

ORIGINAL

Building Design Authority (P) Ltd



in joint Venture with

B.N. Consultancy Pvt. Ltd and

PLUSH Engineering & Architects (P) Ltd Kathmandu.

**Semi-Annual Social Safeguard Monitoring Report
(July - December 2019)**

**Regional Urban Development Project (RUDP)
Project Implementation Unit
Biratnagar, Nepal
ADB Loan No.47252-NEP**



January 2020

Biratnagar Metropolitan City (BMC), Nepal

PROJECT DESCRIPTION

Project Name	Regional Urban Development Project (RUDP)
Project Number:	ADB Loan No.47252 - NEP
Report for:	Biratnagar Metropolitan City

PREPARATION, REVIEW AND AUTHORIZATION

Revision #	Date	Prepared by	Reviewed by	Approved by
5	January 2020	Prakash Bhakta Shrestha (Social Safeguard Expert)	Er. Giresh Chand (Team Leader)	Employer/ADB

CONSULTANT DETAILS

Building Design Authority Pvt. Ltd.

JV. BN Consultancy, Plush Engineering and Architects Pvt. Ltd., Kamaladi, Kathmandu

Tel: 01-4248200, 4227393, Fax: 01-4223536

Email: bda@info.com.np; bdapvtltd@gmail.com

Table of Contents

I. INTRODUCTION	1
II. DESCRIPTION OF SUBPROJECT	3
III. SCOPE OF LIKELY IMPACTS OF THE SUBPROJECTS	6
A. Involuntary Resettlement	6
B. Indigenous Peoples	12
IV. CONSULTATION, INFORMATION DISSEMINATION AND DISCLOSURE	14
V. GRIEVANCE REDRESS MECHANISM	15
VI. LEGAL FRAMEWORK.....	18
A. The Context.....	18
B. ADB Resettlement Policy	19
C. Gaps between ADB and GON Resettlement Policy and Bridging Measures	20
VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS	22
A. Entitlement Policy.....	22
B. Voluntary Donation of Land & Structures:.....	22
VIII. INSTITUTIONAL ROLES AND RESPONSIBILITIES	26
IX. MONITORING AND REPORTING	26
X. CONCLUSION AND RECOMMENDATION	27
Table 6: Consultation Summary and Persons Met	29
XI. Photographs	32
Annex 1, Information on GRC and SSHDCommittee of PIU	39
Annex 2,Er.JitendraYadav has been replaced as Safety Engineer.....	40
Annex 3, Meeting of Social Safeguard Help Desk	41
Annex 4, Grievance Redress Record and Address Matrix	51

ABBREVIATIONS

ADB	=	Asian Development Bank
AP	=	Affected persons
BMC	=	Biratnagar Metropolitan city
BS	=	BikramSambat
CDC	=	Compensation Determination Committee
CDO	=	Chief District Officer
CDP	=	Community Development Program
CRIPPF	=	Combined Resettlement and Indigenous Planning Framework
DSC	=	Design and Supervision Consultant
DUDBC	=	Department of Urban Development and Building construction
DWSS	=	District Water Supply and Sanitation
EMP	=	Environmental Monitoring Plan
FY	=	Fiscal Year
GRC	=	Grievance Redress Committee
HH	=	Household
ISWM	=	Integrated Solid Waste Management
LAA	=	Land Acquisition Act
MoUD	=	Ministry of Urban Development
MPMC	=	Municipal Project Management Committee
NRs	=	Nepalese Rupees
NGO	=	non-government organization
PISU	=	Project Implementation Support unit
PCO	=	Project Coordination Office
PIU	=	Project Implementation Unit
ROW	=	right of way
RP	=	Resettlement Plan
R&R	=	Resettlement & rehabilitation
RUDP	=	Regional Urban Development Project
SD	=	Safeguard Desk
SDS	=	Social Development Specialist
STIUEIP	=	Secondary Town Integrated Urban Environmental Improvement Project
SPS	=	Safeguard Policy Statement
UEIP	=	Urban Environmental Improvement Project
VDC	=	Village Development Committee

WEIGHTS AND MEASURES

Ha.	=	Hectare
Kg.	=	Kilogram
m.	=	meter
sqft.	=	Square fit
sqm.	=	Square meter
1 ha.	=	1.47 bigha

Glossary of Terms

Affected Person. In the context of involuntary resettlement, displaced persons are those who displaced physically (relocation, loss of residential land, or loss of shelter) and/or economically (loss of land, assets, access to assets, income sources, or means of livelihood) 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; (iii).or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily

Census. Census is 100% enumeration of affected persons and to document the socioeconomic status of potentially affected persons within the project footprint. The census will provide a demographic overview of the population, households' assets, source of incomes, and means of livelihood.

Compensation Determination Committee (CDC). The committee established as per Land Acquisition Act 2034 (1977) for the determination of compensation rate.

Compensation.Payment in cash or in kind in lieu of acquisition of an asset or a resource that is acquired or affected by a project.

Cut-off date. The completion date of the census that establishes the eligibility for receiving compensation and resettlement assistance by the project affected persons. For land, the cut-of date will be the date of notice published by the CDC.

Dalits. The group of people defined and recognized by National Dalit Commission. The word is usually designated for a group of people belonging to the lower castes, many of whom are traditionally regarded as 'untouchable'.

Grievance Redress Committee (GRC). The committee established under the projects to document, hear, and resolve the project related grievances/concerns.

Indigenous peoples. The ethnic groups and communities having distinct social and cultural characteristics such as distinct language/mother tongue, traditional customs, cultural identity, social structure from those of dominant populations and culture. The National Foundation for Upliftment of Aadibasi/Janjati Act, 2058 (2002) has identified 59 groups as Adivasi/Janajati (or indigenous peoples or nationalities) in Nepal.

Land acquisition. The approaches (voluntary offer, negotiation, inter-agencies transfer, and expropriation) adopted to acquire land for the project components.

Rehabilitation. The allowances/assistance provided as described in the resettlement plan other than compensation of the acquired property.

Relocation.Physical relocation of APs permanently from their shelter.

Replacement cost. The sum of market value of the affected assets plus any transaction costs such as administrative charges, taxes, registration, and titling costs to replace the affected assets.

Restoration.All the measures taken to mitigate all or any adverse impacts of the project on the APs' property and/or livelihoods including enhancement measures.

Severely affected households.The affected households (i) losing 10% or more of their total

productive assets and/or income sources; (ii) requiring relocation due to the Project.

Socio-economic survey. The survey conducted to establish monitoring and evaluation parameters and establish a benchmark of socioeconomic status of Aps.

Vulnerable group. The vulnerable are individuals or groups who may experience differential adverse impacts from the proposed project more severely than dominant population because of their unique and inherit socioeconomic characteristics. Typically, those households falling below poverty line¹, the landless, household members with disability, female headed households, single women, households having elderly(*JesthaNagarik*) and children, dalits, indigenous peoples and those without legal title to land.

SUMMARY

1. The Regional Urban Development Project (RUDP) is designed with the aim to improve livability and urban services in the municipalities of Godawari, Bhimdatta, Biratnagar, Birgunj, Dhangadhi, Shuklaphanta, Nepalgunj and Siddharthanagar in the Terai Region of Nepal through planning, infrastructure investments, and institutional strengthening.

2. Biratnagar is one of the eight municipal towns included in the RUDP. The subcomponent of the RUDP covers the construction and improvement of sewerage, drainage and roads and design of Integrated Solid Waste Management System (ISWMS) for Biratnagar Municipality. Building Design Authority (P) Ltd (Nepal), B.N. Consultancy Pvt. Ltd and PLUS Engineers & Architects (P) Ltd Kathmandu as a design and supervision consultant (DSC)

Project Components in Regional Urban Development Project

1. **Drainage and sanitation:** Installation of sewerage pipe line and construction of Changbari Nala
2. **Road and Lanes:** Road improvement with asphalt concrete including foot paths and road side drain
3. **Street Light:** Supply and installation of solar street light including pole, battery and all solar system

3. It has been envisaged that some portion found disruption during the construction work and some portion extended structure of private houses is found adjacent of ROW and to be clear.

4. Beside of some interrupted portions like in close coordination with BMC, PIU and DSC, the contractor has starting construction works like, road improvement works, road side drain works, sewer line, roads and foot path at many locations. Some of the roads of the project have been completed and some of them are in the process of being upgraded.

5. **Grievance redress committee (GRC):** A GRC has established under RUDP and comprising 7 members. The mayor of BMC is the chairperson of the GRC with Project Manager as member secretary and social development officer of BMC as member of the committee. This committee has been effectively addressing grievances and concerns raised by the concerned stakeholders including project beneficiaries.

6. **Safeguard desk:** A functional safeguard desk has been continued in the RUDP for planning, monitoring and follow up of social safeguard issues and resettlement plan. It is a functional mechanism that has been started and is managed by PIU and DSC.

7. Some land acquisition and demolition of public assets and major structures has been required, except a few compound walls temporary shifting during construction. It has been envisaged that some portion extended structure of temple, school, college compound and Dharma Shala (pilgrims rest house) etc. Today public property is being destroyed rapidly.

8. It have been envisaged that some portion extended structure of public assets like temple, school/college have interruption during construction work. It has been required major structures should shifting during construction. Some portions of public assets need to be extended structure and demolition.

9. A total of sewer line HDPE /RCC 99% and manhole 99% has been completed and inlet and house connection 62% and 41% has been under construction without any interruption. Almost all the sewer lines were completed and some of T3 secondary sewer lines construction works are in progress without any interrupt of people.

10. Storm water drain in Chyangbari Nala CN2 to CN3 about 585 (revised after VO-1) meters has been completed the work without any interruption some minor works at inlet and outlet has been remaining which have been proceeding soon.

11. Most of the roads/lanes in Biratnagar are in a poor state due to lack of periodic maintenance, and need improvement. Some of the roads of the project have been completed and some of them are in the process of being upgraded. Out of 73.86 km. about 53 Km. has been attempted so far.

12. The importance and significance of proper solid waste management was realized, for improving the sanitary living condition in the industrial Morang-Sunsari corridor in general and in and around Biratnagar area in particular. Although, the integrated solid waste management land fill site due to public dispute has been not finalize so far.

I. INTRODUCTION

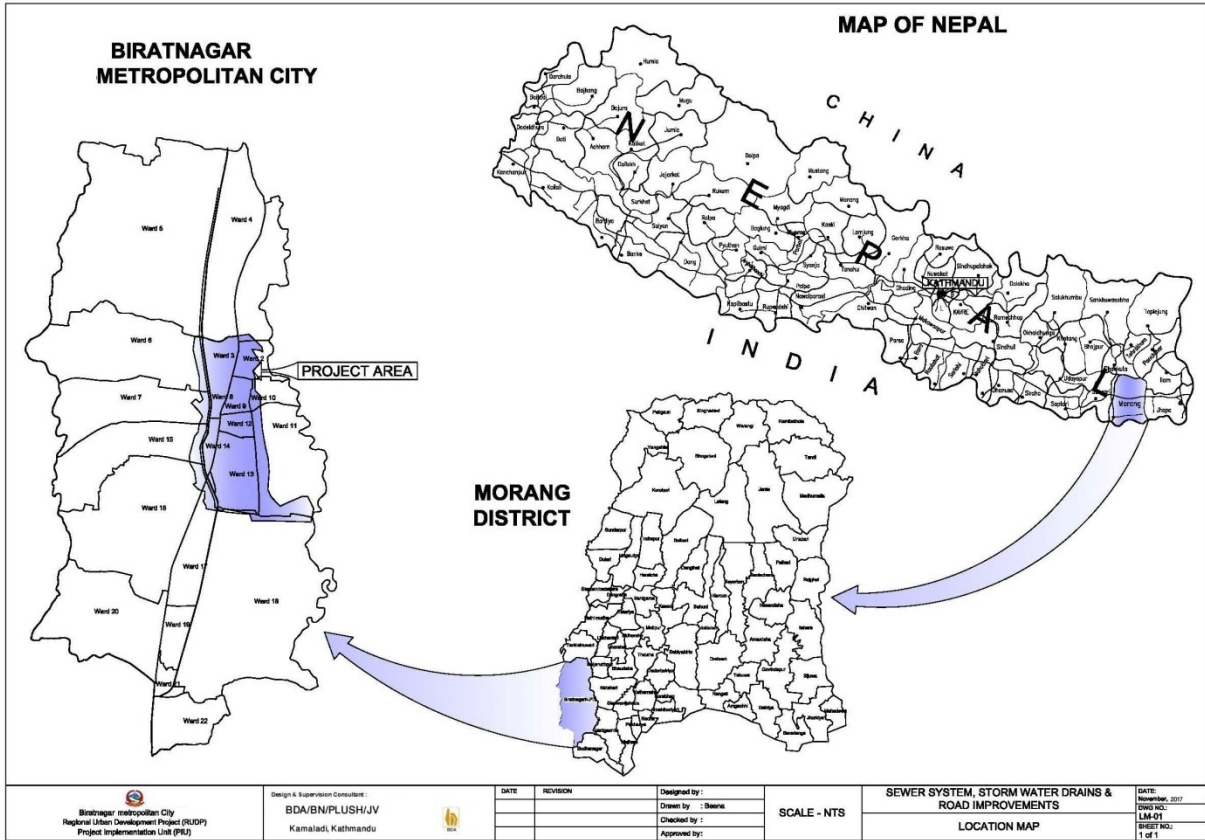
1. The Regional Urban Development Project (RUDP) is designed with the aim to improve livability and urban services in the municipalities of Godawari, Bhimdatta, Biratnagar, Birgunj, Dhangadhi, Shuklaphanta, Nepalgunj and Siddharthanagar in the Terai Region of Nepal through planning, infrastructure investments, and institutional strengthening. The eight cities have high population growth rates, are severely lacking investment, and are experiencing a high level of environmental degradation. The project is also in line with ADB's Nepal Country Partnership Strategy (2013-2017), which supports the government's development objective of accelerated, sustainable, and inclusive economic growth, and with the Asian Development Bank's (ADB) water and urban operational plans.

2. Biratnagar is one of the eight municipal towns included in the RUDP. The subcomponent of the RUDP covers the construction and improvement of sewerage, drainage and roads and design of Integrated Solid Waste Management System (ISWMS) for Biratnagar Municipality. Building Design Authority (P) Ltd (Nepal), B.N. Consultancy Pvt. Ltd and PLUS Engineers & Architects (P) Ltd Kathmandu as a design and supervision consultant (DSC) and have entered for a Contract of Consulting Services with Regional Urban Development Project (RUDP), Project Implementation Unit (PIU), Biratnagar Metropolitan City (BMC) on 28th August 2017 and design and supervision were commencement on September 6th, 2017.

