



## **Building Design Authority (P) Ltd**

*in joint Venture with*

**B.N. Consultancy Pvt. Ltd and**

**PLUSH Engineering & architects (P) Ltd Kathmandu.**

## **Semi-Annual Safeguard Monitoring Report**

**(January to June 2018)**

**Regional Urban Development Project (RUDP)**

**Project Implementation Unit**

**Biratnagar, Nepal**

***ADB Loan 47252-NEP***



***July 2018***

**Biratnagar Metropolitan City (BMC), Nepal**

## ABBREVIATIONS

ADB	=	Asian Development Bank
AP	=	Affected persons
BMC	=	Biratnagar metropolitan city
BS	=	Bikram Sambat
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 line<sup>1</sup>, 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.

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## I. INTRODUCTION

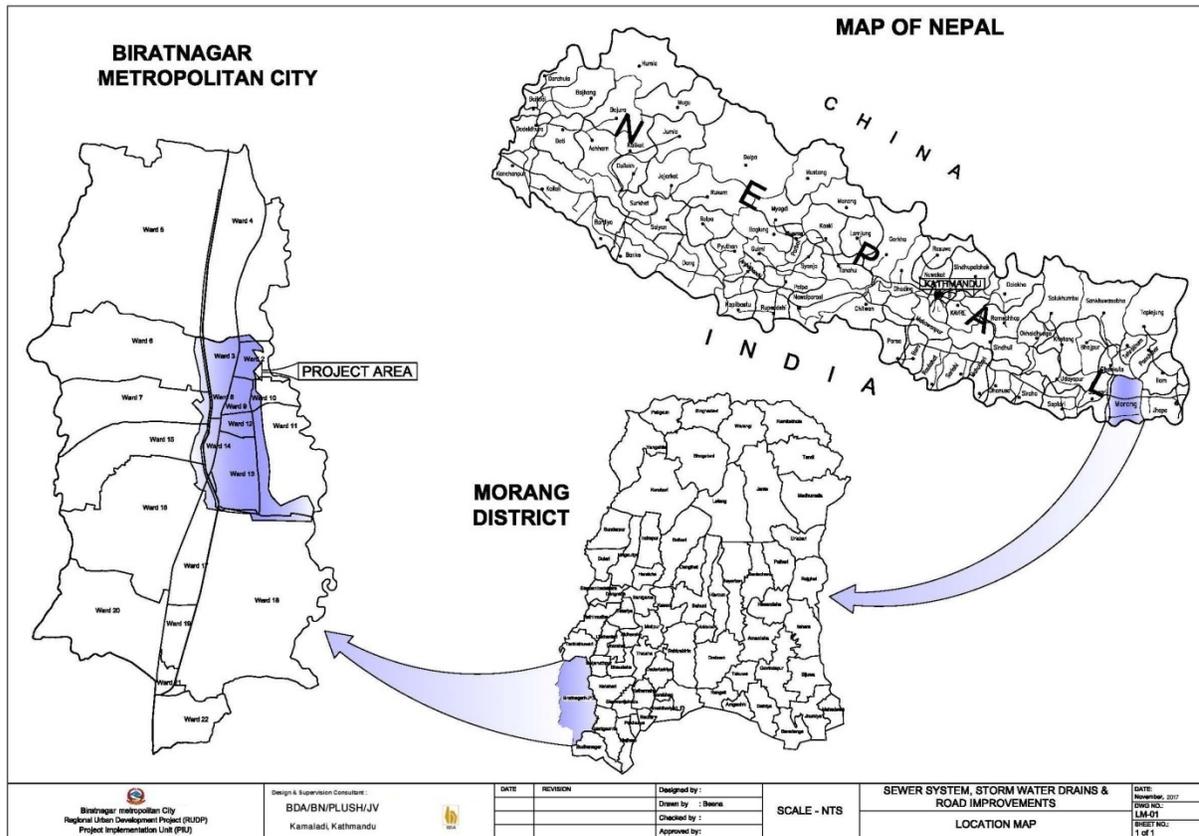
1. The Regional Urban Development Project (RUDP) is designed with the aim to improve livability and urban services in the municipalities of Godawari, Bhimdatta, Biratnagar, Birgunj, Dhangadhi, Shuklaphanta, Nepalgunj and Siddharthanagar in the Terai Region of Nepal through planning, infrastructure investments,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

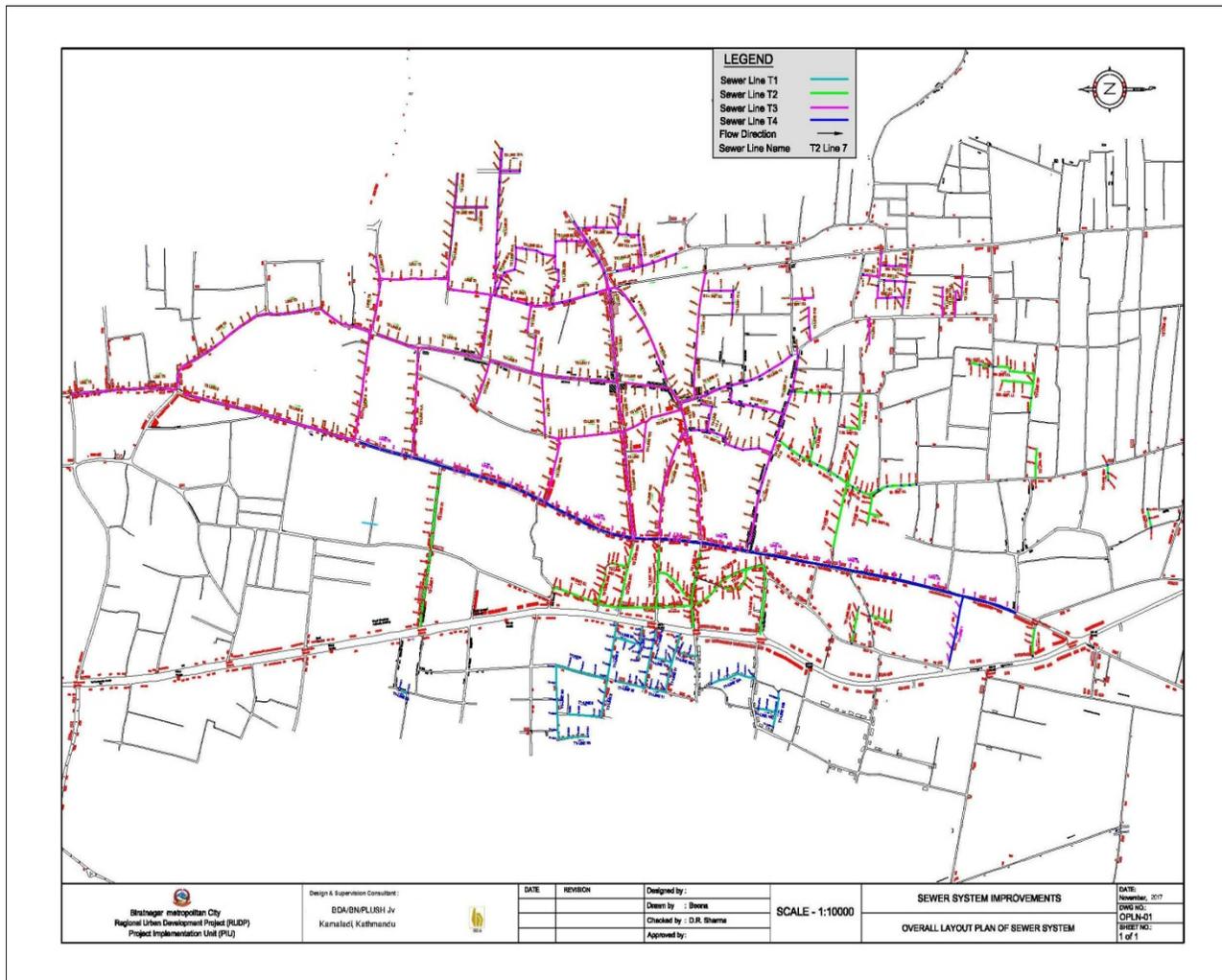
6. The additional works under RUDP are expected to complement STIUEIP and lead to increased efficiencies, greater improvement in service delivery, and higher impact on the livelihood outcomes of inhabitants of BMC. The pre-project construction activities, including land acquisition have been almost completed 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
<b>Drainage and sanitation</b>			
Sewerage network	Sewerage pipe supply and installation; manhole; sewer inlet; house connections	Installation of 20.082 km sewerage pipeline; construction of 685 manholes; 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 Changbari Nala = 652.89 m	Within the clear width of existing Nala
<b>Roads and Lanes</b>			
Road improvements	Asphalt concrete, footpath and roadside drains	Road improvements with asphalt concrete: 73.86 km, including footpaths and roadside drains: 26.05km	Existing roads and footpaths
<b>Integrated Solid Waste Management (ISWM)</b>			
Design of ISWN		Preliminary design, detail design and final design	Municipality proposed Dagraha site is not finalize till date
<b>Street Light</b>			
Streetlight installation	Supply and installation of solar streetlights	Solar streetlights, including pole, battery and all solar system = 1.0 km	Existing roads and footpaths

