

Resettlement Planning Document

Resettlement Action Plan
Document Stage: Revised
Project Number: 31624
May 2009

NEP: Melamchi Water Supply Project—Kathmandu Valley Water Supply and Sanitation Subproject (Subproject 2)

Prepared by: Government of Nepal, Kathmandu Valley Water Supply Management Board
For: Ministry of Physical Planning and Works (MPPW)
Kathmandu Upatyaka Khanepani Limited (KUKL)

The resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

Melamchi Water Supply Project

Kathmandu Valley Water Supply and Sanitation Sub-project (Sub-project 2)

Resettlement Action Plan

Public Relations Consultant
New ERA Ltd.
in Association with *BDA*nepal (P) Ltd. and Garcia and Associates

Project Management Unit (PMU)
Kathmandu Upatyaka Khanipani Limited (KUKL)

The Resettlement Plan is a document of borrower. The views expressed herein do not necessary represent those of ADB's Board of Directors, Management, Staffs and may be preliminary in nature.

May 2009

Preface

This document, duly approved by KUKL Board and KVWSMB, is a revised and updated Resettlement Action Plan for Kathmandu Valley Water Supply and Sanitation Subproject (Subproject 2) of Melamchi Water Supply Project. It has been prepared to meet the requirements of the Amended and Restated Loan Agreement Loan Number 1820-NEP (SF) dated April 2008.

Major changes in scope of MWSP, originally approved on 21 December 2000 and effective from 28 November 2001, was made in February 2008, and the MWSP has been split into the following two distinct sub-projects: (i) Melamchi River Diversion Sub-project (Sub-project I); and (ii) Kathmandu Valley Water Supply and Sanitation Sub-project (Sub-project II). Separate and updated RAPs were required under the provisions of the Amended and Restated Loan Agreement. RAP for Melamchi River Diversion Sub-project 1 has already been updated and uploaded in the ADB web site

The RAP for Sub-Project 2 has been prepared by KUKL on behalf of KVWSMB. KUKL would like to thank MWSDB, New ERA Ltd, in association with BDA *nepal* (P) Ltd. and Garcia and Associates (JV), ADB, and MPPW in helping to prepare this RAP.

29 May 2009

Rudra Gautam
Managing Director
KUKL

Table of Contents

ACRONYMS AND ABBREVIATIONS	iv
SUMMARY RESETTLEMENT PLAN	1
CHAPTER 1: PROJECT HISTORY AND CONTEXT	5
1.1 The Melamchi Water Supply Project.....	5
1.2 Change of Scope.....	6
1.3 Scope of Land Acquisition and Resettlement.....	8
1.4 Legal Framework for Land Acquisition & Indigenous Peoples Policies in Nepal..	9
1.5 Definition of affected persons and Groups	12
CHAPTER 2: KATHMANDU VALLEY WSS SUB-PROJECT	13
2.1 Introduction.....	13
2.2 Land Acquisition and PAF as per Original RAP (2000 A.D.).....	13
2.3 Land Acquisition of PAF for Sub-project 2	13
2.4 Affected Districts and VDCs	14
2.5 Demonstration Project	14
2.6 Loss of Houses and Other Structure Under Sub-project 2	18
2.7 Loss of Trees and Vegetation	18
2.8 Loss of Common Property Resource	18
2.9 Losses of Business	18
2.10 Loss of Government Property	18
2.11 Social Characteristic of Affected People	18
2.12 Latest information about the Sub-Project	19
2.13 Vulnerable groups	19
2.14 Minimizing Resettlement Impact	19
CHAPTER 3: PROJECT POLICY AND LEGAL FRAMEWORK	20
3.1 Government of Nepal Land Acquisition and Compensation Policy	20
3.2 Asian Development Bank Safeguard Policies and Procedures.....	20
3.3 Bridging Differences between ADB Policy and GoN Policy	21
3.4 Entitlement Matrix.....	21
3.5 Land Title and Tenancies.....	21
3.6 Land Previously Acquired but Unused	22
CHAPTER 4: AFFECTED COMMUNITIES: SOCIO-ECONOMIC INFORMATION.....	23
4.1 Demography.....	23
4.2 Ethnic Composition of Kathmandu Valley	23
4.3 Demonstration Area	24
4.4 Kusunti Area	26
4.5 Ward/VDC Leadership and Administration	28
4.6 Land acquisition and compensation	28
CHAPTER 5: CONSULTATION, PARTICIPATION AND GRIEVANCE MECHANISMS.....	30
5.1 Identification of stakeholders:.....	30
5.2 Consultations for determining principles.	30
5.3 Disclosure of RP to people affected.	31

5.4	Local institutions and its potential role to support people affected	31
5.5	Grievance Redress.....	31
5.6	Grievance Resolution Procedure:	31
CHAPTER 6: INCOME GENERATION ACTIVITIES		32
6.1	Employment Restoration	32
6.2	Job creation Plan.....	32
CHAPTER 7: INSTITUTIONAL FRAMEWORK.....		33
7.1	Organizational Framework.	35
7.2	Coordination and Interaction with Other Government Departments.	35
7.3	Compensation Determination Committee (CDC).	35
7.4	Local Consultative Group.....	35
CHAPTER 8: RESETTLEMENT BUDGET		36
8.1	Introduction.....	36
8.2	Land Acquisition and Compensation Budget Summary	37
CHAPTER 9: IMPLEMENTATION SCHEDULE		36
9.1	Current Status of Land Acquisition and Compensation.....	36
9.2	Updated Implementation Schedule of RP	36
Chapter 10: MONITORING AND EVALUATION		37
10.1	Internal monitoring.....	37
10.2	External monitoring and evaluation	37

List of Tables

Table 1.1	Summary of Land Acquisitions and Compensations for Kathmandu Valley Subproject (as of October 2008)
Table 2.1	Comparisons of PAFs Before and After Change of Scope
Table 2.2	Districts and VDCs Under Land Acquisition by the Sub-Project 2
Table 2.3	Social Characteristics of PAFs in KVSP 2
Table 3.1	Status of acquired land but not planned to use in current phase
Table 4.1	Households and Population (2001 Census)
Table 4.2	Ethnic Composition of Population
Table 4.3	Population Count from Household Survey, 2007
Table 4.4	Population Forecast
Table 4.5	Population Count from Household Survey, 2007
Table 4.6	Population Forecast
Table 4.7	Land Compensation on the Basis of Caste and Ethnicity (Year 2002) before restructuring
Table 5.1	Community Consultations with Sub-Project 2
Table 8.1	Estimated cost of administrative resettlement and compensation
Table 8.2	Estimated Cost of Resettlement & Rehabilitation for sub-project 2
Table 8.3	Status of Compensation Distributed as of October 2008
Table 8.4	Comparison of Compensated (as of October 2008), Revised Estimate and Original Estimate of RAP for KV Sub-project – 2 including all 8 reservoirs
Table 9.1	Updated Implementation Schedule of the Resettlement Action Plan

List of Maps

- Map 1.1 Location of the Project and Sub-Project Boundaries
Map 1.2 Status of Land Acquired and compensated as of October 2008 (adopted from SAPI II study)
Map 2.1 Demonstration Area
Map 2.2 Kusunti Area

