acquiring.</li> <li>2. Something acquired or gained: added two new acquisitions to my library. (Ref.www. free dictionary)</li> </ol> <p><b>Definition of Land Acquisition:</b> State and local government agencies may acquire land through compulsory process for a range of public purposes. The compulsory acquisition process can be instigated when an acquiring authority and landowner fail to reach agreement concerning the acquisition. The compulsory acquisition process is regulated by the <i>Land Acquisition Act</i>.</p> <p>The Act provides procedures as well as compensation provisions. It requires acquisitions to be on just terms and encourages purchase by negotiation in preference to compulsory acquisition. Provision is also made for owner initiated acquisitions in cases of hardship.</p> <p>The Act prescribes a timeframe for the acquisition process from a formal proposed acquisition notice (PAN) before formalization of the compulsory acquisition by its publication in the government gazette to determination of compensation within 30 days of gazettal.</p>	<p>Lecture,  Power point presentation.</p>	<p><b>10</b></p>
<p><b>History Of land Acquisition:</b> Different country has different history of land acquisition. Some of them are significant for us since they are affecting our land acquisition practices.</p> <p><b>History of land acquisition of India:</b></p> <p>The British Government of India started passing various legislations to acquire urban property against the wishes of its owners for construction public buildings in Bengal and Madras Presidencies as early as 1824. Over the next half a century they expanded the scope of these laws to rural and forest areas and consolidated them into a single act, the Land</p>	<p>Lecture, Power point presentation.</p>	<p><b>30</b></p>

<p>Acquisition Act of 1894.</p> <p><b>History of Land acquisition in China:</b> land acquisition is associated with the history of imperial China to the Socialist China. ( Detail is in Hand out)</p> <p><b>Nepal:</b> Land acquisition act formulated in 2013, since then Nepal’s history of legal instruments regulating land, property acquisition and compensation dates back to 1956 (2013 BS). The Immovable Property Acquisition Act (<i>Achal Sampati Adhigrahan Ain</i>) 2013 BS (1956) and Immovable Property Acquisition Rules (<i>Achal Sampati Adhigrahan Niyamharu</i>) 2016 (1959) were the first two legal instruments aimed at regulating land (and property) acquisition in the country. The Land Acquisition Act (<i>Jagga Prapti Ain</i>) 2018 BS (1961) attempted further refinement and regulation of legislations related to land acquisition. The Act was further elaborated at the operational level through enactment of Land Acquisition Rules 2026 (1969). These acts and regulations were considered to have limited value and therefore the Government of Nepal enacted the Land Acquisition Act of 2034 BS (1977) which replaced the Land Acquisition Act of 1961. Till present, the Land Acquisition Act 2034 (1977) has remained the main legal instrument or framework for land and property acquisition in the country. The effectiveness of the L A Act 2077 is further constrained with the absence of proper regulation.</p>		
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## 2.3. Sub topics: Land Acquisition Act.

**Time:** 50 Minutes.

**Learning Objectives:** After completing this session participant will be able to;

- Identify the major areas of land acquisition act (drafted)
- Pin point the major issues lacked to incorporate in the draft act.

**Instructional materials:** Meta Cards, Flip charts and so on.

**Key words:** land acquisition, Act, Articles, Compensation, draft.

**Delivery Approach.**

Activities:	Methodology	Time Minutes
<p><b>Step I</b> Dividing participants in four groups to work in different section</p> <p><b>Step II</b> Dividing the works to the groups according to the sections of <b>LA Act</b>. Draft LA act is divided into 3 groups to be aware with its major contents and procedures.</p> <p><b>Group A: Article 1 to 28</b></p> <p><b>Major Highlighted areas of the act.</b></p> <ol style="list-style-type: none"> <li>1. Power to acquire land exists on the Government of Nepal only. It may acquire any land of any place and in any amount.</li> <li>2. Government of Nepal may acquire land to the companies for the works relating to the Public interest, if requested to the govt. with necessary information.</li> <li>3. Section 8 and 9 deal with the govt. decision to acquire land and the authority to initiate for the same. After the decision of the govt., any officer level employee of the govt. or project chief or any staff in the case of company as designated by the local officer may initiate the preliminary action to acquire the land.</li> <li>7. The concerned stakeholder shall be provided compensation for the losses due to preliminary action. If he is not satisfied with the compensation amount, he may file a complaint to the local officer. Again, if he is not satisfied with the decision of the local officer, he may file appeal in the appellate court.</li> <li>8. The officer initiating preliminary action shall determine whether the land to be acquired is suitable or not and if the land to be acquired is unsuitable, he should report it to the ministry through the office of local officer.</li> <li>9. After 3 days of notice relating to the preliminary action, the officer initiating preliminary action shall notify the concerned office to stop the registration of the document of transfer of such land in any manner. And</li> </ol>		



the concerned office shall have to do accordingly.

10. From section 14 to 28, there are various provisions relating to negotiation with the concerned stakeholders of the concerned land to be acquired by the Government of Nepal.

11. The concerned office shall issue a notification of land acquisition. This shall contain different particulars regarding the land to be acquired and the notice to be affixed in different places. There are also the provisions of additional information to be mentioned in the notice.

12. After the publication of notice of land acquisition under section 29, the concerned office shall take the concerned land in possession at any time and use it to the concerned purpose.

Group B:14. Notwithstanding anything written elsewhere in this Act, if the person, whose whole land has been acquired under this Act, wants land itself, the Government may provide him any land elsewhere in compensation.

15. The Guthi lands acquired under this Act shall be compensated with the provisions of this Act.

16. This section has stated that the compensation should be justifiable and sufficient. There are also some criteria to be regarded as the basis of compensation determining by the Compensation Determination Committee.

17. Determination of compensation and publication of list of persons entitled to get compensation.

18. The Compensation determination committee shall have to determine the compensation within one month. The committee shall affix notification for the information of the concerned persons that the list of persons entitled to get compensation including the amount and its basis.

19. After the determination of the compensation under this Act, the concerned office shall have to notify to the Ministry.

#### **Provision of Complaint:**

20. This section deals with the provision of complaint against the amount of compensation or the list of persons entitled to get compensation. A person who is not satisfied in these matters may file a complaint to the appellate court within 25 days. A person who has obtained the compensation is not eligible to file complaint.

21. This section is concerned with the provisions of duration on which the compensation shall have to be provided as follows, if the concerned person comes to take the compensation:

- (a) Within one month from the date of determination of compensation.
- (b) In the case of an appeal pursuant to section 39(1), within two months after the date of decision of the Appellate Court.
- (c) In the case of those concerned persons who have not appealed pursuant to section 39(1), within two months of expiry of the time limit to appeal.

22. The decision of the appellate court shall be final according to this section. If a person who is not satisfied with the list of persons entitled to get compensation or the amount of compensation determined thereof has filed appeal pursuant to section 39(1), the decision of the appellate court in this regard shall be final.

23. Deduction of arrears due to the government from the compensation amount provided in this section is in provision.

23. After the possession of the land to be acquired under this Act, the ownership of such land shall be transferred to the government or to any company for which the land is acquired.

#### **Group C: Social Assessment Impact:**

24. Before initiating action to acquire land for a project under this Act, social impact assessment should be performed to identify the risk impact of the project to be caused at present or in future in the project affected areas.

25. There is no such provision of acquiring land through negotiations with the land owner in this Act.

#### **Diplomatic mission and land acquisition:**

Discussion, group presentation, LCD presentation.

40

Wrap up session:			
S.N	Activities	Methodology	Time
2	Showing visuals explain the core elements of the land acquisition History, Such as top soil and sub soil.	Visual on the core elements	5 Minutes
3	Hand out distribution	Discussion	5 minutes.
4	<b>Concluding the session with key learning points such as land</b> belongs to the state, acquisition without harm to the people, provision of complaints. Every country have their history of land acquisition. The feudal system started to acquire land for their personal use. Nepal also has its history.		

**Evaluation:**

What is the provision of complaints?  
 Explain the process of land acquisition.  
 How the act is protecting to the affected people.

## 2.3. Sub topics: Resettlement and Rehabilitation policy of GON. (Draft)

**Time:** 1:30 minutes

**Learning Objectives:** After completing this session participant will be able to;

- Explain the major areas of the policy (drafted).
- Identify the provisions of resettlement and rehabilitation in the policy.

**Instructional Materials:** Meta Cards, Flip charts and so on.

**Key Words:** Resettlement and Rehabilitation, livelihood, plans

### Delivery Approach:

Activities	Methodology	Time Minutes.
Highlighting the major areas of the R&R policy. <b>Step I</b> Hand out distribution to the participants and Providing time to read the policy.	Lecture, discussion. LCD presentation	20.
<b>Step II</b> : Asking to the participants to concentrate on the major issues of the policy. <b>Major Areas of R&amp;R Policy:</b> <ul style="list-style-type: none"> <li>➤ Minimization of displacements</li> <li>➤ Livelihood</li> <li>➤ Implementation of resettlement plans</li> <li>➤ Compensation</li> <li>➤ Additional Assistance</li> <li>➤ Inclusiveness/inclusion</li> </ul>	Lecture and LCD or flip chart presentation.	10
<b>Step III: Formation of groups:</b> Formation of 6 groups to work on to identify the key areas of each Component. If anything is missing the areas as per their experience, it should be added under the topics missing key areas in the policy.	Group discussion	50
<b>Wrap up session</b>		
Activities	Methodology	Time
Showing visuals , explain the core elements and stages resettlements and rehabilitations	Visual on the core elements.	10
<b>Concluding the session with key learning points:</b> Elements of Rehabilitation and resettlement. Approaches on livelihood restoration with environmental protection etc		

### Evaluation:

- What is R&R? Why do we need it ? Explain in your own words.
- What are the major aspects of R&R?
- Describe why do we need resettlement plan?

## 2.3. Sub topics: Safeguard Policy of ADB.

**Time:** 1hr.30 minutes

**2.3.1. Learning Objectives:** After completing this session participant will be able to;

- Explain the major areas of the policy.
- Identify the provisions of resettlement and rehabilitation in the policy.

**Instructional materials:** Meta Cards, Flip charts and so on.

**Key words:** Environment and affected people, safe guard system, involuntarily resettlement, Compensation.

### 2.3.2. Delivery Approach

Activities	Methodology	Time Minutes.
<p><b>Step I :</b> Highlighting the major areas of the safe guard policy of the ADB.</p> <p><b>Step II</b> Hand out distribution to the participants and Providing time to read the policy.</p> <p><b>Step III :</b> Asking each group to concentrate on the major issues of the policy</p> <p><b>Major Areas of ADB Safe guard Policy</b></p> <p>The objectives of ADB’s safeguards are to:</p> <p>(i) avoid adverse impacts of projects on the environment and affected people, where possible;</p> <p>(ii) minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected people when avoidance is not possible; and</p> <p>(iii) Help borrowers/clients to strengthen their safeguard systems and develop the Capacity to manage environmental and social risks.</p> <p>44. ADB adheres to the objectives of the safeguards and their delivery. ADB assumes the responsibility for conducting due diligence and for reviewing, monitoring, and supervising projects throughout the ADB’s project cycle in conformity with the principles and requirements Embodied in the SPS. By adhering to its social and environmental safeguards, ADB enhances the predictability, transparency, and accountability of its actions and decision making; helps borrowers/clients manage social and environmental impacts and risks; and promotes the long-term sustainability of investments. Transforming this commitment into results on the ground depends on shared, but differentiated, efforts by ADB and its borrowers/clients.</p> <p>45. ADB’s SPS sets out the policy objectives, scope and triggers, and principles for three key safeguard areas:</p> <p><b>(i) environmental safeguards,</b></p> <p><b>(ii) involuntary resettlement safeguards, and</b></p> <p><b>(iii) Indigenous Peoples safeguards.</b></p>	<p>Lecture, discussion.</p> <p>LCD presentation</p> <p>Lecture and LCD or flip chart presentation.</p> <p>Group discussion</p>	<p>20 minutes.</p> <p>10</p> <p>30</p>

<b>Step IV: Formation of groups:</b> Formation of 3 groups to work on to identify the key areas of each area of safeguard policy of ADB.			
Step V :Each group will present their findings			20
Wrap up session:			
S. N	Activities	Methodology	Time
2	Showing visuals , explain the core elements and stages resettlements and rehabilitations	Visual on the core elements	10 Minutes
4	<b>Concluding the session with key learning points:</b> Elements of Rehabilitation and resettlement. Approaches on livelihood restoration with environmental protection etc		

**Evaluation:**

What have you discovered in safeguard policy?

What are the provisions of environmental safeguard policy?

How indigenous people should be protected from their rights? Explain.

**Hand Outs .**

**2. Safeguard Policies.**

**2.1. Need of Settlement and Rehabilitation.**

‘Every year, approximately 15 million people around the world are forcibly evicted from their homes and lands in the name of development. The majority of this “development-induced displacement and resettlement” occurs in Asia—with severe human rights impacts for the families and entire communities that are displaced. Frequently, violence or threats and intimidation are used to force people off their land. After families have been displaced, they often find that the promises made by the government or company to rebuild their homes, communities and livelihoods are not upheld. As a result, the majority of people who are displaced by development projects become impoverished in the process .Some of the main drivers of displacement (and associated impoverishment) include: hydropower dams; large infrastructure; mines; oil & gas development; agri-business plantations; urban “renewal” schemes; and other large-scale projects. Because of the severe risks of impoverishment and human rights violations associated with involuntary resettlement, there is a need for specific safeguard policies to try to prevent these impacts. While these policies have created some new protections and opportunities for affected communities, there continue to be weakness in the policy standards and large gaps in implementation—including with the IFC’s Performance Standard . As a result, displacement and the poverty it causes continue to be a major injustice of so-called development projects in Asia.’ (Ref. [www. PS 5- resettlement info sheet](#))

Development work is for the people and the government is also for the people and it has been created by the people also. Without proper infrastructure development, the development works will not be move forward. So the land has to acquire by the government for conducting development activities. If the people say, this is our land, the development activities will not move ahead.

In some cases involuntarily the land need to vacated, the people will be displaced. In such cases the state has to look after the people. The responsibility of the state is to look after their own people. So resettlement and rehabilitation is taken place. Without the resettlement and rehabilitation plan, the government must not approve the project.

Main objective of resettlement is providing better facilities and life to the people than the previous one. The plan of rehabilitation should include the cost of livelihood creation, facilities construction and running, housing, school, road, water supply, road construction, health post and so on. Keeping closer to their own community so that their cultural aspect will be addressed. The indigenous people should be taken care for their right of their living practices such as fishing etc. Indigenous people may have different practices for their living; their right should be protected if they wish so. People are developing in their thinking and life style with the time and education. If they do not want to the way their ancestors were living, they may have a right to adapt changing pattern of development.

## 2.2. History of Land Acquisition:

History is usually a reliable guide as to how we arrived at the place we find ourselves at any point in time, and it provides the means of moving forward, avoiding the pit falls that lurk in unexpected shadows. The philosophy of Compulsory Land Acquisition has its foundation in the land laws of feudal Europe and Britain some will say England in particular. Under the old feudal systems all land was owned by the Monarch, now replaced by the 'State', and his subjects held portions of it at his behest. The underlying obligation was of course loyalty, but the price comprised of services, military or personal such as looking after his personal well being by supplying his wants whether nourishment or accoutrement.