3. This resettlement plan (RP) has been prepared for the subproject of the Biratnagar metropolitan city (BMC) under the RUDP. The subproject consists of construction of sewerage networks, storm water drainage, road improvements, Street light and design of ISWM other related infrastructural works. The report assesses the likely social impacts of the subprojects following applicable government policies/procedures and ADB Safeguard Policies. The RP explains the likely impacts and proposes actions to be taken by the Project Implementation Unit (PIU) that are anticipated in relation to implementation of the works packages. The likely impacts were assessed by reviewing ongoing ADB financed project, the Secondary Town Integrated Urban Environment Improvement Project (STIUEIP) documents and detailed design prepared for the RUDP. This report presents the findings and status of the land acquisition, possession of land and other social safeguard concerns related with the Project.

4. The main objective of the RP is to assess the availability of land under existing right of way (ROW) and likely social impacts due to implementation of the proposed subprojects with respect to land acquisition, compensation and involuntary resettlement, common properties (if any) and in terms of displacement, loss of incomes, and impact on social cohesion. During the resettlement plan preparation, the likely involuntary resettlement and indigenous people's impacts were assessed based on the information and documents provided by the project implementation unit (PIU) and the BMC. Interviews and discussions with municipal officials and community stakeholders were carried out along with site verifications and observations. *Figure 1* presented below shows project location of BMC.

Figure 1: Project location of RUDP



II. DESCRIPTION OF SUBPROJECT

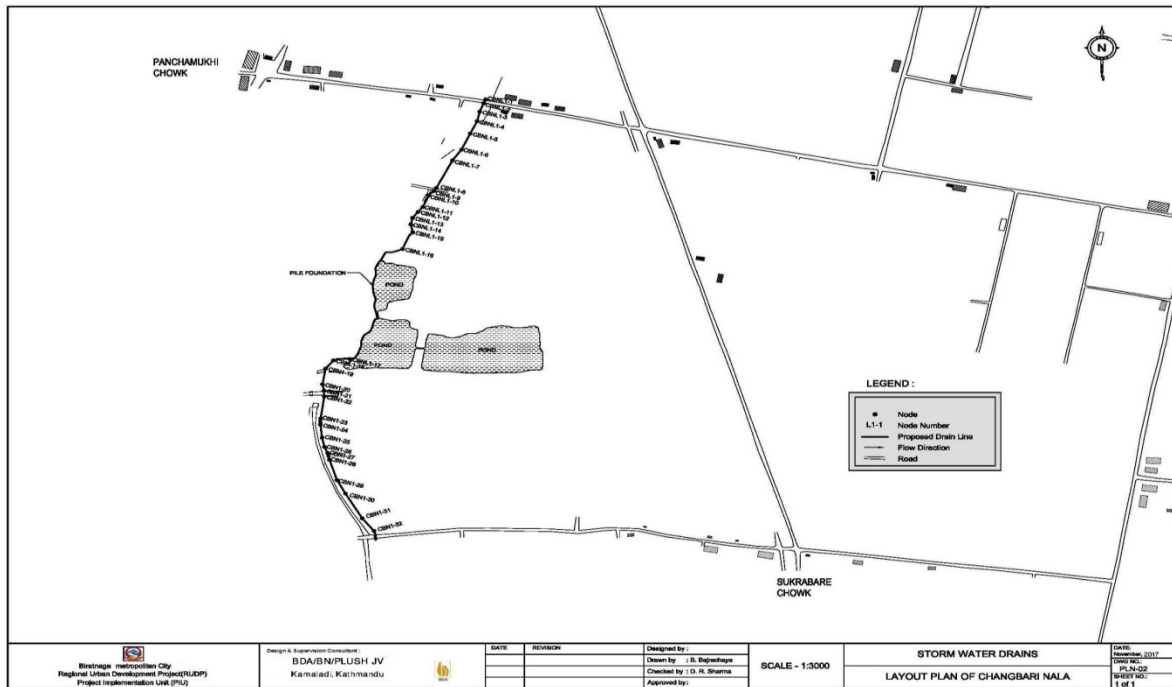
5. Since 2012 STIUEIP is implementing (i) drainage and sanitation including wastewater treatment plants (facultative pond and anaerobic), public and school toilets, and storm water drainage; and (ii) roads and lanes including upgrading of roads, footpaths, side drain and walkways in BMC. In most of the sections the drainage construction and earthen works of the roads has been completed but pavement improvements could not be done under STIUEIP due to cost overrun.

6. The additional works under RUDP are expected to complement STIUEIP and lead to increased efficiencies, greater improvement in service delivery, and higher impact on the livelihood outcomes of inhabitants of BMC. The pre-project construction activities, including land acquisition have been almost completed by the RUDP. In many cases, RUDP is working on the same alignment as STIUEIP. STIUEIP installed the drain and RUDP will rehabilitate the road and construct a footpath. The table 1 provides a summary of the proposed alignments where STIUEIP is also working to show synergies between the two projects. The shaded rows denote new/additional alignments under RUDP.

**Table 1: Summary of Project Components in Regional Urban Development Project
Biratnagar**

Components	Description of the activities	Quantification of major construction items/ activities	Location
Drainage and sanitation			
Sewerage network	Sewerage pipe supply and installation; manhole; sewer inlet; house connections	Installation of 20.082 km (revised VO-1, 18.559 km) sewerage pipeline; construction of 685 manholes (revised VO-1, 606); 1,010 sewer inlets and 3,784 house connections	At the central line of the existing roads within clear road width
Storm water drainage	RCC drains	Construction of Chyangbari Nala = 585.00m	Within the clear width of existing Nala
Roads and Lanes			
Road improvements	Asphalt concrete, footpath and roadside drains	Road improvements with asphalt concrete: 73.86 km, including footpaths and roadside drains: 26.05km (revised VO-1, 35.424)	Existing roads and footpaths
Integrated Solid Waste Management (ISWM)			
Design of ISWN		Preliminary design, detail design and final design	Municipality proposed Dagraha site is not finalize till date
Street Light			
Streetlight installation	Supply and installation of solar streetlights	Solar streetlights, including pole, battery and all solar system = 1.0 km	Existing roads and footpaths

Figure 3: Storm Water Drainage Layout Plan



9. A total of 74 km road improvement is proposed in the RUDP. The roads included for improvements are those roads which were damaged due to pipeline installation, storm drain construction and other project related works of STIUEIP and couldn't be restored due to unavailability of funds. *The overall road network layout plan is shown in Figure 4a and 4b.*

Figure 4a: Overall Layout Plan of Road Improvement Networks (Northern part/main road)

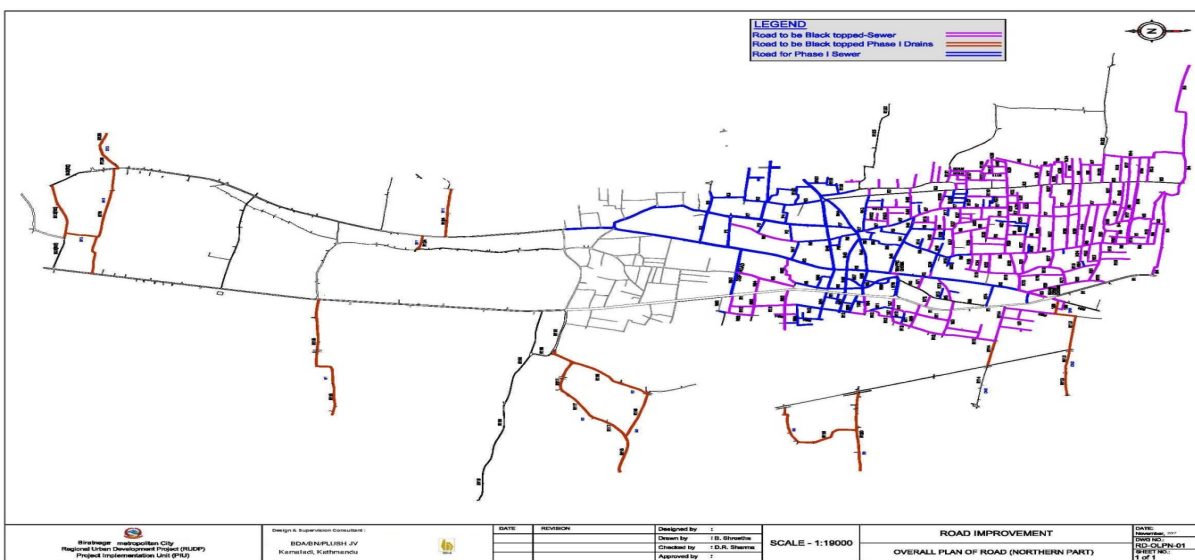
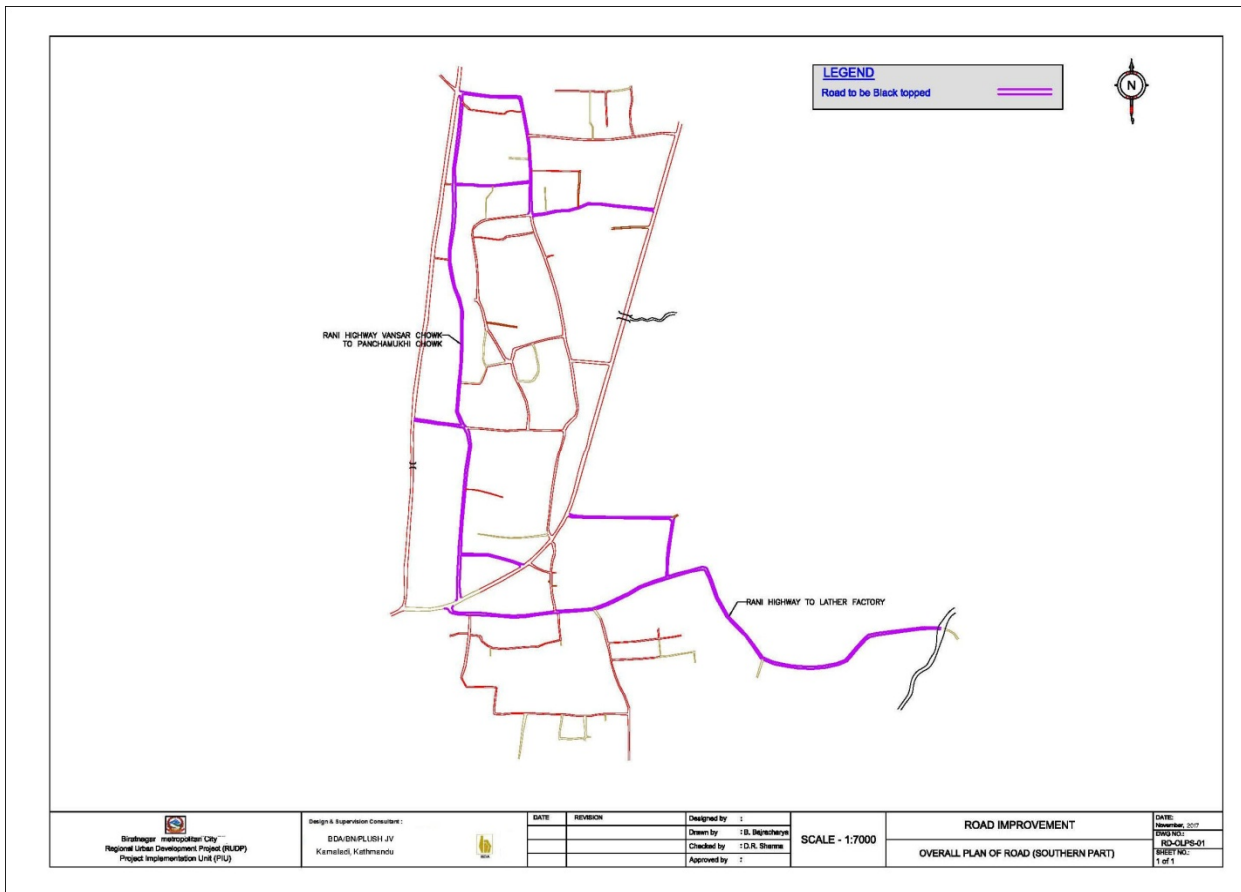


Figure 4b: Overall Layout Plan of Road Improvement Networks (Southern part/rani area)



10. The Project has considered on design based on reinstatement, rehabilitation and upgrading of existing roads length 74 km. The contractor has already started road improvement works, road side drain works, sewer line, roads and foot path at many locations. Some of them the project have been completed and some are in the process of being upgraded.

III. SCOPE OF LIKELY IMPACTS OF THE SUBPROJECTS

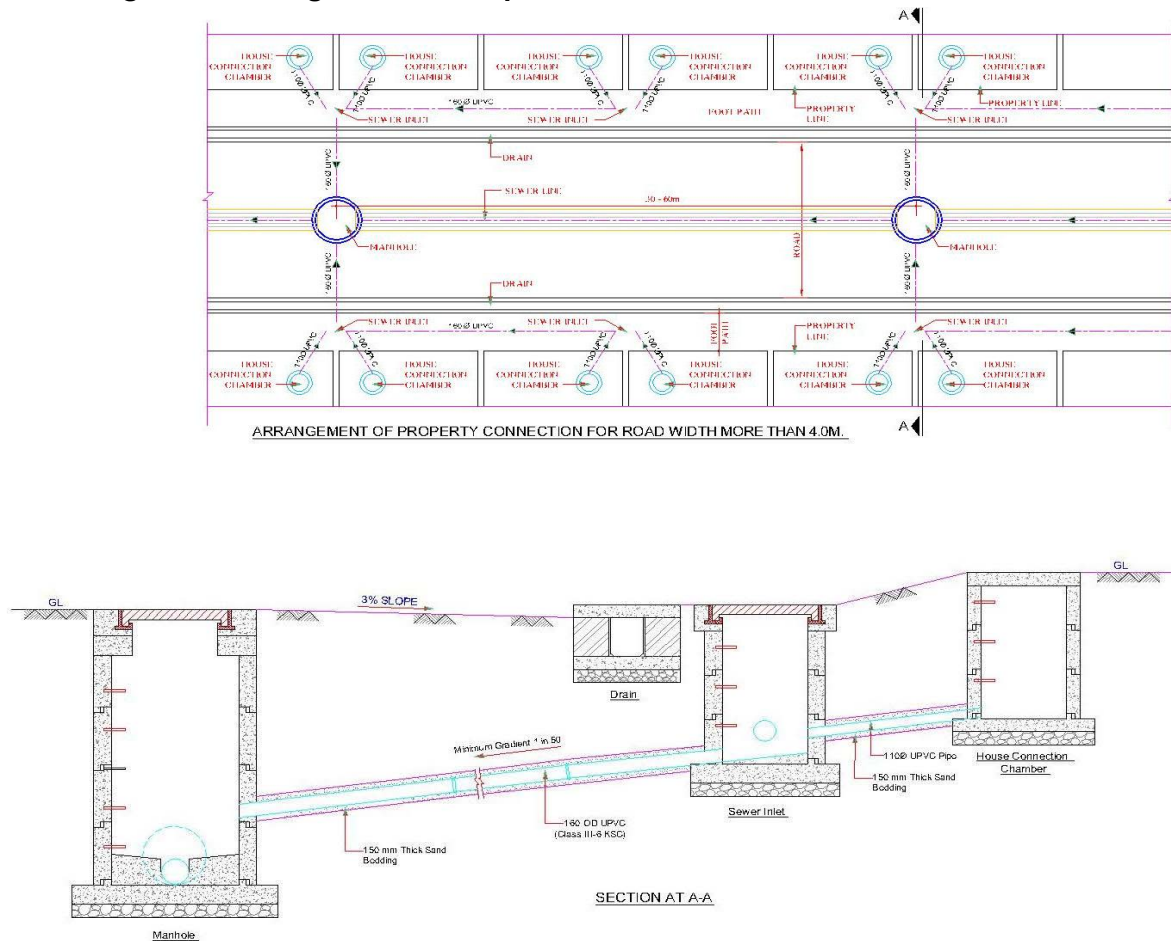
A. Involuntary Resettlement

11. The likely impacts of involuntary resettlement with respect to 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 for the proposed components are presented below.