List of Figures

- Figure 4.1 Population forecast for Demonstration Area
Figure 4.2 Population forecast for Kusunti Area
Figure 7.1 Kathmandu Valley Water Supply and Sanitation Sub-Project (Sub-project – 2) Organization

Annexes

- Annex - 1* Map of Original BDS Plan
Annex - 2 Map of Special Assistance for Project Implementation (SAPI) Phase II BDS
Annex - 3 Entitlement Matrix
Annex - 4 Sample copy of Leaflet Distributed to APs

ACRONYMS & ABBREVIATIONS

AAR	Adit Access Road
ADB	Asian Development Bank
AP	Affected Person
BDS	Bulk Distribution System
CBS	Central Bureau of Statistics
CDC	Compensation Determination Committee
CDO	Chief District Officer
CIRT	Community Issue Resolution Team
CLA	Community Liaison Assistant
CLG	Community Liaison Group
DAO	District Administration Office
DDC	District Development Committee
DED	Deputy Executive Director
DLRO	District Land Revenue Office
DNI	Distribution Network Improvement
ED	Executive Director
EIA	Environmental Impact Assessment
EIRT	Environmental Issues Resolution Team
EMDP	Ethnic Minorities Development Plan
EMP	Environmental Management Programme
ERSDD	Environment Resettlement Social Development Division
GoN	Government of Nepal
GAR	Gyalthum Adit Access Road
LAC	Land Acquisition Committee
LARP	Land Acquisition and Resettlement Plan
LCG	Local Consultative Group
LRO	Land Revenue Office
M&E	Monitoring & Evaluation
MDS	Melamchi Diversion Scheme
MPPW	Ministry of Physical Planning & Works
MWSDB	Melamchi Water Supply Development Board
MWSP	Melamchi Water Supply Project
NGO	Non Government Organisation
NRM	Nepal Resident Mission (ADB)
NWSC	Nepal Water Supply Corporation
PAF	Project Affected Family
PAP	Project Affected Person
PIU	Project Implementation Unit
PL	Pipeline
PMC	Project Management Consultant
PMU	Project Management Unit
PoE	Panel of Experts
PRC	Public Relations Consultancy
PSP	Private Sector Participation
RAP	Resettlement Action Plan
ROW	Right of Way
RP	Resettlement Policy
SAPI	Special Assistance for Project Implementation
SDA	Skeleton Distribution System
VDC	Village Development Committee
WTP	Water Treatment Plant

SUMMARY RESETTLEMENT PLAN

1. Introduction

Melamchi Water Supply Project (MWSP) is a project ongoing since 2001 to fulfill the water supply needs of Kathmandu Valley. It is considered to be the most viable long-term alternative to ease the chronic water shortage situation within the Kathmandu Valley. The Project is designed to divert about 170 MLD¹ of fresh water to Kathmandu Valley from the Melamchi River in Sindhupalchowk district. There is a potential for augmenting this supply in future by adding about a further 170 MLD each from the Yangri and Larke rivers, which lie in the upstream proximity of Melamchi.

Various factors including political events during the past 6 years of MWSP implementation did not make it possible to complete the project as planned. The withdrawal of the three co-financing development partners for the Project - the World Bank, NORAD, and SIDA resulted in a shortfall of \$133 million in the originally projected cost of US\$ 464 million prices of 2000 AD. Government of Nepal and its funding partners for MWSP, recognized that it was necessary to change the scopes of project implementation arrangement by splitting the MWSP into the following two distinct sub-projects; (i) the Melamchi River Water Diversion Subproject (Sub-Project - 1) and (ii) Kathmandu Valley Water Supply and Sanitation Subproject (Subproject -2).

ADB Board approved the proposed project restructuring, mainly reflecting the above mentioned financial and institutional changes and proposing the removal of identified obstacles in implementation, in February 2008. After the restructuring, the Project has now been revised to a total project cost of \$317.3 million (\$235.31 millions for Melamchi Valley Subproject, \$64.08 millions for Kathmandu Valley Subproject, and \$17.91million Financial Charges) and a completion date of 30 June 2013. The cost will be jointly funded by several agencies such as: ADB (Loan 1820-NEP) - \$137 m, JBIC - \$ 47.5 m, JICA - \$18 m, NDF - \$10.5 m, OPEC - \$13.7 m, and GoN - \$ 90.6 million.

Agreements were signed between Government of Nepal and ADB on 6 April 2008 for both the restructured projects namely, Melamchi Water Supply Project (Loan Number 1820-NEP(SF)) and Kathmandu Valley Water Services Sector Development Project (Loan Number 2059-NEP(SF)).

This RAP is concerned with Subproject 2 of Loan Number1820-NEP(SF), which comprises:

- a) Rehabilitation and improvement of distribution networks at primary, secondary, and tertiary levels, house connections, rehabilitation and improvement of existing water supply system including intakes, pipe lines and service reservoirs;
- b) Construction of a bulk distribution system comprising service reservoirs strategically located in the Kathmandu Valley and bulk water supply pipelines leading to the reservoirs from the water treatment plant in the pipeline and will be constructed once the fund is available;
- c) Undertaking the improvements of waste water system in a phased manner; and
- d) Development of a shallow ground water well field at Manohara within the Kathmandu Valley to extract, treat, and distribute about 20 MLD of water in Kathmandu valley.

(1) MLD – Million Liters per Day

The land acquisition and resettlement details for the next phase of study and funding are not covered in this report.

During 2006, Government of Nepal promulgated two Acts relating to water supply management board and water supply tariff fixation commission, namely “Khanepani Byabasthapan Board Ain 2063” and “Khanepani Mahasul Nirdharan Ayog Ain 2063” towards improving the water supply situation in Nepal.

Kathmandu Upatyaka Khanepani Limited (KUKL) is the Water Utility Operator established under the Company Act 2051 and licensed by the Kathmandu Valley Water Supply Management Board (KVWSMB) under the provision of Water Supply Management Board Act 2063.

Under the restructured loan agreement, the Ministry of Physical Planning and Works (MPPW) is the Executing Agency for the Project, the KVWSMB is the Asset Owner and KUKL is the Implementing Agency for the subproject 2.

RAP and EMP implementation requirements as per RAP, EIA and EMP of MWSP, 2000 and 2001 have covered the activities which are now grouped under the two subprojects, sub-projects 1 and 2. This RAP for subproject 2 is prepared as a part of the updating and preparing separate RAP for the sub projects.

This report has extracted the sections of the original RAP concerning the restructured subproject 2 only and provided details of the land acquisition, compensation and resettlement including that of (i) the Demonstration Area of about 4 sq km, is located at new Baneshwor, Minbhavan area, South of Arniko Raj Marg in Ward nos 10 and 34, bounded by the Bagmati River in East and South and Dhobi Khola in West and (ii) Kusunti Area covering the southern part of the wards 13 and 14 of the Lalitpur Municipality with Nakhu Khola as southern boundary and Ring road as Northern boundary. The total area of the Kusunti is 132.06 ha with 62.91 ha in ward 13 and 69.15 ha in ward 14 respectively. Land acquisition and resettlement associated with other future work to be implemented under the subproject cannot be detailed here, but will follow the framework (including the entitlement matrix) shown in this report.