In time however it all came down to money and land was taxed in return for possession. The underlying philosophy remained, that is ultimate ownership by the State as it replaced the absolute Monarchy with the Constitutional Monarchy. One recalls the more recent exhibition of that manifestation in what tend to call euphemistically 'Burnham's Guyana, where a statutory attempt was made to acquire lands without compensation to the holder. A case of the State recovering, that which it considered being its own.

It was however Blackstone speaking in 1765 that gives us a glimpse of the earliest perspective of Compulsory Acquisition of land: "If a road, for instance, were to be made through the ground of a private person, it might perhaps be extensively beneficial to the public....In this and similar cases, the legislature...can, and indeed frequently does, interpose and compel the individual to acquiesce. But how does it interpose and compel. Not by absolutely stripping the subject of his property in an arbitrary manner; but by giving him a full indemnification for the injury thereby sustained. The public is now considered as an individual, treating with an individual for an exchange. All that the legislation does is to oblige the owner to alienate his possession for reasonable price. (*Re: Mervyn C. Thompson : Land acquisition philosophy, process and procedure- www.land acquisition*)

### India

The British Government of India started passing various legislations to acquire urban property against the wishes of its owners for construction public buildings in Bengal and Madras Presidencies as early as 1824. Over the next half a century they expanded the scope of these laws to rural and forest areas and consolidated them into a single act, the Land Acquisition Act of 1894.

The colonial government invoked the principle of eminent domain by which it claimed ownership of all public land, waters, minerals and mines as the property of the state, usurping the traditional rights of the Indian people over these. It did not make any bones about the fact that one of the primary objectives of Act was to assist companies in acquiring land for their business enterprise.

Since the last two decades the government has been trying hard to open up the space for private capital to obtain the maximum returns. One of the initiatives of the government has been to allow huge number of privately owned Special Economic Zones or SEZs occupying 100s and even 1000s of hectares of land. However, to obtain large tracts of land, close to the urban centers became a huge

problem in the face of popular resistance to cede their land for private profiteers. Government has attempted to pass amendments to the Land Acquisition Act, such as through the LAA Bill 2007.

In this Bill, although the stated aim does not mention acquisition of land for private parties, through a slight of the hand the Bill redefines public purpose to include general public use by private companies. The Bill, which was pushed through Lok Sabha on the last day of the Budget Session in 2009, commits the government to acquire the last 30% of the land required for such a project if the private company has been able to purchase the first 70%. However, many farmers and tribal's have resisted this too.

Without doubt this is an important issue and many concerned organizations and individuals have suggested a participatory process in which the interest of the farmers, tribal people could be safeguarded. Lok Raj Sangathan has demanded that the 1894 Law should be withdrawn and the issue of change of land use should be debated publically to arrive at what constitutes public purpose.) Re. Lokrajasthan –[www.landacquisition history](http://www.landacquisitionhistory.com).

## **China:**

### **Imperial China**

Use of property was divided into **topsoil** (田皮) and subsoil (田骨) rights. Landlords paid taxes to the government in return for land-owning rights (known as subsoil rights), but did not have the right to actively use the land. The landlords in turn collected rent from peasants who used the land for agricultural purposes (topsoil rights). However, the bottom line was that the entire imperial era was seen as one of stagnation, during which "the system remained basically the same for the whole of imperial history" ( Resource:

### **Communist China**

In **Communist China**, all land was state-owned or collectively-owned. Since the establishment of the People's Republic of China (PRC) in 1949, the ruling Communist Party categorized the rural population into various classes and identified landlords as enemies of the people and the Chinese Revolution. The Communists confiscated landlord holdings and distributed them to the peasants, giving the peasants the illusion of private property rights. Soon afterwards, the Communist Party created communes with members combining their resources, with bigger communes averaging about 160 households each. Peasants that entered the communes gave up their title to land. (Re.[http://en.wikipedia.org/wiki/Chinese\\_property\\_law](http://en.wikipedia.org/wiki/Chinese_property_law))

**The 1982 constitution** provided for the 'socialist public ownership' of the means of production, which takes two forms- state ownership and collective ownership. In 2004, the fourth amendment to the constitution was made. Article 13 of the constitution provided that: "The lawful private property of citizens shall be inviolable. The country shall protect in accordance with law citizens' private property rights and inheritance rights. The country may, as necessitated by public interest, expropriate or requisition citizen's private property and pay compensation there for." It can thus be seen that China's property laws have been undergoing developments. The most recent development would be the enactment of the Property Law in March 2007 (after 14 years of debates), which is noted as one of the most important core components of the evolving civil law in the PRC. (Resource:[http://en.wikipedia.org/wiki/Chinese\\_property\\_law](http://en.wikipedia.org/wiki/Chinese_property_law))



## **Land acquisition and people in China:**

At present, my village only has 9 pieces of water rice field nearby the lower stream of the river. All have been sold away... what we had got from the compensation was not even enough to buy an apartment... Have you ever tried to understand the situation?? How can we make a living in the future?? ..... Limshui is the best example. The government did not even preserve land for relocation in Longwu, Xianglong and Guangchang. In Kan Village, all the lands were acquired in the name of public interest. The government cheated away our land and now I have little confidence but a lot of anger and resentment. (Resource: <http://globalvoicesonline.org/2010/10/16/china-riot-against-land-acquisition-in-guangxi/>)

## **Nepal**

Since the era of Prithivinaryan Shah, all land belongs to the state concept was introduced. Since his economic system viewed the land as a resource for state revenue. Various kinds of land tenure existed in the form of Raikar, Birta, Jagir, Rakam, Sera, and Kipat ( R.S. Mahat) Raikar was the only system the tenant have to made direct payment to the state. This is known as tax.

The Birta land was gifted by the state to the individual for their subsistence, primarily based on political, economic, and religious consideration.

Jagir land was assigned to the as emoluments to government officials for their civil and military service rendered to the state in place of regular cash payments.

Rakam Land was used as remuneration for the performance of specific function of skill based works such as carpentry, masonry and wood cutting and charcoal supplying. ( R.S.Mahat).

If we look into the system, the land was used as major source of state revenue, keeping civil servants, military, when it came under the Bahdur Shah, the land was also provided to the widows and children of the martyr soldiers. During Rana Regime, the system was misused and the more land was provided as Birta to Ranas.

Nepal's history of legal instruments regulating land, property acquisition and compensation dates back to 1956 (2013 BS). The Immovable Property Acquisition Act (*Achal Sampati Adhigrahan Ain*) 2013 BS (1956) and Immovable Property Acquisition Rules (*Achal Sampati Adhigrahan Niyamharu*) 2016 (1959) were the first two legal instruments aimed at regulating land (and property) acquisition in the country. The Land Acquisition Act (*Jagga Prapti Ain*) 2018 BS (1961) attempted further refinement and regulation of legislations related to land acquisition. The Act was further elaborated at the operational level through enactment of Land Acquisition Rules 2026 (1969). These acts and regulations were considered to have limited value and therefore the Government of Nepal enacted the Land Acquisition Act of 2034 BS (1977) which replaced the Land Acquisition Act of 1961. Till present, the Land Acquisition Act 2034 (1977) has remained the main legal instrument or framework for land and property acquisition in the country. The effectiveness of the L A Act 2077 is further constrained with the absence of proper regulation.

## **Conclusion:**

The history indicated that the land acquisition and resettlement and rehabilitation is a debatable issues, it should be settled properly since the people need to have livelihood and development simultaneously. The infrastructure development occurs fo the the development of the people. It should not be contradicted one another. There protests by the people while acquiring land for the development. The people should have better facilities than the previous one for resettlement or in

rehabilitation. It will satisfy the people and the development activities should also be progressing without hindrances from the people. Project for the people, people for the project. These are not antagonistic one another.

## Hand Out

## 2.2. Land acquisition ACT.

**Introduction:** Land acquisition act, a draft is prepared for its amendment. A review of draft act is presented in chapter: II. There are some changes in the draft act and some provision of modification is recommended. The act of 1977 will be active until the new act is not passed by the cabinet.

### Chapter I

#### Aspects of Land Acquisition Act: 1977

**Notification of Land Acquisition:** (1) After receiving a report of preliminary Action submitted under Section 8, the local officer shall issue a notification containing the following particulars in respect to the land. (a) The purpose for which the land is to be acquired, (b) Whether only the land is to be acquired, or whether it is to be acquired along with the houses and walls located thereon, (c) The name of the Village Development Committee and Municipality and ward number in which the land is located, (d) The plot number, if the land has already been surveyed and measured, (e) If the land has not already been surveyed and measured, such particulars as will help to identify it, and particulars regarding the boundaries thereof, (f) Area of the land, (g) Other necessary particulars,

(2) One copy of the notice mentioned in Sub-Section (1) shall be affixed at each of the following offices or places: (a) The local office of the project for which land is to be acquired, (b) District government office, (c) The appropriate Village Development Committee or Municipality Office, (d) The Land Revenue Office, (e) Thoroughfares Located around the concerned land, Such other place as the local officer may deem appropriate.

(3) In case the local officer is satisfied that the concerned person will not be able to know (about the land acquisition) notwithstanding the publication of a notice under Sub-Section (1), he/she may, if he/she so deems appropriate and feasible, personally send a notice to such person. In case the amount of compensation has already been determined by the time such notice is delivered to such person, the local officer shall also indicate in such notice the period within which he/she should appear for receiving the compensation, and the name of the office from where he/she should do so.

(4) After the notice mentioned in Sub-Section (1) has been affixed, the appropriate Land Revenue Office of documents relinquishing title to the concerned land in any manner. The suspension shall be lifted in case the local officer directs the Land Administration or Revenue Office in writing to that effect.

**10. Particulars to be Given in Notices Relating to Land Acquisition :** The notice to be issued under Sub-Section (1) of Section shall also indicate the following particulars for the information of the concerned person: (a) Particulars to the effect that the concerned person shall submit an application claiming compensation within a minimum time-limit of fifteen days, along with documentary evidence of his/her title to the land, (b) The time-limit within which the concerned person will be allowed to fell trees or corps grown by him/her on the land, and demolish houses or walls located therein, if he/she is permitted to do so.

**Right of Landowner to File complain :** (1) Within a time-limit of seven days from the date of the publication of a notice under Section 9, plus the time required for the journey involved, the concerned landowner may file a complaint with the □Ministry of Home Affairs, the Government of Nepal through the local officer, explaining the reasons, if any, why his/her land should not be acquired. If

the tenant has built any brick-house on the land with the consent of the landowner, such tenant may also file a complaint under this Sub-Section with respect to such house and the land occupied by it.

(2) Before taking a decision on the complaint filed under Sub- Section (2), the Ministry of Home Affairs, the Government of Nepal shall consult the officer responsible for preliminary Action, and, if necessary, the local officer as well. (3) For the purpose of taking decision in respect to the complaint filed under Sub-Section (1), the Ministry of Home Affairs, the Government of Nepal hearing complains under this Section shall exercise the powers vested in a district court in respect to conducting local investigations (*sarjameen*), summoning witnesses, recording statements or procuring document. (4) Decision on complaints to be made under Sub-Section (2), shall be pronounced ordinarily within fifteen days from the date of receipt of such complaint.

□□Amendment

**12. Power to Occupy Land :** (1) The local officer shall take possession of the concern land and hand it over to the office or institution for which it is acquired after a decision has been made on complaint, if any, filed under Sub-Section (1) of Sub-Section 11 after the publication of the notice under Sub-Section (1) of Section 9, or at any time after the expiry of the time limit for filing a complaint, if no complaint has been received. Such land may then utilized for the purpose for which it is acquired. After taking possession of the land in this manner, the local officer shall notify Government of Nepal accordingly.

(2) Notwithstanding anything contained in Sub-Section (1), in case any house is to be acquired along with the land, and if it is being occupied personally by the owner thereof, it shall not be taken possession of (by the local officer) unless (the owner thereof) is paid 50 percent of the amount of compensation payable to him/her, if such compensation has already been determined, or reasonable expenses in advance as required to enable him/her to shift his residence, if the amount of compensation has not already been determined.

**13. Form of Compensation and Officer powered to Determine It:** (1) Compensation payable under this Act shall be paid in cash. (2) There shall be a committee consisting of the following officers to determine the amount of compensation payable under Sub-Section (1): (a) Chief District Officer, (b) Land Administrator or Chief of the Land Revenue Office, The Project-in-chief, if the land has been acquired for a project, and if it has been acquired for any other purpose, an officer designated by the Chief District Officer, (d) A representative of the District Development Committee.

(3) Notwithstanding anything contained in Sub-Section (1), the amount of compensation may be determined separately in the case of persons whose land is wholly acquired, and of those whose land is partially acquired.

**14. Allotment of Other Lands in Exchange :** In case any person whose land is wholly acquired under this Act wants to obtain compensation in the form of land elsewhere, Government of Nepal may, in exchange for such land, allot him/her any waste land, or land belonging to itself, or any other land which it is going to allot or sell in accordance with prevailing Nepal law, if available.

**15. Compensation for Guthi lands:** In the case of Guthi lands acquired under this Act, compensation shall be paid in accordance with the provisions of the Guthi Corporation Act, 1976.

**16. Criteria to be Considered While Determining Compensation:** (1) The Compensation Fixation Committee shall take the following criteria into consideration while determining compensation for lands to be acquired for Government of Nepal, Local Bodies, and institutions fully owned by Government of Nepal.

(a) The guidelines issued by Government of Nepal from time to time in respect to the fixation of compensation and,

**17. Determination of compensation for Land Acquired Out of Surplus Land:** Notwithstanding anything contained in Section 16, in case the land to be acquired for Government of Nepal, Local

Bodies, or institutions fully owned by Government of Nepal happens to be part of the land taken excess of the ceiling on landholding prescribed in the Lands Act, 1964 the amount of compensation there for shall not exceed the amount payable under the Lands Act, 1964.

**18. List of Persons Entitled to Compensation and Complaints against it :** (1) On the basis of the applications received within the time-limit prescribed in the notification issued under Section 9, the local officer shall prepare a list of persons entitled to compensation, and issue a notice accordingly for the information of the concerned persons. (2) A person who is not satisfied with the list contained in the notification issued under Sub-Section (2) may file a complaint with the Ministry of Home Affairs, the Government of Nepal within fifteen days after the publication of such notification.

(3) In case any complaint filed under Sub-Section (2) relates to questions other than those involving a dispute over ownership or possession, the Ministry of Home Affairs, the Government of Nepal shall dispose of the same ordinarily within fifteen days. But in case such complaint concerns a dispute over ownership or possession, no Action shall be taken thereon, and a notice stating that compensation shall be paid to the person who establishes his/her title through the final decision of the court shall be served on to the concerned persons. Such notice shall also indicate the name of the office which will hold custody of the amount of compensation.

(4) The person who establishes his/her claim on the basis of the final decision pronounced by the court on a case relating to dispute over ownership or possession, shall receive the amount kept in custody, under Sub-Section (3) within two years after such final decision. In case such person fails to receive the amount kept in custody after the expiry of that time-limit, it shall be credited to the Consolidated Fund.

**19. Notice to be given After Fixation of Compensation:** After the Compensation Fixation committee has determined the amount of compensation, the Chief District Officer shall notify Government of Nepal

**20 Compensation to be Obtained by Tenants:** In case the land to be Acquired under this Act is a tenancy holding, fifty percent of the amount of compensation payable for such land shall be obtained by the tenant. Provided That in case a house constructed by the tenant with the consent of the landowner is also acquired, the tenant shall receive the entire amount of Compensation paid for such house.

**21. Arrears Due to the Government may be Deducted from compensation :** In case any amount of land or other tax levy is due from the concerned person at the time of payment of compensation for his/her land, it may be deducted from such compensation.