12. Drainage and storm water: Based on the detailed design of the proposed activities and proposed construction approach, there will not be involuntary land acquisition. The storm water drainage and sewerage works will be limited within the available existing ROW of public roads, which do not require demolition of structures and private land. Some temporary disturbances are

anticipated during construction due to excavation of trench and installation of pipelines and construction of drainages. However, these temporary disturbances will not result in physical or economic displacement though temporary disturbances to businesses are anticipated for a few hours. Good construction practices and traffic management measures, including night works, will ensure continued access to businesses and limited disruption to business activity. To avoid such disruptions, construction workforce will take maximum care of the private and public structures and utility services while doing excavation works. The disturbance related to environment like, noise, dust etc will be covered by the project specific EMP.

13. The proposed sewerage laying module explains the method and plan of installing sewerage pipes without land acquisition and demolition of structures. The sewerage main pipelines go through the central line of the road section. However, the house connection chambers are proposed at the sides of roads within existing clear road width. The house connection arrangement and installation of sewerage management system has been designed in such a way that ensures the project activities are limited within the available ROW of the road and avoids any type of resettlement issues. The pipelines will be installed along the central line of road and collection chamber, and inlet chamber and manholes are built along the footpath within right of way of public roads. *Figure 5 illustrates the arrangement of proposed sewer lines and house connection plans.*

Figure 5: Arrangement of Proposed Sewer Line and House Connection Chambers

14. The BMC has declared ROW of each road section following standards declared in municipal by-laws. The by-laws also provide a provision for building code and construction standards and required setbacks for the building construction. The ROW were approved by the BMC board and declared effective from 2000. It was noted that BMC is publishing several notices using local newspapers (Ujyalo, Biratpath, Darshan Daily, Janabidroha, and Udghosh) to inform the public about the provisions of the by-laws, ROW and building codes, the project approach, and peoples support for project activities as well as to make people aware about adverse temporary effects during construction.

15. Reviewed the municipality declared ROW, required width of the road as per detailed design, and currently available width of the proposed roads under RUDP. Almost all road widths are clear and there is no need to demolish buildings as the available width is equal to the design width or municipality ROW. In some places, private compound walls and extended temporary structures from the main building are within the ROW but the owners of those walls and small structures have agreed to clear them to comply with the ROW. The owners of the compound walls have submitted a written request to the BMC requesting time to shift the compound wall and they also agreed to voluntarily clear such structures. The voluntary process will be adopted as prescribe in the CRIPPF prepared for RUDP.

The contractor has almost completed the road construction works of without any major problems; except some minor interruption remaining are under construction without any interruption during this reporting. It has been reported that on 4th. Semi-annual safeguard monitoring report on July 2019, It

have been envisaged that due to in adjacent of ROW some portion have been interrupted road construction works due to extended structure of private house.

16. All roads construction activities have limited within the available width of the road. Land acquisition and demolition of houses and major structures is not required, except a few compound walls and vegetable vendors' will be temporary shifting during construction. Remaining some construction works is still interruption about up to about 577 meter road. Those house owner are Deepak Raj Joshi R2 Main road about 7 meter, Riyaj Alam R23, about 70 meter, Goyal Hardware and Century Bank (T3L6A Pandit Meghraj Marga about 100 meter, T3L22A about 20 meter and T1L8B(R84 School Marga) about 200 meter.

17. Similarly, other two location public area Mahendra High School about 80 meters and Garibnath Temple about 100 meter also found interrupt due to not clear of ROW. BMC and PIU has coordinating with stakeholders to resolve problem. Although, it is not anticipated owner has displace and need not to pay compensation. The BMC have to be clear as per ROW, before construction work. *Some photographs presented in annex of an interaction with project affected HHs owners between BMC/PIU personnel for minimize of disruption.*

18. Beside of some interrupted portions like in close coordination with BMC, PIU and DSC, the contractor has starting construction works like, road improvement works, road side drain works, sewer line, roads and foot path at many locations. Some of the roads of the project have been completed and some of them are in the process of being upgraded. BMC has fully supporting and keep high priorities to the project works for effective progress.

19. A total of 99% sewer line HDPE/RCC has been completed among them, 62% inlet and 41% house connection has been completed remaining are under construction without any interruption. Trunk Line T1 & T2 sewer lines were already completed in STIUEIP (Secondary Town Integrated Urban Environmental Improvement Project) and remaining part of sewer lines in T4 completed and T3 have been identified and necessary survey and construction works were performed, almost all the lines were completed except 100m. length of secondary sewer lines of T3 east of Sanihat chowk

20. The contractor has already completed the works of storm water drain in Chyangbari Nala CN2 to CN3 about 652 (revised VO 1, 585) meters without any interruption; except some minor works at inlet and outlet which have been proceeding soon.

21. Most of the roads under this project for upgrading is without drain or existing drain are in poor condition, on instruction from the employer at various stretches the construction works were ongoing and some of them have been completed without any major disturbance with coordination of people and BMC. The project has provisioned drain at either sides or one side as per available RoW of the road. The contractor has already started drain works at many locations.

22. Most of the roads/lanes in Biratnagar are in a poor state due to lack of periodic maintenance, and need improvement where as some of the roads are graveled and would benefit from upgrading. . In the areas where drainage and sewerage works are proposed there will be significant impact on the existing roads. The Project has considered on design based on reinstatement, rehabilitation and upgrading of existing roads length 73.86 km. About 53 km. sub-base and 46 km. asphalt work roads of the project have been completed and some of them are in the process of being upgraded without any major interruption.

23. Today public property is being destroyed rapidly. Some people care only about their own property but, we all have the right to use public property without any obstruction and we must know to protect them also. In this case, some land acquisition and demolition of public assets and major structures has been required, except a few compound walls temporary shifting during construction. It have been envisaged that some portion need to be extended structure and demolition of public assets like, temple, school, college compound and Dharmashala (pilgrims rest house) etc.

24. It has been required major structures has been shifting during construction. Among them some of public assets like Dhambhakari; AdarshaBalika school telecom road (R3); NFPA building telecom road and Motiram marga (T3L21) and Moti smarak Motiram marga are under process for construction work in coordination with BMC.

25. BMC has initiated to discussion with concern stakeholders to reinstatement of Public Assets. Some miner works has been started to reinstatement works. BMC/PIU has coordinating with concern stakeholders of Garibnath Shiv temple, Ramjanaki path (R44) and Mahendra Secondary School, Nepal rastra Bank road (R101) for the reinstatement works. Hanuman temple and Kali temple of R2 main road, Garibnath temple R44, 108 Shiv and Hanuman temple , Mahavir road and R101 Mahendra High School has found disruption about 50 – 100 m. road. Remaining other is continuous under discussion with stakeholders and BMC.

26. These public assets are in adjacent of ROW, although, it is not anticipated has displace but need to pay required compensation for reconstruction and reinforcement. The assets committee or owner has also agreed and ensured to BMC and PIU, it will be clear as per ROW, before construction works. The assets committee or owner has shown their interest, these public assets are should be reconstruction and reinforcement as previous. It is envisaged that resettlement for the public assets have not required, except reconstruction and rehabilitations during construction. Therefore proposal has been submitted to PCO for reconstruction and rehabilitations with plan on March 2019. An updated Resettlement Plan for reinstatement of Public Assets report with ADB comment response matrix also been submitted to PIU on December 2019.

Regional Waste Management Project (RWMP)

27. The importance and significance of proper solid waste management was realized, for improving the sanitary living condition in the industrial Morang-Sunsari corridor in general and in and around Biratnagar area in particular, already during implementation of the FINIDA-supported project called 'Supporting Environmental Administration and Management (SEAM-N) in the eastern development region of Nepal. In this regard, a study entitled 'Description of the Future Solid Waste Management System for the Biratnagar-Dharan Corridor Region' by a team of Finnish experts in July 2007. Following the recommendations of this report, two further studies (Rapid Assessment Report of Selection of Land for Regional Sanitary Landfill Site, February 2009 and Evaluation of Three Landfill Sites, July 2009) related to development of a regional sanitary landfill site were carried out.

28. With the above backgrounds, virtually as a follow-up of the SEAM-N project, a separate project particularly related to solid waste management in this region with its name 'Regional Waste Management Project (RWMP)' was implemented after an agreement of bilateral co-operation between the Government of Nepal (GoN) and the Government of Finland in 2010. The executing agencies were the Ministry of Local Development on behalf of GoN and the Ministry of Foreign Affairs on behalf of the Government of Finland. This project, with its overall objective of proper solid waste management in the defined project areas of Morang and Sunsari districts (i.e. the municipalities of Biratnagar, Dharan, Itahari and Inaruwa together with the former 5 adjoining VDCs of Morang district and 5 adjoining VDCs of Sunsari district) had defined its 3 project components as i) Component 1 – Regional Solid Waste Management Infrastructure, ii) Component 2 – Waste Management Operational Infrastructure, and iii) Component 3 – Environmental Sustainability and Public Participation. In fact, the project component -1, which includes the development of sanitary landfill site – Dangraha, was continuously delayed due to the protest of local residents living around the site against the site development. Although land covering an area of 18 ha was already acquired by the municipality (however without demarcation of site boundary), it could not be accessed for further field works related to EIA study and detailed topographical survey for preparation of conceptual plans. This was the main reason for closing-up of the RWMP, after its implementation for a period of ~2 years (2010 – 2012). It is noteworthy that other ADB-supported urban environmental improvement projects (e.g. STIUEIP, IUDP) in the municipalities of Terai belt did not include the SWM component in this region, obviously to avoid any possible duplication/conflict with the RWMP under implementation.

29. Under the above background and with due consideration of the still existing SWM problem in and around Biratnagar area, ADB has included this sub-project component in the current 'Regional Urban Development Project (RUDP), Biratnagar. Biratnagar is one of the 8 municipal towns included in the RUDP. This subcomponent of the RUDP covers the construction and improvement of sewerage, drainage (side drain & storm drain) and roads, and design of integrated solid waste management including sanitary landfill site for Biratnagar Metropolitan City.

30. Municipality proposed 28 bigha land in Dagraha-7, Budhiganga VDC site for the integrated solid waste management land fill site due to public dispute has been not finalize till date. Consultations were organizing from Municipality in different level with different particular with affected persons, community leader, social workers, representatives of political parties and civil society organization, and representatives of indigenous peoples (IPs).

31. Field level survey have conducted, to identify the potential stakeholders who can influence the Integrated Solid Waste Management (ISWM) site an interest associated with the construction of sanitary landfill site in proposed location. Inception Report as well as Stakeholder's Analysis, Communication Strategy and Consultation Plan for Integrated Solid Waste Management (ISWM) have already been submitted on March 2018. Due to Socio Environment Problem, Progress of Integrated Solid Waste Management (ISWM) design has been hindered.

32. An informal meeting has been held on 16 December 2018 in Kathmandu in presence of Project Director and PMSC member to attention of public feeling and minimize of existing social problem on solid

waste management. Meeting has discussed to prepare an action plan in coordination with Mayor, Social Development Officer of municipality and social, technical expertise.

33. Other an informal meeting also organizing as per necessary in community level from Municipality in presence of local political representatives PIU and DSC with different particular, affected persons, community leader, and social workers. Due to impatient of public to prepare an action plan has been not initiated till date.

PROJECT SITE LOCATION

34. The selected site for integrated solid waste management in Biratnagar Metropolitan City is located at a distance of ~15 km northeast of Biratnagar city in the newly established *Buddhiganga Grampalika* (former Dangraha VDC, ward no. 5).

35. The site is 4 - 5 km from Biratnagar-Dharan Highway in the west and 2 - 3 km from Biratchowk Highway. The surrounding area bordering the site is still more agriculture land in the north and south, gravel road in the east and *Dangraha Khola* in the west.

36. The land for proposed ISWM is acquired by Metropolitan City. The Land Ownership certificate is with Biratnagar Metropolitan City. Total acquired land by Metropolitan City is 26.5 Bigha (as according to the evidence provided by BMC). There is not necessary for further resettlement plan for other land and permanent structures for construction and operation of proposed ISWM project.

37. No beneficiary should be affected by the construction of any structures such as ISWM including SLF development facilities and other constructions during the implementation of project. Prior to the start of the activities of project, the beneficiaries should be fully informed and closely monitored on resettlement and compensation options. Their participation in planning and managing resettlement helps to reduce their fears and gives them an opportunity to participate in key decisions that will affect their lives. Without consultation, the beneficiaries affected may oppose the project, causing social disruption, substantial delay in achieving targets and cost increase. Therefore, if the project requires land acquisition and/ or resettlement, a resettlement plan will be prepared based on the resettlement framework according to the prescribed norms of RUDP.

B. Indigenous Peoples

38. According to the ADB's safeguard policy the indigenous people 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 characteristics such as self-identification as members of distinct indigenous cultural group, geographically distinct habitats or ancestral territories; distinct customary cultural, economic, social, or political institutions and a distinct language.

39. The subproject activities are confined within a linear distance with defined width along the alignment of proposed drainage, and roads. The construction will be undertaken following the existing drainage and road alignment. It has been observed that the indigenous people in the subproject area share a similar economic and political system with the mainstream society. The indigenous people are not significantly different from the non-indigenous households and other local families living in the project areas in terms of livelihood patterns, and access to economic, health and educational opportunities. The indigenous people in general do not display any significant social or economic traits that would distinguish them from non-indigenous people communities, except in their cultural identity and national identification as indigenous people or Janajati/ Adhibasi (in Nepali language). The field observation reveals that all the settlements/ clusters in the BSMC are heterogeneous in terms of caste/ ethnicity and no specific territory of indigenous people has been observed and reported. The

lands owned or occupied by indigenous people in the project municipalities are not considered of ancestral/tribal value. Individual ownership of lands has been in practice among indigenous people for many generations. Hence, it is expected that the project will have no impact on their cultural identity, survival and cultural resources.