2. Objectives, Legislation, Policy Framework and Entitlements

The objectives of this Sub project Resettlement Plan are to i) prepare a resettlement action plan for the subproject based on the RAP for the original project considering the reduced scope of works of the BDS and the DNI as per recommendations of SAPI (Special Assistance for Project Implementation) Phase II study.

Land acquisition for public purposes in Nepal is largely governed by the Land Acquisition Act 2034 (1997), which sets out compensation standards and benefits such as compensation for lost assets at market value, provision for alternative land, and compensation for standing crops and trees. However, the provisions are inadequate. To cover resettlement-related needs of the PAPs, MWSP has prepared a Resettlement Policy Framework which is already approved by the Cabinet. The Resettlement Policy Framework ensures benefits to non-titled persons such as encroachers and squatters, displacement allowances for relocation, and income restoration assistance. A specific resettlement action plan for MWSP was also prepared and approved by GON in 2000. Compensation determination committees (CDC) are established at district levels to determine compensation rates for land and other assets.

3. Affected Communities and Socio –economic Information

The details of land acquisition and compensation carried out before project restructuring and now falling under the scope of KVWSMB are:

- 5.43 ha of land for 8 Nos. reservoirs at Mahankalchour, Bansbari, Arubari, Balaju, Khumaltar, Harisiddi, Tingi, and Katunje, out of which compensation of 79.73 million rupees has been received for 4.265 ha of land. SAPI phase II recommended the reservoirs at Mahankal Chour II and Bansbari comprise 1.49 ha of land only. A total of 148 houses were affected out of which 102 houses have received compensation and others are absent. The compensation amount for the land and the houses not received due to the absent owners has been deposited with the office of the Chief District Officer.
- Transmission Lines, BDS 6.66 ha of land acquired for 5.2 km of transmission lines for the supply of water from the WTP to the Gokarna Junction in Kathmandu districts, out of which compensation of 71.56 million rupees has been received by the land owners for 5.76 ha of land, and the amount for the remaining 0.90 ha has been deposited with the account of Chief District Officer for payment as and when the landowners show up.

The activities under Kathmandu Valley Water Supply and Sanitation Subproject, Subproject 2 comprise:

- a) Bulk distribution system comprising service reservoirs at Mahankal and Bansbari
- b) Bulk water supply pipelines from the water treatment plant to the reservoirs.
- c) Improvement of waste water system in a phased manner
- d) Rehabilitation and improvement of distribution network

Since only two reservoirs at Mahankal and Bansbari shall be utilized under the subproject 2 as recommended by SAPI Phase II (presented in Table 2.1 of section 2), the remaining sites have to be protected and preserved for future improvements by the asset owner KVWSMB.

4. Status of Land Acquisition

Under the original RAP a total of 38.9 hectares of private land was to be acquired from 1581 landowners of 24 VDCs and 3 municipalities of 3 districts involving an estimated cost of NRs. 949,923,200.00 for the RAP of Kathmandu valley sub-project 2. Before restructuring, notice for land acquisition was published for a total of 12.09 hectares of private land and compensation for the private land and other losses were paid amounting to NRs. 151,296,593.00.

The SAPI Phase II has recommended 2 nos. reservoirs and 11.2 km of transmission mains affecting 39 households and 219 people in the first phase of Bulk Distribution System. The land acquisition and resettlement activities are concerned with the restructured sub-project 2 involves the management of 7.74 ha. of land acquired for 2 nos. reservoirs and 5.2 km of transmission pipe besides distribution of compensation pending due to non availability of land owners. The only land acquisition required under this sub-project is 0.41 ha. of land for transmission pipe. However, the protection and management of the 3.94 ha. of land already acquired for 6 reservoirs shall be necessary in this subproject in view of future development of BDS.

5. Consultation, Participation and Grievance Mechanism

Before restructuring the RAP implementation activities were carried out through the engagement of a Public Relations Consultant hired by MWSD. The PRC was directly

involved to disseminate project information to PAFs, Local Communities and other Stakeholders. A series of meeting were conducted with primary stakeholders regarding RAP and progress of project activity. The representative of the PAFs and VDC secretaries were informed about the land acquisition and compensation in the CDC meetings. Public meetings with affected communities to discuss and plan work program and allow issues to be raised and addressed during implementation. During the assessment of losses due to the construction, CIRT were directly involved with the individual and other stakeholders to redresses their issues providing the mechanism to mediate conflict and disputes concerning compensation payments and cut down lengthy litigation.

6. Income Restoration Strategies

APs shall be given priority for employment as laborers/ supervisors on the improvement and rehabilitation of transmission lines and distribution network improvement.

7. Institution Framework

The new organisational structure following change of scope and splitting the project into 2 sub-projects is reflected in Figure 7.1. The Social and Environmental Supports (SES) Unit under Project Management Unit (PMU) shall, with the help of Resettlement Specialist/Consultant, implement the RAP.

Design and Supervision Consultant (DSC) carry out the updating of RAP during design phase and assist the PMU in the internal monitoring of the implementation of RAP. KVWSMB assisted by a panel of experts shall carry out second level monitoring of the implementation of RAP.

The legal ownership and responsibility of RAP lies with KVWSMB and the implementation responsibilities lies with KUKL. So, effective coordination and collaboration is required between the KUKL and KVWSMB during the implementation of sub project 2.

8. Resettlement Budget and Financing

The revised estimate cost of land acquisition and resettlement for the activities now falling under subproject is NRs.382,662,407.00 The resettlement cost estimate includes all costs related to resettlement including compensation, relocation, transfer costs, displacement allowances, rehabilitation costs, administrative costs and costs of monitoring and evaluation. As of October 2008 the project has distributed compensation amount NRs. 151,296,593.00 for the subproject 2 related RAP.

9. Implementation Schedule

Detailed schedule of tasks of implementation of RAP is presented in Table 9.1. Though there are no major land acquisitions and rehabilitations in the demonstration area, monitoring during the project implementation shall be carried out in a routine manner.

10. Monitoring and Evaluation Plan

The resettlement process will be monitored both internally and externally. KVWSMB will be responsible for the external monitoring and evaluation of the activities mentioned in the Resettlement Action Plan while KUKL shall be responsible for internal monitoring.

CHAPTER 1: PROJECT HISTORY AND CONTEXT

1.1 The Melamchi Water Supply Project

The Melamchi Water Supply Project (MWSP) is designed to divert water from the Melamchi Valley to the Kathmandu Valley in order to overcome current chronic water supply shortage in the Kathmandu Valley, provide potable water to its residents, in turn improving overall health and well-being. This manifests the urgency of the need of a sustainable water supply system in the valley to enhance the health and sanitation of more than 2.5 million people.