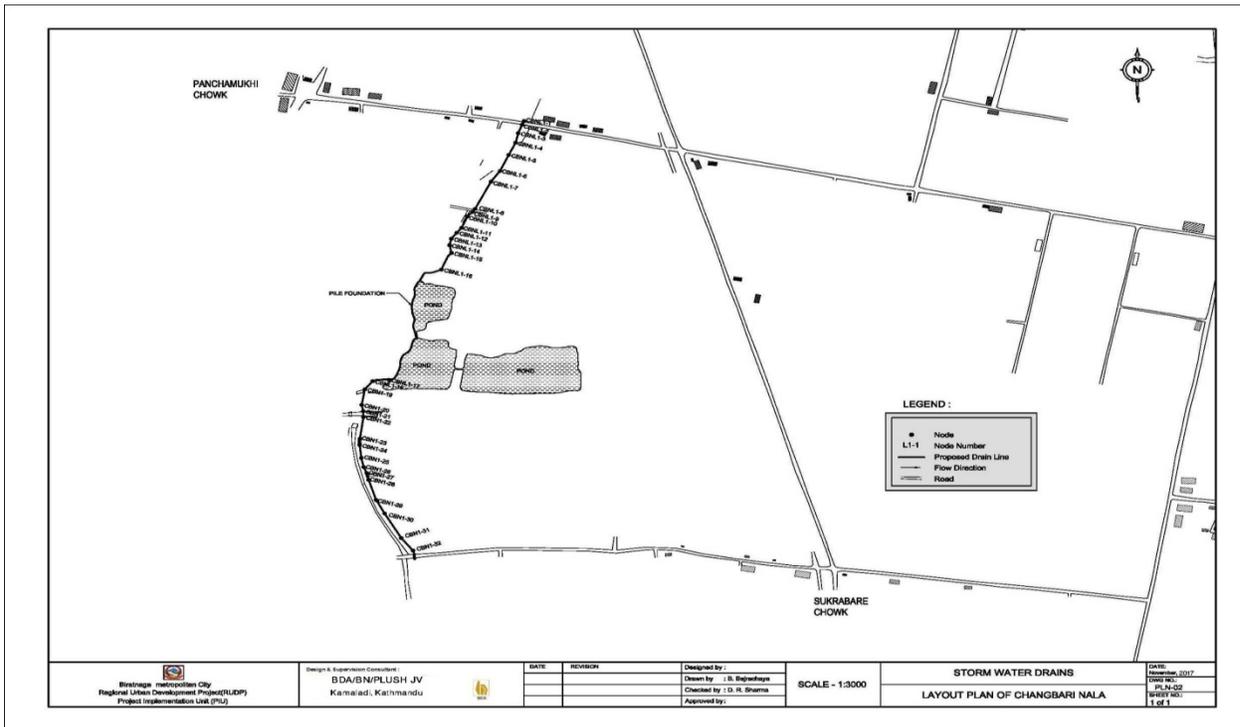
7. Total length of the proposed sewerage system will be 20.082 kilometers (kms). Similarly, 685 manholes are proposed in all sewerage sub systems. As indicated in design and drawings there will be 4 types of trunk and secondary sewerage system. Overall layout plan of the sewerage system as proposed for RUDP is given in *Figure 2*.

**Figure 2: Sewerage Layout Plan**



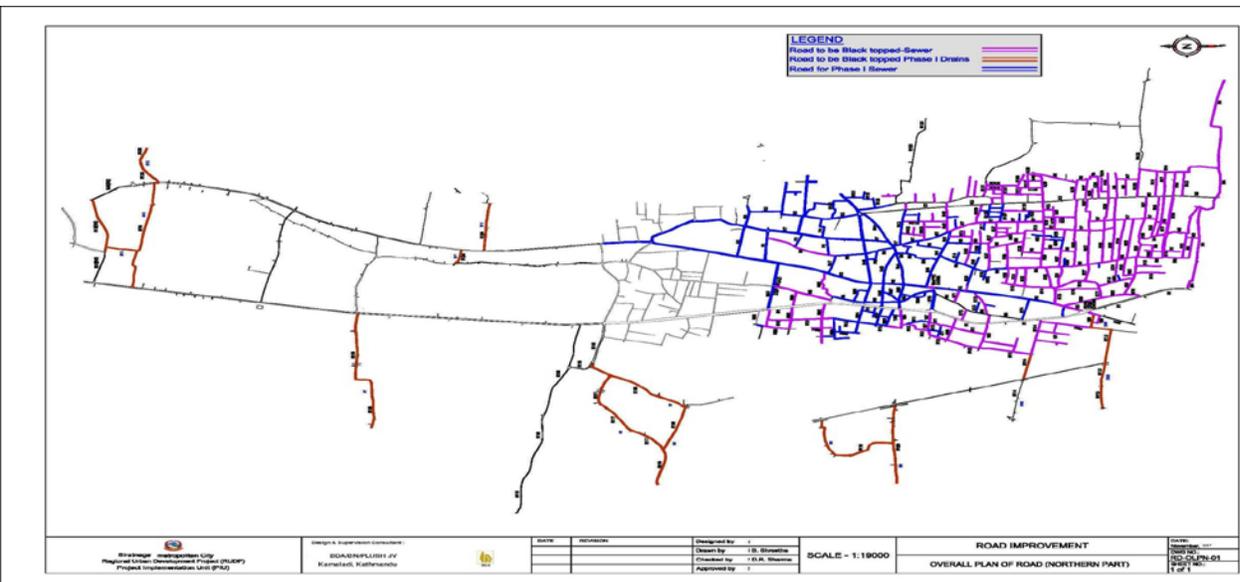
8. A total of 652.8m storm water drainage is proposed under the RUDP. *Figure 3* presented below shows overall storm water drainage plan for BMC. All planned drainage system has already been constructed by STIEUIP except for 652.89 m which passes through the existing ChyangbariNala (Sagarmathatole to SukrabareHatiya). The right side of blue shaded area in the *Figure 3* is proposed under the RUDP. The existing ROW of the drainage will be sufficient to improve the proposed section. There are no registered private lands, tenants and sharecroppers or seasonal encroachers at either site of the proposed drain.

**Figure 3: Storm Water Drainage Layout Plan**

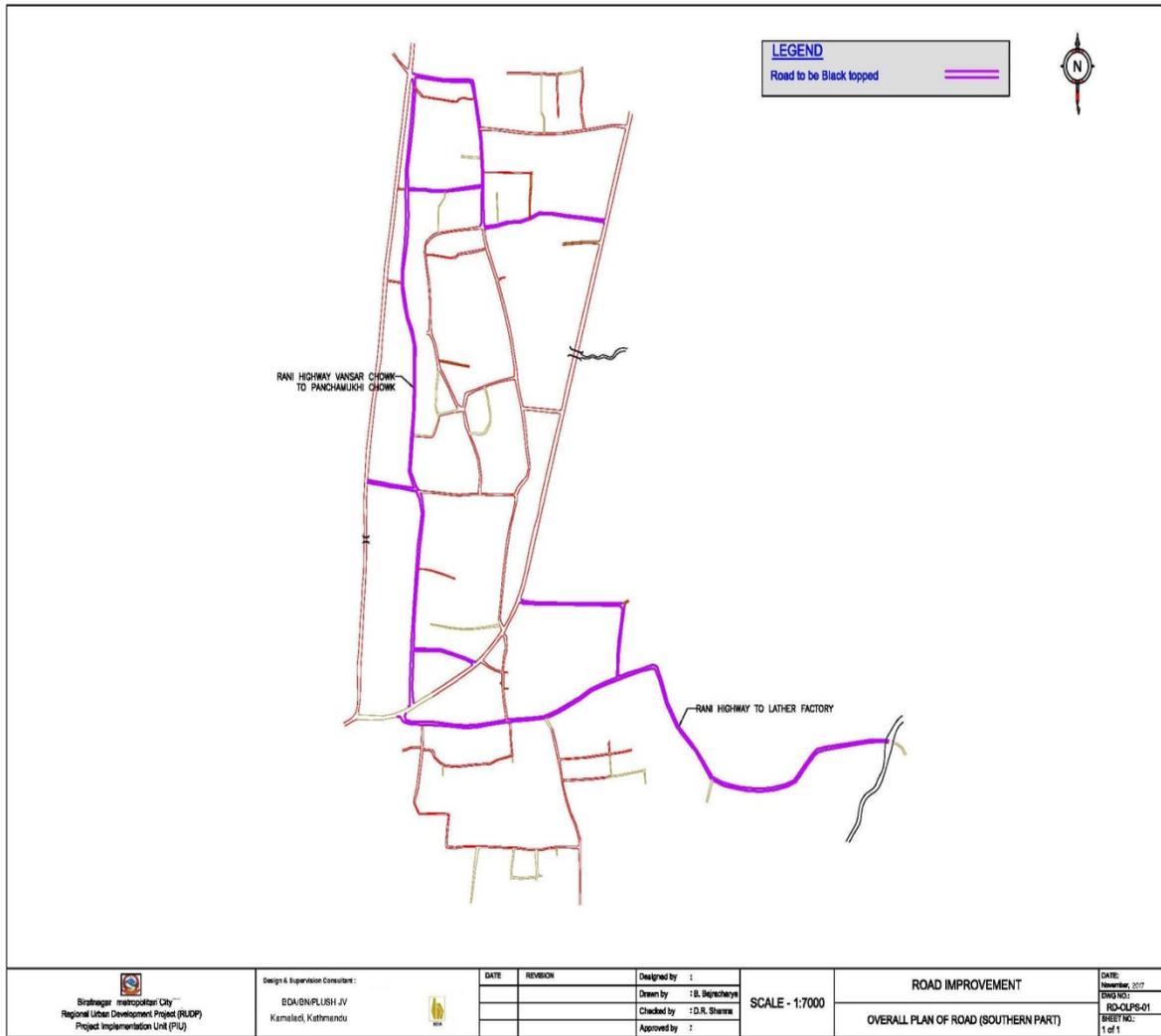


9. A total of 74 km road improvement is proposed in the RUDP. The roads included for improvements are those roads which were damaged due to pipeline installation, storm drain construction and other project related works of STIUEIP and couldn't be restored due to unavailability of funds. The overall road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