40. The improved road services and drainage system will have overall beneficial effects. However, the improved road conditions may increase vehicle speed and requires awareness among the indigenous people about the road safety and traffic rules. With municipal facility improvements, subprojects are expected to result in improved health and quality of lives of both indigenous people and non-indigenous people. In addition, the project will create short-term employment opportunities in infrastructure construction and maintenance where indigenous groups should be given first priority for employment. No physical displacement and economic displacement of indigenous people is anticipated as a result of implementation of the subprojects. The project design has included activities, which will address requirements in behavioral changes to be habitual with improved waste collection and management system, and traffic system. The gender equality and social inclusion (GESI) action plan and performance-based socioeconomic development program includes specific actions favorable to indigenous people. Therefore, indigenous people plan is not required for this subproject.

41. The sewerage pipeline networks will be laid on public roads within its clear width. Similarly, the storm water drainage will also be constructed at the sides of public roads. For efficient work progress and people's support in project activities, PIU along with BMC, design and supervision consultant (DSC) and the contractor will disseminate information on commencement of works one month in advance in each stretch of construction sites. Some temporary disturbances to businesses are anticipated for a few hours per 100-200 m. section of the pipeline, drainage and road component. However, full road closure is not anticipated and these temporary disturbances will not result in physical or economic displacement or restriction to access to business and resources. Good construction practices and traffic management measures, including night works, will ensure continued access to businesses and limited disruption to business activity. In a few areas, i.e; Gudri (Vegetable Markets), vendors and hawkers will require temporary relocation (i.e. few hours). An alternative location close to the existing Gudri for few hours will be arranged in-coordination with the municipal authorities and traffic police, and contractor will have to provide assistance in relocating and shifting. All the construction activities will comply with a work schedule that ensures completion of trench excavation, laying of the pipelines and backfilling on the same day. Such action shortens disruption timings of the business and vendors. Provision for night works shall be included on narrow and high crowd and commercial areas like, main road, Rangeli road and Himalayan road (traffic chowk). The disturbance related to environment like noise, dust etc will be covered by the project specific EMP.

42. Based on the above assessments of impacts it can be concluded that no private land acquisition is required for subproject activities as all the required lands are readily available within the existing ROW of the public roads. As a result of subproject implementation, no settlement will be adversely affected and neither physical displacement nor economic displacement occurs, and hence no involuntary resettlement impacts are anticipated due to land acquisition. Therefore, resettlement plan is not required for the subprojects in BMC.

43. Though involuntary resettlement impacts are not anticipated and resettlement plan is not required, coordination is required to continue public services and access to daily life of people living in the city. The existing water supply pipeline, drainage system, and electricity supply may be disturbed during construction. The BMC and PIU confirm that sufficient budget for relocation and rehabilitation of public utilities has been included in the bill of quantities of bidding documents for the works package. The project shall establish proper communication and use the grievance handling mechanism already established under RUDP to hear and address people's concern and grievances during construction.

44. The project has considered on design based on reinstatement, rehabilitation and upgrading. The contractor has already started the works except some minor interruption. The progress of the project is Road Rehabilitation (asphalt) 46%, Sewer Line 88%, Storm water Drain 100% and Road side Drain 100% (length wise but some quantity of brick works still remained in BOQ quantity) works has been completed till now.

45. Regional Urban development Project (RUDP) in Biratnagar has implemented to improve the quality of life and help to achieve higher and more socially inclusive economic growth of people through effective, efficient, and reliable delivery of improved and affordable municipal services. Infrastructure development of drainage and sewerage system as well as roads and lane improvement are the major components of RUDP in Biratnagar Metropolitan City (BMC). The environment has been defined to mean surrounding area including human and natural resources to be affected by execution and after completion of works. The Contractor shall take all precautions for safeguarding the environment during the course of the construction of the works. He shall abide by all prevalent laws, rules and regulations governing pollution and environmental protection mitigation measure specified in the latest publication of "Environmental Management Guidelines" published by the GoN and Projects Environmental management plan.

IV. CONSULTATION, INFORMATION DISSEMINATION AND DISCLOSURE

46. Consultation was done at two levels: a) Municipality level and b) Stakeholder or community level.

- a) A municipality level consultation held with the Mayor, CAO of the municipality, PM (RUDP), the engineer, within the municipality and other concerned authorities, to coordinate the field work in different wards of the municipality.
- b) The stakeholder or community level consultation was held with the general stakeholders in different Tole/lane. The Tole/lane level Public Consultation was made through open interviews with different selected stakeholders was conducted in community level. The participants in public consultation were municipality authorities, business groups, entrepreneurs, related temples and Dharma Shala management committee and political activists and social workers. The open interview became helpful to understand the general developmental and infrastructural status, identify urgent need of the households in the community level. This interview was instrumental to assess the affordability and to identify the mechanisms of stakeholder's participation in construction monitoring and evaluation.

47. In the consultation meetings and using different means of communication project information has been disseminated to concerned stakeholders. Information related to project design, drawings, working modality and approach of the project and ADB's and Government of Nepal's safeguard policy provisions were discussed among the stakeholders. The information is available at project office (PIU), BMC office, local office of DUDBC, and office of DSC. A copy of the report will be disclosed on the ADB and project related websites, and is also available from PIU/ DUDBC/ BMC upon request.

48. The PIU will continue consultations with community people and information disclosure throughout the project implementation. The PIU, DSC, and contractors will work and coordinate closely to ensure that communities are made fully aware about project activities in all stages of construction.

V. GRIEVANCE REDRESS MECHANISM

49. The subproject will utilize the GRM proposed in CRIPPF of RUDP to hear grievances and concerns raised from affected persons and project beneficiaries during construction of the project.

50. A Local/Municipality level grievance redresses committee (GRC) comprising 7 members is formed to receive grievances filed in relation to RUDP implementation in BMC. Now one member is vacant due to resign from the service. The Mayor of BMC is the chairperson of the GRC with CAO of BMC and Project Manager as member and chief, social development of PIU as member secretary of the committee. This committee has been effectively addressing grievances and concerns raised by the concerned stakeholders including project beneficiaries.

51. Although many grievances were received verbally and written, all total 26 grievances have been registered formally up to this reporting period among them, 17 are written and 9 are received through telephone. Total 10 grievances are registered in GRC desk this reporting period. Received all grievances have immediately been addressed and solved. Received grievances are tabled in Social Safeguard desk, SD discussed over different grievances and social and environmental agendas to immediate mitigate of public complains. GRC meeting has been not held because of not appearing any serious grievance. *Registered grievances are presented in an annex-4. The GRC composition is presented in the table-2.*

Table 2: Composition of GRC for RUDP

Name	Designation	Portfolio
Mr. Bhim Prasad Parajuli	Mayor, Biratnagar Metropolitan City Office	Chairperson
Mrs. Indira Karki	Deputy mayor, Metropolitan City Office	Member
Mr. Pradip Kumar Niraula	CAO, Biratnagar Metropolitan City Office	Member
Er. Bharat Kumar Neupane	Project Manager, RUDP, PIU, Biratnagar	Member
Er. Prakash Chaudhary	Deputy Project Manager/ PIU	Member
Mr. Punam Kumar Dahal	Chief; Social Development/ PIU	Member Secretary
(One member Vacant due to resigned the post)	Project Engineer/ PIU	Member

52. After the effectiveness of the RUDP in BMC, the structure of the committee will be reviewed and revised in line with the GRC structure and mechanism prescribed in combined resettlement and indigenous people planning framework (CRIPPF) of the project. The CRIPPF has provision to form GRC at the municipal level with representation from affected persons/beneficiaries.

53. The Grievance redresses committee (GRC) concerned representatives of affected persons with one male and one female (a representative of indigenous people, in case of indigenous peoples related issues), will be invited in the meeting. The GRC will meet as needed to determine the merit of each grievance, and resolve it within 7 days of receiving the complaint. The Committee thus appointed should be sanctioned by the municipal board. The responsibilities of the GRC at municipality will be:

- i. to conduct subproject level public awareness campaign regarding grievance redress mechanism

of the project. The social safeguards expert of the DSC will support the GRC by preparing and providing information/awareness material etc. to conduct the awareness campaign. The campaign will ensure participation of poor and vulnerable groups in the awareness campaign. The campaigns also cover information on entitlements policy provisions and their application; and

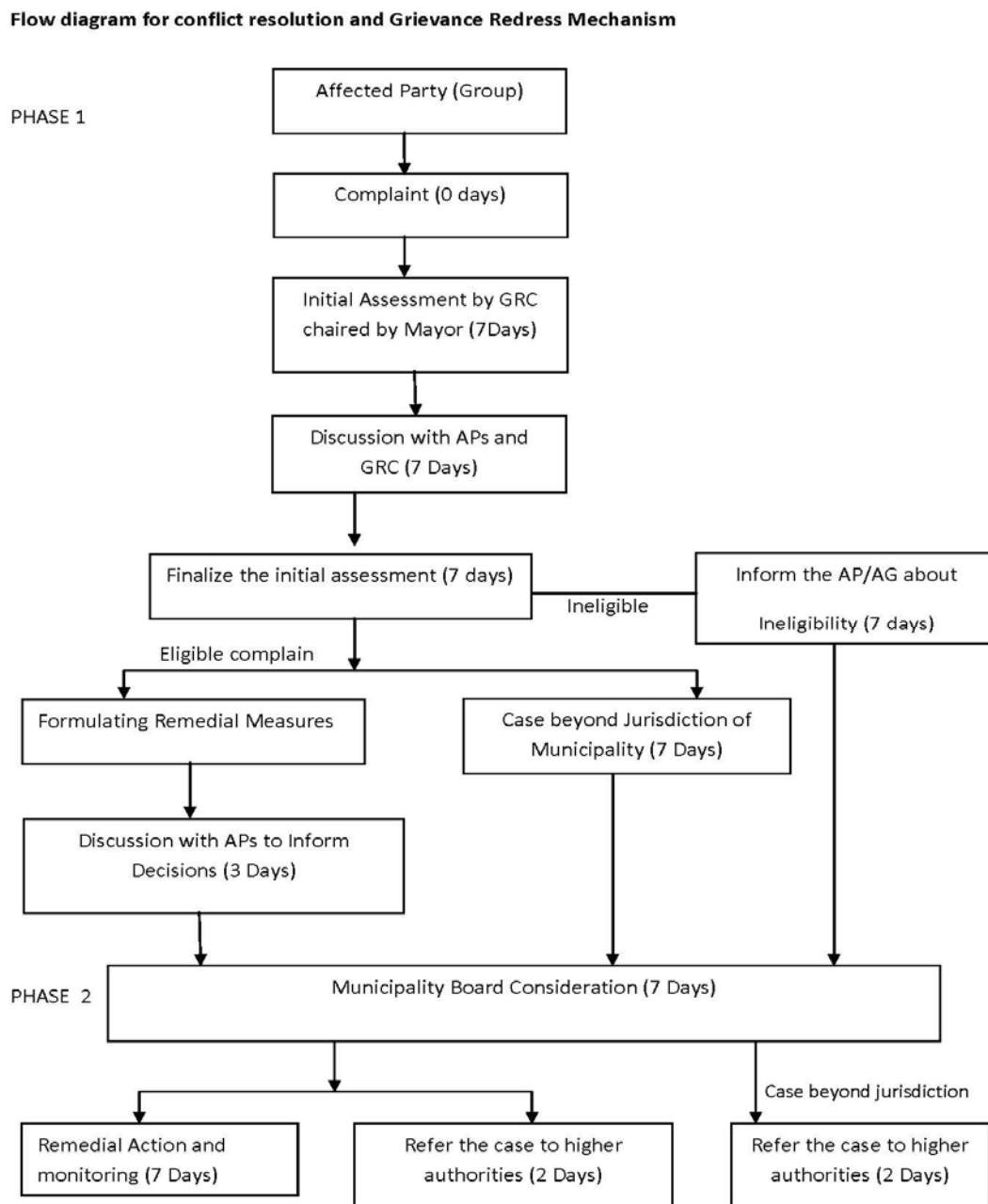
- ii. to hear complaints and grievances at local level. The local people can approach the committee with their grievances related to the project which will be registered, categorized and discussed in the committee with the aim of amicable settlement. It is expected that the committee will provide an accessible forum for receiving and facilitating resolution grievances related to the project and grievances will be redressed within one week from the date of received complaints. The member of secretary of GRC committee will be representing as social safeguard focal person, and will be responsible for processing and placing all papers before the GRC, recording decisions, issuing minutes of the meetings and taking follow up action to see that formal orders are issued and the decisions carried out. Any unresolved or major issues at municipality level will be referred to the PCO level GRC for resolution. DSC social expert will be assisted to social safeguard focal person. Local/Municipality Level GRC mechanism chart in below figure 6 is shown detail process of Grievance redresses.

54. The unresolved or major issues forwarded by the BMC level GRC will be reviewed at PCO level GRC for final solution. Decision has to be made within 15 days of receipt of complaint at this level. The PCO level GRC shall refer the complaints registered at the PCO to the BMC level GRC for initial hearing within 7 days of registration.

55. Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage, and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM.

56. People who are, or may in the future be, adversely affected by the project and not satisfied with the established GRM may submit complaints to ADB's Accountability Mechanism. The Accountability Mechanism provides an independent forum and process whereby people adversely affected by ADB-assisted projects can voice, and seek a resolution of their problems, as well as report alleged violations of ADB's operational policies and procedures. Before submitting a complaint to the Accountability Mechanism, affected people should make a good faith effort to solve their problems by working with the concerned ADB operation department. Only after doing that, and if they are still dissatisfied, should they approach the Accountability Mechanism Flow diagrams for conflict resolution and Grievance Redress Mechanism (Local/Municipality Level) process is presented in the below figure 6.

Figure: 6 Flow diagrams for conflict resolution and Grievance Redress Mechanism (Local/Municipality Level)



VI. LEGAL FRAMEWORK

A. The Context

57. The government of Nepal has promulgated different laws and legislations for different sectors as prescribed by the constitution of Nepal. There are different laws interrelated to each other such as for construction of different infrastructures, there are independent acts like road act, forest act, land act and the property right mentioned in the constitution and some guidelines to be entertained for this RP.

58. The Constitution of Republic of Nepal (2015), Article 25 (1) guarantees the fundamental right of a citizen, i.e. right to acquire, own, sell and dispose of the property. Article 25 (2) describe that the state cannot acquire the property of any person except in case of public interest. Article 25 (3) also state that compensation shall be provided for any loss of individual property for public interest.