The original Loan 1820-NEP [SF]: Melamchi Water Supply Project (MWSP) was approved by the Asian Development Bank (ADB) in December 2000 and became effective on 28th November 2001. It was originally designed to finance four major components:

(i) Infrastructure development in Melamchi and Kathmandu Valleys

Melamchi Valley

- 18 kms of permanent access roads and 25kms of temporary access roads
- upgrading of 23 kms existing road as access to Melamchi Pul Bazar
- a diversion scheme comprising an intake structure, de-sanding basins at the intake, and a 26km long diversion tunnel
- a power transmission line (PTL)
- a water treatment plant (WTP)

Kathmandu Valley

- a bulk distribution system (BDS)
- an enhanced distribution network (DNI)
- wastewater system improvement
- water source improvement

(ii) Social and Environmental Support:

A resettlement action plan and an environmental management plan will be implemented to reduce and monitor any adverse social and environmental impacts. In addition, a Social Uplift Programme (SUP) in the Melamchi Valley is planned to mitigate potential social impacts, facilitate social acceptance of construction activities, and improve living conditions of people in Melamchi Valley. This support has focused on a Social Uplift Programme (SUP) in the Melamchi Valley. The Melamchi Valley SUP has to date included the following components:

- Buffer Zone Development
- Health
- Education
- income generation and community development
- rural electrification

(iii) Institutional Reforms

These include the separating of asset ownership from management, the establishment of an independent regulatory commission for regulating water tariffs, and establishment of an autonomous water operator company under the company act (1996). Three key entities namely i) Kathmandu Valley water Supply Management Board (KVWSMB), asset owner of water and waste water system within the Kathmandu valley, ii) The water Supply Tariff Fixation Commission, responsible for the economic regulation of the sector, iii) Kathmandu Upatyaka Khanepani Limited (KUKL), in charge of operating the assets under lease and license from KVWSMB have been established. Relevant laws have been amended or enacted to allow the implementation of these institutional reforms and PSP scheme

(iv) Project Implementation Support

This included supports for the project management unit, design and contract supervision, panel of experts, incremental administration and training.

1.2 Change of Scope

Since the loan became effective, several events occurred in Nepal and within the project itself. These events changed how the project operates after it experienced restricted overall implementation and delayed construction. Despite past difficulties, progress was still made under institutional reforms in the Kathmandu Valley, and social and environmental support in the Melamchi Valley. To overcome difficulties, a change of scope was agreed.

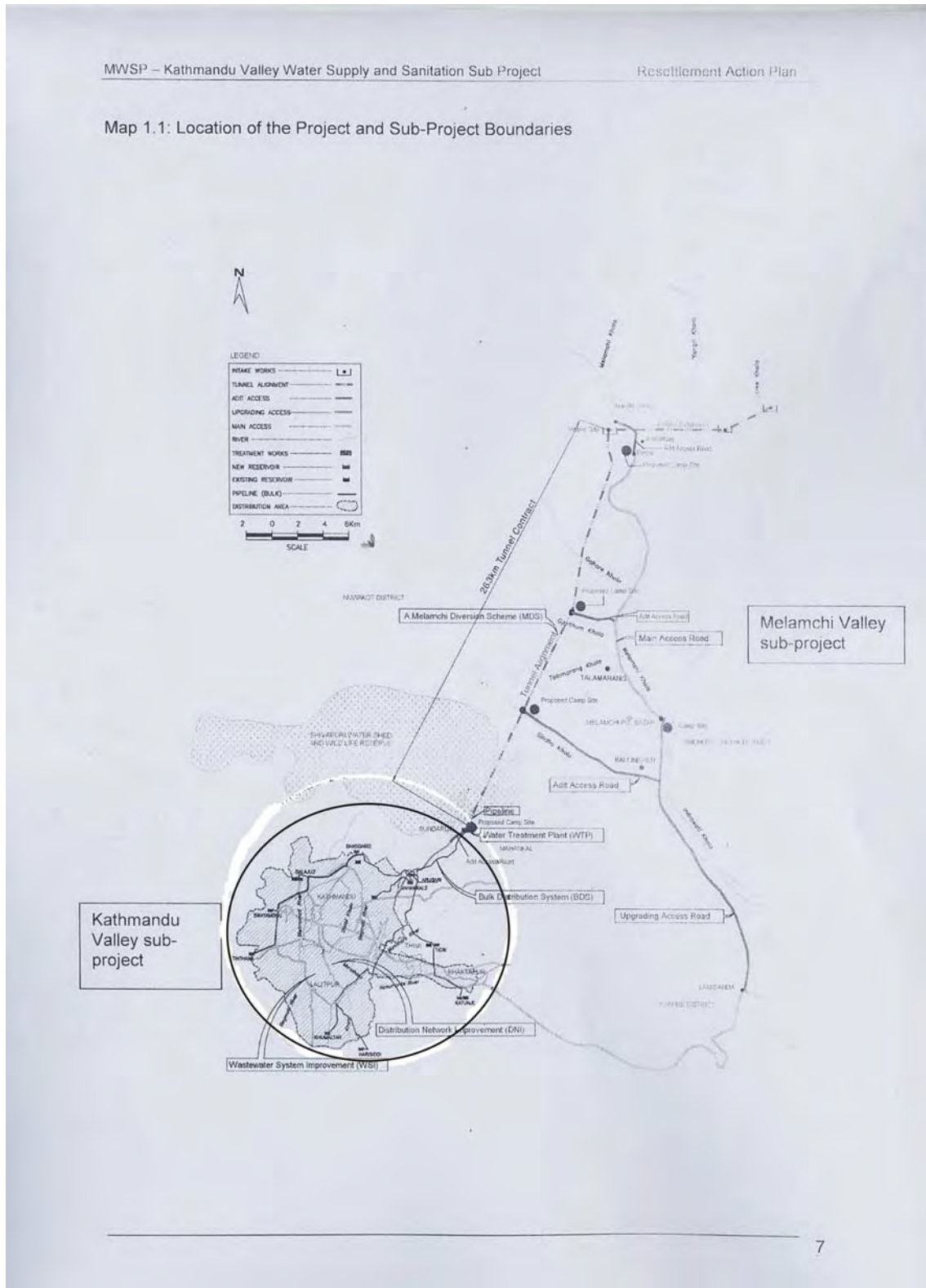
ADB Board approval for the change of scope was sought in January 2008 and included five major changes with respect to Loan 1820 (MWSP). These are:

1. Re-allocation of funds among project components with a reduction of total project cost;
2. Changed implementation arrangements by splitting the Project into 2 sub-projects, Melamchi Valley and Kathmandu Valley;
3. Lifting loan covenant requirements on the Melamchi diversion tunnel;
4. Extending loan closing date to 31st December 2013;
5. Agreement on how the Nordic Development Fund loan will be administered.

In response to this change of scope and consequences for land acquisition and resettlement activities, a revised and updated plan for each sub-project is required.

Map 1.1 shows the location of the project, and the division boundaries of the two sub-projects. **Annex 1** and **2** shows the map of the Original BDS Plan, and SAPI Phase II BDS Option.

Map 1.1: Location of the Project and Sub-Project Boundaries



This document is the revised and updated Resettlement Action Plan (RAP) for the Kathmandu Valley Water Supply and Sanitation Sub-project (hereinafter referred to as Kathmandu Valley Sub-project (sub-project 2)). The objective of this Full Resettlement Action Plan (RAP) is to update land acquisition, compensation and resettlement activities concerned with restructured subproject 2.

A separate Ethnic Minorities Development Plan (EMDP) is not required under this subproject since no significant adverse impacts on the ethnic minority has been observed in this subproject.