**22. Devolution of Ownership:** After any land has been taken possession of (by the local Officer) under Section 12, the ownership thereof shall accrue to Government of Nepal or to any institution for which the land has been acquired.

**23. Transfer of Title and Adjustment in Land of Record Revenue Register:** (1) Within fifteen days after taking possession of land ownership of which has accrued to Government of Nepal or any institution under Section 22, the local officer shall write to the office possessing records of such land to effect the transfer thereof to Government of Nepal, or to the concerned institution, as the case may be, after removing entries thereof in the land Revenue records and such office shall do so, and notify the local officer and the outgoing landowner accordingly as early as possible.

In relation to the land to be acquired for the purpose of as mentioned in Clause (1), the local officer shall issue a notice for the information of the concerned person, containing such particulars as Mentioned in Sub-Section (1) as are available. Such notice may be issued in any form he/she may deem appropriate, after being satisfied that the concerned persons will be informed of it as early as possible.

(3) The local officer may occupy land at any time after the issue of a notice under Sub-Section (2), and the ownership of Government of Nepal over such land shall be effective from the date of the occupation of such land. (4) In case any crop, tree, house, or wall standing on the land to be

acquired under this Section is acquired along with the land, the concerned person shall be paid compensation. (5) Compensation for land to be acquired under this Section shall be Determined by the Compensation fixation committee formed under Section 13. (6) Except in case relating to the amount of compensation, no complaint against the acquisition of land shall be entertained. (7) Any person who is not satisfied with the amount of compensation may file a complaint with the §Ministry of Home Affairs, the Government of Nepal within fifteen days from the date of the issue of the notice of fixation of compensation, and, in such cases, the decision of the §Ministry of Home Affairs, the Government of Nepal shall be final. (8) In regard to the removal of entries in the land revenue records of lands acquired under this Section, the local officer shall take Action on the basis of the procedure indicated in Section 23. The provisions of Section 24 shall also be applicable to such lands.

**26. Consent of Landowner:** In case Government of Nepal has already used any land for any public purpose, compensation payable for such land, even if it has not been acquired in accordance with the provisions of this Act, may be determined under this Act, provided that the concerned landowner gives his consent to do so. Such land shall be deemed to have been acquired under this Act after compensation has been determined in this manner.

**27. Acquisition of Land Through Negotiations:** Notwithstanding anything contained elsewhere in this Act, Government of Nepal may acquire any land for any purpose through negotiations with the concerned landowner. It shall not be necessary to comply with the procedure laid down in this Act while acquiring lands through negotiations.

**28. Power to Acquire Land for Diplomatic Missions and International Agencies:** (1) lands may be acquired under this Act for the use of diplomatic missions, including consulates, and of international agencies.(2) Compensation for lands to be acquired under Sub-Section (1) shall be determined in accordance with Sub-Section (2) of Section 16.

**29. Acquisition of Land Along with Buildings, etc:** In case the concerned person submits an application requesting that all crop, trogon, walls, buildings, etc., located on the land which is to be acquired under this Act also be acquired, Action shall be taken accordingly .

**30. Power of Government of Nepal to Take Decision Not to Acquire Lands:** (1) At any stage of the proceedings already started for the acquisition of land under this Act, Government of Nepal may decide not to acquire the same, and, in such case, the local officer shall affix a notice under Sub-Section (2) of Section for the information of the concerned persons. (2) Irrespective of whether proceedings in respect to the acquisition of lands are staged, if any losses are suffered as a result of preliminary Action **initiated** under Section 6, the officer responsible for such Action shall determine the amount of compensation under Section 7, where it has not already been paid.

**31. No Tenancy Right on Land Given to Others for Cultivation:** Government of Nepal or any institution may let any land acquired under this Act for cultivation to any person on contract until it is used for the purpose for which it has been acquired. Such cultivator shall not be entitled to the tenancy **rights** according to current Nepal law by virtue of cultivation of such land.

**32. Confiscation of Building constructed or crops Grown Without Permission :** (1) After the ownership of land acquired under this Act by the Government of Nepal, or any institution, no person shall construct any building, shed, wall, etc, on such land, or cultivate without the written approval of Government of Nepal or the concerned institution.

(2) In case any person constructs any building, shed, wall, etc., or cultivates the land in contravention of Sub-Section (1), Government of Nepal or the concerned institution, may confiscate such structure, or the crop grown on the land, without paying compensation.

**33. Land Acquired for Purpose may be used for Another purpose :** In case the land, acquired for the Government of Nepal or on institution fully owned by the Government of Nepal pursuant to this Act, is not required for that purpose as it was acquired or there remains surplus land upon using it for that purpose, the Government may use such land for public purpose and the institution may use such land in of the activity as mentioned in Sub-section (1) of Section 4.

**34. Land found Unnecessary to be Returned to Expropriated Landowner:** (1) If any land acquired pursuant to this Act is found unnecessary for the purpose for which it has been acquired, or there remains surplus land upon using for such purpose, it shall be returned to the expropriated landowner, unless it is otherwise utilized by Government of Nepal or an institution fully owned by it under Section 33. (2) In case any land, acquired under this Act for any institution other than one fully owned by Government of Nepal is not utilized for the purpose mentioned in the agreement executed under Sub-Section (2) of Section 4, such land shall be returned to the expropriated landowner.

(3) Notwithstanding anything contained in Sub-Sections (1) and (2), no land shall be returned under this Section unless the expropriated landowner has refunded the amount of compensation paid for such land under this Act.

(4) The local officer shall return the land on refund of compensation and additional amount by the expropriated landowner under this Section.

(5) After land has been returned to the expropriated landowner, the local officer shall direct the appropriate office in writing to update the record accordingly in the name of the landowner, and the appropriate office shall then Act and notify the same to the local officer.

**35. Power to Sell Land Which Has Been Acquired:** In case the expropriated landowner refuses to get back the land under Section 34, or is not traced, it may be sold to any other person.

**36. Goods Not to be Returned If Not Lifted Within prescribed Time-Limit :**

In case the person permitted to lift the crop, tree or building or wall constructed on the land in accordance with the different provisions of this Act fails to do so with the prescribed time limit, the local officer may impound the same, and no claim by such person to such crops, trees, house, or wall shall be entertained.

**37. Compensation to be received within prescribed Time-Limit:** In case the concerned person fails to receive compensation within the time limit prescribed for the purpose under the different provisions of this Act, or refuses to accept it, the local officer shall issue a notice prescribing a final time-limit of three months for receiving such compensation. In case the concerned person fails to receive compensation even with in such time-limit, he/she shall not be entitled to any compensation.

**38. Local Officer to Provide Assistance :** Any officer who is empowered under this Act to perform any Action may request .....the chief district Officer, or the police for assistance in the course thereof, and in that event, ..... the Chief District Officer, or the police shall provide assistance.

**39. Penalties:** (1) In case any person opposes or obstructs any Action being taken under Section 6, or uses force the persons who are taking such Action, or assaults them, or destroys any equipment installed or erected, or erases or damages any marker or map installed or made in the course of such Action, he/she shall be punished with a fine not exceeding one thousand rupees, or with imprisonment for a term not exceeding one month, or with both.

(2) In case any person opposes or obstructs or creates disturbances which affixing the Notice he/she shall be punished with fine not exceeding Rs. 1,000.

(3) In case any person opposes or obstructs or creates disturbances while occupying the land by the local officer under Sub-Section (3) of Section 25, he/she shall be punished with a fine not exceeding Rs. 1,000, or with imprisonment for a term not exceeding one month, or with both.

**40. Authority to Hear Cases and Appeals:** (1) The original jurisdiction in respect to offenses punishable under this Act shall be in the Chief District Officer. (2) Appeals against any decision made by the Chief District Officer under Sub-Section (1) shall be entertained in Court of Appeal within thirty five Days.

**41. Government of Nepal to be the Plaintiff:** Government of Nepal shall be the plaintiff the in all case filed under this Act.

**42. Power to Frame Rules :** Government of Nepal may frame Rules to Implement the objectives of this A

**43. Repeal and Saving :** (1) The Land Acquisition Act, 1961 has been repealed. (2) Any Action taken for the purpose of acquisition of land under the Land Acquisition Act, 1961 at the time of commence of this Act shall be Deemed to have been taken under this Act after the commencement thereof and may be continued as if it was started under this Act.

## **Chapter: II Major Highlighted areas of the act.**

1. Power to acquire land exists on the Government of Nepal only. It may acquire any land of any place and in any amount.

2. Government of Nepal may acquire land to the companies for the works relating to the Public interest, if requested to the govt. with necessary information.

3. Section 8 and 9 deal with the govt. decision to acquire land and the authority to initiate for the same. After the decision of the govt., any officer level employee of the govt. or project chief or any staff in the case of company as designated by the local officer may initiate the preliminary action to acquire the land.

7. The concerned stakeholder shall be provided compensation for the losses due to preliminary action. If he is not satisfied with the compensation amount, he may file a complaint to the local officer. Again, if he is not satisfied with the decision of the local officer, he may file appeal in the appellate court.

8. The officer initiating preliminary action shall determine whether the land to be acquired is suitable or not and if the land to be acquired is unsuitable, he should report it to the ministry through the office of local officer.

9. After 3 days of notice relating to the preliminary action, the officer initiating preliminary action shall notify the concerned office to stop the registration of the document of transfer of such land in any manner. And the concerned office shall have to do accordingly.

10 .From section 14 to 28, there are various provisions relating to negotiation with the concerned stakeholders of the concerned land to be acquired by the Government of Nepal.

11. The concerned office shall issue a notification of land acquisition. This shall contain different particulars regarding the land to be acquired and the notice to be affixed in different places. There are also the provisions of additional information to be mentioned in the notice.

12. After the publication of notice of land acquisition under section 29, the concerned office shall take the concerned land in possession at any time and use it to the concerned purpose.



14. Notwithstanding anything written elsewhere in this Act, if the person, whose whole land has been acquired under this Act, wants land itself, the Government may provide him any land elsewhere in compensation.

15. The Guthi lands acquired under this Act shall be compensated with the provisions of this Act.

16. This section has stated that the compensation should be justifiable and sufficient. There are also some criteria to be regarded as the basis of compensation determining by the Compensation Determination Committee.

17. Determination of compensation and publication of list of persons entitled to get compensation.

18. The Compensation determination committee shall have to determine the compensation within one month. The committee shall affix notification for the information of the concerned persons that the list of persons entitled to get compensation including the amount and its basis.

19. After the determination of the compensation under this Act, the concerned office shall have to notify to the Ministry.

#### **Provision of Complaint:**

20. This section deals with the provision of complaint against the amount of compensation or the list of persons entitled to get compensation. A person who is not satisfied in these matters may file a complaint to the appellate court within 25 days. A person who has obtained the compensation is not eligible to file complaint.

21. This section is concerned with the provisions of duration on which the compensation shall have to be provided as follows, if the concerned person comes to take the compensation:

- (a) Within one month from the date of determination of compensation.
- (b) In the case of an appeal pursuant to section 39(1), within two months after the date of decision of the Appellate Court.
- (c) In the case of those concerned persons who have not appealed pursuant to section 39(1), within two months of expiry of the time limit to appeal.

22. The decision of the appellate court shall be final according to this section. If a person who is not satisfied with the list of persons entitled to get compensation or the amount of compensation determined thereof has filed appeal pursuant to section 39(1), the decision of the appellate court in this regard shall be final.

23. Deduction of arrears due to the government from the compensation amount provided in this section is in provision.

23. After the possession of the land to be acquired under this Act, the ownership of such land shall be transferred to the government or to any company for which the land is acquired.

**Group C: Social Assessment Impact:**

24 Before initiating action to acquire land for a project under this Act, social impact assessment should be performed to identify the risk impact of the project to be caused at present or in future in the project affected areas.

25. There is no such provision of acquiring land through negotiations with the land owner in this Act.

**Diplomatic mission and land acquisition:**

26. There is not a separate section in this Act regarding the land acquisition for diplomatic missions, consulates and international organizations.

28. This section states that the whole land should be acquired, in case some portion of a land or only some of the rights of such land is to be initiated to acquire in accordance with this Act, the other portion or land left out from the social impact assessment which may not be used economically, in such situation action to acquire ownership of entire land should be initiated.

**Land Utilization:**

29. Section 56 (1) has made a provision that the land acquired under this Act shall have to be utilized within ten years from the date of acquisition for which purpose it has been acquired. Sub-section (2) of section 56 provided that in the case of a company, the time period shall be of five years.

Sub-section (3) of Section 56 states that in case the land acquired under this Act is not required for that purpose as it was acquired or there remains surplus land upon using for that purpose, it may be decided to use such land for any other public purpose and the land used should have to be used in such purpose within the four years from the date of decision. Sub-section (4) of section 56 provides that the land acquired under this Act for a company may not be used in other purpose than those for which the land was acquired.

## **2.4. Resettlement & Rehabilitation policy**

### **5. Resettlement and Rehabilitation Policy of Nepal (Draft):**

The following policies will be adopted to achieve the above mentioned objectives relating to resettlement and rehabilitation

#### 5.1 Displacement minimization (related to objective 4.1)

5.1.1 The government can declare project-affected area issuing notice in gazette

5.1.2 Land acquired or proposed to be acquired for acquisition for resettlement or rehabilitation can be declared resettlement area through a notice securing permission from the government by the project

5.1.3 Barring those who want to resettle themselves voluntarily, a policy will be taken to resettle the displaced families at the periphery of their existing settlement if possible; otherwise project can select any location for resettlement.

5.1.4 Project selection: Prior to the acquisition of land, appropriate project will be selected following the study and assessment of different aspects of project at the very preparatory phase to identify the impact and risk of involuntary resettlement to be rendered by the project at present and future.

Project will be divided into following categories in the process of selecting the project:

- a. Project with serious impact
- b. Project with significant impact

#### Clarification:

a) "Project having a serious impact" means a project which renders displacement of 25 families in mountains, 50 families in hills and 100 families in Tarai

b) "Project having a significant impact" means a project which renders displacement of less than 25 families in mountains, less than 50 families in hills and less than 100 families in Tarai.

## 1.2 Livelihood (Related to objective 4.3)

5.2.1 The model of resettlement for the displaced families and communities will be prepared with a view to maintaining their lifestyles that they had been living prior to the commencement of the project.

5.2.2 If there is a need of relocating all the population of a particular community of a village or area, efforts will be taken to rehabilitate all the families at a single dense settlement so that their social, cultural and economic relations will not be disturbed.

5.2.3 The area to be selected for resettlement should be safe from any environmental hazard or natural disaster should be as per the local development standards and community facilities (school, health facilities and religious places etcetera) and other services (drinking water, sewage, electricity and telephone etcetera) should be available. These things should be properly developed prior to relocating the project-affected families from the area of their settlements.

5.2.4 The selection of a resettlement area for cultivation should be based on a detail study and also keeping in mind the land's prospects of sustainable agricultural production. The rehabilitation area for cultivation should be developed with a plan that would make possible to avail some plots to build houses, an area for harvest, a place for cattle farming and some space to grow vegetables.

5.2.5 All the project-affected families will be given certificates for the use of the land in the resettlement areas. The project developer will bear all the expenses to be incurred for preparing survey maps, registration, ownership transfer and distribution of certificates.

5.2.6 The people to be resettled will be encouraged to maintain good social and economic relations with the locals so that such a practice would help reduce possible negative impacts to be caused by the project on the locals.

