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Land Acquisition, Resettlement and Rehabilitation Policy, 2015

पूर्वाधार विकास आयोजनाका लागि
जग्गा प्राप्ति, पुनर्वास तथा
पुनर्स्थापना सम्बन्धी नीति, २०७१



राष्ट्रिय योजना आयोगको सचिवालय
सिंहदरबार, काठमाडौं
२०७१

for
infrastructure development project
in Nepal

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Context

- Acquisition of land for infrastructure development – a challenge
- Efforts continue on building Legal Framework for Land Acquisition and Compensation since 1956.
- Enforcement of Legal Framework – increasingly challenging in the context of
 - Changing political situation
 - Growing development opportunities
 - Rising aspirations of the people



Key Features of the Policy

Vision

Contribute to overall development of the nation and its citizens by creating a conducive environment for implementation of infrastructure development projects

Mission

Facilitate timely execution (completion) of development projects by minimizing adverse impacts on economic, social and cultural aspects of affected families/people and the project area

Goal

Improve social and economic status of project affected families by providing fair and adequate compensation, appropriate resettlement and rehabilitation assistances/allowances

Objectives




- ❖ Avoid displacement wherever possible and if not, minimize as far as possible
- ❖ If population displacement is unavoidable, mitigate adverse impact by providing adequate compensation and rehabilitation assistance to affected person, family and community
- ❖ Create conducive environment for timely completion of the project by simplifying land acquisition, valuation, compensation, resettlement and rehabilitation process.

Implementation policies for objective I




- Screen project early on
- Give priority to project alternative with less impact
- Ensure adequate resources to restore livelihood of affected persons



Implementation policies for objective 2

- Carryout Social Impact Assessment
- Prepare resettlement and rehabilitation plan to restore livelihood
- Ensure compensation and assistances are provided prior to displacement
- Incase of mass displacement, to the extend possible, replace people to vicinity of affected area
- Provide land for land option to APs who lose entire land
- Prepare social inclusion program with additional assistance to vulnerable groups
- Ensure environment for providing compensation of non-land assets to non-titleholders
- Create environment for benefit sharing in revenue generating projects



Implementation policies for objective 3

- Carry out meaningful consultation with affected persons, vulnerable groups
- Provide compensation on time based on current market value
- Establish appropriate grievance redress mechanism
- Disclose information on resettlement planning and implementation in periodic manner
- Establish effective monitoring and evaluation mechanism

Project Classification

High risk project:

Project that displaces (both physical and economic)

- 50 or more families in the mountain region,
- 75 or more families in the hills
- 100 or more families in the Tarai plains



Medium risk project:

Project that displaces (both physical and economic)

- less than 50 families in the mountain region,
- less than 75 families in the hills
- less than 100 families in the Tarai plains.

Low risk project:

Projects with no physical displacement

Project with only economic displacement and

None of Affected person lose more than 10% of their productive asset





Land Acquisition Approach

- Use of eminent domain is last priority
- Four approaches for land acquisition
 - Voluntary donation
 - Direct negotiation
 - Land development program
 - Expropriation (Use of eminent domain)
- Special provisions for emergency situation
- All provisions are not applicable for community driven projects



Land valuation indicators

- Minimum land registration cost as specified by the concerned land revenue office,
- Comparative reference score/
Comparative index
- Accessibility
- Geographical location and strategic, business and commercial importance of land
- Type of land, its classification and land use



Relocation Provisions

- Relocate in a vicinity of their residence wherever feasible.
- Full set up of basic infrastructure prior to relocation
- Resettlement site to be free from risks of environmental and natural disaster.
- Identify specific site for those whose livelihood is based on agriculture.
- Special efforts to preserve indigenous people's and marginalized group's language, religion, culture, and livelihoods.
- Special program to reduce potential impact on host community. Host community will be consulted prior to finalizing relocation site.