This RAP includes:

- a description of the policy and legal framework for implementing the RAP.
- an update on the status of land acquisition and resettlement activities for the Kathmandu Valley Water Supply and Sanitation Subproject as of October 2008, including updated entitlements and eligibility
- description of the issue of already-acquired land that will no longer be required
- description of the revised institutional framework and RAP implementation structure
- the updated RAP budget
- an implementation schedule
- monitoring and evaluation arrangements

1.3 Scope of Land Acquisition and Resettlement

The executing agency of the project is Ministry of Physical Planning and Works (MPPW). KVWSMB is the regulator and asset owner. The KUKL is the implementing agency and is responsible for all land acquisition and resettlement activities on behalf of KVWSMB.

The land acquisition involves the management of the land already acquired for:

1. Reservoirs
2. Transmission lines from WTP to Gokarna Junction

New land acquisition is required from Gokarna Junction to Mahankal Chour and Bansbari reservoirs

No land acquisition is involved in the other activities of subproject 2 such as, UAR/01 (Sundarijal to Gokarna Access Road Improvement) and the Demonstration Area.

Table 1.1 shows the status of the land acquisition and compensation for the activities under subproject 2 as of October 2008. Actually, these acquisitions and compensations were carried out before the project restructuring.

Table 1.1 Summary of Land Acquisitions and Compensations for Kathmandu Valley Subproject (as of October 2008)

Description	Quantity for which land acquired/being acquire			Cost Compensated for land acquisition notice published as of October 2008 in NRs.			Remarks
	Land, Ha	Houses, Nos.	Population,	Land, Ha	Houses, Nos.	NRs.	
Permanent Acquisition							
Reservoirs:							
Mahankal Chour II	1.13	33	185	1.12	30	23,136,652	Land acquisition process completed and remaining compensation amount has been deposited in the chief district office account
Bansbari	0.36	6	34	0.36	6	13,747,240	
Other reservoirs No. 6	3.94	109	611	2.785	66	42,846,917	
Transmission lines, BDS Pipeline: From WTP-Gokarna Junction, 5.2 km (1400 mm dia)	6.66	254	1,422	5.76	212	71,565,784	
From Gokarna Junction to Mahankal Chour II & Bansbari Reservoirs, 6 km (700-1200 mm Dia pipes)	0.41	NA	NA	NA	NA	NA	Land acquisition notice yet to be publish
Demonstration Area DNI: 30 km, pipe dia (80-500 mm) demonstration area 4 sq. km	0	0	0				No private land will be acquired
Kusunti Area DNI	0	0	0				No private land will be acquired
UAR/01, Sundarijal to Gokarna, 5.2 km	0	0	0				No private land acquired
Total	12.09	402	2,252	10.02	314	151,296,593	

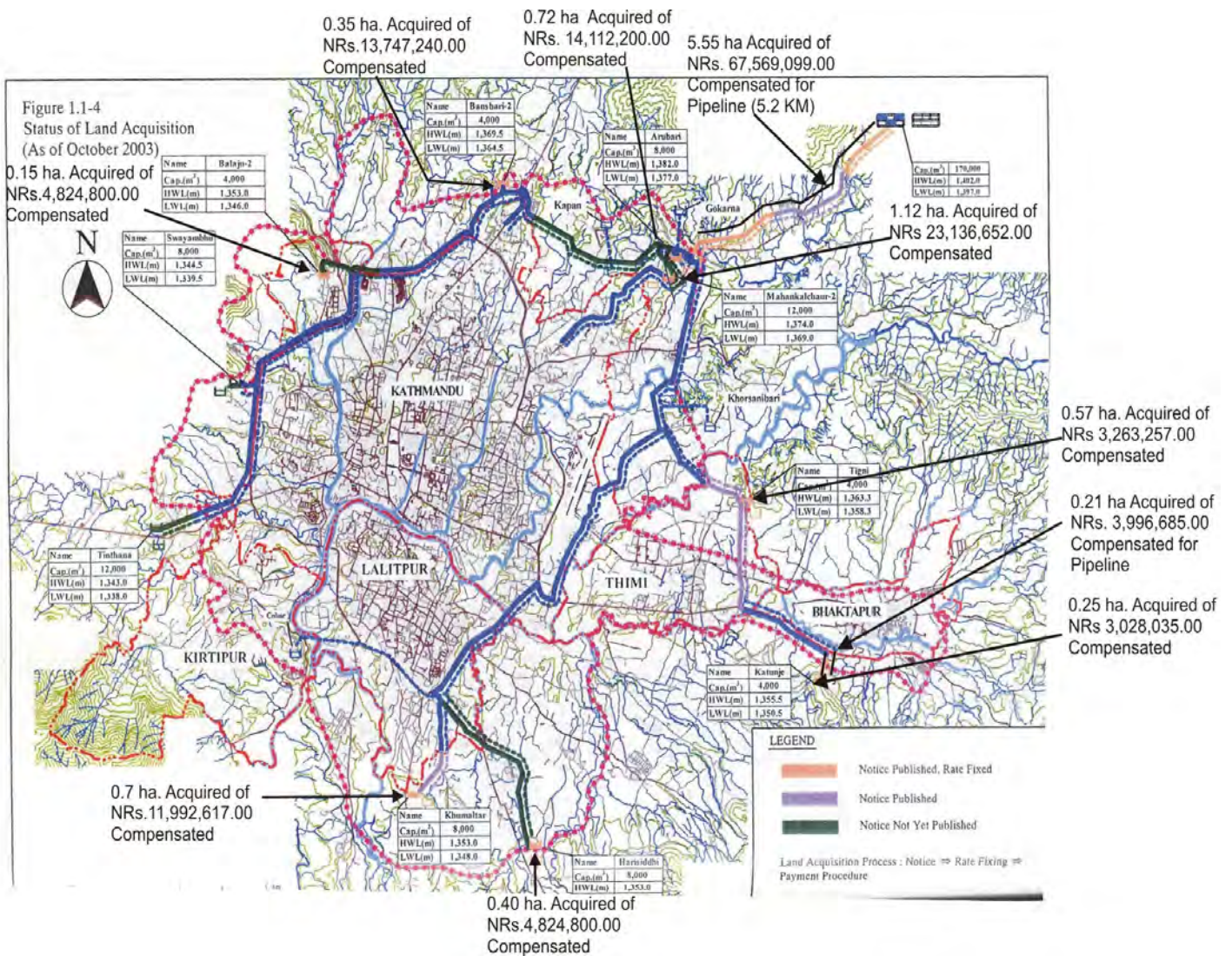
1.4 Legal Framework for Land Acquisition & Indigenous Peoples Policies in Nepal

Land Acquisition: The Land Acquisition Act 2034 (1977) is the basis the project applies for land acquisition by the Government in Nepal, including the provision for the Compensation Determination Committees and the process of appeal available to the land owner.

The 1977 Land Acquisition Act 2034 specifies the following process:

1. Sectoral agency decides to execute a development project at a certain location
2. Sectoral agency requests the government to acquire land specifying objectives and committing payments of compensation and other expenses.
3. GoN approves and orders the initiation process
4. Public notification is made at public places in the project area, VDC offices and to the affected households.
5. Necessary preliminary survey including boundary demarcation, agricultural production valuation and social census of affected families takes place.