5.2.7 Local non-government organizations, community-based organizations and social activists will be mobilized to relocate the project-affected families to the rehabilitation area.

### 5.3. Plan implementation (Related to objective 4.3)

5.3.1. While formulating plans it should be made sure from the very beginning that there shouldn't be any repetition of program to be run by the concerned agencies.

5.3.2. There will be coordination among the agencies that run employment programs, economic activities, urban development activities and programs on poverty eradication in the areas where the rehabilitation program is being run.

5.3.3. There will be cooperation with the concerned agencies with an objective to make use of the physical infrastructures, which are constructed by other agencies, even after the completion of storage project.

5.3.4. While planning a project, all the expenses to be incurred for providing compensation, making rehabilitation and all other related expenses will be included in the total project cost.

5.3.5. The Resettlement and Rehabilitation Plan will be prepared in line with the environmental impact study based on the social impact assessment prepared at the time of project planning. The objective of this plan is to ensure that the livelihood and lifestyle of the displaced people should be improved or at least should maintain the (physical, economic and social) status that they had prior to the project implementation. The objective is not to only maintain the previous status but also to bring about improvement in the status of lifestyle if the displaced are poor and endangered groups. It should be done by ensuring proper housing facilities, security of their free cultivation and alternatives for their sustainable source of income and livelihood. This plan shall address all the necessities stated in the policy. The format of the resettlement and rehabilitation is given on Annex 1.

5.3.6. All the facts and information given in the resettlement and rehabilitation plan will be considered estimation until the census on all the affected people is completed. Immediately after the completion of the engineering design, the project will finalize the rehabilitation and reinstatement plan by conducting census and making assessment of property loss. At this stage, changes in resettlement and rehabilitation plan will mean various aspects such as the number of dislocated people, the boundary and measure of the land acquired resettlement budget and the time period required for implementation of this plan etc.. The indicators of the rights of the resettlement plan can be updated to show the relevant changes made at this stage. But, the standards set during the original rights indicators can't be rendered ineffective while making changes in the resettlement and rehabilitation plan or finalizing it.

5.3.7. A brief plan should be prepared for resettlement and rehabilitation for the projects that have significant impact.

5.3.8. A complete plan should be prepared for resettlement and rehabilitation for the projects that have serious impact.

5.3.9. There shall be an emergency fund for the projects related to involuntary resettlement that may arise during the stage of project implementation. The project will make sure that necessary amount can be available at any time from such fund as and when needed.

5.3.10. The project will use service of competent and experienced experts while preparing the plan and making social impact assessment. Similarly, the resettlement and rehabilitation plan will be prepared in consultation with the affected families, social activists and civil society members.

5.3.11. The procedures for preparation of resettlement and rehabilitation, the methods to determine compensation and other assistance, necessary human resources and coordination among various agencies will be done in accordance with the technical guidelines to be issued as per this policy.

5.3.12. The project-affected people will be informed about the objectives and progress of the resettlement and rehabilitation programs through local consultation forum, public gathering, mass media and by issuing notice in proper public places as far as possible.

5.3.13. After preparing the final resettlement plan, the project will consult with the identified dislocated people and inform them about their rights and alternatives of transfer. In such a situation, the project will prepare a supplement resettlement and rehabilitation plan or improved resettlement and rehabilitation plan and submit it to the concerned authority prior to doing any contract agreement.

5.3.14. The project-affected families will be provided with basic and infrastructural facilities at the resettlement areas as per the standards set by the Nepal government. The resettlement plan to be prepared by the project must ensure that drinking water, electricity, school, health posts and pharmacies must be available there.

5.3.15. All the budget allocated for the development of resettlement area must be spent for the same purpose and this include survey, land development, infrastructure of community facilities, road access, internal streets, community support and other rehabilitation expenses.

5.3.16. **Compensation** (Related to objective 4.4)

5.3.17. If the project-affected family is going to be become marginalized farmer, the family should be given a priority for providing at least to the extent of use of marginal land on the basis of uniform productivity and value for land as far as possible as compensation of land against the loss of land with priority to provide land in separate area for indigenous group.

5.3.18. In case of larger than “marginal land use” or in a case where the plan of “land for land” can’t be applied, the compensation will be given case amount as per the policy of existing market price. The rate used to sale the similar pieces of land at the adjoining or neighboring areas, the records found at the land revenue office or the rate determined by locals will be the major bases for determining the market price.

5.3.19. If a portion of a land is affected but if other portion is also going to be economically useless, the project should acquire the total area and the affected land owner should be compensated as per the replacement value or on the basis of “land for land” basis.

5.3.20. A reasonable compensation will be given for residential, commercial and other constructions such as sheds, walls, toilets etc.. But this kind of compensation basis will not be applied in case of the families who are compensated on replacement basis in resettlement areas.

5.3.21. If a building or a physical infrastructure is partially affected and rest of the part can be used, the owner will be compensated with cash amount only for the affected portion and additional money will be given to renovate the other parts as well. But if the remaining part of the building is not fit for use, then the project should acquire the total building by compensating the building owner on the basis of replacement value of construction materials. The infrastructure owner should take the materials after demolition.

5.3.22. In case, the land can be rented to the same landlord even after acquiring from the owner by constructing such as transmission line, drinking water supply network, sewage, the land price can be determined on a condition to reduce the rent amount from the land value of the last date.

5.3.23. The project will provide an amount equal to the three months rent to the building owner for his loss except for the compensation on the physical infrastructure.

5.3.24. If the project has affected any community facility such as irrigation, drinking water supply, sewage, grazing land, spiritual or religious place or building, school, meeting venue, market place etcetera. The project shall restore the structure as in its original form or provide total money needed to reconstruct it to the community or the concerned group.

5.3.25. If there is any loss of plants of fruits, the project will compensate on recommendations by the Department of Agriculture. But if there is a loss on horticulture or on commercial production of fruits, the farmer will be compensated by making loss assessment.

5.3.26. The loss made on trees, plants, logs, firewood and grasses at a private land, the owner will be reasonably compensated as per the standards set by the Department of Forest in district.

5.3.27. The procedures given by the existing laws shall be followed when it is necessary to remove trees and plants from a government or community forest.

5.3.28. When it comes to a loss of crops and grasses, an amount of money worth of a year’s production, as per the local market rate, will be provided as compensation. The standards set by the Department of Agriculture will be followed to measure the production.

5.3.29. No compensation will be given for land for those which are clearly stated, by the existing laws, as development corridor or development tax or volunteer donation or similar other programs. But the facilities for compensation, additional support and rehabilitation will be made available as per this policy for construction structure and properties of other sources.

5.3.30. The agreement on remapping and ownership transfer period of the land mentioned on 5.4.13 will be done at the time when the resettlement and rehabilitation plan is finalized.

5.3.31. While compensating for the land that is temporarily acquired, the compensation amount will be determined based on the net loss of income incurred by the affected owner, the damage on the sources, crops or trees, grasses and will be compensated on reasonable grounds for the losses.

5.3.32. Those dislocated people who don't have lawful ownership of the land around their residence or don't possess any identifiable legal rights will not have any right to claim compensation for the land. But they will be able to receive compensation for the loss on their properties other than the land and to get resettlement assistance from the budget of proposed land development.

5.3.33. The legitimate tillers [mohi] of a Guthi or any other land will be compensated as per the existing laws.

5.3.34. If the land occupied by irrigation or any other facility isn't acquired by the project but it is damaged and rendered to the state of out of operation, due to the project, it will be restored to the state of fit for operation.

5.3.35. A tension might surface between the resettled people and local communities due to the big gap created after the distribution of infrastructural developments and services and other resettlement measures. Therefore, the local communities will also be provided the benefits of such services and infrastructural developments so as to avoid any tension between the new and local communities.

5.3.36. Land will be acquired for the Resettlement and Rehabilitation Plan if sufficient public land isn't available for the purpose.

5.3.37. The district administration office or the project office shall issue notice seeking applications with addresses and details of the affected land and properties for compensation.

5.3.38. The compensation amount will be paid through a bank cheque after the applications for compensation along with the land ownership certificates are submitted at the district administration office or at the project office. Other cash compensations will be paid at the local levels in the presence of representatives from local non-government organizations, social activists and project-affected people, among others.

5.3.39. If an affected individual failed to claim the compensation within the given period, the compensation amount will be provided to his husband, wife or any other person who can be legitimate claimant as per the existing laws if the chief of the local authority proves that the person is legitimate claimant and a clear reason for the failure to be present in the given time.

5.3.40. If a landowner failed to claim for compensation in accordance with the clause 5.4.23, the compensation amount of the affected people, whom the local authorities verify as absentee landowner, will be deposited at the stated bank account. If no one claimed the amount deposited in the bank account for five years from the date of bank deposit, public notices will be issued for three times in the gap of at least a month in national dailies seeking application for the claim of the amount. After that, the unclaimed amount will be deposited on the government account. After that, no claim will be accepted. The social motivators of the project will find out the absentee landowners and assist them to provide them the compensation amount.

5.3.41. The project shall settle all the issues related to providing the compensation amount to the affected people and other assistance related to rehabilitation prior to signing the construction contract agreement and removing things from the land or prior to the project starts its work at the land. In case of providing compensation other than in the cash form (such as land for land, community services etc.), it shall be as determined by the resettlement and rehabilitation plan.

5.3.42. The tasks of updating map records, mapping of plots etc. should be done prior to distributing compensation amount and depositing the amount of absentee landowners on bank account.

5.3.43. The Government of Nepal can make special arrangements if it is deemed necessary to make relaxes on the above-mentioned provisions given a special circumstance or for the one that is proved to be a special project.

#### **5.5 Additional support (related to objective 4.5)**

5.5.1 In addition to the compensation provisioned in this policy, extra compensation, resettlement and rehabilitation facilities such as housing facilities, transport facilities, facilities for transporting construction materials, transferring business, house-rent facility and priority in employment, will be fixed for project-affected individuals on the basis of social impact assessment. The criteria to ascertain such aforementioned support will be mentioned in technical guidelines formulated under clause 12

5.5.2 Compensation will be provided in the case that permission is given to construct house and other structures under the authority of electricity transmission line and the cost to undergo maintenance of such construction to meet the security standard.

5.5.3 Additional support will be provided in line with the provisions stated in the settlement and rehabilitation scheme to lessen the pain of those seriously affected by the project and to support their resettlement and rehabilitation process

#### **5.6 Inclusion (related to objective 4.6)**

5.6.1 Facility of running fish farming or catching fishes in limited area of the reservoirs or dam constructed by project, without harming the environment-- will be given to underprivileged indigenous community, ethnic community, dalits and families headed by women if they have traditional practice of catching fishes in river, ponds or dams, so as to facilitate them to adjust themselves as in the state they before the commencement of project.

5.6.2 Additional two percent of the total compensation valued as per the resettlement and rehabilitation scheme to resettle and rehabilitate the families of underprivileged groups and single women among the displaced families or seriously affected individuals.

5.6.3 Compensation will directly to go to the women against the loss suffered by the enterprises run by women themselves.

5.6.4 Assistance will be provided in line with the resettlement and rehabilitation scheme, underprivileged groups- especially dalits, marginalized indigenous or ethnic groups or families headed by women to manage the cash or land in place of land received by them as compensation.

5.6.5 Resettlement should be considered as an opportunity for the development of persons falling under deprived group, and deprived group development program should be formulated as an integral part of resettlement scheme. Plans relating to local saving, credit, income generation and training shall be incorporated in each resettlement scheme for improving livelihood of local laborers, deprived



groups , women and other deprived people and for providing access to other development initiatives through social- mobilizer or community organizations..

5.6.6 Arrangement shall be made to relocate to somewhere resettlement area to members of deprived or vulnerable groups who have been living in the settlement adjoining to land acquired by the project by acquiring their land along with providing full support, in the case that their land was not acquired by the project leading to very few their members to be left out and making them to lose their social network of cooperation.

5.6.7 Underprivileged indigenous nationalities or dalit groups will be rehabilitated to dense locality in the vicinity of their natural habitats so that their ethnic, linguistic and cultural identities as well as socioeconomic network may be maintained.

5.6.8 Priority will be given to members of vulnerable group for facilities such as employment opportunity in resettlement area.

## 2.4. Current Safeguards Policies and Experience

### A.ADB's Current Safeguard Policies

14. **ADB's Safeguard Policy Framework.** Safeguard policies are generally understood to be operational policies that seek to avoid, minimize, or mitigate adverse environmental and social impacts, including protecting the rights of those likely to be affected or marginalized by the development process.

ADB's safeguard policy framework consists of three operational Policies on the environment,<sup>9</sup> Indigenous Peoples, and involuntary resettlement. These are Accompanied by *Operations Manual* sections on Environmental Considerations in ADB Operations; 10 Involuntary Resettlement; 11 and Indigenous Peoples. 12 ADB's *Handbook on Resettlement* (footnote 2) and *Environmental Assessment Guidelines* (2003) provide Information on good practice approaches to implementing safeguards. In addition to the three safeguard policies, several sector policies have environmental safeguard elements, for example, those pertaining to water, energy, and forestry.

15. **Safeguard Requirements.** All three safeguard policies involve a structured process of impact assessment, planning, and mitigation to address the adverse effects of projects throughout the project cycle. The safeguard policies require that (i) impacts are identified and assessed early in the project cycle; (ii) plans to avoid, minimize, mitigate, or compensate for the potential adverse impacts are developed and implemented; and (iii) affected people are informed and consulted during project preparation and implementation. The policies apply to all ADB-financed projects, including private sector operations, and to all project components. The internal procedural requirements are detailed in the *Operations Manual* sections (footnote 10–12) and involve similar implementation processes as follows:

(i) Screening and scoping of the main issues start as soon as potential projects for ADB financing are identified and continue throughout the project cycle;

(ii) Impacts are assessed, safeguard plans summarizing mitigation measures, monitoring program, and institutional arrangements are prepared, and arrangements are made to integrate safeguards into project design and implementation;

(iii) Affected people are consulted during project preparation and implementation and information is disclosed in a form, manner, and language accessible to them; and

(iv) Safeguard plans are disclosed to the general public and the information is updated at various stages in the project cycle.<sup>13</sup> ADB's safeguard policies require that both ADB's and DMCs' safeguard requirements are complied with.

16. **Roles and Responsibilities.** A basic principle of the three existing safeguard policies is that implementation of the provisions of the policies is the responsibility of the borrower/client. Borrowers/clients are required to undertake social and environmental assessments, carry out consultations with affected people and communities, prepare and implement safeguard plans, monitor the implementation of these plans, and prepare and submit monitoring reports. ADB's role is to explain policy requirements to borrowers/clients, help borrowers/clients meet those requirements during project processing and implementation through capacity-building programs, ensure due diligence and review, and provide monitoring and supervision. Considerable Attention is devoted to the project processing and approval phase of the project cycle, although ADB's role in monitoring

safeguard compliance continues during project implementation. ADB's project completion reports and project performance evaluation reports include review of the implementation of safeguards.

## **B. Compliance Oversight**

17. **Compliance System.** Upon its reorganization in 2002,<sup>14</sup> ADB established arrangements for monitoring projects' compliance with its safeguard policies. With the support of the Environment and Social Safeguard Division, ADB's Chief Compliance Officer is responsible for advising management and operations departments on safeguard compliance and related Operational procedures and guidelines. Compliance with the safeguard policies is monitored throughout the project cycle. If a project poses risks of noncompliance, actions to ensure compliance are recommended at the Management Review Meeting, and project compliance is Reviewed again at a Staff Review Committee meeting. Operations departments take steps to ensure that outstanding safeguard requirements are met before Board approval. Review Missions are undertaken during project implementation to monitor compliance with safeguard provisions in the legal agreements and to take appropriate actions if projects are at risk of noncompliance.