 Biratnagar Metropolitan City Regional Urban Development Project (RUDP) Project Implementation Unit (PIU)	Design & Supervision Consultant: BDA/BNPLISH JV Karnali, Kathmandu	DATE REVISION	Designed by : Drawn by : B. Rajacharya Checked by : D.R. Sharma Approved by :	SCALE - 1:7000	ROAD IMPROVEMENT OVERALL PLAN OF ROAD (SOUTHERN PART)	DATE November, 2017
		PROJECT NO: RD-OLPS-01	SHEET NO: 1 of 1			

### III. SCOPE OF LIKELY IMPACTS OF THE SUBPROJECTS

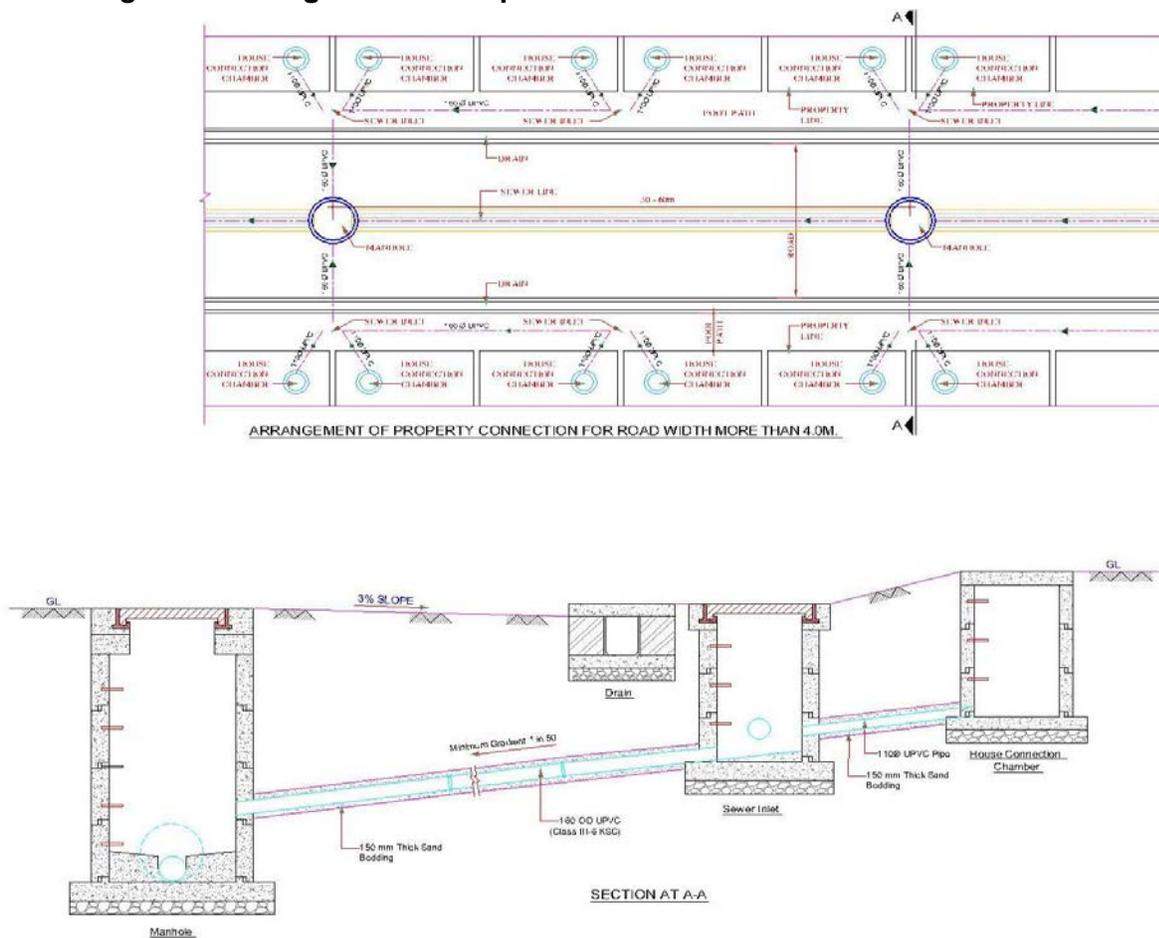
#### A. Involuntary Resettlement

10. 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.

11. 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.

12. 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**



13. 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 (Ujjyalo, 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.

14. The reviewed the municipality declared ROW, the 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.

A comparative analysis of RoW and analysis of ROW and available width of the roads proposed under RUDP is provided in *Table 2*.

**Table 2: Comparison of Declared ROW and Available Width of the Road**

SN	Name of Roads/ Lane Tole	Available Width (m)	Design Width (m)	Municipal ROW (m)	Remarks
1	BhrikutiMarga	8	8	8	Road width clear/ no demolition/ no new land
2	Keshaliya Road	12	12	12	Road width clear/ no demolition/ no new land
3	BhrikutiChowk to DSP Road	11	11	11	Road width clear/ no demolition/ no new land
4	Sat Ghumti to Traffic Chowk through Gudri Bazar	10	10	10	A few temporary tea stall near to vegetable market need to be shifted
5	Bhatti Chowk to road along Hulak Road	5	5	5	Private compound walls within road width
6	ChulachuliMarga	10	10	10	Road width clear/ no demolition/ no new land
7	MahendraChowk to TrafikChowk	14	14	14	Road width clear/ no demolition/ no new land
8	ShahiMarga	10	10	10	Road width clear/ no demolition/ no new land
9	BindhyabasiniMarga	8	8	8	Road width clear/ no demolition/ no new land
10	PratibhaMarga	8	8	8	Road width clear/ no demolition/ no new land
11	Sanchaykosh to BhumiprasashanChowk	6	6	6	Road width clear/ no demolition/ no new land
12	DUDBC Division office to family Planning Office	10	10	10	Private compound walls of a few houses to be relocated
13	PipalChowk through Sanihat to Main Road	11	11	11	Road width clear/ no demolition/ no new land
14	PIU through Sport council (Hospital road) to family Planning Office	14/12	14/12	14/12	Road width clear/ no demolition/ no new land
15	CDO Office chowk to Main road	13	13	13	Road width clear/ no demolition/ no new land
16	Hospital road through HospitalChowk to DevkotaChowk	14/5	14/5	14/5	Road width clear/ no demolition/ no new land
17	BirendrasabhaGriha to Water tank	5	5	5	Road width clear/ no demolition/ no new land
18	MatrikaMarga	6	6	6	Private compound walls of a few houses to be relocated
19	Near Milan chowk to BhanusalikChowk	12	12	12	Road width clear/ no disruption
20	BhanusalikChowk to	10	10	10	Road width clear/ no

	DevkotaChowk through Appellate court				disruption
21	DevkotaChowk to DDC line	13	13	13	Road width clear/ no disruption
22	DevkotaChowk to Nepal Rastra Bank	13	13	13	Road width clear/ no disruption
23	MadhumaraMarga	9	9	9	Road width clear/ no disruption
24	Ostikuti to BhanusalikChowk (Indramarga)	5	5	5	Road width clear/ no disruption
25	Jahada Road	10	10	10	Road width clear/ no disruption
26	SiddharthMarga	14	14	14	Road width clear/ no disruption
27	SabhyaMarga	5	5	5	Road width clear/ no disruption
28	BhagiyoddhaMarga	6	6	6	Road width clear/ no disruption
29	HulakMarga	14/12	14/12	14/12	Road width clear/ no disruption
30	Main Road from BMC ChowkTerapanthBhawan	15	15	15	Disturb the some part of road width by the portion of private structure
31	Main Road from Sansarimai Than Chowk to BhumiprasashanChowk	15	15	15	Road width clear/ no disruption
32	Main Road to Dr.Chandika's Compound	5	5	5	Road width clear/ no disruption

15. 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' temporary shifting during construction. It has been envisaged that some portion extended structure of house in Mahendra chowk west (T1L 13A and T1L13), Byas Marga, Bhatta chowk West (T1 L 12A) Aditya Marga, Traffic chowk North (T2L25A) GudriMarga, Hanuman das Marga north (T2 L24C), Chulachuligalli, Siddhartha marga south, Indra Marga, Way to Sanjay Das clinic road and Jaljala chowk north, will be disruption about 0.5 m. to 1.25 m. These houses are in adjacent of ROW, although, it is not anticipated owner has displace and need to pay compensation. The house owner has ensured to BMC and PIU, it will be clear as per ROW, before construction works. It has been reported that there are no tenants and sharecroppers or seasonal encroachers at either sides of such road improvement activities. The BMC and the PIU ensures that the project will adopt appropriate measures to avoid disturbances to adjacent private land and property during construction. The project has established close coordination with the residents of the area to minimize construction related disturbances. Most of the roads/lanes in Biratnagar are in a poor state due to lack of periodic maintenance, and need improvement. The project has considered on design based on reinstatement, rehabilitation and upgrading of existing roads length 73.86 km., and 26.05 km. of road side drain. The Contractor has started construction work for upgrading the deteriorated such pavement surface and road side drain works in Kanchanbari, Chandanichowk, Bhatta chowk, Dudhfaram, and Tintoliya without interrupt and people disturbance so far.