Provisions to promote social inclusion



Meaningful Consultation with disadvantaged groups in all stages

Additional support provisions in RP

Programs of preserving indigenous skills and their professional experience

Priority employment

Special discount in service provisions

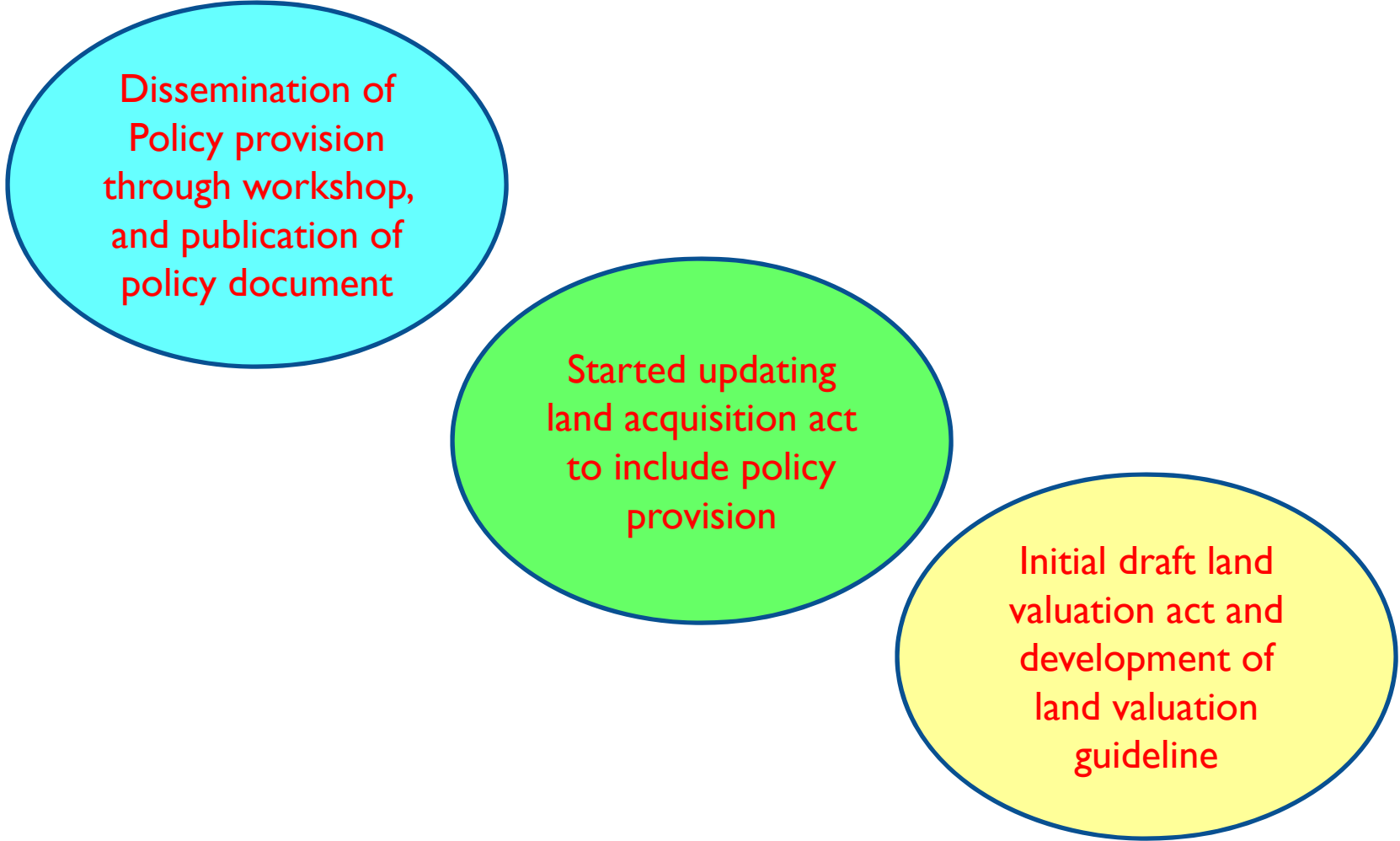
- Gender equity consideration from the beginning

Grievance Redress Mechanism

- 3 Tier Grievance Redress Mechanism
 - Project level
 - District level
 - Regional level
- Right to go formal court of appeal



Government's Initiative to Policy Implementation



Dissemination of
Policy provision
through workshop,
and publication of
policy document

Started updating
land acquisition act
to include policy
provision

Initial draft land
valuation act and
development of
land valuation
guideline

Thank You