59. Nepal does not have a standalone policy on Indigenous Peoples to safeguard them from specific policy, planning initiatives and development projects. The Constitution of Nepal 2072 (2015), NFDIN Act 2002, Local Self-Governance Act, 1999, Forest Act (1993) and Forest Regulation (1995) and periodic Five Year Plans have been placed significant emphasis on delivering basic services to the indigenous people. Besides, there are some provisions for the protection and promotion of Janajatis' traditional knowledge and cultural heritage.

60. The Constitution of Nepal 2072 (2015), Article 18, Right to Equality, states that all citizens shall be equal before law. No person shall be denied the equal protection of law. However, the article also mentioned that nothing shall be deemed to bar the making of special provisions by law for the protection, empowerment or advancement of the women lagging behind socially and culturally, Dalits, Adibasi, Madhesi, Tharus, Muslims, oppressed class, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disability, pregnant, incapacitated and the helpless persons, and of the citizens who belong to backward regions and financially deprived citizens including the Khas Arya

61. Specific policy initiatives for the welfare and advancement of IPs (adivasi/ianajati) were initiated in 1997, when a National Committee for Development of Nationalities (NCDN) was set up. In 2002, the Nepal Parliament passed a bill for the establishment of an autonomous foundation named "National Foundation for Up-liftment/Development of Indigenous Nationalities (NFDIN)," which came into existence in 2003 replacing the NCDN. The NFDIN Act 2002 established the first comprehensive policy and institutional framework pertaining to Adivasis/Janajatis. The act defines indigenous groups or AdivasiJanajati in Nepali as "a group or community having its own territory, own mother tongue, traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history". The government, through NFDIN, has identified and officially recognized 59 such indigenous communities. This list was updated in 2009 to include 81 groups for official recognition but yet to be approved by the GON.

62. The Local Self-Governance Act, 1999 commits municipalities for the promotion, preservation, and protection of language, religion, culture of indigenous people and their welfare in the municipal area. The Act empowers municipalities to formulate and implement periodical and annual plans within their own jurisdiction. Periodic plans integrate different thematic plans according to social, economic, environment, physical, financial, and institutional aspects. The Act provides municipalities to follow planned development programs and prioritized programs that can increase productivity, contribute to upgrading living standards, and generate income and employment opportunities for indigenous people and other vulnerable groups. The Act also requires that local programs provide direct benefits to women and disadvantaged groups, and use community groups in the planning and execution of development

programs.

63. These constitutional, legal and policy provisions are supplemented with the provisions under the United Nations Declaration on the Rights of Indigenous Peoples (2007) and International Labor Organization (ILO) Convention (169), 1989 in 2007 since Nepal is a signatory to these international legal instruments. The ILO Convention no. 169 of 1989 is the most comprehensive legally binding treaty on the rights of indigenous peoples. The Convention includes provisions on cultural integrity, land and resource rights and non-discrimination, and instructs states to consult indigenous peoples in all decisions affecting them. Articles 1-4 of the United Nations Declaration on the Rights of Indigenous Peoples (2007) ensures the individual and collective rights of indigenous peoples, as well as their rights to culture, identity, language, employment, health, education and other issues while implementing any development activities in the traditional territory of the IP.

B. ADB Resettlement Policy

64. ADB Safeguard Policy Statement (SPS) 2009, and Guidelines for Involuntary Resettlement, are mandatory for all ADB assisted Projects to recognize and address the Resettlement and Rehabilitation (R&R) impacts of all the Displaced Persons (DPs) irrespective of their titles and requires for the preparation of an appropriate Resettlement Plan (RP) in the case where involuntary resettlement exists. ADB Safeguard Policy Statement (SPS) is the guiding rule to identify impacts and to plan measures for mitigating various losses likely to occur due to resettlement impacts. Some of the key provisions of ADB SPS and Guidelines on Involuntary Resettlement are:

- i. Where Involuntary Resettlement (IR) is unavoidable, the impact should be minimized by exploring project and design alternatives;
- ii. Enhance or at least restore the livelihoods of all displaced persons in real terms relative to pre-project levels;
- iii. Improve the standards of living of the poor and other groups;
- iv. Gender analysis is required to identify related resettlement impacts and risks;
- v. Resettlement Plans (RP) should be prepared in full consultation with Affected Persons (APs), host communities, and stakeholders;
- vi. Preference will be given to land-based resettlement for displaced persons whose livelihoods are land-based. However, if the land is not the preferred option or the land is not available at reasonable price, the APs will be provided opportunities for employment, or self-employment in the project works, in addition to the reasonable cash compensation for land and other assets lost;
- vii. Cash compensations for the loss of structures, other assets and incomes should be based on full replacement cost;
- viii. Absence of formal legal title to land or non-recognized or recognizable claims to such land by the Displaced Persons (DPs) should not be a bar to compensation;
- ix. The rate of compensation for land, structures and other assets should be calculated at full replacement cost based on fair market value; transaction cost; interest accrued; transitional and restoration cost, and other applicable payments, if any.
- x. All compensation payments and related activities must be completed prior to the commencement of the civil work;
- xi. Special attention to be paid to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children and indigenous people and those without legal title to land.

C. Gaps between ADB and GON Resettlement Policy and Bridging Measures

65. Though apparently, both Land Acquisition Act 1977 and ADB Guidelines aims to ensure compensation to the DPs for the loss of properties and other assets, there are some differences on their entitlement provisions (Table 4):

Table 3: Key Policy Gaps and Bridging Measures

Key Issues	ADB SPS	GoN Regulation	Measures Recommendation in RP
Compensation principle	All the compensation is based on the principle of replacement cost	Compensation rate will be determined by CDC, consisted of (i) CDO, (II) representative from DDC (iii) Chief of Land Revenue Office (iv) Project Manager, (Land Acquisition Act Clause (13) The Land Acquisition Act 1977, also mention the need of considering periodic circulations issued by the GoN while fixing compensation for the affected assets (Land Acquisition Act Clause 16)	The affected land owners received the replacement value for the loss of land CDC has made final decision on the compensation rates after reviewing and verification of affected assets
Voluntary land donation	The borrower is required to engage an independent third-party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions	No provision in LAA (1977) The LARRP (2015) has provision of Third-party validation of consultation related to land donations is required	A mechanism will be established ensuring transparent process is followed, and there is no coercion for donation of land and building demolition. The verification will be done by PCO with facilitation by FNCCI.
Compensation for Non-titleholders	Squatters/ Vulnerable encroachers/ non-title holders are entitled to the payment for	Do not consider squatters/ encroachers/ non-titled land users for compensation	Provision have been made for compensation to the vulnerable non-titleholders having affect on structures (No encroachers, squatter under the list of affected persons)

Key Issues	ADB SPS	GoN Regulation	Measures Recommendation in RP
	affected structures/houses/ business/ crops, trees, and other assistance		
Relocation Assistance	All the eligible APs including tenants, employees are entitled to receive financial assistance to cover physical and economical displacement	LA Act Clause 16-2(ga) provisions to consider extent of losses caused due to relocation/shifting of Displaced people, while fixing the compensation rate (LA Act Clause 16-2(ga))	Provision has been made for the transitional allowances, transport allowances and one-time financial assistance to the tenants, employee (No private structures are going to be affected, due to construction activities.)
Income Restoration	Income restoration Program such as training and other measures to restore and improve the standard of living of the displaced households of those having more than 10 % of the total landholdings and income	Apparently, the Land Acquisition Act 1977, do not consider for income restoration.	Provision have been made to provide training and measures in the EM

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Entitlement Policy

66. An entitlement matrix has been prepared based on ADB Safeguard Policy 2009 and Land Acquisition Act of 1977 so that the proposed entitlements would be acceptable to both GON and ADB. ADB's Safeguard Policy Statement (2009) on involuntary resettlement requires compensation for the lost assets at replacement cost to both titled and non-titled holders and resettlement assistance for lost income and livelihoods. Further, the principles adopted herein contain special measures and assistance for vulnerable households, such as those households falling below poverty line, the landless, household members with disability, female headed households, single women, (vii) households having elderly (*JesthaNagarik*) and children, dalits, indigenous peoples and those without legal title to land.

B. Voluntary Donation of Land & Structures:

67. The project accepts self-declaration of voluntary demolition of public building and clearance of municipal right of way. Such offer would be considered only if (i) the voluntary offer is for small strips of land, (ii) it will not result in permanent and significant loss/impact of public asset (iii) road improvements and other project activities will directly benefit the public, (iv) meaningful consultation was carried out to finalize the design and (v) public land owners agree and their voluntary offer without coercion is documented. The process and steps to be followed for assessing eligibility of voluntary donation and documentations are given in Annex 12 of CRIPPF.

68. The owners of the extended structures road section are involved in business operating in their main building and the likely impacts due to demolition of the extended structures without disturbing the main buildings/structures are very marginal (based on percentage of loss and minimum size of remaining assets). Since the extended structures have been serving as covered footpath for many years, their demolitions do not result in displacement of households or cause loss of household's incomes and livelihood. On the other hands, the households making voluntary donations are the direct beneficiary of the project and they have chosen the proposed project design based on their informed choice among the various design options prepared by the project.

69. While preparing individual voluntary donation consent paper, mechanism will be established to ensure transparent process was followed and coercion was not used during accepting the voluntary demolition of building and clearance of municipal right of way. The whole process of voluntary demolition of structures will be verified and validated by PCO with the help of FNCCI Biratnagar prior to contract award. The PCO shall submit the verification report to ADB for review and clearance.

Entitlements

70. A detailed entitlement matrix has been provided in Table 4. It summarizes the main types of losses and corresponding entitlements proposed under this subproject. The entitlements listed in the entitlement matrix are based on standards and practices adopted by GON for similar projects funded by ADB. Principally the key entitlements include compensation of full and/or partial loss of land, structures, income, assets, trees/crops and business at replacement costs.

Table 4: Entitlement Matrix

Type of Loss	Scope	Who is entitled	Entitlements	Responsible for the Delivery of the Entitlement	Comments
A1. Loss of Lands/Impact on Lands					
1. Self-declaration of Voluntary demolition of building and clearance of municipal Right of Way (ROW)	Loss of land and structures on the donated land	<ul style="list-style-type: none"> Land and structure owner. 	<ul style="list-style-type: none"> No compensation for the donated land and self-demolition of affected structures Exemption of any transfer costs, registration fees or other municipal charges. Repair allowances to structure owner based on per unit rate (sft) as decided by municipal board. Exemption of 3 years' housing tax (only for demolished building). Waiver of building permission fees and taxes to rebuild affected house. 	The EA (concerned municipality & PIU)	<p>1.1 Voluntary donor households. Donation is accepted only if the donor:</p> <ul style="list-style-type: none"> Is project beneficiary and fully consulted and informed about their rights and design options; Doesn't fall below poverty line after land donation; Donating up to 10% land holding without or no impact on structural element of the building; Is unforced or freely willing to donate, Has chosen the design option for road widening. <p>1.2 Donation should be verified by PCO with the help of FNCCI Nepalganjto ensure integrity and impartiality.</p> <p>1.3 The entitlement may not be applicable if the building owner has built the structure violating approved design of the building and building construction certificate issued by the municipality.</p> <p>1.4 The municipality will provide all entitlement for any building constructed prior to declaration of ROW of particular road sections.</p>
A2. Temporary Impacts on Land					
2. Temporary impacts during construction	<p>2.1 Damage to adjacent parcel of land due to movement of machinery and spoil generated during construction</p> <p>2.2 Land</p>	Land and business owner	<p>15 days' prior notice will be given to protect crops or business</p> <p>Reinstatement of the damaged property to the original form.</p> <p>Cash or kind compensation at replacement value by contractor, if the loss is non-revocable (that cannot be restored or</p>	Contractor	<p>Supervision consultant will verify the loss and facilitate to negotiate the rates.</p> <p>Contractor to negotiate a contract agreement on a rental rate with the owner or user of the land that will be temporarily used for construction activities.</p> <p>Project and the contractor to ensure that persons other than the owner affected as a result of temporary acquisition are also compensated for loss of at least 3 months income.</p>

Type of Loss	Scope	Who is entitled	Entitlements	Responsible for the Delivery of the Entitlement	Comments
	used by the contractor for labor camp, construction yard and stores		reestablished). Lease fee at replacement value will be provided to the land or building owner or user of the land or building if rented out. Land should be returned to the owner/user at the end of temporary acquisition period after fully restoring it to its original condition or improved as agreed with the AP.		
B. Loss of Income Generating Sources and Assets					
3. Loss of income of business and small vendors/hawkers	Business affected temporarily during project construction	4.1 Non-mobile business operators on footpaths of road extension/upgrade projects	Affected Venders will be notified at least 1 month in advance of the construction date by the Project. One-time assistance allowance of 15 days minimum wage for the vender	Super vision consultant/contractor to deliver short term compensation for loss of income.	The EA and project supervision consultant will ensure payment is made prior to physical displacement.
C. Loss of common property resources					
4. Loss of cultural and community structures/ public facilities/community forests	Common property resources such as community forests, monasteries	5.1 Affected community/ Institution/user group responsible for the administration	Replacement or restoration of the affected community facilities (including temples, shrines, public water stand posts etc.) in	Super vision consultant/contractor to deliver replacement/ restoration of structure/facility	The EA, and supervision consultant

Type of Loss	Scope	Who is entitled	Entitlements	Responsible for the Delivery of the Entitlement	Comments
	, temples, irrigation cannel, water supply pipes, electricity poles etc. affected by the Project.	of the property	consultation with the affected community. Or cash compensation for restoring the affected cultural/community structures to the recognized institution/ patron/ custodian of the affected structure. Project Assistance to move the structure to a new location		
F. Other unanticipated impacts					
5. Unanticipated adverse impacts due to project intervention or associated activity.	Unanticipated involuntary and other impacts of the subprojects will be documented during the implementation phase and mitigated based on provision made in the CRIPPF. The EA and project implementation authorities will finalize the entitlements in line with GoN legal provisions and ADB's SPS, 2009.				

PSC= Project Supervision Consultants, CDC= Compensation Determination Committee, PIU=Project Implementation Unit

VIII. INSTITUTIONAL ROLES AND RESPONSIBILITIES

71. The Ministry of Urban Development (MOUD) is the executing agency, working through its Department of Urban Development and Building Construction (DUDBC), which has established a Project Coordination Office (PCO) for the project headed by project director. The PCO will be supported by a social development consultant placed at PCO to ensure smooth implementation of the social safeguard measures and take corrective actions if necessary. The Implementing Agencies for the RUDP, with a project implementation unit (PIU) headed by project manager and staffed with a social development specialist are stationed at Biratnagar.