Map 1.2. Status of Land Acquired and Compensated as of October 2008 (adopted from SAPI II study)



6. Land Revenue Officer report on the area and location of land to be acquired, including likely compensation and amount of loss.
7. The local officer (CDO), issues notices including the purpose of acquisition and detail of land to be acquired (VDC, Ward, Plot no. (kitta), area boundary).
8. Land transactions are banned within the notified area.
9. Owner can file complaints within 7 days through the local officer.
10. Resolution of grievance within 15 days of complaint.
11. Acquisition of land and payment of compensation.

Indigenous Peoples/Ethnic Minorities

The Interim Constitution of the Kingdom of Nepal 2007 guarantees non discrimination on grounds of religion, race, sex, caste or tribe, or ideological conviction. Article 13 of the Interim Constitution provides that all citizens are equal before the law and are entitled to equal protection of the law. The Constitution guarantees no person shall be denied the equal protection of the laws, No discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, sex, caste, tribe, origin, language or ideological conviction or any of these basis.

The constitution provided that nothing shall be deemed to prevent making of special provisions by law for the protection, empowerment or advancement of the interests of women, Dalit, indigenous ethnic tribes, Madeshi, or peasants, laborers or those who belong to a class which is economically, socially or culturally backward and children, the aged, disabled and those who are physically or mentally incapacitated, no discrimination in regard to remuneration and social security shall be made between men and women for the same work.

Nepal is a party of several international instruments to protect human rights, including ratifying ILO Convention 169², and has agreed to hold itself accountable for this commitment before the international community.

In 2002, the GoN passed the Indigenous/Nationalities Act, which states: "Indigenous nationalities refer to those ethnic group or community which has their own mother tongue and traditional customs, different cultural identity, different social structure and written or oral history." The intention of the Act is to protect the interests of ethnic minorities and disadvantaged groups. However, the definition of ethnicity does not encompass Dalits or untouchable castes. The state has not yet come up with a substantial policy and programme to address ethnic problems, especially on their demands related to sharing of resources and representation in the government.

1.1.1 ² Convention (No.169) concerning Indigenous and Tribal Peoples in Independent Countries, Adopted on 27 June 1989 by the General Conference of the International Labour Organisation at its seventy-sixth session entry into force 5 September 1991

1.5 Definition of Affected Persons and Groups

Project Affected Person (PAP) : PAP includes any person whose livelihood or living standard is adversely affected through partial or complete loss of land, housing and other assets, income or accesses to service as a consequence of the implementation of the project causing a change in land use, either permanently or temporarily. They include landowners, registered and non registered tenants farmers, house tenants, landless farmers, landless squatters, agricultural laborers, shopkeepers, artisan groups and untouchables.

Project Affected Family (PAF): The group of people residing in one house, (including temporarily absent members such as students), and operating as a single economic unit, who are adversely affected by the project are considered PAF. A PAF may consist of an extended family (e.g. husband and wife, plus married sons, daughters in law and grand children).

Seriously Project Affected Family (SPAF) is defined as:

- a) A households who has to be resettled because of the acquisition of its residential house or business house;
- b) Households who lose 25 percent or more of their operational landholding within the project area;
- c) Households who lose land parcel and chose to relinquish their remaining portion of affected land parcel because their remaining portion was very small i.e., less than 2.5 ana in Kathmandu valley and as a result fall under category (b) above;
- d) For non- agricultural households in urban areas: households who lose 25 percent or more of their households' income.

In general, affected person (or household) is the one affected by the project related changes in use of land, house/ structure, water and other natural resources. Definition of PAP in the original RAP complied with the PAP during the construction and implementation period.

CHAPTER 2: KATHMANDU VALLEY WSS SUB-PROJECT

2.1 Introduction

This chapter provides an update of the status of RAP implementation up to October 2008 for the area covered by subproject 2.

2.2 Land Acquisition and PAF as per Original RAP (2000 A.D.)

The original RAP of 2000 had assessed a requirement of 1581 PAF including 169 for reservoirs and 1412 PAF for pipe route. The total land affected was estimated to be 38.9 hectares in the total 1987 plots. 10 nos. houses in pipeline and 3 nos. houses in reservoirs, one factory in the reservoir area and 230 shops in the pipeline area were also estimated to be affected. The original RAP did not include the scope of UAR/01.

2.3 Land Acquisition of PAF for Sub-project 2

The sub project encompasses 3 districts namely Kathmandu, Lalitpur and Bhaktapur. The demonstration area is located in Kathmandu District, ward no. 10 and 34.

This subproject involves management of 10.02 ha of land already acquired before restructuring for future use, management of 7.02 ha of land (recommended by SAPI phase II) already acquired for use for works under the subproject, and management of road rehabilitations resulting from the pipelines for the improvement works in the demonstration area.

The demonstration area does not involve land acquisition since all the activities are planned to be within the carriageway or ROW of existing roads. The main rehabilitation involved is the rehabilitation of roads for which prior approval of Department of Roads needs to be obtained. The pipe laying has to be so planned that open trench is not kept for a long time and the excavation, laying, back filling, compacting and black topping is done expeditiously.

The original RAP involving 10 reservoirs, and 54 km of transmission mains had assessed 1581 households, 9520 people affected by land acquisition requirements before the detail design. The detail design confirmed 402 households and 2251 people affected, out of which 314 households and 1759 people have been compensated before restructuring of the project. The SAPI Phase II involves 2 nos. reservoirs and 11.2 km of transmission mains affecting 39 households and 219 people. In addition, no private land and other structures were affected along the UAR/01 as project carried out only wearing course (black top) in the existing road. Table 2.1 presents a comparison of PAFs in the various stages of planning and design.

Table 2.1 Comparisons of PAFs Before and After Change of Scope

Component	Affected PAFs in original RAP		Confirmed PAFs after detail design (original BDS)		Compensated PAF as of Oct. 2008		Required and compensated as per SAPI Phase II Study	
	H'Hs	People	H'Hs	People	H'Hs	People	H'Hs	People
BDS (Reservoirs and Pipeline)	1581	9520	402	2251	314	1759	39	219
Total	1581	9520	402	2251	314	1759	39	219

Source: Based on Project Information (from land acquisition notice published record)

2.4 Affected Districts and VDCs

Table 2.2 below presents the affected districts and VDC under the land acquisition for activities covered under the original RAP but now falling under the Kathmandu Valley Subproject. However, the reservoirs and pipeline under S. No. 7,8,9,10 and 11 in the table 2.2 are not to be implemented under the present subproject though the land already acquired needs to be protected for future development of BDS.