16. 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 Dharmashala (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. 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.

### **Regional Waste Management Project (RWMP)**

17. The importance and significance of proper solid waste management was realized, for improving the sanitary living condition in the 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.

18. 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.

19. 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. The Consultant has already submitted Inception Report as well as Stakeholder's Analysis, Communication Strategy and Consultation Plan for Integrated Solid Waste Management (ISWM) but due to Socio Environment Problem, Progress of Integrated Solid Waste Management (ISWM) design has been hindered.

## PROJECT SITE LOCATION

20. 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).

21. 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.

22. 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.

23. 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

24. 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.

25. 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.

26. 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.

27. 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, Rangela road and Himalayan road (traffic chowk). The disturbance related to environment like, noise, dust etc will be covered by the project specific EMP. 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).

28. 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.

29. 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 STIUEIP to hear and address people's concern and grievances during construction.

#### **IV. CONSULTATION, INFORMATION DISSEMINATION AND DISCLOSURE**

30. 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, 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.

31. 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.

32. 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

33. 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.

34. A Local/Municipality level grievance redresses committee (GRC) comprising 7 members is formed to receive grievances filed in relation to RUDP implementation in BMC. 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. Due to this reporting period GRC meeting has been not held because of not appearing any serious grievance. The GRC composition is presented in the table-3.

**Table 3: Composition of GRC for RUDP**

Name	Designation	Portfolio
Mr. BhimPrasad Parajuli	Mayor, Biratnagar Metropolitan City Office	Chairperson
Ms. 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
Er. GhanendraKatuwal	Project Engineer/ PIU	Member
Mr. Punam Kumar Dahal	Chief; Social Development/ PIU	Member Secretary

According to BMC source one GRC member Er. Ghanendra Katuwal, resigned from the post of Project engineer/PIU

35. 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.

36. 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.

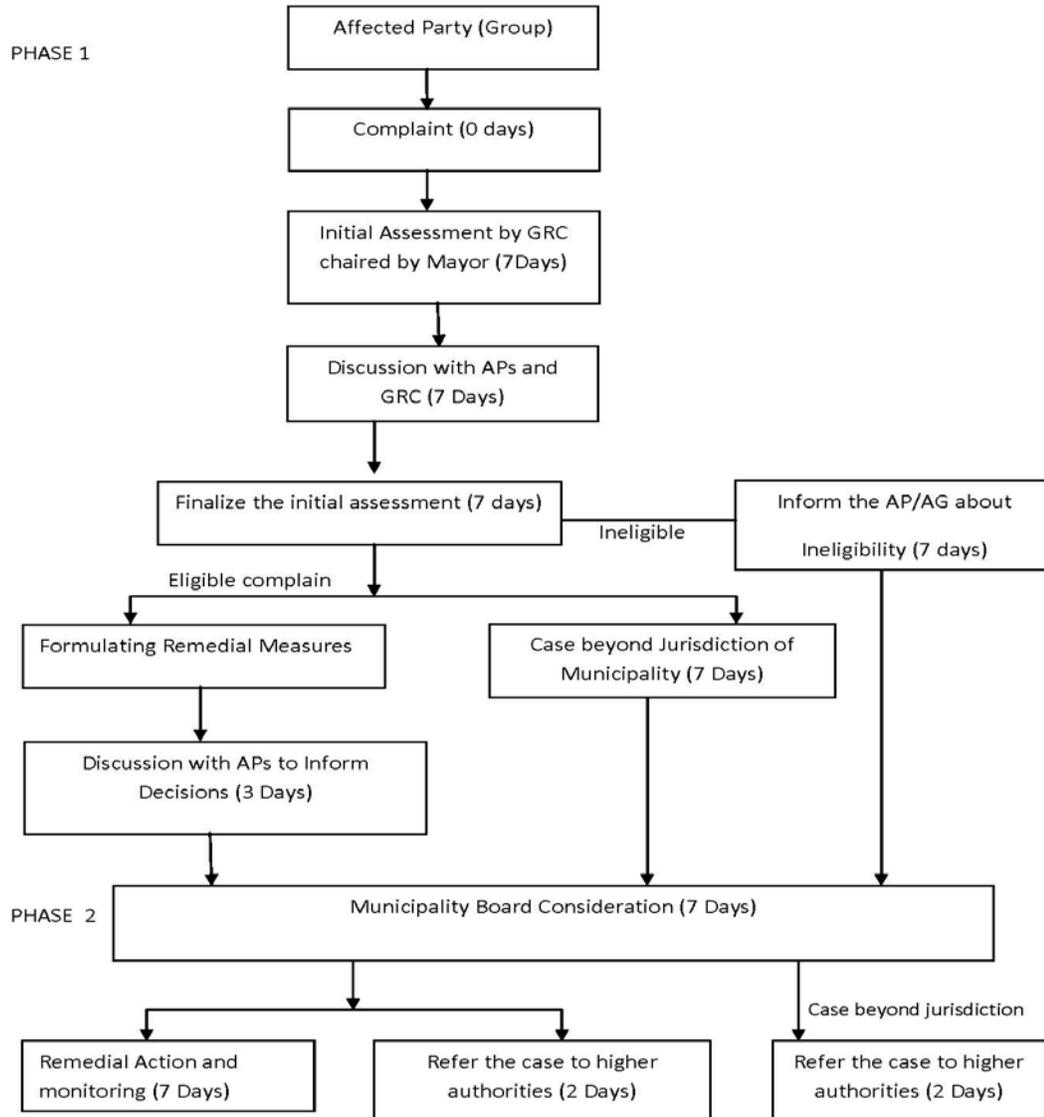
37. The unresolved or major issues forwarded by the BMC level GRC will be reviewed at PCO level GRC for final solution. Decision has to be made within 15 days of receipt of complaint at this level. The PCO level GRC shall refer the complaints registered at the PCO to the BMC level GRC for initial hearing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

38. 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.

39. 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)**

**Flow diagram for conflict resolution and Grievance Redress Mechanism**



## VI. LEGAL FRAMEWORK

### A. The Context

40. 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.

41. 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.

42. 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.

43. 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 KhasArya

44. 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 Upliftment/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 Adivasi Janajati 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.

45. 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.

46. 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

47. 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

48. 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 4: 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	No provision in LAA (1977) The LARRP (2015) has provision of Third-	A mechanism will be established ensuring transparent process is followed, and there is

	negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions	party validation of consultation related to land donations is required	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 affected structures/houses/ business/ crops, trees, and other assistance	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)
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

49. 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 (*Jestha Nagarik*) and children, dalits, indigenous peoples and those without legal title to land.

### B. Voluntary Donation of Land & Structures:

50. The project accepts self-declaration of voluntary demolition of 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<sup>1</sup>, (ii) it will not result in permanent and significant loss/impact on income and livelihood of the land donor or causing any third party displacement<sup>2</sup>, (iii) road improvements and other project activities will directly benefit the owners, (iv) meaningful consultation was carried out to finalize the design, (v) land owners agree and their voluntary offer without coercion is documented, and (vi) the donor is not categorized as poor or vulnerable. The process and steps to be followed for assessing eligibility of voluntary donation and documentations are given in Annex 12 of CRIPPF.

51. 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.

52. 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.