18. **Accountability Mechanism.** In May 2003, ADB adopted a new accountability mechanism<sup>15</sup> whereby people adversely affected by ADB-financed projects can express their grievances; seek solutions; and report alleged violations of ADB's operational policies and procedures, including safeguard policies. The accountability mechanism replaced ADB's *Inspection Function* (1995).<sup>16</sup> ADB's accountability mechanism comprises two separate, but related, functions: (i) consultation, led by ADB's special project facilitator, to assist people adversely affected by ADB-assisted projects in finding solutions to their problems; and (ii) providing a process through which those affected by projects can file requests for compliance review by ADB's Compliance Review Panel.

### **A. Experience with ADB's Safeguard Policies**

19. **Environment.** ADB formally introduced environmental assessment into its lending operations in 1979.<sup>17</sup> By the time the current *Environment Policy* was adopted in 2002, ADB had accumulated more than two decades of environmental assessment and management experience. During that period, the policy principles and scope of environmental safeguards evolved from an initial focus on undertaking technical assessment and mitigation measures to an emphasis on developing and implementing a comprehensive environmental management plan (EMP). Key elements of EMPs are mitigation measures, monitoring programs, cost estimates, budgets, and institutional arrangements for implementation. In addition, the environmental assessment process emphasizes public consultation, information disclosure, and consideration of alternatives. While procedural compliance has improved over time, the substantive aspects of compliance—integration of findings and recommendations of environmental assessment into project design, borrower/client ownership of EMPs, and effective implementation of EMPs—remain challenging.

20. The 2006 Operations Evaluation Department (OED) *Special Evaluation Study* (SES) *on Environmental Safeguards*<sup>18</sup> concluded that the safeguard element of ADB's environmental policy is relevant and has been effective in avoiding major adverse environmental impacts from ADB-financed projects, although its transaction costs have decreased the efficiency of project processing. The study recommended revision of the *Environment Policy* to (i) refocus efforts "from front-end loan processing and approval to results delivery," (ii) better integrate and align country systems and procedures with the policy for environmental assessment, (iii) broaden the focus of policy application from the project to capacity building, and (iv) better integrate environmental and social safeguards for a stronger focus on sustainable development. The study also recommended that ADB consider (i) strengthening the environmental expertise of resident missions; (ii) giving nongovernment organizations (NGOs) a greater role in monitoring; (iii) reviewing the application of the environmentally sensitive category B project classification and the 120-day disclosure rule for category A projects; (iv) strengthening country systems; and (v) developing an action plan for

implementing the revised environment policy, including paying specific attention to ensuring an appropriate match between ADB's capacity and policy requirement.

### **Involuntary Resettlement.**

The *Involuntary Resettlement Policy* was formulated in 1995 based on the World Bank's policy on involuntary resettlement. As ADB-financed projects became more complex, they had to address their impacts on property, assets, and loss of livelihood without physical relocation, particularly in urban areas, where many informal settlers live. Experience with implementation of this policy suggests that many of its aspects could be improved, including (i) treatment of those without clear land titles (for example, squatters or other informal settlers); (ii) scope of resettlement compensation covering appropriate replacement costs, restoration and/or rehabilitation, and livelihoods; (iii) unambiguous definition of affected versus displaced persons; and (iv) capacity development of DMCs for impact assessment and resettlement planning and implementation.

22. The 2006 OED SES on involuntary resettlement safeguards<sup>19</sup> concluded that the *Involuntary Resettlement Policy* has been broadly effective in achieving outcomes for affected persons and creating resettlement capacity in many DMCs. However, its inputs and processes were assessed as being less than efficient and the current policy approach was assessed as less likely to be sustainable given the transaction costs to ADB and its borrowers/clients. Consequently, the SES recommends that during the SPU, ADB should (i) reconcile the differences between the 1995 *Involuntary Resettlement Policy* and the *Operations Manual* and clarify whether the scope of the policy covers both physical and economic displacement; (ii) clarify ambiguous key terms and implementation modalities, including replacement costs, compensation and relocation assistance, entitlements of squatters, and land acquisition procedures; (iii) develop a results-based framework with a set of performance standards; (iv) increase DMCs' capacity and reliance on country systems for land acquisition and resettlement safeguards; and (v) provide clear guidelines and procedures for involuntary resettlement operations. The SES also identified a mismatch between policy requirements and available staff resources and recommended that the SPU include a policy implementation plan.

23. **Indigenous Peoples.** ADB adopted its *Policy on Indigenous Peoples* in 1998. The broad definition of Indigenous Peoples in the policy follows the international consensus that has been emerging in recent decades, the general classification of Indigenous Peoples by international institutions such as the United Nations and the International Labour Organization, and the status of Indigenous Peoples as recognized by international law. Application of the policy poses particular challenges in the region because of the huge variation in countries' history, cultures, ideologies, economic resources, demography, and politico-institutional frameworks. Countries' national legislation and definitions of Indigenous Peoples, if any, are seldom fully aligned with ADB's policy. Experience with policy implementation has been mixed and key challenges remain, including the following: (i) recognition of Indigenous Peoples' cultural identity and rights to their ancestral lands and resources, (ii) fair sharing of development benefits among affected Indigenous Peoples communities and the rest of society, and (iii) meaningful and culturally appropriate consultation with Indigenous Peoples communities in planning and implementing projects that are likely to affect their lives.

24. The 2007 OED SES on Indigenous Peoples safeguards<sup>20</sup> concludes that the policy is relevant to ADB and its borrowers/clients, but is less effective. ADB-financed projects have generally avoided or mitigated any adverse impacts, but this has largely been a result of implementation of resettlement plans and environmental management plans rather than of Indigenous Peoples plans. According to the SES, the lack of value added of Indigenous Peoples plans when other safeguard plans exist makes the current policy approach less efficient and less likely to be sustainable given the transaction costs to ADB and its borrowers/

## Crosscutting Issues

In recent years, internal reviews of the implementation of ADB environmental and social safeguard policy have also highlighted the need for improved performance. Issues relevant to project preparation and processing include (i) quality of consultation and disclosure, (ii) adequate assessment of DMCs' frameworks and capacities, (iii) optimal sequencing of safeguard planning during the project cycle, and (iv) variable quality of safeguard documents. Also critically important is the adequacy of budgetary allocations for safeguards. Implementation issues have centered on (i) budgeting for safeguard requirements (design changes, compensation payments, and the like); (ii) implementing mitigation measures; (iii) ensuring that safeguard plans are updated based on detailed engineering design and changes in scope; (iv) improving agency oversight at the contractor level; and (v) ensuring adequate ADB supervision and compliance monitoring, especially oversight on the ground.

## Environmental Safeguards

**Objectives:** To ensure the environmental soundness and sustainability of projects and to support the integration of environmental considerations into the project decision-making process.

**Scope and Triggers:** Environmental safeguards are triggered if a project is likely to have potential environmental risks and impacts.

### Policy Principles:

1. Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.
2. Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project's area of influence. Assess potential trans boundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.
3. Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no project alternative.
4. Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.
5. Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women's participation in consultation. Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken into account. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and

facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.

6. Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.

7. Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.

8. Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.

9. Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phase outs. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.

10. Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.

11. Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of "chance find" procedures that include a pre-approved management and conservation approach for materials that may be

**Objectives:** To avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

**Scope and Triggers:** The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

## Policy Principles:

1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
2. Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
3. **Improve, or at least restore, the livelihoods of all displaced persons through** (i) land-based resettlement Strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
4. **Provide physically and economically displaced persons with needed assistance, including the following:** (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
5. **Improve the standards of living of the displaced poor and other vulnerable groups**, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and Resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
6. **Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated Settlement** to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
7. **Ensure that displaced persons without** titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non land assets.
8. **Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood** restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound Implementation schedule.
9. **Disclose a draft resettlement plan**, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other

## Stakeholders.

10. **Conceive and execute involuntary resettlement** as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

11. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.

12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions

## Indigenous Peoples Safeguards

**Objectives:** To design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

**Scope and Triggers:** The Indigenous Peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset. The term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.

## Policy Principles:

1. Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.
2. Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.
3. Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize,



mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.

4. Ascertain the consent of affected Indigenous Peoples communities to the following project activities:

(i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.

5. Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.

6. Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.

7. Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.

8. Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.

9. Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

*(Re. ADB Safeguard Statement 2009) (For more details read ADB, Safeguard statement 2009)*

## OP 4.12 - Involuntary Resettlement

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.<sup>1</sup>

### Revised April 2013

1. Bank<sup>1</sup> experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.

### Policy Objectives

2. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

(a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.<sup>22</sup>

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<sup>1</sup> Note: OP/BP 4.12, Involuntary Resettlement, were revised on April 2013 to take into account the recommendations in "Investment Lending Reform: Modernizing and Consolidating Operational Policies and Procedures" (R2012-0204 [IDA/R2012-0248]), which were approved by the Executive Directors on October 25, 2012. As a result of these recommendations: (a) OP/BP 10.00, Investment Project Financing, have been revised, among other things, to incorporate OP/BP 13.05, Supervision and OP/BP 13.55, Implementation Completion Reporting, (which have consequently been retired); and (b) OP/BP 8.60, Development Policy Lending, and OP 9.00, Program-for-Results Financing, have also been revised. OP/BP 4.12 have consequently been updated to reflect these changes, to clarify the extent of applicability of OP/BP 4.12 to Development Policy Lending and Program-for Results-Financing, and to reflect the updated title of the Bank's policy on access to information.

Questions on this OP/BP may be addressed to the Safeguard Policies Helpdesk in OPCS (safeguards@worldbank.org).

iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or

(b) the involuntary restriction of access<sup>9</sup> to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons. 4. This policy applies to all components<sup>2</sup> of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement that in the judgment of the Bank, are

(a) directly and significantly related to the Bank-assisted project,

(b) necessary to achieve its objectives as set forth in the project documents; and

(c) carried out, or planned to be carried out, contemporaneously with the project.

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5. Requests for guidance on the application and scope of this policy should be addressed to the Resettlement Committee.

### **Required Measures**

6. To address the impacts covered under para. 3 (a) of this policy, the borrower prepares a resettlement plan or a resettlement policy framework (see paras. 25-30) that covers the following:

(a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are

(i) informed about their options and rights pertaining to resettlement;

(ii) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and

(iii) provided prompt and effective compensation at full replacement cost<sup>11</sup> for losses of assets<sup>12</sup> attributable directly to the project.

(b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are

(i) provided assistance (such as moving allowances) during relocation; and

(ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the old site.

(c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are (i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living;<sup>14</sup> and

(ii) provided with development assistance in addition to compensation measures

iii) such as land preparation, credit facilities, training, or job opportunities.

7. In projects involving involuntary restriction of access to legally designated parks and protected areas (see para. 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which

(a) specific components of the project will be prepared and implemented;

(b) the criteria for eligibility of displaced persons will be determined;

(c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and

(b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons<sup>3</sup> should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

(c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.<sup>4</sup>

### **Impacts Covered**

3. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects,

8. To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

9. Bank experience has shown that resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, the Bank satisfies itself that the borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups that are compatible with their cultural preferences and are prepared in consultation with them.

10. The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. For impacts covered in para. 3(a) of this policy, these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities,

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(d) potential conflicts involving displaced persons will be resolved. The process framework also includes a description of the arrangements for implementing and monitoring the process.

where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons. For impacts covered in para. 3(b) of this policy, the measures to assist the displaced persons are implemented in accordance with the plan of action as part of the project (see para. 30).

11. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land (see footnote 1 above), or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area,<sup>17</sup> or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

12. Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land-based but the land taken for the project is a small fraction<sup>18</sup> of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

13. For impacts covered under para. 3(a) of this policy, the Bank also requires the following:

(a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are<sup>3</sup> established for these groups.

(b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).

(c) Patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of

resettlers and any host communities are preserved and resettlers' preferences with respect to relocating in preexisting communities and groups are honored.

### **Eligibility for Benefits**

14. Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

15. Criteria for Eligibility. Displaced persons may be classified in one of the following three groups:

(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan and<sup>20</sup> (c) those who have no recognizable legal right or claim to the land they are occupying.

16. Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistance<sup>21</sup> in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank.<sup>22</sup> Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.

### **Resettlement Planning, Implementation, and Monitoring**

17. To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:

(a) a resettlement plan or abbreviated resettlement plan is required for all operations that entail involuntary resettlement unless otherwise specified.

(b) a resettlement policy framework is required for operations referred to in paras. 26-30 that may entail involuntary resettlement, unless otherwise specified.

(c) a process framework is prepared for projects involving restriction of access in accordance with para. 3(b) (see para. 31).

18. The borrower is responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the "resettlement instruments"), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of Bank involvement in a project.

19. Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs.<sup>23</sup> The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.

20. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to resettlers (as compared to the "without-project" circumstances) are added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.

21. The borrower ensures that the Project Implementation Plan is fully consistent with the resettlement instrument.

22. As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.<sup>24</sup>

23. The borrower's obligations to carry out the resettlement instrument and to keep the Bank informed of implementation progress are provided for in the legal agreements for the project.

24. The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement implementation to determine compliance with the resettlement instrument. Upon completion of the project, the borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring. If the assessment reveals that these objectives may not be realized, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate (see also, para. 16). Resettlement Instruments

### **Resettlement Plan**

25. A draft resettlement plan that conforms to this policy is a condition of appraisal for projects. (a) above.<sup>25</sup> However, where impacts on the entire displaced population are minor,<sup>26</sup> or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower. The information disclosure procedures set forth in para. 22 apply.

### **Resettlement Policy Framework**

26. For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy. The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.

27. For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy. In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential subborrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing. 28. For other Bank-assisted project with multiple subprojects<sup>27</sup> that may involve involuntary resettlement, the Bank requires that a draft



resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the

**Day: 3**

zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal. For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

29. For each subproject included in a project described in para. 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

30. For projects described in paras. 26-28 above, the Bank may agree, in writing, that subproject resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegations, and appropriate remedies for the entity's approval of resettlement plans found not to be in compliance with Bank policy, are provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.<sup>i</sup>

## Valuation and R&R Management

### 3.1. Topic: Land Valuation practice in Nepal.

**Time:** 1hr.30 Minutes.

**3.1.2.Learning Objectives:** After completing this session the participants will be able to;

- Identify the practices of land valuation in Nepal.
- Finding out the approaches in reliable land valuation practice.