Table: 2.2 Districts and VDCs Under Land Acquisition by the Sub-Project 2

S. No.	District	VDC	Ward No.	Type of Impact
1	Kathmandu	Sundarijal	7,8	PL
2	Kathmandu	Nayapati	1,2,4,6	PL
3	Kathmandu	Gokarna	1,3,4,5,6,9	PL
4	Kathmandu	Baluwa Suktakhana	9	PL
5	Kathmandu	Jorpati	7,8,9	PL, 2 Reservoirs
6	Kathmandu	Khadka Bhadrakali	8	Reservoir
7	Kathmandu	Balaju	16	Reservoir
8	Lalitpur	Thaiba	7	Reservoir
9	Lalitpur	Sunakothi	8	Reservoir
10	Bhaktapur	Katunje	7,8	Reservoir, PL
11	Bhaktapur	Nilbarahi	8	Reservoir

Source: Based on Project Information

2.5 DNI

Demonstration Project

Kathmandu Valley Water Supply Management Board has envisaged improvement to the existing water distribution system by carrying out work by setting a Demonstration Area (DA), as part of the ADB funded project for Distribution System Improvement (DNI). Consultants team from an association of five firms led by TCE Consulting Engineers Ltd. India have already completed the detail engineering design for Kathmandu Valley Water Supply demonstration Project.

The demonstration area covers the southern part of the wards 10 and 34 of the Kathmandu Municipality with Bagmati River as eastern and southern boundary, Dhobi Khola as western and Arniko Highway as northern boundary. The total area of the demonstration area is 111.29 ha with 52.22 ha in ward 10 and 59.07 ha in ward 34. Based on information provided by NWSC, the total population in the area is 22,000 and the water demand was 4.4 MLD in the year 2004. The present population is estimated at 32,215 based on the household survey.

Map 2.1 shows the demonstration area under Subproject 2.

Kusunti Area

Kudunti Area covers the southern part of the wards 13 and 14 of the Lalitpur Municipality with Nakhu Khola as southern boundary and Ring road as Northern boundary. The total area of the Kusunti is 132.06 ha with 62.91 ha in ward 13 and

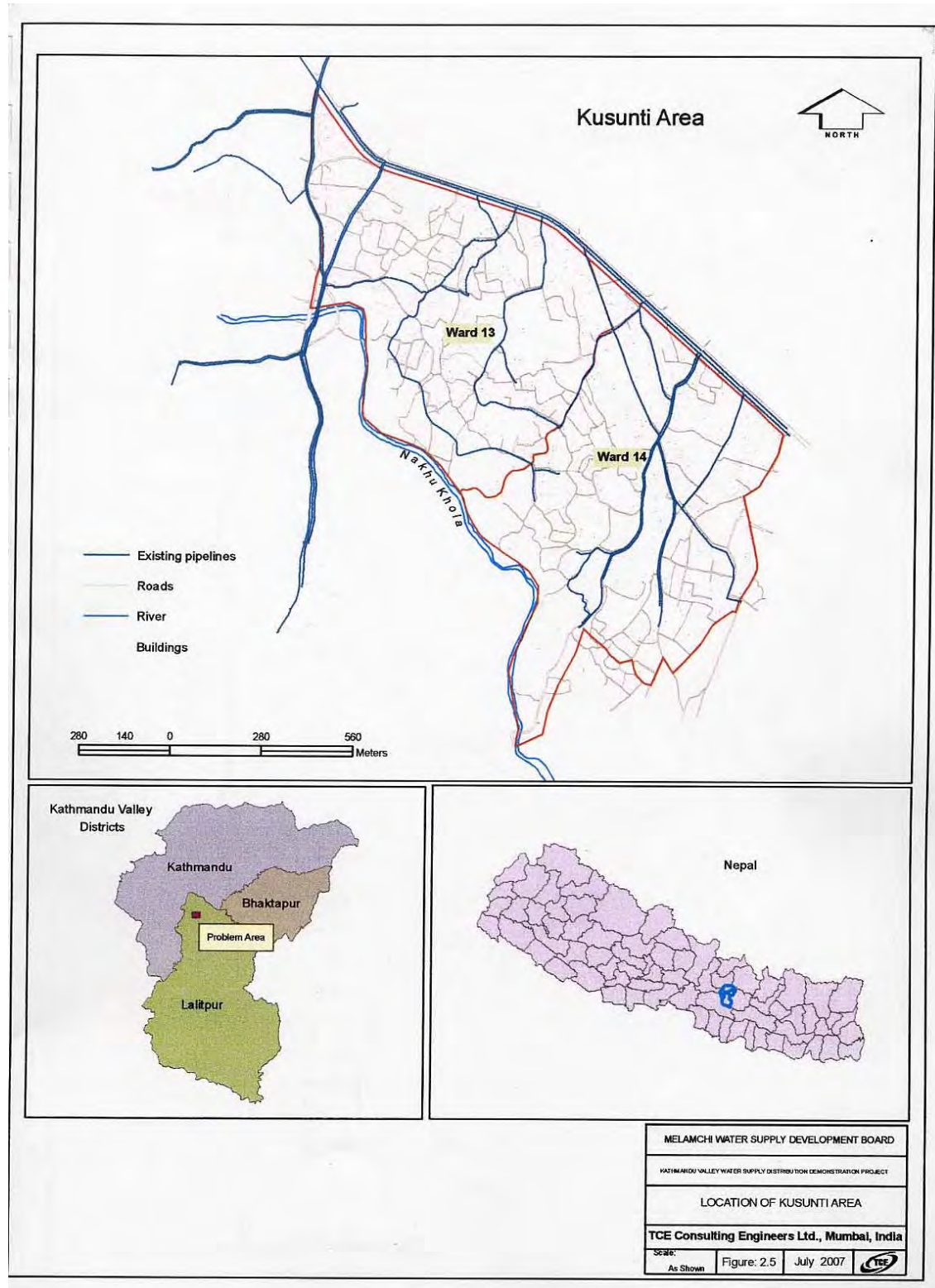
69.15 ha in ward 14 respectively. The present population is estimated at 19,357 based on ward population.

Map 2.2 shows the Kusunti Area under Subproject 2.

Map 2.1 Demonstration Area



Map 2.2 Kusunti Area



2.6 Loss of Houses and Other Structure Under Sub-project 2

A total of 2 houses and 2 structures were affected in the acquisition of land for Arubari Reservoir before restructuring, even though there were not envisaged in the original estimate describe in 2.2 above.

Even though the houses were acquired, there was no serious displacement and relocation concerned, since the house owners themselves relocated to their existing houses in another location nearby.

It is estimated that about 15 private houses/ structures will be affected during land acquisition for 0.41 ha. of land along pipeline.

2.7 Loss of Trees and Vegetation

Trees and crops production were not affected in the acquired land parcels as of October 2008. But, it is estimated that about 500 trees will be affected during land acquisition of 0.41 ha for pipeline.

2.8 Loss of Common Property Resources

Project has not encountered any loss of common property during land acquisition as of October 2008.

It is estimated that about 5 community structures will be affected during acquisition of the 0.41 ha for pipeline.

2.9 Losses of Business

Not a single business complex has been affected during the land acquisition.

2.10 Loss of Government property

There are few government land affected by the project but project does not need to compensate for the government land as per the policy made by GON.

2.11 Social Characteristic of Affected People

The social characteristics of the PAFs covered by the reservoirs and transmission lines as confirmed by detail design in the original RAP as shown in Table 2.3.