### C. Entitlements

53. A detailed entitlement matrix has been provided in Table 5. 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 5: Entitlement Matrix**

Type of Loss	Scope	Who is entitled	Entitlements	Responsible for the Delivery of the Entitlement	Comments
<b>A1. Loss of Lands/Impact on Lands</b>					
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"> <li>Land and structure owner.</li> </ul>	<ul style="list-style-type: none"> <li>No compensation for the donated land and self-demolition of affected structures</li> <li>Exemption of any transfer costs, registration fees or other municipal charges.</li> <li>Repair allowances to structure owner based on per unit rate (sft) as decided by municipal board.</li> <li>Exemption of 3 years' housing tax (only for demolished building).</li> <li>Waiver of building permission fees and taxes to rebuild affected house.</li> </ul>	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"> <li>Is project beneficiary and fully consulted and informed about their rights and design options;</li> <li>Doesn't fall below poverty line after land donation;</li> <li>Donating up to 10% land holding without or no impact on structural element of the building;</li> <li>Is unforced or freely willing to donate,</li> <li>Has chosen the design option for road widening.</li> </ul> <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>
<b>A2. Temporary Impacts on Land</b>					
2. Temporary impacts during construction	2.1 Damage to adjacent parcel of land due to	Land and business owner	15 days' prior notice will be given to protect crops or business Reinstatement of the	Contractor	Supervision consultant will verify the loss and facilitate to negotiate the rates.  Contractor to negotiate a contract agreement

Type of Loss	Scope	Who is entitled	Entitlements	Responsible for the Delivery of the Entitlement	Comments
	movement of machinery and spoil generated during construction 2.2 Land used by the contractor for labor camp, construction yard and stores		damaged property to the original form. Cash or kind compensation at replacement value by contractor, if the loss is non-revocable (that cannot be restored or 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.		on a rental rate with the owner or user of the land that will be temporarily used for construction activities. 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.
<b>B. Loss of Income Generating Sources and Assets</b>					
3. Loss of income of small vendors	Business affected temporarily during project	4.1 Non-mobile business operators on footpaths of road	Affected Venders will be notified at least 1 month in advance of the construction date by the Project.	Super vision consultant/contractor to deliver short term compensation	The EA and project supervision consultant will ensure payment is made prior to physical displacement.

Type of Loss	Scope	Who is entitled	Entitlements	Responsible for the Delivery of the Entitlement	Comments
	construction	extension/upgr ade projects	One-time assistance allowance of 15 days' minimum wage for the vender	for loss of income.	
<b>C. Loss of common property resources</b>					
4. Loss of cultural and community structures/ public facilities/comm unity forests	Common property resources such as community forests, monasteries , temples, irrigation cannel, water supply pipes, electricity poles etc. affected by the Project.	5.1 Affected community/ Institution/user group responsible for the administration of the property	Replacement or restoration of the affected community facilities (including temples, shrines, public water stand posts etc.) in 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	Super vision consultant/contr actor 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
<b>F. Other unanticipated impacts</b>					
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. RESETTLEMENT BUDGET AND FINANCING PLAN

54. This chapter provides cost estimates for the RP activities described in preceding chapters.

### A. Rehabilitation Allowance for Affected Vendors

55. A rehabilitation allowance has been provisioned to cover loss of income or livelihood strategy due to temporary disturbance to income generating activities of mobile hawkers/vendors during Storm Water Drainage and Road Improvement works. The entitlement Matrix proposes one-time assistance allowance of 15 days' minimum wage (as per established rate of BMC or Morang district) plus a lump sum shifting allowance (transport plus load un loading charges) of NRs 2500.00 for the affected vendors. The contractors will enumerate and PSC/PIC social safeguard officer will verify the exact numbers of the affected vendors during construction period. The verified affected vendors will be compensated using budget allocated either under provisional sum of the subproject or using contingency budget heading of the RP.

### B. RP Implementation and Management Cost

56. A number of RP implementation activities need to be carried out at the subproject level by PIU in collaboration with PISU. Some of such activities include: (i) public consultation, and information dissemination, (ii) organizing stakeholder meetings, and implementing the decision, field verification, and updating RP, (iii) organizing and mobilizing local grievance redress committee meetings, (iv) Deed Transfer and required measurement surveying so on. In order to ensure such expenses, RP approximate implementation cost also been calculated and incorporated in the RP budget as following:

**Table 6: Approximate Cost Estimate for RP Implementation Activities**

S.N	Description of the task	Quantity	Rate (NRs)	Estimated Cost (NRs)
1	Information dissemination about the project, resettlement impacts, and compensation provision	1	50,000	50,000.00
2	Organizing stakeholder meeting and follow up activities	3	25,000	75,000.00
3	Organizing GRC meetings and follow-up activities	12	5,000	60,000.00
4	Mobilization of Surveyor/Amin / Malpot for Field Verification and Deed Transform including cost for waving applicable taxes to affected persons plus social safeguard related training	LS	250000.00	250,000.00
5	Subtotal(1-4) RP Cost	-	-	435,000.00

### C. Contingencies

57. A contingency amount of 20 % of the total cost estimated for implementation of the RP activities is proposed to cover cost of likelihood expenses including cost of compensation for affected vendors, business and some private structures that might be affected during the implementation of storm water drainage and road improvement works.

### D. Detail Plan of Implementation and Estimation of cost

58. Consultations with key stakeholders were made so as to identify the problems, their prioritization and fixing mitigation measure as follows. Based on needs and interest of public following activities have been proposed to undertake. Detail plan of implementation and estimation of cost is presented as in below.

**Table no. 7 Detail Plan of Implementation and Estimation of cost**

SN	Activities	Addresses	Work of Items	Period of completion	Estimated cost (Rs.)	Responsible Organization	Output
1	Birateswor temple; reconstruction and reinforcement	BMC-2	Brick (pillar, wall), grill fencing, tiles		8,04,230.00	GoN, BMC and temple preservation and improvement committee	temple; reconstruction and reinforcement
2	Satyanarayan temple; reconstruction and reinforcement	BMC-7	Brick, concrete, marbal, false ceiling, shutter, cladding, floor tiles, gajur, architectural decoration, reinforcement		30,00,000.00	GoN, BMC and temple preservation and improvement committee	temple; reconstruction and reinforcement
3	Kali temple; reconstruction and reinforcement	BMC-7	Brick (wall, floor), concrete (column, beam, slab, floor, steps), marbal, railing, shutter, fittings, architectural decoration, reinforcement		40,24,275.00	GoN, BMC and temple preservation and improvement committee	temple; reconstruction and reinforcement
4	Panchamukhi (Pancheswor) Hanuman temple	BMC-7, South of Kali temple	Brick, grill, chain gate, concrete (slab, beam column), floor tiles, bulbs, reinforcement		7,41,851.00	GoN, BMC and temple preservation and improvement committee	reconstruction and reinforcement
5	Sri 108 Shiv temple	BMC-7, Mahabi	Brick, concrete (pillar, beam, slab, floor),		5,61,188.00	GoN, BMC and temple preservation and	reconstruction and reinforcement

		r road	reinforcement.			improvement committee	
6	Sani temple	BMC-7	Brick (Window, Door), concrete (column, slab, beam), marble (floor, wall, slab front), steel railing, bulbs, reinforcement		10,00,000.00	GoN, BMC and temple preservation and improvement committee	reconstruction and reinforcement
7	Garivnath Shiv temple	BMC-9, Siddharth chowk	Brick, concrete, reinforcement, chain gate, shutter, iron gate		10,72,714.00	GoN, BMC and temple preservation and improvement committee	reconstruction and reinforcement
8	Shital Dharmashala (pilgrims rest house)	BMC-9, Buddha nagar	Brick, floor pcc, concrete (column, beam, slab), shutter, chain gate, reinforcement		14,98,526.00	GoN, BMC and Dharmashala improvement committee	reconstruction and reinforcement
9	Dharam Bhakari (Steel container)	BMC-7	CGI sheet, iron channel, base plate		7,56,000.00	GoN, BMC and Bhakari improvement committee	reconstruction and reinforcement
10	Mahendra Morang Multiple College, Wall demolition and construction	BMC-11, College road	Earth work, brick, pillar		61,03,904.00	GoN, BMC and college improvement committee	reconstruction and reinforcement

11	Adharsa Balika Secondary School	BMC-7	Brick (wall, foundation), pillar, tree cutting		15,00,000.00	GoN, BMC and school improvement committee	reconstruction and reinforcement
12	Mahendra Secondary school	BMC-8	Brick (foundation, window, gate pillar, near gaten (wall), lintel, CGI sheet, iron gate, reinforcement		28,46,585.00	GoN, BMC and school improvement committee	reconstruction and reinforcement
13	Nepal Family Planning Association Building	BMC-7	Brick (pillar, gate pillar), fencing, angle pipe, gate		15,75,770.00	GoN, BMC and NFPA improvement committee	reconstruction
14	Motiram Smarak	Moti marga, BMC-7	Earth work, brick, pillar, gate		12,71,510.00	BMC	reconstruction
	TOTAL				<b>2,67,56,553.00</b>		

## E. Budget and financing

59. Total of NRs Twenty-Eight Million Four Hundred Fifty-Five Thousand One Hundred Eighteen and Eighty Paise is roughly estimated for the preservation of public assets. Based on needs and interest of public, above assets should be reconstructed and reinforced. Required infrastructure and resettlement of public assets. The expenditure is proposed 80 percent from Nepal government and remaining from BMC internal budget. The total cost estimate for implementation of RP activities is as follows:

**Table 8: Summary of RP implementation costs**

SN	Cost Items	Total estimated cost ( NRs)
1	Detail plan of Implementation and Estimation of cost of Public assets construction and reinforcement	23077599.00
2	RP Implementation	435,000.00
3	Monitoring	200,000.00
	<b>Total</b>	<b>23712599.00</b>
4	Contingencies (20%)	4742519.8
	<b>Grand Total</b>	<b>28455118.8</b>
	<b>Total \$ @ 110, July. 1, 2018</b>	<b>258682.8982</b>

## F. Financing Plan

60. All costs related to RP implementation would be borne by the Government and BMC. The EA will ensure that adequate funds are delivered on time to the PIU for timely implementation of RP.