**Instructional materials:** Flip chart, met cards, Board markers, LCD projector.

**Key words:** Land valuation, practice, problems,

#### 3.1.3.Delivery Approach:

Activities	Methodology	Time
<p><b>Step I:</b> Practices of Land valuation in Nepal.</p> <p><b>Practice:</b> There is no unitary frame work for valuation of the land. The district Valuation committee determines the value of the land of the district for a year. It is revised in yearly basis.</p> <p><b>Problem:</b> The Valuation is not in par with the market, so the people resisted with the compensation and the project is forced to come into negotiation.</p> <p><b>Land valuation by the Bank and the project:</b> Bank has developed of its valuation matrix with their own discretion as per the market value of the area. They ask to the public to determine the value of the land that are going to take as guarantee against their loan.</p> <p><b>Other projects:</b> This includes Nepal Electricity Authority will have their own standard to value the land and compensation.</p> <p><b>Hydro power projects:</b> They have their own practice, ends up with negotiation.</p>	<p>Lecture, Group discussion and LCD presentation.</p>	<p>15 minutes.</p>

<p>Road projects: They have their own practice and ends up with negotiation. Mostly It happens in mega road projects, such as fast track, railways and so on. Nepal also surveyed, east to west Railway projects.</p> <p><b>High-tension line coverage:</b> Project areas where they need the land and so on. <b>Pole erecting area for the extension line.</b> These are major category of the Nepal electricity Authority.</p> <p><b>Other projects:</b> Most of the projects have entered in negotiation to acquire of the land in the areas where the land is required.</p> <p><b>Land acquiring laws in Nepal:</b></p> <p>1. <b>Constitution of 2063:</b> The Constitution Section 19 Sub Section (3) has explained the compensation of the acquired land for public use.</p> <p>2. There are 14 acts to acquire land and compensation . (Their brief description is given in hand out)</p> <p>2.1 An act to acquire land in development region 2013 (</p> <p>2.2. Unmovable property acquiring act 2013 .</p> <p>2.3. Land Acquiring act 2034/2036.</p> <p>2.4.Compensation act 2019</p> <p>2.5. property taxation act 2047</p> <p>2.6. water resource act 2049</p> <p>2.7. Local Development act 2055</p> <p>2.8. Public road act 2031</p> <p>2.9. National Conservation act and wildlife act 2031</p> <p>2.10. Land protection act 2039</p> <p>2.11. Mines and mining act: 2042</p> <p>2.14. Forest act 2049.</p> <p>2.15. Electricity act 2049</p> <p>2.16.Bank /Financial Institution act 2063</p> <p>There are other acts that are directly related to land acquisition and compensations such as <i>Muliki Ain</i> 2019 etc. Some of these are listed in the hand out.</p>		
<p>Step II: Groups formation: The participants will be divided into three groups. Each group will be given a task for land valuation approaches that will be used unilaterally.</p>	<p>Flip paper , Meta card,</p>	<p>30</p>
<p>Step III: Group Presentation and question answers.</p>		<p>30</p>

Wrap up session:		
Activities	Methodology	Time
Showing visuals explain the core elements of the land valuation.	Visual on the core elements	5 Minutes
Hand out distribution and <b>Concluding the session with key learning points such as land</b> valuation as per the market value, properties of land (Agricultural land, land with possible resettlement as towns, junction and its belongings such as lively hood creation area, grazing area etc)	Discussion	5 minutes

**Evaluation:**

- a. What method will be best suit to evaluate the land price for involuntarily acquisition?
- b. What factors are most affecting for valuate the land?
- c. Do you have any alternative to land valuation

### 3. 2. Land Valuation Matrix development.

Time 1:30 minutes.

**3.2.1.Learning objectives:** after completing this session, the participants will be able to,

- Identify the major areas considering for land valuation.
- Developing a matrix for land valuation.

**Instructional materials:** Flip papers, meta cards. LCD projector, markers, blue tack.

**Key words:** Valuation, matrix, Valuation Method,

#### 3.2.2.Delivery approach:

Activities	Methodology	Time Minutes
<b>Step I.</b> Presentation on international practice in land Valuation.	Lecture, Discussion, question answer	10 Miutes
<b>Step .II .</b> Legal Aspects of Land valuation in Nepal.	Lecture, Discussion, question answer	10 Minutes
<b>Step III:</b> Formation of three group and providing then a task of the following. <b>Group A:</b> How the land valuation committee should be formed, their role and responsibility in land valuation in the district should be analyzed. <b>Group B:</b> land valuation matrix development. What should be incorporated while valuing the land? <b>Group C:</b> What social aspect should be incorporated while valuing the land should be considered? Explore these aspects.	Flip paper, Markers ,or Meta cards.	30 Minutes
<b>Step IV:</b> Assembling the group for their Presentation.	Flip paper	30 minutes.

Wrap up session:		
Activities	Methodology	Time
Showing visuals explain the core Matrix and additional matrix for the land valuation.	Lecture, Flip Chart.	5
Hand out distribution and discussion on land valuation.	Discussion	5
<b>Concluding the session with key learning points such as land valuation as per the market value, properties of land ( Agricultural land, land with possible resettlement as towns, junction and its belongings such as lively hood creation area, grazing area etc)</b>		

**Evaluation:**

- a. What is land valuation? How does it differs with other valuation.
- b. How do we determine the value of the particular land

### 3.3.Topic: Resettlement Management:

Time 1hr. 30 minutes.

**3.1. Learning objectives:** after completing this session, the participants will be able to,

- Identify the major areas considering for resettlement.
- Identify the importance to develop a consent in resettlement.

**Instruction Materials:** Flip chart, Board markers, and Meta cards. LCD projector.

**Key Words:** Management, resettlement, consent, plan

#### 3.2.2Delivery approach:

Activities	Methodology	Time minutes
<p><b>Step I: consent making:</b></p> <p>Approaches: Some of the approach that can be applied in consent making in resettlement.</p> <ol style="list-style-type: none"> <li>1. Individual consent making: Individual will be contacted for resettlement and future life. The consent will be signed individually.</li> <li>2. Group approach: The resettlement group formation and taking their consent. The consent will be signed in the groups.</li> <li>3. Community consent: The community consent will be taken in the mass. They will be signed in the community.</li> </ol>	<p>Discussion, lecture, Flip chart presentation.</p> <p>LCD Projection.</p>	<p>10</p>
<p><b>Step II:</b> Major areas of resettlement and rehabilitation management.</p> <ol style="list-style-type: none"> <li>1. Resettlement plan preparation.</li> <li>2. Site selection and consent collection.</li> <li>3. Site inspection.</li> <li>4. Area demarcation.</li> <li>5. Area identification and distribution plan as matched as possible to the original plots.</li> <li>6. Plot distribution</li> <li>7. Legal aspects completion such as registration and providing registration documents.</li> <li>8. Construction of basic immunities and distribution such as water line, electricity, road construction an fully developed plot creation</li> <li>9. Distribution of support to rebuild their houses.</li> <li>10. Livelihood creation.</li> <li>11. Post R&amp;R support: Counseling, mentoring, training and restoring their</li> </ol>	<p>Discussion on the points given, lecture,</p>	<p>70.</p>

previous income sources with social intact.			
Wrap up session:			
Activities	Methodology	Required materials	Time
Showing visuals explain the elements resettlement management.	Visual on the core elements	LCD projector	5 Minutes
Hand out distribution	Discussion	Hand outs	5 minutes.
<b>Concluding the session with key learning points such as land</b> :Survey, Consent from APs , land Identification, Resettlement Plan development, cost calculation.			

**Evaluation:**

- a. Define management and show the major areas to be considered in resettling.
- b. What are the major areas of resettlement management?
- c. What should be considered to make resettlement plan.



### Sub Topic: 3.4. Case Study in R&R of India.

Time: 1.hr. 30 minutes.

3.4.1.Learning objectives: After completing this session, the participants will be able to;

- Identify the problems encounters in R&R,
- Finding out aspects of resettlement in the case of India.

**Instructional Materials:** Flip paper, met cards, markers, LCD projector, blue tack .

**Keywords:** Case study, Impact, problems encountered during the process, communication.

#### 3.4.2.Delivery approach:

Activities	Methodology	
<p><b>Step I:</b> Distribution of case study of India as an hand out for the participants.</p> <p><b>Step II:</b> Formation of four groups to identify the following.            Group A: Problems encountered during R&amp;R.            Group B: What approaches used to Resettlement and rehabilitation.            Group C: What were the rehabilitation measures?            Group D: How discontent was among the people and find out what measure should apply to mitigate the discontent.</p>	Lecture and Flip chart /LCD	20 Minutes
<p><b>Step III:</b> Assembling of group and ask them to present their findings from the case study.</p>	Discussion, question answers.	40 minutes
<b>Wrap up session:</b>		
Activities	Methodology	Time
Explaining on rehabilitation measure taken in the case study	Visual on the core elements	10 minutes
<p><b>Concluding the session with key learning points such as land :</b>What have learnt from the case study and its importance in our planning and mitigation of grievances.</p>		

### 3.5. Resettlement and Rehabilitation Planning

Time: 1.hr. 30 minutes.

**3.5.1.Learning objectives:** After completing this session, the participants will be able to;

- Differentiate rehabilitation and resettlement.
- Prepare a plan for rehabilitation.

Instructional Materials: Met cards, flip papers, LCD projector, markers, Blue tag/ masking tape.

Key words: Planning, rehabilitation, restore, capacity, vocational

Delivery approach:

S.N.	Activities	Methodology	
1	<p>Step I : Definition of Rehabilitation:</p> <p>a.to restore to a former capacity : <b>reinstate</b>  <i>b</i> : to restore to good repute : reestablish the good name of  <i>a</i> : to restore to a former state (as of efficiency, good management, or solvency) .<i>rehabilitate</i> slum areas.  <i>b</i> : to restore or bring to a condition of health or useful and constructive activity (Re. Merriam Webster)</p> <p><b>Rehabilitation</b>            Social rehabilitation In this chapter we consider what is meant by social rehabilitation. We then go on to look at some of the main social sectors (housing, employment, training and support) that affect the possibility of social rehabilitation.</p> <p><b>Vocational rehabilitation</b> - providing training in a specific trade with the aim of gaining employment.  <b>Livelihood rehabilitation:</b> creating the livelihood of APs as before should be understood of livelihood restoration. It may include enterprise set up, market creation and more.</p> <p><b>Rehabilitation</b> - the restoration of someone to a useful place in society in the context of evacuation people to acquire land for public use the rehabilitation is focused on to restore their previous social life and economical condition</p>	Lecture and Flip chart /LCD	20 Minutes
	<p>Step I: Resettlement Rehabilitation Plan Development:            Components of the plan:</p> <p>Part A:            1. Survey of Aps.            2. Land Identification for resettlement.            3. Consent form the Aps.            4.Land Acquisition:</p>	Lecture and Flip chart /LCD	50

	<p>5. Plot development including road construction to the plots. (planning).</p> <p>6. Distribution of plots.</p> <p>7. Title deed transfer.</p> <p>8. Infrastructure development:</p> <p>9. Post resettlement support.</p> <p>10: Development of School/health post (Where possible- as per the nature of the resettlement and areas.</p> <p>11. Post Resettlement support:</p> <p>Part B: Financial Calculation for resettlement</p> <ol style="list-style-type: none"> <li>1. Cost for acquisition of Plot.</li> <li>2. Plot development Cost.</li> <li>3. Road construction Cost.</li> <li>4. Immunities development Cost.</li> <li>5. Human resource Involved Cost.</li> <li>6. School/health post construction cost.</li> <li>7. Market Area Development and cost.</li> <li>8. Social impact mitigation cost such as temple construction/or other religious places to construct.</li> <li>9. Community hall construction cost.</li> <li>10. Other Cost: <ul style="list-style-type: none"> <li>- Title deed transfer cost.</li> <li>- Livelihood creation cost.</li> <li>- Post resettlement support cost.</li> <li>- Other Costs.</li> </ul> </li> </ol>		
Wrap up session:			
Activities	Methodology	Time	
Explaining on rehabilitation measure taken in the case study	Visual on the core elements	10 minutes	
<p><b>Concluding the session with key learning points such as land</b> :What have learnt from the case study and its importance in our planning and mitigation of grievances.</p>			

## Evaluation of the training sessions

Time :10 minutes

A questionnaire prepared as below will be distributed to find the effectiveness of the training.

Instruction to answer the questions.

1. Is the contents are appropriate to the awareness raising in implementing the projects?

- Yes                       No

If the answer is no, please mention what should be appropriate to include in the training ?

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2. Which content is more beneficial to you to add value in effectiveness in implementation of the projects?

Please write name of the content.-----

3. Is the duration of the training is adequate to cover all the contents that are presented in the training session?

- Yes                       No

4. How do you rate the presentation of the contents?

- Unsatisfactory     Satisfactory                       good                       very good.

5. Which part of the training session you have enjoyed the most

Please mention in brief.....

6. What would you suggest to improve in the management of the training ?

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7. If you have any suggestion on the training, please give your suggestions .

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**Closing Session of the training: 30 minutes.**

1. Experience of the training : from participants
2. Thank you - trainers.
3. Closing of the program and participation certificate distribution form the team leader.

**Hand Outs****3.1. Land valuation practices in Nepal.**

Land valuation is carried out since long time, it was according to the seller and buyers condition, type of land The practice of selling and buying was for their fulfillment of requirements. In some areas it was high but in remote areas it was low. People used to settle where they found a proper piece of land for their survival. The people were using valuation as per the nature of land, if the land was rice filed with proper canal, and it was asked high price. Still there is the practice in villages how many *Muri* of rice produced, per *muri*, the price determined, not the size of the land; this was the practice in Nepal. The land which was barren but producing fodder to the animal, that was proceed accordingly. This many bundles of fodder are produced each year, the price is this much. For an example,. A barren land produces 1000 bundles of fodder; the price of the land is ten lac (1000000). Since the owner would have sold the fodder every year in one lac (100000) rupees. This we can say a matrix to determine the value of the land.

When the migration started from hill area to the terai, the valuation of land carried out on the basis of rice production and the people started to concentrate in one area, the price started rising in the centers for living. Here what was the determining factor was demand and supply of the land. A simple piece of land in the city centre cost millions of rupees, the same piece of land in remote area may not be worth of thousand rupees. This also determines the usefulness of land. The valuation practice in Nepal was carried out according to the usefulness of the land.

**1. Definition Of Land Valuation.**

- **Real estate appraisal, property valuation or land valuation** is the process of determining the value of a land or real property based on the market value.
- Whereas **real property** means any subset of land that has been legally defined and the any improvements made to it. e.g. any buildings etc.
- **Need of land Valuation:**
  - Preparing reliable value of the land and creating unitary approach in land and property valuation.
  - Determining the proper tax of the land and property including the houses.
  - Providing Collateral for the bank and financial Institution.
  - As per the market value, to sell and buy the land and houses.
  - For proper management of the land market.

**2. Legal Approach in Land Acquisition Compensation**

- Interim Constitution of ,2063
- As per the *Para Dhara 19* , right to property , use of the property, selling and buying and other transaction is guaranteed to the citizen. In case of illegally acquired property will not be considered as property of the citizen under this section.

## International practice in land valuation

### 3.1.2. Land valuation process in Australia

Valuations undertaken by Land and Property Information on behalf of the Valuer General for rating and taxing purposes are made under the Valuation of Land Act 1916 see the NSW legislation site [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) These values refer to the value of the land only, they do not include the value of your home or other improvements. The land value does not generally reflect the full sale price that could be obtained for the property.

**Valuation methodology:** Property sales are the most important factor considered when determining land values.

Most land in **New South Wales (Au)** is valued using mass valuation, where properties are valued in groups called components. The properties in each component are similar or are expected to reflect changes in value in a similar way.

Representative properties in each component are individually valued as at 1 July each year to determine how much the land value has changed from the previous year. The change is then applied to all properties in the component to determine their new land values. Sample valuations are then checked to confirm the accuracy of the new values.

During the valuation process, valuers analyze sales of both vacant land and improved properties, making adjustments for the added value of improvements.

The value of improvements is their worth as reflected by the real estate market in an area. The value of improvements is generally not equal to their replacement or insurance value.

Where mass valuation is not appropriate, valuers will individually value the property.

Unsuitable sales, for example those between related parties, are not used to determine land values.