72. In BMC office, a municipal project management committee (MPMC) has been established in order to resolve project implementation issues, including safeguard issues, enhance collaboration among relevant departments and organizations, and expedite decision-making processes with an aim at achieving intended project output and outcome. MPMC is chaired by the Mayor, and comprises relevant department heads of the BMC, chief of the divisional office of DUDBC, DWSS and other relevant government departments, a representative from district development committee, four members representing the local disadvantaged communities, NGOs, women's groups and the private sector, and the project manager working as secretariat.

73. **Safeguard desk (SD).** Safeguard desk has been established in the RUDP, PIU for planning, monitoring and follow up of environment safeguard, social safeguard issues and resettlement plan. It is a functional mechanism that has been started and is managed by PIU and DSC. The desk is staffed by the social development chief of PIU, with close consultation of PM/ PIU. It is decided that the desk will review, update and discuss on progress, issues, constraints and challenges of environment, social aspects and social safeguard measures. A total of fifteen meeting has been held to date among them three safeguard desk meeting has been held during this reporting period. SD discussed over different social and environmental agendas and additional grievances to immediate mitigate of public complains. *The safeguard help desk composition is presented in the table 5 below. And Safeguard meeting minutes is presented in an annex.*

Table 5: Composition of Safeguard Desk for RUDP

Name	Designation	Portfolio
Er. Bharat Kumar Neupane	Project Manager, PIU, RUDP	Coordinator
Mr. PrakashBhaktaShrestha	Social Safeguard Expert, DSC, RUDP	Member
Mr. DwarikaPhuyal	Environment Safeguard Expert, DSC, RUDP	Member
Mr. Punam Kumar Dahal	Chief; Social Development/ PIU, RUDP	Member Secretary

IX. MONITORING AND REPORTING

74. **Need for Monitoring.** Monitoring is a major part of the resettlement management system to ensure its goals are met. This RP has been prepared since individual consent for voluntary demolition of projected structures from main buildings in main Road has yet to receive by the project though group consent of clearing existing covered footpath to make it an open footpath has been secured at the moment.

75. No involuntary resettlement and indigenous peoples related impacts have been reported at this stage. The PIU and DSC will continue to observe the field level activities to ensure that social

safeguard related issues and grievances raised during implementation are settled in a timely manner. Any problems or issues identified during implementation should be followed-up (including recommendation of mitigation measures); and learning from such issues must be recorded which would help to deal with issues more effectively.

76. If unanticipated social safeguards (involuntary resettlement and indigenous people) impacts are found during project implementation, the PIU will conduct a social impact assessment and update the resettlement plan or indigenous people plan covering all applicable requirements specified in CRIPPF.

X. CONCLUSION AND RECOMMENDATION

77. Based on the information gathered from project documents, discussions with officials, and field observations, the subproject does not involve social safeguard issues. The proposed activities have been designed to utilize the available ROW, and no involuntary impacts are expected. Consultations with municipal officials and local people revealed that use of the lands within existing ROW will not result in any loss of residential land, or loss of shelter and loss of assets, access to assets, income sources, or means of livelihoods of the local people. The subprojects do not appear to involve a reputational risk to the ADB on social safeguards. However, some construction induced impacts and temporary effects are anticipated.

78. All roads construction activities will be limited within the available width of the road. Land acquisition and demolition of houses and major structures is not required, except a few compound walls and vegetable vendors' will be temporary shifting during construction. It has been reported that on 4th. Semi-annual safeguard monitoring report on July 2019, It have been envisaged that due to in adjacent of ROW some portion of extended structure of private house is still interruption about up to 577 m. road. BMC/PIU should play role to clear of RoW for resolve problems.

79. Beside of some interrupted portions like in close coordination with BMC, PIU and DSC, the contractor has starting construction works like, road improvement works, road side drain works, sewer line, roads and foot path at many locations. Some of the roads of the project have been completed and some of them are in the process of being upgraded. BMC should support and keep high priorities to the project works for effective progress.

80. Many grievances were received verbally/telephone and written, registered formally during this reporting period which have immediately been addressed and resolved. Received grievances are tabled in Social Safeguard desk, SD discussed over different grievances and social and environmental agendas to immediate mitigate of public complains.

81. The importance and significance of proper solid waste management was realized, for improving the sanitary living condition in the industrial Morang-Sunsari corridor in general and in and around Biratnagar area in particular. This project, with its overall objective of proper solid waste management in the defined project areas of Morang and Sunsari districts (i.e. the municipalities of Biratnagar, Dharan, Itahari and Inaruwa together with the former 5 adjoining VDCs of Morang district and 5 adjoining VDCs of Sunsari district). Although, the integrated solid waste management land fill site due to public dispute has been not finalize so far.

82. The selected site for integrated solid waste management in Biratnagar Metropolitan City is located at a distance of ~15 km northeast of Biratnagar city in the newly established *BuddhigangaGaunpalika* (former Dangraha VDC, ward no. 5). Although land covering an area of 18 ha was already acquired by the BMC.

83. The Biratnagar Metropolitan City (BMC) with concern Dharan, Itahari, Inaruwa and

Budhiganga VDC together should play active role to resolve of problems and ensure to fulfill proper demand of affected community. And proper utilize of municipality land.

84. A total of seven grievances are registered in GRC desk during this reporting period. Received grievances are tabled in Social Safeguard desk, SD discussed over different grievances and social and environmental agendas to immediate mitigate of public complains. It is recommendation that all grievances should address immediate as public complains.

85. Some land acquisition and demolition of public assets and major structures has been required, except a few compound walls temporary shifting during construction. It have been envisaged that some portion extended structure of temple, school, college compound and Dharma Shala (pilgrims rest house) etc. These public assets are in adjacent of ROW, although, it is not anticipated has displace but need to pay required compensation for reconstruction and reinforcement.

86. The assets committee or owner has shown their interest, these public assets are should be reconstruction and reinforcement as previous. It is envisaged that resettlement for the public assets have not required, except reconstruction and rehabilitations during construction. Therefore proposal has been submitted to PCO for reconstruction and rehabilitations with plan on March 2019.

87. To address such temporary effects, the following additional recommendations are suggested to minimize of problems and dispute mitigation:

- (i) continue community consultations and information disclosure process during project implementation and construction period to ensure that the local communities are fully aware of project activities at all stages of construction; it is also proposed that such community meetings and discussions should be documented and well recorded;
- (ii) register, record and document any concerns raised by the local community and address them in a timely manner using grievance redress mechanism of the project;
- (iii) prepare document and retain evidences of self-declaration of voluntary demolition of boundary wall and retain proof that no coercion was used for voluntary demolition;
- (iv) ensure that PIU/ BMC issues 15 days' prior notice of work schedule along the sections of busy market and narrow road to provide sufficient time for beneficiaries' preparedness;
- (v) ensure a clause is added in construction contracts to provide wooden/metal walkways across pipe trenches to maintain access to roadside businesses/ residential building, with a clear sign to prevent accidents;
- (vi) make arrangements for night shift works for sewerage pipe laying along the main crowded roads of Biratnagar town area so that disturbances on mobility of people/vehicle and businesses is reduced;
- (vii) no private land acquisition is required for subproject activities As a result of subproject implementation, no settlement will be adversely affected and neither physical displacement nor economic displacement occurs, and hence no involuntary resettlement impacts are anticipated due to land acquisition.

Table 6: Consultation Summary and Persons Met

Dates	Municipality	Name	Position	Issues Discussed
Kathmandu				
May 18, 2019	Kathmandu	Mr.ChakravertiKantha	PD, PCO, RUDP	Possible obstacles of RWMP
May 18, 2019	Kathmandu	Mr.Subedi	Senior Program Officer, Social Safeguard	Possible obstacles of RWMP
February 9, 2019	Kathmandu	Mr.ChakravertiKantha	PD, PCO, RUDP	Possible obstacles of RWMP
February 9, 2019	Kathmandu	Er. Ravi Shah	TL, PMC, RUDP	Possible obstacles of RWMP
December 16, 2018	Kathmandu	Mr.Chakraverti Kantha	PD, PCO, RUDP	Possible obstacles of RWMP
December 16, 2018	Kathmandu	Er. Ravi Shah	TL, PMC, RUDP	Possible obstacles of RWMP
December 16, 2018	Kathmandu	Mr.ChetanDahal	SS, PMC, RUDP	Possible obstacles of RWMP
Biratnagar Metropolitan City				
Dec. 4, 2019	Biratnagar	Er. Bharat Neupane Er. Prakash Chaudhary	P.M., RUDP D.P.M., RUDP	Obstacles on ROW clear
Nov 27, 2019	Biratnagar	Mr. BhimParajuli	Mayor, BMC	Possible obstacles on ROW clear Start of ROW clear process ROW, RSWM
Nov 26, 2019	Biratnagar	Mr. Rajendra Giri	Deputy TL, PMSC	Possible obstacles on ROW clear Start of ROW clear process ROW, RSWM
Sept 5, 2019	Biratnagar	Mr. BhimParajuli Ms. Indira Karki Er. Bharat Neupane	Mayor, BMC Deputy mayor, BMC	Obstacles on ROW clear
July 22, 2019	Biratnagar	Mr. BhimParajuli Er. Bharat Neupane	Mayor, BMC P.M., RUDP	Obstacles on ROW clear
June 4, 2019	Biratnagar	Mr. BhimParajuli	Mayor, BMC	Possible obstacles on ROW clear Start of ROW clear process ROW, RSWM

Dates	Municipality	Name	Position	Issues Discussed
June 4, 2019	Biratnagar	Mrs.IndiraKarki	Deputy Mayor, BMC Office	Possible obstacles on ROW clear Start of ROW clear process ROW, RSWM
June 4, 2019	Biratnagar	Mr.YekDevAdhikari	CAO, BMC Office	Possible obstacles on ROW clear Start of ROW clear process ROW, RSWM
June 4, 2019	Biratnagar	Er. Bharat Neupane	PM, PIU, RUDP	Possible obstacles on ROW clear Start of ROW clear process ROW, RSWM
June 4, 2019	Biratnagar	Mr.PrakashChaudhary	DPM, PIU, RUDP	Possible obstacles on ROW clear Start of ROW clear process
June 4, 2019	Biratnagar	Mr.Nandi Keshar Bhandari	Information Officer, BMC Office	Possible obstacles on ROW clear Start of ROW clear process ROW, RSWM
May 22, 2019	Biratnagar	Priests	Worshipper, Sani Temple, Hanuman	Possible obstacles on ROW clear Start of ROW clear process
April 4, 2019	Biratnagar	Mr. BhimParajuli	Mayor, BMC	Possible obstacles on ROW clear Start of ROW clear process ROW, RSWM
April 4, 2019	Biratnagar	Er. Bharat Niraula	Project Manager, PIU	Role and responsibilities of PIU on Possible obstacles on ROW clear Start of ROW clear process
April 4, 2019	Biratnagar	Mr.PrakashChaudhary	Project Engineer, BMC Office	Possible obstacles on ROW clear Start of ROW clear process
April 4, 2019	Biratnagar	Mr.PunamDahal	Chief SDO, BMC Office	Possible obstacles on ROW clear Start of ROW clear process
March 2, 2018	Biratnagar	Mr.BhimParajuli	Mayor, BMC Office	Possible obstacles public assets on ROW clear Start of ROW clear process
March 2, 2018	Biratnagar	Mr.PradipNiraula	Chief Admin. Officer, BMC Office	Possible obstacles public assets on ROW clear Start of ROW clear process
March 2, 2018	Biratnagar	Er.Rabindra Thakur	Contract Manager	Possible obstacles on ROW clear Start of ROW clear process

Dates	Municipality	Name	Position	Issues Discussed
March 2, 2018	Biratnagar	Er.Pragati Nepal	Deputy Contract Manager	Possible obstacles on ROW clear Start of ROW clear process
March 2, 2018	Biratnagar	Mr.Minakshi Nepal	Worshipper, Kali temple	Possible obstacles on ROW clear Start of ROW clear process
March 2, 2018	Biratnagar	Priests	Worshipper, Sani Temple, Hanuman temple, Birateswor temple,	Possible obstacles on ROW clear Start of ROW clear process
March 2, 2018	Siddhartha chowk-9	Mr.Md. Guddu	Local AP	Possible obstacles on ROW clear Start of ROW clear process
February 2, 2018	Siddhartha chowk-9	Mr.SahabajMiya	Local AP	Possible obstacles on ROW clear Start of ROW clear process
January 2, 2018	Biratnagar	Mr.BhimParajuli	Mayor, BMC Office	Possible obstacles on ROW clear Start of ROW clear process
January 2, 2018	Biratnagar	Mrs.IndiraKarki	Deputy Mayor, BMC Office	
January 2, 2018	Biratnagar	Mr.PradipNiraula	Chief Admin. Officer, BMC Office	Possible obstacles on ROW clear Start of ROW clear process
January 2, 2018	Biratnagar	Er. Bharat Niraula	Project Manager, PIU	Role and responsibilities of PIU on Possible obstacles on ROW clear Start of ROW clear process
January 2, 2018	Biratnagar	Mr.PrakashChaudhary	Project Engineer, BMC Office	Possible obstacles on ROW clear Start of ROW clear process

XI. Photographs



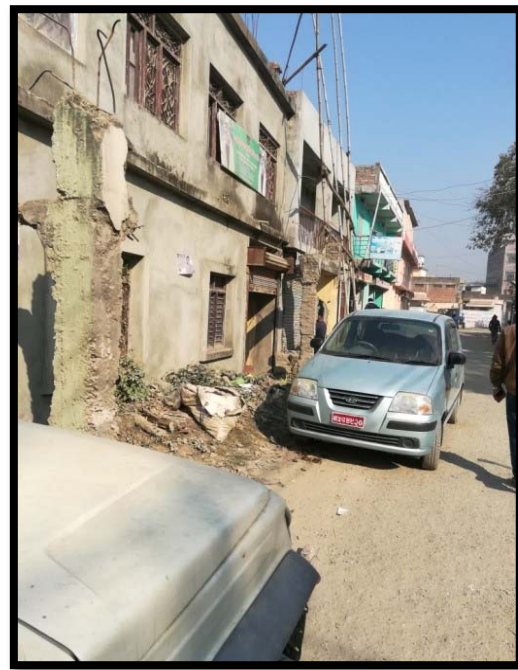
Public consultations during construction work



Construction works at sites



Experts Team Visit in Site



House owner's self-clearing voluntarily road width and footpath as per ROW approved by the BMC









Meeting with Project manager at PIU office

Annex 1, Information on GRC and SSHD Committee of PIU

विराटनगर महानगरपालिका
क्षेत्रीय शहरी विकास परियोजना
परियोजना कार्यान्वयन इकाई
विराटनगर, मोरंग
१ नं. प्रदेश, नेपाल