## IX. INSTITUTIONAL ROLES AND RESPONSIBILITIES

61. 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.

62. 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.

63. **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. Fourth meeting of social safeguard on March 5, 2018 has decided to nominate DSC environment safeguard expert in SHD as a member. And also decided to invite department chief of environment department, BMC and contractor's nodal person (safety in-charge) as per required in meeting. A total of six safeguard desk meeting has been held during this quarter. SD discussed over different social and environmental agendas to immediate mitigate of public complains. The safeguard help desk composition is presented in the table below.

**Table 8: Composition of Safeguard Desk for RUDP**

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

## X. MONITORING AND REPORTING

64. **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.

65. 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.

66. 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.

## XI. CONCLUSION AND RECOMMENDATION

67. 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.

68. The importance and significance of proper solid waste management was realized, for improving the sanitary living condition in the in the industrial Morang-Sunsari corridor in general and in and around Biratnagar area in particular.

69. 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).

70. 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). Although land covering an area of 18 ha was already acquired by the BMC.

71. 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.

72. 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 Dharmashala (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. To address such temporary effects, the following recommendations are suggested:

- (i) avoid change in design and construction width during construction, adhere with final design based on which the loss assessment has been carried out;
- (ii) 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;

- (iii) 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;
- (iv) 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;
- (v) 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;
- (vi) 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;
- (vii) make arrangements for night shift works for sewerage pipe laying along the main crowded roads like, main road, Rangeli road, Himalayan road (Traffic chowk) and Gudri of Biratnagar town area so that disturbances on mobility of people/vehicle and businesses is reduced;
- (viii) 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. 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.
- (ix) Some land acquisition and demolition of public assets although, it is not anticipated has displaced but need to pay required compensation for reconstruction and reinforcement.

**Table 10: Consultation Summary and Persons Met**

Dates	Municipality	Name	Position	Issues Discussed
<b>Kathmandu</b>				
December 22, 2017	Kathmandu	Mr. Chetan Dahal	Social Safe Guard Specialist, PMSC	Land to be acquired and compensation issues RP preparation and formats Public consultations and possible problems to be occurred in social safeguard aspect
<b>Biratnagar Metropolitan City</b>				
June 25, 2018	Biratnagar	Bhim Parajuli	Mayor, BMC Office	Possible obstacles public assets on ROW clear Start of ROW clear process
June 25, 2018	Biratnagar	Pradip Niraula	Chief Admin. Officer, BMC Office	Possible obstacles public assets on ROW clear Start of ROW clear process
June 26, 2018	Biratnagar	Rabindra Thakur	Contract Manager	Possible obstacles on ROW clear Start of ROW clear process

June 26, 2018	Biratnagar	Pragati Nepal	Deputy Contract Manager	Possible obstacles on ROW clear Start of ROW clear process
June 26, 2018	Biratnagar	Minakshi Nepal	Worshipper, Kali temple	Possible obstacles on ROW clear Start of ROW clear process
June 27, 2018	Biratnagar		Worshipper, Sani Temple, Hanuman temple, Birateswor temple, Garibnath temple	Possible obstacles on ROW clear Start of ROW clear process
December 26, 2017	Biratnagar	BhimParajuli	Mayor, BMC Office	Possible obstacles on ROW clear Start of ROW clear process
December 26, 2017	Biratnagar	Indira Karki	Deputy Mayor, BMC Office	
December 26, 2017	Biratnagar	PradipNiraula	Chief Admin. Officer, BMC Office	Possible obstacles on ROW clear Start of ROW clear process
December 26, 2017	Biratnagar	Er. Bharat Niraula	Project Manager, PIU	Role and responsibilities of PIU on Possible obstacles on ROW clear Start of ROW clear process
December 26, 2017	Biratnagar	Prakash Chaudhary	Project Engineer, BMC Office	Possible obstacles on ROW clear Start of ROW clear process
December 26, 2017	Biratnagar	Anil Singh	Project Engineer, BMC Office	Possible obstacles on ROW clear Start of ROW clear process
December 26, 2017	Biratnagar	GhanendraKatuwal	Project Engineer, BMC Office	Possible obstacles on ROW clear Start of ROW clear process
December 26, 2017	Biratnagar	Rajendra Pradhan	Chief, Administration Section BMC Office	Possible obstacles on ROW clear Start of ROW clear process
December 26, 2017	Biratnagar	MukundaUpadhyay	Legal Officer, BMC Office	Legal aspects on Social Safe Guard Issues and land acquisition

December 26, 2017	Biratnagar	Mr. Poonam Kumar Dahal	Chief, Social Development Officer, PIU	Possible obstacles on ROW clear Start of ROW clear process ROW declare documents and site visit
December 26, 2017	Biratnagar	Mister KC	Account Officer, PIU	Possible obstacles on ROW clear Start of ROW clear process
January 3, 2018	Siddhartha chowk-9	Md. Guddu	Local AP	Possible obstacles on ROW clear Start of ROW clear process
January 3, 2018	Siddhartha chowk-9	Sahabaj Miya	Local AP	Possible obstacles on ROW clear Start of ROW clear process
January 9, 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 9, 2018	Biratnagar	Prakash Chaudhary	Project Engineer, BMC Office	Possible obstacles on ROW clear Start of ROW clear process
January 9, 2018	Biratnagar	GhanendraKatuwal	Project Engineer, BMC Office	Possible obstacles on ROW clear Start of ROW clear process
January 9, 2018	Biratnagar	Mr. Poonam Kumar Dahal	Chief, Social Development	Possible obstacles on ROW clear Start of ROW clear process ROW

# Photographs

**PHOTOGRAPHS:**



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



**PHOTOGRAPHS:**

**Structures Encroaching ROW (Dismantling Required)**



**Shani Mandir**



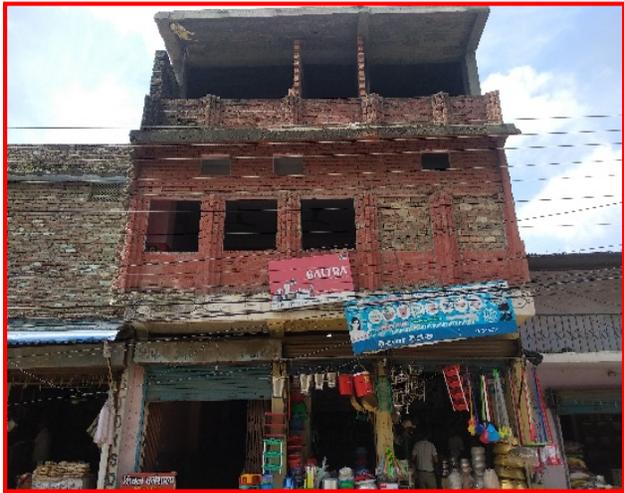
**Birateshwore Shiva Mandir**



**Kaali Mandir**



**Satya Narayan Mandir**



**Sheetal Dharmashala**



**Mahendra Ma. Vi.**



Public consultations with house owner and business persons



Meeting with Project manager at PIU office

# Annex:

1. Meeting minute of work progress and land fill site for the ISWM
2. Meeting minute of GRC and SD committee formation
3. Information document on GRC and SD committee of PIU
4. Meeting of Social Safeguard Desk (SD)
5. Contractor letter Ref: 39 RUDPBRT-2017/18
6. Meeting of Social Safeguard Desk (SD) on to nomination of SD
7. Meeting of Social Safeguard Desk (SD)

## Annex 1, Meeting minute of Work progress and Land fill site for ISWM



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 Biratnagar Metropolitan city, Biratnagar

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**MINUTES OF MEETING NO. – 1**

**Contract: RUDP/ICB/BRT- 02**

**Date: November 17, 2017**  
**Time: 2:30 PM**  
**Venue: PIC Office, Biratnagar**

**Attendance**

**Employer/BMC:**

1. Mr. Bhim Parajuli , Mayor
2. Mr. Pradip Kr Nirula, CAO
3. Mr. Bharat Kr Neupane, PM
4. Mr. Anil Singh, Engineer
5. Mr. Prakash Chqudhary, Engineer
6. Mr. Punam Kr Dahal, Social expert
7. Mr. Purshuttam lamichhane, Admit. Assit

**Consultants:**

1. Mr. Giresch Chand , Team Leader
2. Mr. H K Mandal, Engineer
3. Mr. Rajesh K Yadav, jr Engineer

**Contractor:**

1. Mr. Yam Nath Bhattra, Engineer
2. Mr. Benu Shrestha, site Engineer

The meeting was chaired by Mr. Bhim Parajuli, Mayor. He welcomed all participants and following matters were discussed and decided:

S.N.	Minutes	Action by
1	<b>Introduction:</b> The Employer opened the floor for discussions and general introduction of all participants took place.	
2.	<b>Employer/Consultant/Contractor's organization:</b> Project Manager, Team leader and the Contractor's Engineer, Mr. Yam Nath Bhattra, briefed about their organization and Manpower with job responsibility.	Contractor/ Consultant/ Employer