When comparing property sales to the land being valued, valuers consider factors such as:

- property market conditions as at 1 July in the year of valuation
- most valuable use of the land
- location of the land
- constraints on use such as zoning and heritage restrictions
- land size, shape and land features such as slope and soil type
- nearby development and infrastructure
- views

Concessions and/or allowances applying to your land value under the Valuation of Land Act 1916 will be printed on your Notice of Valuation or land tax assessment.

Factors such as personal circumstances, council rates and land tax liability are not considered when determining and values.

**Use of the land :** When considering land values, the Valuation of Land requires the land to be valued in relation

to its highest practical use. The permitted use of the land must be taken into account in determining the highest practical use. Where development of the land exceeds current zoning and planning restrictions the higher existing use must be taken into consideration by valuers when determining land values.

**Easements** : An easement is an acquired legal right enjoyed by the owner of land over the land of another. Land valuations do not take easements into account, as the valuations are required to be made on the hypothetical basis that the land is free of impediments to title. However, the physical effects of an easement, for example transmission lines, access roads and pipes laid for drainage, will be reflected in the land value.

**Statutory restrictions** : Statutory restrictions on the use of the land are taken into account when assessing the value of land. Some examples include:

- Planning schemes, for example heritage restrictions imposed by a local environmental plan or other planning policies;
- Crown lease restrictions; and
- Rent-controlled land pursuant to the Landlord and Tenant (Amendment) (Re. [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

**Concessions and allowances** .Concessions and/or allowances may reduce the value on which you are liable to pay rates and taxes. If a concession or allowance applies to your land, it will be printed on your Notice of Valuation and may be taken into account in determining your rating or taxing liability.

**Off site / onsite allowance**: An allowance for the added value of works by the current owner which improve the land or enable its more beneficial use.

**Subdivision allowance**: An allowance provided to the sub divider of the land for the discount applied from the total land values of the lots in a deposited plan had they been sold to one person.

**Mixed Development Apportionment Factor (MDAF)**: The percentage of the land value represented by the non-residential use of a building comprising a mixture of residential and non-residential uses. Rates and taxes may be apportioned based on this factor.

**Mixed Use Apportionment Factor (MUAF)**: The percentage of the land value represented by the non-residential use of a property comprising a mixture of residential and non-residential uses. Rates and taxes may be apportioned based on this factor.

## Principles and Practice of Property Valuation

1. Supply and Demand
2. Possible Values of Landed Properties
3. Methods of Valuation
4. Site Valuation Methods
5. Valuation Reports

### 1. SUPPLY AND DEMAND

1. One dominant feature of the property market is that the total supply of land is by and large fixed, although land reclamation can provide marginal increases.
- 2.. The Government is both the market regulator in the land market. Its policies affect the supply of land



considerably.

3. A third feature of the supply side of the property market is the relative inelasticity of supply. Whenever there is substantial demand, developers will start to build new buildings to meet the demand. As it generally takes a few years to construct new buildings, demand cannot be satisfied immediately. If economic conditions continue to be favorable, demand will increase further. As demand increases, prices will rise and other developers will join the market. However, at some stage, supply will catch up with or even surpass demand and prices will then start to fall. A boom-bust cycle is thus common in the property market.

4. The following are some of the factors that affect demand for properties:

- Political stability is an important consideration.
- The state of the economy and economic indices, particularly gross domestic Product and the unemployment rate, will substantially affect demand for housing.
- If an economy goes through restructuring, its property market may experience some turbulence.
- Interest rates are an important factor as most purchasers depend on mortgage financing for their purchases. Similarly, banks' policies towards mortgages also affect demand. A tighter lending criteria and less preferential mortgage rate make property purchases less attractive.
- A high inflation rate can increase demand as properties are generally seen as good hedges against inflation. Conversely, deflation can reduce demand for properties.
- The proportion of people of marriageable age in a population will affect demand as married couples require more privacy in their accommodation than single people.
- Seasonal variations may also have a mild influence on the property market. During the festive seasons of Christmas and Chinese New Year, and also during summer holidays, there may be fewer purchasers entering the market because many people go away or are otherwise in a "holiday mood".

## **POSSIBLE VALUES OF LANDED PROPERTIES**

5. In the context of property valuation, the word "value" refers to "market value". According to the International Valuation Standards Council, market value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion. This definition assumes that the parties to the transaction are prudent, act without compulsion, and have adequate knowledge of the potential and worth of the property. The vendor will only sell at the price he requires and the purchaser will only buy at what he considers to be a satisfactory price. They are both willing parties because they both consider the deal to their advantage. In general, property professionals are more concerned with the assumption of a willing seller. This is because it is more likely for a seller to be under undue pressure to sell than a purchaser to be under similar pressure to buy.

## **METHODS OF VALUATION**

6. Direct comparison is the most widely used method as well as other mature markets. The property under consideration is directly compared with similar properties which have been sold recently, and a valuation is arrived at on the basis of such comparison. The reason behind this method is that the best evidence of value is the price paid for similar properties. This method works well in a place like Kathmandu Pokhara or in city centre which has an active and well-publicised property market, but if and only if the market works reasonably rationally.

7. In its simplest form, the investment approach means the summation of all future (discounted) income. This is a very logical assertion of property value as no one will buy a property at a price that is higher than the total

income it can generate. On the other hand, no owner will sell at a price that is smaller than the total income the property can generate, or he may as well keep the property for rental income himself. The process of summation is called capitalisation which takes the present values of these future rental incomes into consideration. In an inflationary economy, it is normally expected that a dollar receivable this time next year is worth less than the same dollar today. The basic logic in investment appraisal is therefore the understanding that money has a time value.

Hence, the present value (PV) of one dollar receivable after  $n$  years at an interest rate (or Discount rate) is obtained by means of a mathematical formula. This process is called Discounting. In the process of summing up all the future discounted rental values (assuming rental continues to be receivable in the long run), we can apply a simple formula by dividing the current annual market rent of that property by the market yield of that class of property. Hence, the higher the expected income, the higher the expected capital value of the property.

8. The profits approach is used for valuing operating commercial properties, especially hotel properties, and is based on the assumption that the value of some properties will be related to the profits generated from their use. The predominant consideration in this valuation method is the nature of the business activities carried on in the property. The aim of the method is to find the portion of the profits of the business going into the rent. The rent is then used to find the capital value.

9. The replacement costs approach is seldom used and is used sometimes as a last resort to value the type of properties which rarely change hands and for which there are few or no comparables, e.g. hospitals, town halls, schools, libraries, temples and other such buildings. In this method, the value of the property is equal to the value of the site (for that specific purpose) plus the estimated cost of replacement of the building, or the cost of rebuilding a structure for the same functional use.

## SITE VALUATION METHODS

10. The comparative method has been discussed above. However, this may not be appropriate for the valuation of land as no two pieces of land are identical. Each may have different characteristics and be subject to different lease conditions. The following factors all affect the development potential and value of a piece of land:

**Area of land:** generally speaking, the smaller the land the lower the efficiency ratio of the building on the land, i.e. the ratio of saleable floor area to the gross floor area (GFA) of the building.

**Site classification:** there are three kinds of sites, namely, class A, class B and class C sites, and they all have different permitted site coverage and plot ratio.

**Density zoning:** there are three density zones, and permitted site coverage and plot ratio are different for each zone.

**Lease restrictions:** as the Government is the ultimate owner of all land, it is empowered to impose restrictions on the use of land. The restrictions in a government lease on permitted user, site coverage and plot ratio may vary from lease to lease.

**Outline Zoning Plan:** this would affect the permitted site coverage and plot ratio of the building.

**Amalgamation of sites:** if two adjoining sites can be amalgamated, the development may become more profitable.

11. In theory, demand for land is a derived demand, which means that purchasers' demand for properties to be built on land makes land itself a valuable asset for a developer to bid for. As such, land value is a residual value. In the residual method of valuation, an estimate is made of the value of the completed development, called the gross development value (GDV). From that, deductions are made to cover the costs, including building costs, bank interest, professional fees, marketing and agency expenses, contingencies, administrative charges for purchase of the site, etc., as well as the developer's profit, and the residue is the value of the land, the maximum bid price that can be paid by the developer.

## VALUATION REPORTS

12. Valuation reports are drawn up by values on the instructions of their clients. Generally speaking, a valuation report contains the following information:

**Purpose of valuation:** a valuation report may be compiled, for example, for sale or Insurance or mortgage purposes.

**Definition of the meaning of the valuation:** for example, the valuation may be made for the purpose of sale and, therefore, it will be based on the “market value” of the property.

**Date of valuation:** no valuer should produce a report trying to assert asset value in the future. There must be a date of valuation on which all the assumptions of this valuation are made.

**Essential information about the property, which may include the following:**

- **tenure** (i.e. term of years in the government lease) of the property, particulars of the government lease, other title particulars and any encumbrances affecting the property, and whether it is vacant or subject to
- **an existing tenancy;**
- **location;**
- **description** of the building of which the property forms part;
- **The GFA**, saleable area, user, orientation, and general condition, etc., of the property.
- **The report** will then arrive at a valuation of the property, based on the foregoing information

## Hand Out

### 3.3. Social Rehabilitation

The Social Rehabilitation sector covers a wide range of program activities and approaches. One could say that social rehabilitation is both a strategic issue as well as a range of activities aimed at re-establishing and strengthening community structures.

The shocks of having to leave home and the circumstances of life as a refugee or an internally displaced person (IDP), particularly in the early stage of an emergency, create major emotional and social problems and exacerbate problems in the community. Without help in adjusting to the new environment, the sense of loss and isolation can deepen, even in circumstances of relative material well being.

#### Objectives

The objectives of social rehabilitation activities are:

- The creation of a bearable daily day and a greater sense of security.
- Reduction of stress in the time of displacement/the immediate emergency phase following the displacement.
- Fostering a sense of community among the target group, this is important for the longer term development of a well-functioning civil society.
- Revitalizing and rehabilitating damaged social structures, institutions and capacities or even establishing new social structures, which are important to strengthen prior to and during the actual integration/reintegration process.
- Instrumental in ensuring peaceful integration between e.g. returnees and remainees or different ethnic groups, who are to live together in the same community/geographical area.

### Community-Based Participatory Approach

An important principle for social rehabilitation activities is to involve the target group in the provision of assistance by identifying and mobilizing the existing resources in a community and allow the community to share the responsibility of caring for itself and its vulnerable members. Thereby social rehabilitation activities aim at enhancing and strengthening existing and positive coping mechanisms in the community thus minimizing the dependency and encouraging self-reliance.

Social rehabilitation activities are best implemented applying a community-based participatory approach. This implies ensuring community participation, both in planning, implementation, monitoring and evaluation.

#### Assessment

Before implementing any activities, it is important to carry out a careful initial assessment to determine the most pressing social problems in the community. The assessment should cover the whole community with particular attention to identifying groups with special needs and to identify gaps in the general assistance programme. The assessment should serve to identify the vulnerabilities and needs of the target group as well as the capacities and local resources. It is essential that such assessment be undertaken with the active involvement and participation of the target group.

#### Build Upon Existing Social Structures

An important principle in social rehabilitation activities is also to support, revive and strengthen existing social structures and capacities of the target community. This implies among other things that one should avoid establishing parallel structures and organizations, when such structures already exist and what is needed is strengthening or revival of these. This being said, it is, however, also important to consider possible inherent inequity or even conflict inflicting elements in the existing social and organizational structures of a target community.

#### Hand out

### 3.4. Resettlement Management.

Resettlement management is one of the challenging task of development aspects. It includes social impact assessments, resettlement programming, grievance redress management, and monitoring and evaluation .It also requires the knowledge and skills in resettlement.

The management starts from the beginning of acquisition of land, then after the resettlement management task should be carried out.

Process of resettlement management: Planning, organizing, resettling and rehabilitating. Basically there are four areas.

**1 Planning:** It encompasses wide areas in resettlement. Land acquisition for resettlement, consultation with the stake holders, plotting the land, distribution of land, development of land with basic amenities development- such as water, roads, electricity lines, telephone lines and schools, health posts should also be in planning.

**1.2. Stake holder consultation:** Each detail requirements should be noted down from the stake holders especially from the affected people. So that their requirements will be developed better than what they were using in their respective places.

**1.3. Base line survey and data base preparation:** This is one of the most crucial aspect in resettlement planning and management. This will give a proper picture of each and every individual who are involuntarily resettlement is going on. The detail should include, their present livelihood condition, housed plan, available land and used land for their housing, education, income generating activities, family members and their name, age, sex and their work, skilled or none skilled. Animals at home, fruits and other trees around their house, if possible what were lost during acquisition, record of lost land, cadastral survey of their land ( Sketches of the land, houses, sheds, no of chicken, goat, cow, buffalo, milk production, rice production, millet production, other cash crops such as zinger, turmeric, and other spices such as mar First of its kind in Bangladesh, the MLARR is designed primarily for resettlement and development practitioners with diverse academic and professional backgrounds. The certification course is a semester long process during which the participants take evening classes to learn about particular tools and techniques in social impact assessments, resettlement programming, grievance redress management, and monitoring and evaluation - the knowledge and skills necessary to specialize in resettlement and land acquisition services as consultants, professionals, or practitioners. Pepper, chili etc.

Each family should have economic data with their photo. This will help to distribute compensation and compensation of land acquisition too.

**1.4. Land acquisition and management for resettlement:** Land acquisition to land management and its development need to be taken care in the management of the resettlement plan. Title deeds, development of land, road construction, plotting, size determination, and distribution plan in proportionate level and other aspects need to be planned well in advance.

**1.5. Livelihood creation:** This is a part of rehabilitation and resettlement, what action need to be taken to prepare people self employed and skillful, so that they will be able to create their own employment and full fill the skill gap in development.

### 3.4. Case Study:

#### Loan 1405-ind: power transmission (sector) project

##### 1. Background

8. The objectives of the Power Transmission (Sector) Project were to strengthen the transmission systems of Power Grid Corporation of India Limited (POWERGRID) in order to reduce system losses and allow efficient utilization of existing and planned power plants by (i) supporting the development of the northeastern regional power grid, (ii) interconnecting the southern and eastern regional power grids, (iii) constructing transmission facilities for power

evacuation from new and expanded power plants, and (iv) providing consulting services. The key components/subprojects of the Project were: (i) the augmentation of the Northeastern Transmission System; (ii) Agartala transmission system; (iii) Kopili Stage I extension transmission system; (iv) Northeastern Regional System Coordination Center; (v) Vindhyachal Stage II transmission system; (vi) East-South Interconnector; (vii) grid strengthening schemes for the Eastern Region; (viii) Unchahar Stage II transmission system; and (ix) consulting services.

9. The Project was estimated to cost \$597.01 million for which the Asian Development Bank (ADB) approved a loan of \$275.0 million in November 1995 to finance 52% of the foreign exchange costs. Total actual project expenditure was \$419.80 million, comprising \$251.98 million in foreign currency from the ADB loan and \$167.82 million equivalent in local currency from POWERGRID's funds. ADB's share of financing increased from 46% to 59%, despite a decrease in the loan amount from \$275.00 million to \$251.98 million.

10. Overall responsibility for project implementation was with Director (Projects) of POWERGRID, who was assisted by the corporate monitoring group. Construction supervision of each subproject was under the respective regions headed by Executive Directors, who were assisted by the planning, engineering, finance, and personnel departments at regional headquarters. At appraisal, all the subprojects were estimated to be completed by June 2000. As all the subprojects could not be completed before the loan closing date of 31 March 2001, the date was extended to 31 March 2003 and, to enable disbursements under the loan account to be completed, kept open up to 9 July 2003.