फोन नं. ०२१-५२२५६७
 फ्याक्स नं. ०२१-५२४८१६

प.सं. ४५
 च.नं. २०६४/२०६५

श्रीमान टिम लिडर
 डिजानईन सुपरभिजन परामर्शदाता
 आरयुडिपि, विराटनगर

मिति: २०७४/०९/२५

विषय : जानकारी सम्बन्धमा ।

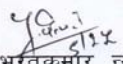
प्रस्तुत विषयमा विराटनगर महानगरपालिका, क्षेत्रीय शहरी विकास परियोजनाले देहायका समितिहरूमा निम्न पदाधिकारी तथा कर्मचारी रहनेगरी समिति गठन गरेको व्यहोरा जानकारी गराउदछु ।

समितिको नाम: **Grievance Redress Committee**
 गठन मिति: २०७४/०९/१३


क्र.सं.	नाम	तह/पद	समितिको
१.	श्री भीम पराजुली	प्रमुख,	विराटनगर महानगरपालिका अध्यक्ष
२.	श्री ईन्दिरा कार्की	उप-प्रमुख,	विराटनगर महानगरपालिका सदस्य
३.	श्री प्रदीप निरौला	प्रमुख प्रशासकिय अधिकृत	विराटनगर महानगरपालिका सदस्य
४.	ई. भरतकुमार न्यौपाने	प्रोजेक्ट मेनेजर.	क्षेत्रीय शहरी विकास परियोजना सदस्य
५.	ई. प्रकाश चौधरी	ईन्जिनियर	क्षेत्रीय शहरी विकास परियोजना सदस्य
६.	ई. घनेन्द्र कटुवाल	ईन्जिनियर	क्षेत्रीय शहरी विकास परियोजना सदस्य
७.	पुनमकुमार दाहाल	प्रमुख, सामाजिक विकास	क्षेत्रीय शहरी विकास परियोजना सदस्य सचिव

समितिको नाम: **Social Safeguard Help Desk (SSHD)**
 गठन मिति: २०७४/०८/०७

क्र.सं.	नाम	तह/पद	समितिको
१.	ई. भरतकुमार न्यौपाने	प्रोजेक्ट मेनेजर.	क्षेत्रीय शहरी विकास परियोजना संयोजक
२.	प्रकाश भक्त श्रेष्ठ	सामाजिक सुरक्षण विद	डिजाईन सुपरभिजन परामर्शदाता सदस्य
३.	पुनमकुमार दाहाल	प्रमुख, सामाजिक विकास	क्षेत्रीय शहरी विकास परियोजना सदस्य सचिव


 (ई. भरतकुमार न्यौपाने)
 परियोजना व्यवस्थापक

Annex 2, Er. Jitendra Yadav has been replaced as Safety Engineer

 **ZHONGHENG CONSTRUCTION GROUP INTERNATIONAL ENGINEERING CO. LTD.**

Liaison Office:
Maharajgunj, Kathmandu
Ph: 01-4720273, 01-4720973
Fax: 01-4721031
E-mail: zcgiec.ans@gmail.com
Site Office:
Biratnagar
Ph: 021-461510

Ref: 81-RUDPBRT-2017/18 **Date: 12th Aug, 2018**

To
Er. Giresh Chand,
Team Leader/RUDP,
Building Design Authority (P) Ltd., B.N. Consultancy (P) Ltd. and Plus Engineers and Architects (P) Ltd.

Ref: "Construction and Completion of Sewerage, Drainage, Road, Footpath and Road Furniture works. Contract No: RUDP/ICB/BRT/02"

Subject: - Appointment of new Safety Engineer


Dear Sir,


This is to inform you that we have appointed a new safety engineer **Mr Jitendra Yadav** instead of **Mr Dhiraj Sardar** for this position. All the duties and thorough responsibilities regarding safety will be managed under his supervision from today.

Thanking You.

With best Regards!

Yours Sincerely


Ravindra Kr. Thakur
(Contract Manager.)
(Biratnagar, Nepal)



CC:
The Project Manager
Regional Urban Development Project
Project Implementation Unit (PIU)
Biratnagar, Nepal

*Received
Amosmy
2018/08/12.*

Annex 3, Meeting of Social Safeguard Help Desk

Meeting Minute: 15

Regional Urban Development Project (RUDP), Biratnagar**15th Safeguard Desk (SD) Meeting,**

The 15th Safeguard Desk meeting was held on 27th November, 2019 at PIU office under the Chairmanship of Project Manager Er. Bharat Kumar Neupane, discussed over the following agendas and the decision were made.

Participants:**Safeguard Desk members:**

Er. Bharat Kumar Neupane	Project Manager, PIU/RUDP, Biratnagar	<i>B. K. Neupane</i>
Mr. Punam Kumar Dahal	Chief, social Development, PIU/RUDP, Biratnagar	<i>P. K. Dahal</i>
Mr. Prakash Bhakta Shrestha	Social Safeguard Expert, DSC/RUDP, Biratnagar	<i>P. B. Shrestha</i>
Er. Dwarika Phuyal	Environmental Safeguard Expert DSC/RUDP, Biratnagar	<i>D. Phuyal</i>

Invitee:

Er. Prakash Chaudhari	Deputy Project Manager
Er. Giresh Chand	Team Leader, DSC/RUDP, Biratnagar

Discussion and Decisions:**Agenda no1: Progress Review and compliance issues meeting and Site Visit**

Discussion and Decision: Joint meeting and site visit of PMC, PIU and DSC was held on 26th and 27th November, 2019. The meeting was held at PIU Office under the chairmanship of Mayor Mr. Bhim Parajuli and discussed over the progress and compliance issues. In meeting presentation on Compliance issues of project were made by DTL/PMC Mr. Rajendra Giri. PM Er. Bharat Kumar Neupane and TL/DSC Er. Giresh Chand clarified the issues raised in meeting and agreed to fully comply the few non-complied and partially complied issues as according to the PAM and ToR .

Agenda no2: Progress on Safeguard Measures**Discussion and Decision:**

Discussed over the dust emission during construction contractor has been sprinkling water over dust prone area; however was not sufficient, contractor therefore instructed to increase the frequency of water sprinkling in dust prone area within construction sites and nearby unpaved road surfaces.

[Signatures]

Page 1

Meeting Minute: 14

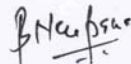
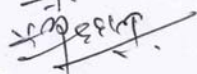


Regional Urban Development Project (RUDP), Biratnagar

14th Safeguard Desk (SD) Meeting,


The 14th Safeguard Desk meeting was held on 25th September, 2019 at PIU office under the Chairmanship of Project Manager Er. Bharat Kumar Neupane, discussed over following agendas and the decision were made.

Participants:

Safeguard Desk members:

Er. Bharat Kumar Neupane	Project Manager, PIU/RUDP, Biratnagar	
Mr. Punam Kumar Dahal	Chief, social Development, PIU/RUDP, Biratnagar	
Mr. Prakash Bhakta Shrestha	Social Safeguard Expert, DSC/RUDP, Biratnagar	
Er. Dwarika Phuyal	Environmental Safeguard Expert DSC/RUDP, Biratnagar	

Invitee:

Er. Prakash Chaudhari	Deputy Project Manager	
Er. Giresh Chand	Team Leader, DSC/RUDP, Biratnagar	

Agenda no-1: ADB Mission Progress Review meeting and Site Visit

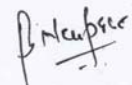
Discussion and Decision: Joint meeting and site visit of ADB, PCO, PIU, DSC and Contractors was held on 23rd and 24th September, 2019. The meeting was held at Metropolitan City Office under the chairmanship of Mayor Mr. Bhim Parajuli and discussed over the progress of project and safeguard issues. In meeting presentation on status of project were made by PM Er. Bharat Kumar Neupane and TL Er. Giresh Chand and the issues raised in meeting were clarified.

Agenda no-2: Progress on Safeguard Measures

Discussion and Decision:

Discussed over the dust emission during construction dust contractor has been sprinkling water over dust prone area, however was not sufficient, contractor therefore instructed to increase the frequency of water sprinkling in dust prone area within construction sites and nearby unpaved road surfaces.





Page 1

Meeting Minute: 13

Regional Urban Development Project (RUDP), Biratnagar**Meeting of Safeguard Desk (SD)**

Venue: Project Implementation Unit (PIU), Biratnagar

Date: June 21, 2019 (2076/03/06)

Participants:

Err

. Bharat Kumar Neupane

Project Manager, PIU/RUDP, Biratnagar

Mr. Punam Kumar Dahal

Chief, social Development, PIU/RUDP, Biratnagar

Mr. Prakash Bhakta Shrestha

Social Safeguard Expert, DSC/RUDP, Biratnagar

Er. Dwarika Phuyal

Environmental Safeguard Expert DSC/RUDP, Biratnagar

Discussion and Decisions:

S. No.	Agenda	Discussion and Decisions
1	SD meeting	The 13 th . Meeting of SD, RUDP, Biratnagar held in RUDP/PIU office. There is no major complains has been registered in the desk.
2	Progress envisaged in labor camps as safeguard measures.	Discussed on labor facilities in labor camp following facilities are found during labor camp site visit: i) Sufficient available of drinking water service. ii) Provided facilities mosquito net found not sufficient, contractor requested to provide sufficient mosquito net and fans iii) Provided toilet facilities with provision of sufficient water and soap for hand washing found not improved than before visit and the contractor therefore again instructed to provide improved toilet with soap and water. iv) Separate toilets for gents and ladies are provided in Labour camp at Madhumara. v) No fire wood used. LPG has been provided by contractor at labour camp for cooking. vi) Tube well water quality of madhumara yard, was not tested. Contractor instructed to perform water quality test of new wells of labor camp prior to use for drinking. vii) There were not provision of solid waste collection facilities in labor camps. Garbage were found haphazardly throwing

Page 1

		<p>here and there in camp. Contractor again instructed to provide separate dust bins to collect bio-degradable and non-biodegradable wastes in camps.</p> <p>viii) Provided labor camp made of CGI sheet at Madhumara yard still found not relocated or improved than before visit, therefore the contractor again instructed to relocate or improve the camp so as to prevent from storm. The existing camp will be unsafe and may cause minor to major injuries to labors due to high speed wind or storm.</p> <p>ix) Labor found not aware on use of PPEs, contractor should aware labors on personnel safety during construction work.</p>
4	Satisfactorily progress envisaged of implementation of safeguard measures including barricades and sign boards.	<p>i) Discussed over the dust emission during construction dust contractor has been sprinkling water over dust prone area, however was not sufficient, contractor therefore instructed to increase the frequency of water sprinkling in dust prone area within construction sites and near by unpaved surfaces.</p> <p>ii) Discussed over the Use of personnel Protective Equipment like, helmet, boots, glove, and jackets by labors was found partly compliance. The contractor instructed for full compliance.</p> <p>iii) Contractors has found aware on child right, and instruct strictly no use of child labor.</p> <p>iv) Contractor has provided the site and personnel safety tools, barricades and traffic signs and improved than before.</p> <p>v) Discussed over the matter of drain cover, almost completed road side drains found cover with RCC cover, however in few sections completed drain left open. Therefore contractor instructed to place immediately the drain cover by clearing the completed drain.</p>
5	Encourage of Female employment.	<p>i) Contractor instructed to encourage employing as labor and skilled man power to local female.</p> <p>ii) Contractor instructed to manage separate camp and necessary facilities for female workers to encourage of employment.</p> <p>iii) Priority should be given to employ local labors.</p>
6	Others	<p>The overall safeguard compliance found partially satisfactory. Contractor instructed for full compliance of all safeguard measures.</p>




Meeting Minute: 12

Regional Urban Development Project (RUDP), Biratnagar**Meeting of Safeguard Desk (SD)**

Venue: Project Implementation Unit (PIU), Biratnagar

Date: April 26, 2019 (2076/01/13)

Participants:**Safeguard Desk (SD) members**

Er. Bharat Kumar Neupane	Project Manager, PIU/RUDP, Biratnagar	
Mr. Punam Kumar Dahal	Chief, social Development, PIU/RUDP, Biratnagar	
Mr. Prakash Bhakta Shrestha	Social Safeguard Expert, DSC/RUDP, Biratnagar	
Er. Dwarika Phuyal	Environmental Safeguard Expert DSC/RUDP, Biratnagar	

Invitee:

Er. Giresh Chand	Team Leader, DSC/RUDP, Biratnagar	
------------------	-----------------------------------	-------------------------------------------------------------------------------------

Discussion and Decisions; regarding ADB/PCO letter by accordingly 16 April 2019 and 21 April 2019.

S. No.	Agenda	Discussion and Decisions
1	SD meeting	The 12 th . Meeting of SD, RUDP, Biratnagar held in RUDP/PIU office. There is no major complains has been registered in the desk.
2	Detailed information on Grievance in Pasang Marga in Biratnagar and the issue raised by ADB through the letter dated 16 April 2019 and letter of PCO dated 21 April 2019, regarding complain on ongoing construction of road and drainage work along Pasang Marga contractor is not following the specification as per design on the quality of work. DSC has been received above letters on dated 26 April 2019.	Discussed on agenda no.2 following decision has been decided: i) There is no complain has been registered either written or verbally in the Grievance Redress committee and Safeguard Committee or municipality regarding complain on ongoing construction of road and drainage work along Pasang Marga contractor is not following the specification as per design on the quality of work. ii) Road and drainage work along Pasang Marga has been completed and local people are found satisfied, no complain has been raised during social safeguard committee members visit on April 26, 2019, Mr. Punam Kumar Dahal Member secretary of GRC and Safeguard committee and Prakash Bhakta Shrestha, Social safeguard Expert/DSC has been participated in the team.