**Er. Giresch Chand**  
Team Leader

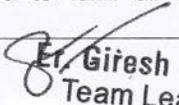
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**Biratnagar Metropolitan city, Biratnagar**

	<p><b>Progress of Work:</b>                  Mr. Bharat Neupane, PM briefed about the Project and Component of the Project. He emphasized about the completion of storm drain (CN3- CN2) before rainy season.                  Mr. Chand briefed about the present status of the project and scope the work as follow;</p> <ul style="list-style-type: none"> <li>• Total upgrading/Rehabilitation length of Road=73.86 km</li> <li>• Total length of Storm Water drainage (CN3-CN2) 652.89 m.</li> <li>• Total length of side drain =26.05 km.</li> <li>• Total length of Sewer pipe line =20.082 km.</li> <li>• Total numbers of house connection =3784 Nos.</li> <li>• Total number of sewer Inlet = 1010 Nos</li> </ul> <p>And also informed about deputed of Expert (TL, ISWM Design Engineer, Quantity surveyor, Environment Expert, etc) and Non key Expert.                  The Contractor's Engineer informed about the progress of survey work and said that if Employer/ consultant take over/ allow the site (R 20, R40 B1 B2 B3 CN3 CN2 etc) contractor may start the drain / pavement work from 19 November 2017. Mr Bharat, PM said that there is no objection for start the mentioned work and assured to take over the site very soon.</p> <p>Mr Chand informed that due to unavailability of site and detail about the solid waste / land fill site, ISWM design Engineer is not able to proceed for design. The mean time PM said that there is some disturbance/local problem which may solve after Election.                  As far as RoW clear, Employer assured to clear as early as possible.                  Mr Bharat Naupane, PM requested for joint site visit with Consultant and he said that Consultant may change /review design as per site condition.</p>	Contractor/ Consultant/ Employer
3.	<p><b>Provisional sum:</b>                  The Employer advised to relocation /reinstate of Electric pole and water supply pipe under provisional sum.</p>	Contractor/ Consultant/ Employer
4.	<p><b>Other Business:</b>                  Mr Bhim Parajuli emphasized about Black top of existing road and advised to complete the work in stipulated time with quality.                  The Contractor admitted to fulfill all the requirement as per contract.</p>	Contractor



**Er. Gireesh Chand**  
**Team Leader**

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**REGIONAL URBAN DEVELOPMENT PROJECT (RUDP)**  
 RUDP/ICB/BRT/2  
**Meeting Attendance**



Date: 17 Nov. 2017

Venue:PIU, Biratnagar

S.N.	Name	Designation	Organization	Signature
1	Gireesh Chand	TL	BDA	
2	Prakash Chandhary	P. Engineer	PIU -	
3	Punam Kumar Dahal	Social	PIU -	
4	Benu Shrestha	Contractor. Eng	ANS	
5	Yam Nath Shattari	'1	ANS	
6	Rajesh K. Yadav.	Jr. Engineer	BDA	
7	Hare Krishna Mandan	Engineer	BDA	
8	Purushottam Lamichhane	Administrative Assistant	PIU -	
9	Bhupal Kumar Neupane	Am	PIU -	
10	Bhim Parajuli	Mayor	BRT Medjo -	Bhim Parajuli
11	Pradip Kumar Kiroula	C. A. O.	BMC -	
12	Anil Singh	P.E	BMC -	
13				
14				 Er. Gireesh Chand Team Leader
15				
16				
17				
18				
19				
20				
21				

## Annex 2, Meeting minute of GRC and Safeguard Desk committee formation



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 Biratnagar Metropolitan city, Biratnagar

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**MINUTES OF MEETING NO. – 4**

**Contract: RUDP/ICB/BRT- 02**

**Date: December 28, 2017**  
**Time: 11:30 AM**  
**Venue: PIU Office, Biratnagar**

**Attendance**

**Employer:**

1. Mr. Er. Bharat Kumar Neupane , Project Manager
2. Mr. Er. Prakash Chaudhary, Project Engineer
3. Mr. Er. Anil Singh, Project Engineer
4. Mr. Er. Ghanendra Katuwal, Project Engineer
5. Mr. Punam Kumar Dahal, Social Development Officer

**Consultants:**

1. Mr. Er. Giresh Chand , Team Leader
2. Mr. Er. H K Mandal, Expert/Quantity Surveyor
3. Mr. Prakash Bhakta Shrestha, Social Safeguard / GES/ Resettlement Expert
4. Mr. Er. Rajan Shrestha, Engineer/ Quantity Surveyor
5. Mr. Rajesh K Yadav, Jr. Engineer

The meeting was chaired by Mr. Bharat Neupane, Project Manager. He welcomed all participants and following matters were discussed and decided:

S.N.	Minutes	Action by
1.	Team Leader briefed about the present status of the work progress. PM appreciated the present work progress and added that recent progress of work has also been admired by the Mayor and Deputy Mayor too during the field visit on 27 December 2017 and hope to continue the same upto the completion of project.  The TL assured to fulfill the same throughout the project period.	Consultant/ Employer
2.	<b>Daily Work Program:</b> Project Engineer Mr. Prakash Chaudhary informed that PIU has not received daily work program from contractor since 7 December 2017 (Election 2017).  TL assured he would coordinate with the contractor about the matter and ask to send work program daily.	Contractor

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3.	<p><b>Grievance Redress Committee (GRC):</b>                  Social Safeguard Expert inquired about the formation of GRC                  The Project Manager and Social Officer informed that GRC shall be formed very soon with following members:</p> <ol style="list-style-type: none"> <li>1) Mayor</li> <li>2) Deputy Mayor</li> <li>3) Project Manager (PM)</li> <li>4) Social Expert</li> <li>5) Project Engineer- 2 Nos.</li> </ol>	Employer
4.	<p><b>Safeguard Desk:</b>                  Social Safeguard Expert inquired about the formation of safeguard help Desk                  PM and Social Officer informed that the safeguard help Desk has been already formed at PIU Office, Biratnagar with following members:</p> <ol style="list-style-type: none"> <li>1) Project Manager (PM)</li> <li>2) Social development officer, PIU</li> <li>3) Social Expert/DSC</li> </ol>	Employer
5.	<p><b>Solid Waste Management</b>                  Regarding the solid waste management, PM informed that 28 Bigha of land has already been acquired at Buddhiganga village municipality Ward No-7 Dagraha, Morang for the solid waste management. There are some social related issues which will be sort out once our field visit is made with concerned authorities. He also further added design will be done once the social issues are sort out.</p>	Employer
6.	<p><b>Right of Way:</b>                  TL informed that we have plan to complete whole work at the section once undertaken which seem more justifiable and reasonable. TL has requested to clear RoW at unclear sites due to which contractor may not complete the work in stipulated time.                  PM agreed and assured that 90% of the RoW issues have been sort out and remaining 10% is due to religious temples, schools and colleges which will be also settled before start of construction work. He further expressed his full commitment that project time will not be hampered due to RoW issues. He further informed that structures within the RoW will be dismantled by</p>	Employer

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**REGIONAL URBAN DEVELOPMENT PROJECT (RUDP), ADB Loan No: 47252**  
 Biratnagar Metropolitan city, Biratnagar

	Municipality office if any.	
7.	<p><b>Additional work</b></p> <p>TL also informed that all additional works as instructed/adviced by the employer at different occasions have been addressed and are under progress.</p> <p>PM agreed on the same.</p>	Contractor/ Consultant/ Employer
8.	<p>PM advised to construct side drain at R113 (Mahendra Morang Campus West-South part) and R114 (UML Party Office near Sagarmatha School)</p> <p>TL agreed on the same</p>	Contractor/ Consultant/ Employer
9.	<p><b>Dayworks:</b></p> <p>TL requested to clear scrap Buses parked in our alignment at S11 and S13 as the contractor has already started work at those roads.</p> <p>PM advised to clear those through Day works item.</p>	Contractor/ Consultant/ Employer

*(Handwritten signature)*

Address: Bargachhi Pipalchowk-05, Biratnagar. Email: rudpbdbart@gmail.com



**REGIONAL URBAN DEVELOPMENT PROJECT (RUDP)**  
 RUDP/ICB/BRT/2  
**Meeting Attendance**

Date: 28 December 2017

PIU  
 Venue: TL Office, Biratnagar

## Annex 3, Information on GRC and SSHDCommittee 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

मिति: २०७४/०९/२५

प.सं. ४५  
च.नं. २०७४/२०७५

श्रीमान टिम लिडर  
डिजानईन सुपरभिजन परामर्शदाता  
आरयुडिपि, विराटनगर

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	डिजानईन सुपरभिजन परामर्शदाता सदस्य
३.	पुनमकुमार दाहाल	प्रमुख, सामाजिक विकास	क्षेत्रीय शहरी विकास परियोजनासदस्य सचिव