11. A project case study was conducted in early 2006 in relation to the Special Evaluation Study (SES) on Social Safeguards to assess the application of ADB's Social Safeguards Policy on the Project. Due to time constraints, the case study only focused on two of the subprojects (i.e., Grid Strengthening Scheme for North Bengal–Siliguri Substation and Unchahar Stage II Transmission System).

*Resource: 4The data for this summary are drawn from the project case study conducted for this special evaluation study (SES) from March to April 2006 by Dr Aqueel Khan, Staff Consultant. Complementary data is drawn from: (i) the Project Completion Report (ADB, 2005).*

*Project Completion Report on the Power Transmission (Sector) Project in the Republic of India. Manila); and (ii) the Project's Report and Recommendation of the President (ADB, 1995. Report and Recommendation of the President to the Board of Directors on a Proposed Loan to the Republic of India for the Power Transmission [Sector] Project. Manila).*

*5Cost savings of \$177.21 million equivalent (29.7%) consisted of \$ 86.36 million in foreign currency and \$90.85 million equivalent in local currency. A total of \$23.02 in savings from the ADB loan was cancelled in three stages.*

##### 2. Scope of Land Acquisition and Resettlement

12. It was envisaged at appraisal that the proposed subprojects would not have a direct adverse effect on the population. Some land would be required for the substations but acquisition would not displace any people and the rights-of-way for new transmission lines were generally over farmland or scrub land in remote areas.

13. At completion, the Project had built seven new substations (four 400-kilovolt substations, one 220-kilovolt substation, and two 132-kilovolt substations) for which land was acquired. Land for all the seven substations was acquired in accordance with the Land Acquisition Act of 1894 (amended in 1984). In 1998, POWERGRID finalized its environmental and social policy and Procedures (ESPP) and implemented the applicable provisions of the ESPP in the subprojects where construction activities were still under process. The ESPP, which was substantially consistent with ADB's social and environment policies, embodied POWERGRID's approach and commitment to deal with environmental and social issues relating to its transmission projects. Under the ESPP, rehabilitation action plans and the environmental assessment management plan were prepared and implemented in the first 12 months of the project construction period and were monitored at the corporate level.

14. A total of 172 hectares of land was acquired for the Project, consisting of 31 hectares of government land and 141 hectares of private land. This affected a total of 435 people, but they did not require relocation. In the case of the 132-kilovolt substations at Kleirahat and Badarpur under the augmentation of Northeastern transmission system subproject, the land acquisition did not entail any resettlement as 2 hectares of land were acquired from a single private owner at Kleirahat and 11 hectares of government land was acquired at Badarpur. A total of 159 hectares of land was acquired for the remaining five substations (two under Vindhyachal transmission system, two under the Eastern region strengthening scheme, and one under Unchahar transmission system), which involved 20 hectares of government land and 139 hectares of private land. According to POWERGRID, the acquisition of government land did not displace any users that had no title to the land.

#### **4. Compensation.**

15. It was indicated at appraisal that all required land for the Project would be bought by POWERGRID based on the market value. In addition, POWERGRID would pay market value for crops destroyed during construction, and farmers were allowed to continue using the land under the transmission lines after they were built. As per the law, no payment needs to be made for rights-of-way.

16. ADB's Involuntary Resettlement (IR) Policy stipulated that compensation of affected persons (APs) would be at replacement value of the asset lost. However, the laws and regulation in India, particularly the Land Acquisition Act, allowed compensation at market value which was decided based on the asset registration value and was generally lower than the Replacement value. The PCR reported that POWERGRID was the first agency in India to adopt the ESPP in 1998 with guidance from ADB and the World Bank. The ESPP is currently being revised with inputs from public consultations.

17. According to the project completion report (PCR), a total of Rs41.80 million (about \$0.95 million equivalent) in compensation for private land was paid to individual landowners, including compensation for trees, crops, and structures as fixed by the respective district administration in a time-bound manner as per the provisions of the Land Acquisition Act. POWERGRID indicated that the structures involved were mainly temporary cattle sheds and Other temporary storage sheds. According to the PCR, the compensation paid by POWERGRID normally exceeded the present commercial market value, as an attempt was made to award replacement value.

#### **5. Rehabilitation Measures**

18. At appraisal and during project implementation, POWERGRID followed Government rules and regulations on land acquisition and rehabilitation. The social and rehabilitation measures undertaken by POWERGRID are in Table 1, details of which were provided in the succeeding discussion.

Table 1: Rehabilitation Measures Undertaken by POWERGRID

Goal	Specific Steps Taken
A. Special care in route selection of transmission lines Adequate compensation for agricultural lands	(i) Route of transmission lines did not entail rehabilitation of affected persons.  (ii) Route of transmission lines selected will not threaten the survival of any communities, and did not threaten the survival of common property resources (CPR) such as playgrounds, parks, schools, markets, and monuments, etc .
B . Adequate compensation for agricultural lands	(i) Proper measures were taken to ensure that impact on agricultural land was restricted to construction phase only.  (ii) Satisfactory steps were taken to adequately compensate the damage to crops and trees during construction by determining the amount of compensation in consultation with district authorities and its timely disbursement.
C. Compensation	(i).Several persons were given temporary employment (during construction) and are still being engaged in the project-related works through contractors.  (ii) Proper procedures were adopted for satisfactory determination of compensation for land acquired and the amount was disbursed on time. iii) Loss of CPR was adequately compensated wherever applicable.  (iv) Social and community development schemes are being undertaken (schools, roads, clinics, etc) were contracted
D. Robust institutional arrangements for monitoring of environmental mitigation and rehabilitation measures	(i)The environment management department in the corporate office laid down a policy framework for environmental mitigation and rehabilitation measures and environmental officers were appointed at regional headquarters to monitor the implementation. (ii) Social assessment and rehabilitation plans were prepared and approved for all subprojects with project-affected persons (PAPs). (iii) Grievance redressal committees (GRC) have been formed at some o

Source: ADB 2005 Project Completion Report on the Power transmission (sector) Project in India.Manila

19.A total of 56 hectares of land were acquired for the subproject on Grid Strengthening for the Eastern Region, of which 24 hectares of private land were acquired for the North Bengal- Siliguri Substation which affected 40 persons. Twenty of these APs were relatively well-to-do persons living near Siliguri town and the remaining 20



APs were farmers living in the adjacent villages, but none were living below the poverty line. According to the results of the social impact survey done for the PCR, the average income of APs had gone up because of the increased economic activities in the area after the Project was implemented. The PCR lists the following rehabilitation measures undertaken for the APs: (i) monetary assistance to 34 APs, ranging from \$50 to \$300 in proportion to land lost, family size, and income levels, (ii) assistance to a local primary school to expand its infrastructure, (iii) installation of two hand- pumps (for drawing water) at common places in the villages being inhabited by the APs, (iv) industrial training for one child each of four affected families, (v) employment of APs through contractors, and (vi) encouragement for APs to undertake petty-contract work from main Contractors of POWERGRID. In addition, 32 hectares of private land were acquired from 82 APs for the North Bihar-Purnea substation. The rehabilitation measures undertaken included: (i) construction of roads in lieu of village road acquired, (ii) strengthening of the access road from national highway and the old village road, (iii) construction of 12 toilets and three hand- pumps in the village inhabited by some APs, (iv) guidance to 32 APs who formed a civil

construction company which undertook several subcontracts from POWERGRID's main contractors, (v) hiring by POWERGRID of the tractors of six APs for construction work purchased with their land compensation money, (vi) engagement of APs by POWERGRID for small maintenance jobs and horticulture work in the substation, and (vii) engagement of 15 APs through a housekeeping contractor in the substation.

**20. The Vindhyachal Stage II** subproject involved the acquisition of 99 hectares of government and private land for the two substations under the scheme. The Satna substation acquired 48 hectares of private land and 14 hectares of government land in 1996.

**Rehabilitation measures** were undertaken for the 62 APs affected by the acquisition of private land for the Satna substation that included: (i) permanent employment for five persons from among the most vulnerable APs, (ii) employment for about 55 persons through maintenance contractors, (iii) engagement of about 50 persons as daily rate workers through construction contractors of POWERGRID for various construction activities which are still ongoing, (iv) construction of 1.2 kilometers of village road connecting to the main road, (v) adding a room and toilet to the primary school in the village, and (vi) training of women in tailoring and distribution of nine

sewing machines. On the other hand, the Raipur substation involved the acquisition of 31 hectares of private land and 6 hectares of government land. The following measures were undertaken to assist the APs of the land acquisition: (i) permanent employment was offered to 5 of the most vulnerable APs, (ii) employment was offered to about 55 persons through maintenance contractors, (iii) about 50 persons were engaged as daily rate workers through construction contractors of POWERGRID for various construction activities which are still ongoing, and (iv) awareness programs for women were held on training and welfare schemes.

21. The 220-kilovolt Kanpur substation built under the Unchahar transmission system acquired four hectares of private land that was adjacent to the existing 400 kilovolt substation of POWERGRID. The entire parcel of land was acquired from a rich landlord at a price fixed by the local administration.

## **6. Consultation and Information Disclosure**

22. According to the PCR, the provisions of the Land Acquisition Act (from which the land acquisition and compensation standards were based) were presented to the APs. However, the findings of the survey conducted for the project case study undertaken in relation to the SES indicated that public consultations were inadequate. In fact, 90% of the respondent APs were of 27. A survey was conducted among 30 Project affected persons (APs).

The opinion that the project authorities had not undertaken consultations in their areas regarding the scope of the Project and its impacts, including compensation and rehabilitation assistance (Table 2).

Table 2: Community Consultations for the Project

Response	Number of Responses	% Share
No	27	90.0
<i>Don't Remember</i>	-	-
Yes	3	10.0
Total	30	100.0

Source: Power Transmission (Sector) Project Case Study, 2006.

23. The survey also concluded that APs knew about the Project through census surveys (23%) followed by land acquisition notices (17%). APs whose land and crops were to be affected by the Project came to know about it during the time of the installation of the transmission towers (17%). Other sources of information included technical surveys, fellow villagers, the village revenue official, **Gram Panchayat** and others (Table 3). Moreover, no information disclosure workshops were undertaken nor were pamphlets distributed detailing the Project's scope and the entitlements and compensation standards. Most of the APs received information on their compensation and entitlements through the compensation award notifications.

Table 3: Sources of Project Information

Information Sources	Number of Responses	% Share
Through land acquisition notice	5	16.7
Through census survey	7	23.3
Through technical survey	4	13.3
Through newspaper	-	-
At the time of the project construction	5	16.7
Through villagers	2	6.7
Government Officials/Patwari	2	6.7
Through Panchayat	2	6.7
At the time of demarcation of the alignment	2	6.7
No response	-	-
From husband	1	3.3
Through nongovernment organization	-	-
Total	30	100.0

Source: Power Transmission (Sector) Project Case Study, 2006.

## 6. Grievance Redress and Benefit Monitoring and Evaluation

24. According to the PCR, a grievance redressal mechanism was established to handle complaints and issues related the implementation of the Project. As stipulated in the Project's Social Assessment and Management Plan (SAMP) "a grievance re-dressal committee was constituted comprising members from the local administration, gram Panchayat, POWERGRID, and APs" to monitor the rehabilitation measures undertaken and serve as venue

to resolve any complaints lodged by APs. (Village committee constituted by elected members)

<i>Don't Remember</i> No	27	90.0
-		
Yes	3	10.0
Total	30	100.0

25. However, the survey conducted for the case study revealed that 63% of the respondent APs had Project-related concerns/grievances and that 60% of them did not know where they could lodge their complaints. Moreover, 56% felt that the Project authorities had not made any attempts to provide them with information on the grievance redress mechanism. Due to this lack of information, 60% of the respondents indicated that they had not approached project implementation authorities regarding their grievances and project-related issues. On the other hand, the 30% that approached project authorities for their grievances did not feel that these were satisfactorily handled. Table 4 provides the results of the survey on project-related Grievances.

Table 4: Project-Related Grievances

Responses	No. of Responses	% Share
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A. Did you have any project-related, concerns or grievances?

Yes	19	63.3
No	11	36.7
No Response	-	-
Total	30	100.0

B. If yes, did you have any information where you could take your project related queries, questions, grievances or concerns?

Yes	1	3.3
No	18	60.0
Not Applicable	11	36.7
No response	-	-

Total	30	100.0
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C. Did anybody from project provide you the information as to where you could take your grievances for redress?

No	17	56.7
Don't Know/No Response	13	43.3
Yes	-	-

Total	30	100.0
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D. Did you approach the project authority or the Grievance Redressal mechanism for the redressal of your grievance?

No	18	60.0
Yes	9	30.0
No Response	3	10.0
Total	30	100

## 28. Procedural delays in land acquisition.

Despite initiating a land acquisition proposal in 1994 (two years prior to loan effectiveness), the land acquisition process was completed only in 1999, followed by the commencement of civil works in 2000. The discrepancies in land records added to the procedural difficulties and delayed the provision of rehabilitation assistance to the APs. Many of the APs felt that the engineering alternatives were not explored to reduce the impact of the Project, particularly in cases where in two or more transmission towers were installed on a single agriculture plot, thereby affecting land value, production, and the associated asset security.

### **29. Inadequate compensation and rehabilitation assistance.**

A source of discontent among APs interviewed was the inadequate compensation and rehabilitation assistance provided. Field visits to APs and discussions with project authorities showed that compensation under the Land Acquisition Act was provided to APs at the rate decided by the State Government with additional rehabilitation assistance provided by the executing agency (EA) at a later stage. According to the surveyed APs, this was less than the replacement cost of their lost assets. Furthermore, the case study also noted that the EA had agreed to provide compensation for land lost as a result of the construction of transmission line tower footings during the project appraisal. However, this had not been done, as in the case of the Unchahar Stage II subproject, since the transmission lines were constructed in a state where no special land law existed for the installation of transmission line towers on agricultural land, hence a utility company could build transmission line towers under the Indian Telegraph Act and Electricity Supply Act without paying compensation for land. Thus the EA had only paid for compensation of damaged crops and trees to landowners affected by transmission lines.

30. Findings of the case study revealed that the rehabilitation assistance was disbursed to affected households from 2000 to 2006, nearly 5 years after the land acquisition, without any additional interest payments, thereby providing little positive impact on the lives of those affected. The case study noted that the criterion for rehabilitation assistance was on a “case-to- case” basis and varied based on the amount of land loss, income loss, vulnerability of affected Households and family size. The affected households apparently had limited or no information Regarding this criterion thereby leading to their apprehension and discontent.

31. Land borrowed temporarily by the Project was not restored to its original state as the digging for the installation of transmission towers had reduced the land quality in some cases. No assistance was paid to APs whose land was temporarily used during the construction of the towers as access roads for tractors and other vehicles.

**32. Community discontent.** Aside from the inadequate compensation and rehabilitation assistance, APs were also dissatisfied with the Project’s impact on their community. Despite their contributions to the construction of a substation, the affected communities remained without electricity years after the substation had become operational. The community assumed that the Project would indirectly contribute to the electrification of their villages and that POWERGRID, being the EA, would play an active role in negotiating with the West Bengal State Electricity Board so that their villages would have electricity. The APs and their representatives had raised this issue a number of times with the EA. POWERGRID had provided two hand pumps to the local community and furniture in the village school, as part of its community development intervention. However, most APs were either unaware of this intervention or regarded it as something that they could have done without since their real priority was still the provision of electricity in their villages.

The end.



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