Page 1

		iii) Discussed over the agenda meeting decided, instructed to technical team including PIU and DSC should verify immediately ongoing construction of road and drainage work along Pasang Marga technically as per the designs and specification and provide detailed information of road and drainage work along Pasang Marga for further action.
--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[Handwritten signatures and initials]

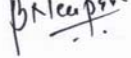


Meeting Minute: 11

Regional Urban Development Project (RUDP), Biratnagar**Meeting of Safeguard Desk (SD)**

Venue: Project Implementation Unit (PIU), Biratnagar

Date: April 18, 2019 (2076/01/05)

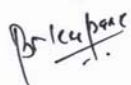
Participants:

Er. Bharat Kumar Neupane	Project Manager, PIU/RUDP, Biratnagar	
Mr. Punam Kumar Dahal	Chief, social Development, PIU/RUDP, Biratnagar	
Mr. Prakash Bhakta Shrestha	Social Safeguard Expert, DSC/RUDP, Biratnagar	
Er. Dwarika Phuyal	Environmental Safeguard Expert DSC/RUDP, Biratnagar	

Discussion and Decisions:

S. No.	Agenda	Discussion and Decisions
1	SD meeting	The 11 th . Meeting of SD, RUDP, Biratnagar held in RUDP/PIU office. There is no major complains has been registered in the desk.
2	Progress envisaged in labor camps as safeguard measures.	Discussed on labor facilities in labor camp following facilities are found during labor camp site visit: i) Sufficient available of drinking water service. ii) Toilet facilities and sanitation condition of the toilet at DDC precast yard, Madhumara yard and Koshi yard found improved than that of previous monitoring visit. iii) Provided toilet facilities with provision of sufficient water and soap for hand washing found not improved than before visit and the contractor instructed to provide separate toilet for gents and ladies. iv) Separate toilets for gents and ladies are provided in Labour camp at Madhumara. v) There is first-aid box in precast yard, however the medicines are not sufficient yet, therefore contractor instructed to keep first-aid box with necessary medicines in all labor camps and working sites for primary treatment in emergency cases. vi) No fire wood used. LPG has been provided by contractor at labour camp for cooking. vii) Tube well water quality of DDC yard, lab office, Koshi yard were tested and found satisfactory result. Contractor

Page 1



		<p>instructed to perform water quality test of other new wells of labor camp prior to use for drinking.</p> <p>viii) There were not provision of solid waste collection facilities in labor camps. Contractor again instructed to provide separate dust bins to collect bio-degradable and non-biodegradable wastes in camps.</p> <p>ix) The labor camps' at Koshi and Madhumara yard are made up of CGI sheets which will be unsafe and may cause minor to major injuries to labors due to high speed wind or storm. Therefore the contractor requested to make safe or relocate the labor camp at safer place with provision of good drinking water supply and sanitation facilities. Labor has not found aware on use of PPEs, contractor should aware labors on personnel safety during construction work.</p>
4	Satisfactorily progress envisaged of implementation of safeguard measures including barricades and sign boards.	<p>i) Discussed over the dust emission during construction dust was emitting in few sites and sprinkling of water over dust prone area was not sufficient, contractor therefore instructed to increase the frequency of water sprinkling.</p> <p>ii) Discussed over the Use of personnel Protective Equipment like, helmet, boots, glove, and jackets by labors was found partly compliance. The contractor instructed for full compliance.</p> <p>iii) Contractors has found aware on child right, and instruct strictly no use of child labor.</p> <p>iv) Contractor has provided the site and personnel safety tools, barricades and traffic signs but are not sufficient, therefore contractor again instructed to provide sufficient barricades, caution tape, caution boards, traffic signs in the construction sites.</p> <p>v) The contractor has installed the project information board.</p>
5	Encourage of Female employment.	<p>i) Contractor instructed to encourage employing as labor and skilled man power to local female.</p> <p>ii) Contractor instructed to manage separate camp and necessary facilities for female workers to encourage of employment.</p> <p>iii) Priority should be given to employ local labors.</p>
6	Others	The overall safeguard compliance found partly satisfactory and contractor instructed to fully comply immediately.

 B. Neupane

Meeting Minute: 10

Regional Urban Development Project (RUDP), Biratnagar

Meeting of Safeguard Desk (SD)

Venue: Project Implementation Unit (PIU), Biratnagar

Date: January 10, 2018 (2075/09/26)

Participants:

Er. Bharat Kumar Neupane	Project Manager, PIU/RUDP, Biratnagar	
Mr. Punam Kumar Dahal	Chief, social Development, PIU/RUDP, Biratnagar	
Mr. Prakash Bhakta Shrestha	Social Safeguard Expert, DSC/RUDP, Biratnagar	
Er. Dwarika Phuyal	Environmental Safeguard Expert DSC/RUDP, Biratnagar	

Discussion and Decisions:

S. No.	Agenda	Discussion and Decisions
1	SD meeting	The 10 th . Meeting of SD, RUDP, Biratnagar held in RUDP/PIU office. There is no major complains has been registered in the desk.
2	Progress envisaged in labor camps as safeguard measures.	Discussed on labor facilities in labor camp following facilities are found during labor camp site visit: i) Sufficient available of drinking water service. ii) Toilet facilities and sanitation condition of the toilet at DDC precast yard and Koshi yard found improved than that of previous monitoring visit. iii) Provided toilet facilities with provision of sufficient water and soap for hand washing found not improved than before visit and the contractor instructed to provide separate toilet for gents and ladies. iv) There is first-aid box in precast yard, however the medicines are not sufficient yet, therefore contractor instructed to keep first-aid box with necessary medicines in labor camps and working sites for primary treatment in emergency cases v) No fire wood used. LPG has been provided by contractor at labour camp for cooking. vi) Tube well water quality of DDC yard, lab office, Koshi yard were tested and found satisfactory result. Contractor instructed to perform water quality test of other new wells of labor camp prior to use for drinking.

Page 1

		vii) There were not provision of solid waste collection facilities in labor camps. Contractor therefore instructed to provide separate dust bins to collect bio-degradable and non-biodegradable wastes in camps.
4	Satisfactorily progress envisaged of implementation of safeguard measures including barricades and sign boards.	<p>i) Discussed over the dust emission during construction dust was emitting in few sites and sprinkling of water over dust prone area was not sufficient, contractor therefore instructed to increase the frequency of water sprinkling.</p> <p>ii) Discussed over the Use of personnel Protective Equipment like, helmet, boots, glove, and jackets by labors was found partly compliance. The contractor instructed for full compliance.</p> <p>iii) Contractors has found aware on child right, and instruct strictly no use of child labor.</p> <p>iv) Contractor has provided the site and personnel safety tools, barricades and traffic signs but are not sufficient, therefore contractor instructed to provide sufficient barricades, caution tape, caution boards, traffic signs in the construction sites.</p> <p>v) The contractor has installed the project information board, the board was small and not visible to public.</p>
5	Encourage of Female employment.	<p>i) Contractor instructed to encourage employing as labor and skilled man power to local female.</p> <p>ii) Contractor instructed to manage separate camp and necessary facilities for female workers to encourage of employment.</p> <p>iii) Priority should be given to employ local labors.</p>
6	Others	The overall safeguard compliance found partly satisfactory and contractor instructed to fully comply immediately.

Artes...

[Signature]

Annex 4, Grievance Redress Record and Address Matrix

Grievance Redress Record and Address Matrix of this reporting period (Nov. 25, 2019 to July 12, 2019)

SN	Grievances and location	Receiving Date/through	Report by	Grievance Redress	Date of Redress	Responsible Agency	Remarks
1	Drain blocked due to debris at R28	July 12, 2019/ oral	Madhab Wagle (9862075659)	DSC instructed to contractor to inspect on the spot and clear properly in time.	July 13, 2019	DSC, PIU, Contractor	Problem has been solved Immediately
2	No flow of liquid from inlet (R3, Dharmbandh road)	Aug. 18, 2019/ Written	Yeshoda Devi Kattel (9842552125)	DSC requested to PIU to inspect on the spot and clear properly in time	Aug. 22, 2019	DSC, PIU, Contractor	Problem has been solved
3	Not clear RoW (T3L10B,R46 Rengeli road)	Aug. 26, 2019/ Phone	Chandu Dharewa (9842020518)	DSC requested to PIU to inspect on the spot and clear properly in time	Sept. 2, 2019	PIU, Municipality	Problem has been solved through PIU
4	Not clear RoW (T3 Tinpaini road)	Aug. 26, 2019/ Phone	Rijal and Family	DSC requested to PIU to inspect on the spot and clear properly in time	Sept. 2, 2019	PIU, Municipality	Problem has been solved through PIU
5	Not clear RoW (Shiv mandir and hanuman mandir road)	Aug. 28, 2019/ Phone	Motiram Park	DSC requested to PIU to inspect on the spot and clear properly in time	Sept. 12, 2019	PIU, Municipality	Problem has been solved through in coordination with PIU and ward president Madhubabu Tiwari 9852020677
6	Not clear RoW (T3 L24E Shiv and Hanuman mandir, Mahabir road)	Sept. 19, 2019/ Phone	B.N. Bhagat (9852028148)	DSC requested to PIU to inspect on the spot and clear properly in time	Sept. 22, 2019/ Phone	PIU, Municipality	Problem has been solved through PIU
7	Not clear RoW (T3 L10)	Nov. 19, 2019/ Phone	Sameer Bhaumik (9804013041)	DSC instructed to PIU to inspect on the spot and clear properly in time	Nov. 27, 2019	PIU, Municipality	Problem has been solved through PIU
8	Dusterbance in traffic movement (T3L7B Matrika marg)	Nov. 20, 2019/ Phone	Nareal Kabra (9852027171)	DSC instructed to contractor to inspect on the spot and clear	Nov. 21, 2019	DSC, Contractor	Problem has been solved Immediately

				properly in time.			
9	Not clear RoW (T3 L10 A)	Nov. 21, 2019/ Phone	Naulakha (9852030684)	DSC instructed to PIU to inspect on the spot and clear properly in time	Nov. 27, 2019	Nov. 27, 2019	Problem has been solved through PIU
10	Not clear RoW (T3 L10)	Nov. 25, 2019/ Phone	Mantu, Sanjay Rauniyar (9819380144)	DSC instructed to PIU to inspect on the spot and clear properly in time	Nov. 27, 2019	PIU, Municipality	Problem has been solved through PIU

Previous Grievance Redress Record and Address Matrix (2075/03/24 to 2075/07/16)

SN	Type of Grievance	Receiving Date	Report by	Grievance Redress	Date of Redress	Responsible Agency	Remarks
1	Road extension is not found as per municipality norms along Bhargarvmarg to north side of Yoshodachowk, thuloBargaxi -ward no. 8.	2075/07/16	Lil Bahadur Karki (9842377740), (Telephone)	Project Manager instructed to DSC and PIU technical team to inspect on the spot and construct properly in time.	2075/07/18	DSC, PIU, Contractor	Grievance has been solved Immediately
2	Due to not covered slap over drain, drainage has blocked and , inconvenience of transportation to pedestrian local people and increasing mosquito problem by waste water in PanditMeghraj Sharma Marga, ward no. 7	2076/01/09	Suresh Sharma, 9852020191 (Telephone)	Project Manager instructed to DSC and PIU technical team to inspect on the spot and manage properly in time.	2076/01/12	DSC, PIU, Contractor	Grievance has been solved Immediately
3	Due to not covered slap over drain, drainage has blocked and , inconvenience of transportation to pedestrian local people	2076/01/09	9842046763 (SMS)	Project Manager instructed to DSC and PIU technical team to inspect on the spot and manage properly in time.	2076/01/11	DSC, PIU, Contractor	Grievance has been solved Immediately

4	Due to excavation on the road, filling work did not perform inconvenience for Paan business and transportation to pedestrian local people and school/ college student in east of Sani hat road, ward no. 7	2076/01/10	BasuKamat ward no. 7 (Telephone/Oral)	Project Manager instructed to DSC and PIU technical team to inspect on the spot and construct properly in time.	2076/01/11	DSC, PIU, Contractor	Grievance has been solved Immediately
5	Due to excavation on the road, filling work did not perform there is problem of water pond before one months on the Birateswor temple, main road ward no. 2, inconvenience of business, transportation to pedestrian local people	2076/01/15	PawanSarada Ph. 9852020128	Project Manager instructed to DSC and PIU technical team to inspect on the spot and construct properly in time.	2076/01/17	DSC, Contractor	Grievance has been solved Immediately
6	Due to excavation on the road, filling work did not perform in time there is problem in drinking water pipe line from before 15-20 days	2076/01/22	KeshabBasnet, (Oral to Amit)	Project Manager instructed to DSC	2076/01/24	DSC, Contractor	Grievance has been solved Immediately
7	Requested to upgrade road along near UmeshGiri house	2076/02/01	Tara Neupane	Project Manager instructed to BMC	2076/02/02	Municipality	Under process
8	About 1 miter drainage has been not completed and construction work also not been continuous till date in BrahmhakumariMarg a-ward no. 10.	2075/01/30	SubodhPokhrel (9852028673), KalpanaGelal (9852024677), PrabinaShrestha (9842031352)Written	Project Manager instructed to DSC and PIU technical team to inspect on the spot and construct properly in time.	2075/01/31	DSC, PIU, Contractor	Grievance has been solved Immediately
9	Due to haphazardly stocking of construction materials on the	2075/01/31	Rajesh Kumar Das, 9852021257 (Oral)	Project Manager instructed to DSC and PIU technical team to inspect on	2075/02/01	DSC, PIU, Contractor	Grievance has been solved Immediately

	road, inconvenience for business and transportation to local people and school/college student in Saimarga, sansarimaisthan road, ward no. 10			the spot and manage properly in time.			
10	Due to haphazardly excavation on the road, filling work did not perform inconvenience for business and transportation to pedestrian local people and school/college student in west of Masjid road, Sani temple chowk , ward no. 6	2075/02/11	Afjal Husain Guljar ward no. 6 (9842244550)	Project Manager instructed to DSC and PIU technical team to inspect on the spot and construct properly in time.	2075/02/12	DSC, PIU, Contractor	Grievance has been solved Immediately
11	Due to work of sewer manhole on the high way ward no. 7, work did not perform in time, inconvenience of transportation to pedestrian local people	2074/02/11	To Mayor, on the half of Ph. 9852020143	Project Manager instructed to DSC and PIU technical team to inspect on the spot and construct properly in time.	2075/02/13	DSC, Contractor	Grievance has been solved Immediately
12	S-13, Culvert, ward no. 3	2075/02/11	Ward no 3, (Oral Telephone)	Project Manager instructed to DSC	2075/02/11	DSC, Contractor	Grievance has been solved Immediately
13	Remove immediate construction materials like hume pipe from my private land, ward no. 6	2075/02/20	Anil Mani Acharya Ph. No. 021- 527447, Kesaliya -6 MargNaharpari	Project Manager instructed to DSC and DSC also instructed to contractor	2075/02/21	DSC, Contractor	Grievance has been solved Immediately
14	Gravel work should be done in hume pipe laid site at SarauchiyaLekhnath Marga, ward no. 6	2075/03/17	BikashAgrawalPh No. 9819333366 SarauchiyaLekhnath Marga-6	Project Manager instructed to DSC and DSC also instructed to contractor	2075/03/20	DSC, Contractor	Grievance has been solved Immediately

15	Gravel work should be done in front of Mahendra Secondary School and west of Nepal Rastra Bank road lane ward no. 8	2075/03/22	Pramod Kumar Singh Ph. No. 9807326318	Project Manager instructed to DSC and DSC also instructed to contractor	2075/03/24	DSC, Contractor	Grievance has been solved Immediately
16	Due to not proper work in time local people are not satisfy of work	2075/03/24	Suresh Lal Singh Ph. No. 9852020909	Project Manager instructed to DSC and PIU technical team to inspect on the spot and construct properly in time.	2075/03/24	DSC, Contractor	Grievance has been solved Immediately