(ई. भरतकुमार न्यौपाने)  
परियोजना व्यवस्थापक

Annex 4, Meeting of Social Safeguard Desk

Meeting Minute: 1

**Regional Urban Development Project (RUDP), Biratnagar**

**Meeting of Safeguard Help Desk**

**Venue:** Project Implementation Unit (PIU), Biratnagar

**Date:** November 27, 2017 (2074/8/11 BS)

**Time:** 11:00- 01:30

**Participants:**

- Bharat Kumar Neupane                      Project Manager, RUDP, Biratnagar
- Punam Kumar Dahal                        Chief, Social Development, RUDP, Biratnagar
- Prakash Bhakta Shrestha                Social Safeguard Expert, DSC, RUDP, Biratnagar

*B. Neupane*  
*P. Dahal*  
*P. Shrestha*

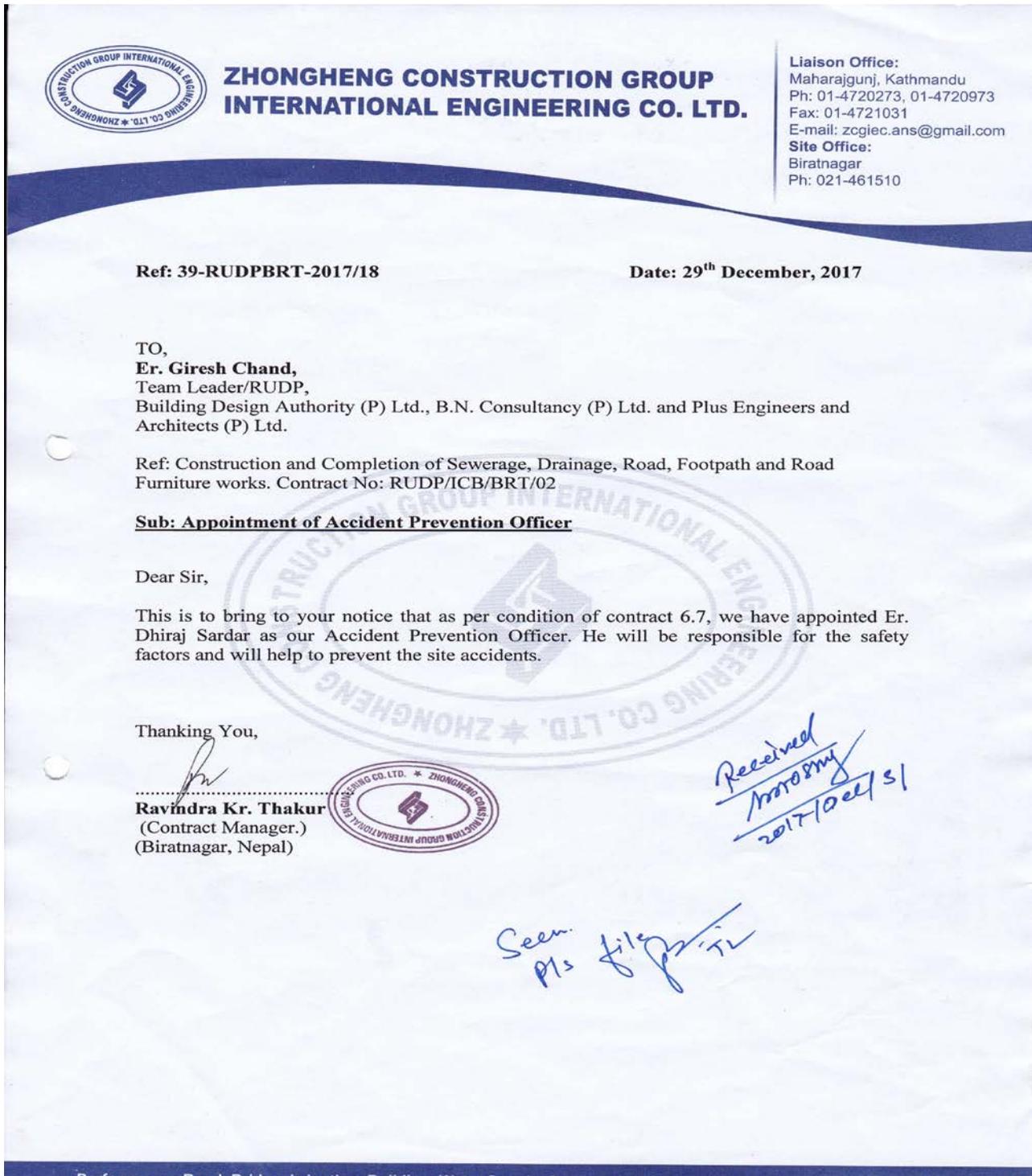
**Discussion and Decisions:**

The following note summarizes major topics deliberated during the meeting and decision reached.

S.No.	Agenda	Discussion and Decisions
1	Safeguard Help Desk Secretariat Office	This 1 <sup>st</sup> . meeting of safeguard Help Desk, RUDP, Biratnagar held in RUDP/PIU office, and discuss over the agenda meeting has decided Safeguard Help Desk Secretariat Office is established in Social Development Section of RUDP/PIU Office.
2	Management and documentation of grievances	Mr. Punam Kumar Dahal, chief, Social Development PIU, should have maintain document and manage all received written or oral grievances and information. And, promptly forward to concern stakeholders for necessary action with meeting minute.
3	Safeguard Help Desk Regular meeting	Safeguard Help Desk Regular meeting should held once in 1 <sup>st</sup> . week of the month and as per necessary.

*B. Neupane*                      *P. Dahal*                      *P. Shrestha*

Annex 5, Contractor letter Ref: 39 RUDPBRT-2017/18



Annex 6, Meeting minute of Safeguard Desk on to nomination of SD:

Meeting Minute: 4

**Regional Urban Development Project (RUDP), Biratnagar**

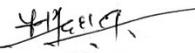
**Meeting of Safeguard Desk (SD)**

Venue: Project Implementation Unit (PIU), Biratnagar

Date: March 05, 2018 (2074/11/21)

Time: 11:00 - 01:30

**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 

**Invitees:**

- Er. Ghanendra Katuwal Project Engineer, PIU/RUDP, Biratnagar 
- Mr. Mister KC Account Officer, PIU/ RUDP, Biratnagar 
- Er. Dwarika Phuyal Environmental Safeguard Expert, DSC/RUDP, Biratnagar 

Discussion and Decisions:

S. No.	Agenda	Discussion and Decisions
1	SD meeting	The 4th. Meeting of SD, RUDP, Biratnagar held in RUDP/PIU office. There is no major complain has been registered in the desk from local people.
2	To nominate of SSHD member	Meeting decided to nominate DSC Environmental Safeguard Expert in SD as a member.
3	Participation of Invitees in SD meeting	Meeting decided to invite following personnel as per required in meeting as invitees: i) Department chief of Environment Department, BMC, Biratnagar, ii) Contractor's Nodal Person (Safety Incharge)
4	Satisfactorily progress envisaged of implementation of safeguard measures.	Discussed over the 3 <sup>rd</sup> meeting agenda Safeguard desk (SD) envisaged the progress in following issues: I. Sprinkling of water was found at and along dust prone construction sites to minimize the dust emission. II. Contractor was instructed to increase the frequency of

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		<p>sprinkling water.</p> <p>III. Use of personnel Protective Equipments like, helmet, boots, glove, and jackets by labors was found partly compliance. The contractor instructed for full compliance.</p> <p>IV. Visitors' record keeping was maintained well in Pre cast yard 1 and 2,</p>
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*[Handwritten signature]*

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Brentsler

Annex 7, Meeting of Social Safeguard Help Desk

Meeting Minute: 6

**Regional Urban Development Project (RUDP), Biratnagar**

Meeting of Safeguard Desk (SD)

Venue: Project Implementation Unit (PIU), Biratnagar

Date: June 01, 2018 (2075/02/18)

Participants:

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

Invitees:

Discussion and Decisions:

S. No.	Agenda	Discussion and Decisions
1	SD meeting	The 6 <sup>th</sup> . Meeting of SD, RUDP, Biratnagar held in RUDP/PIU office. There is no major complain has been registered in the desk.
2	Immediately cover the open drain for Public safety	Storm drains found partly covered. During 5 <sup>th</sup> meeting no drain covers were inserted. Therefore the Contractor instructed to cover the newly constructed drains immediately and keep public notice board of caution for the public safety.
3	Satisfactorily 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 and toilet. ii) Keep first-aid kit box for primary treatment in emergency case. iii) No fire wood used. iv) Drinking water quality should be tested prior to use. v) Contractor instructed to provide separate dust bins to collect organic and inorganic wastes in camp.
4	Partly Satisfactorily progress envisaged of implementation of safeguard measures including barricades and sign boards.	i) Discussed over the dust emission during construction dust was emitting in sites and sprinkling of water over dust prone area was not sufficient, therefore contractor instructed to increase the frequency of water sprinkling. ii) Discussed over the Use of personnel Protective Equipments like, helmet, boots, glove, and jackets by labors was found partly compliance. Lacks of sufficient equipments some labor have not found using. The



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		contractor instructed for full compliance. iii) Contractors has found aware on child right, and instruct strictly no use of child labor. iv) Contractor instructed to provide sufficient barricades, caution tape, caution boards, traffic signs in the construction sites.
5	Encourage of Female employment.	i) Contractor instructed to encourage to employment as labor and skilled man power to local female. ii) Contractor instructed to manage separate camp and necessary facilities for female workers to encourage of employment.