Table 2.3 Social Characteristics of PAFs in KVSP 2

S. No.	Description	Unit	BDS
	HH CHARACTERISTICS		
1	Total Households	No.	402
2	Total Population	No.	2251
2.1	Male Population	No.	1060
2.2	Female Population	No.	1191
3	Average hh. Size	No.	5.6
4	Major Ethnic Groups		
4.1	Bramhan/ Chetry	No.	207
4.2	Newar	No.	162

4.3	Tamang	No.	19
4.4	Sherpa/ Lama	No.	13
4.6	Occupational Caste	No.	1

Source: From land compensated record of the project as of October 2008

2.12 Latest information about the Sub-Project

Construction of Upgraded Access Road (UAR/01) from Sundarijal to Gokarna VDC has been completed. During construction, no private land and other structures were affected along the UAR/01 as project carried out only wearing course (black top) in the existing road.

For those APs where compensation has not yet been completed, the reasons are:

- Change in original bulk distribution system design, and some landowner's reluctance to receive compensation.
- Absent land owner's (could not be contacted, some are outside the valley and even outside the country)
- Some land is not registered
- Some landowners have taken legal action and cases are pending in court

With regards to above reasons, the remaining compensation amount has been deposited in the District Administration Office. It is recommended to open the compensation claim at least until the project is completed.

KVWSMB being the assets owner, the assets now falling under KVWSMB is being transferred by MWSDDB to the KVWSMB. Since KUKL will be responsible for over all project implementation activities in Kathmandu Valley under Subproject 2, it shall use the assets belonging to KVWSMB under lease agreement/s.

2.13 Vulnerable groups

There is no impact to the vulnerable groups in the Kathmandu Valley sub-project under the current scope of work. However, the SPAF and Vulnerable groups involved in the pre-restructuring land acquisition and compensation activities were kami, damai and sarki (KDS), tamang as they do not have access to education, less control over land resources and less access to white collar job including other trading and business.

2.14 Minimizing Resettlement Impact:

The bulk distribution is now much shorter than the original design. The reservoirs are also reduced to two. Minimization of land acquisition has been considered as far as possible. The demonstration area is the main activity at present and it has no land acquisition and resettlement impacts. People in the demonstration area are enthusiastic and willing to cooperate for the smooth implementation of the project so that water supply services are more reliable. However, all efforts have been made to reduce negative impacts throughout the project implementation process.

CHAPTER 3: PROJECT POLICY AND LEGAL FRAMEWORK

3.1 Government of Nepal Land Acquisition and Compensation Policy

The resettlement objectives of the project are to i) avoid involuntary resettlement wherever feasible and ii) minimize resettlement where it is unavoidable, and ensure that affected people receive assistance, so that they would be at least better off as they would have been in the absence of the project.

The land acquisition Act 2034(1977) empowered GON to acquire any land on the payment of compensation per public purposes and works, the acquisition and compensation of privately owned assets are undertaken according to formal procedure consisting of:

- Initial procedures
- A preliminary investigation process
- Acquisition notification
- Compensation notification
- Payment and appeal procedures

Compensation determination committees (CDC) are established at district levels to determine compensation rates for land and other assets. The GON has developed a specific resettlement policy and resettlement action plan for MWSP in order to address the resettlement/rehabilitation related needs of the PAFs.

As legal structures are in place to implement land acquisition procedures, this has been retained in a separate legal unit under the PMU (see Section 7).

3.2 Asian Development Bank Safeguard Policies and Procedures

The land acquisition act of Nepal Government does not meet some of the ADB's resettlement policy's key requirements. The act does not specify any other resettlement and rehabilitation benefits except the compensation at the replacement value. The replacement value is not clearly defined. No specific entitlements have been provided for untitled persons such as squatters and encroachers. The act does not specify that it require projects to (a) minimize displacement and to identify non-displacing or least-displacing alternatives; (b) plan the resettlement and rehabilitation of APs; and (c) provide a better standard of living to PAFs.

The ADB policy on involuntary resettlement was adopted in August 1995. It requires the followings:

- Avoiding or minimizing project impacts where possible;
- Consultation with affected people in project planning and implementation, including disclosure of RP and project-related information;
- Payment of compensation for acquired assets at the market/replacement value;
- Resettlement assistance to affected people, including non-titled persons e.g., informal dwellers/squatters, and encroachers;

- Income restoration and rehabilitation program; and
- Special attention to vulnerable people and groups.

The objectives and principles of the policy, related to income restoration or having a bearing on it, are as follows:

- People unavoidably displaced should be compensated and assisted, so that their economic and social future would be generally as favorable as it would have been in absence of the project.
- Any involuntary resettlement should, as far as possible, be conceived and executed as a part of a development project or program and resettlement plans should be prepared as appropriate time bound actions and budgets.
- Resettlers should be provided sufficient resources and opportunities to re-establish their homes and livelihoods as soon as possible.
- People affected should be informed fully and consulted on resettlement and compensation options.
- Existing social and cultural institutions of affected people and their hosts should be supported and used to the greatest extent possible, and APs should be integrated economically and socially into host communities.

3.3 Bridging Differences between ADB Policy and GoN Policy

In principle, Nepali Law and ADB Policy adhere not only to the objective of AP compensation, but also to the objective of rehabilitation. However, Nepali law is unclear on how rehabilitation is to be achieved and in practice the provision of rehabilitation is left to ad hoc arrangements taken by local governments and specific project proponents. To clarify these issues and reconcile eventual gaps between Nepali Law and ADB Policy, additional Project activities were included:

- (a) ensuring compensation at replacement cost of all items;
- (b) re-alignment of roads to avoid housing;
- (c) implementation of a Social Uplift Programme (SUP) in Melamchi Valley to rehabilitate directly and indirectly affected people, including restoration of livelihoods, and
- (d) provision of subsidies or allowances for APs that may be relocated, suffer business losses, or may be severely affected.

3.4 Entitlement Matrix

The translation of policy frameworks approved by GON in 2000 are reflected in the revised entitlement matrix, presented in **Annex - 3**

3.5 Land Title and Tenancies

There are 14 tenants along PL and, Reservoirs, all of these tenants have been compensated for the affected land by the project. No unregistered tenants have been encountered in the Kathmandu Valley sub-project.

3.6 Land Previously Acquired but Unused

Project has acquired and compensated about 10.02 Ha of land in KV for pipeline and reservoirs, although land owners are still occupying these land parcels for agriculture purposes under an agreement with the project. Under the change of scope, the majority of reservoir and pipeline was dropped from project scope following the recommendation made by SAPI phase II. However, the GoN wishes to reserve the right to retain land in anticipation of completing additional reservoirs under a proposed separate financing agreement from 2013.

Table 3.1 outlines the status of acquired but not planned to use in current phase, with options for future action.

Table 3.1 Status of acquired land but not planned to use in current phase

Location of Acquired Land	Total Land Acquired (Ha.)	Compensation Completed (Ha.)	Status of Land as of Oct. 2008	Recommendation for Project Strategy
Reservoir (Arubari, Balaju, Katunje, Tigni, Khumaltar, Thaiba)	3.94	2.785	Some land still being cultivated by owners	The land has to be protected for future use and the cultivation should not be allowed for any type of claim
			Some squatters have moved onto land vacated by compensated owners	Squatters and outsiders should be removed immediately as it subjected to administrative measures
			Remaining compensation amount	Remaining compensation amount has been deposited at chief district office account and it should be paid to the concern land owners
Pipeline	0.46	0.2	Some land still being cultivated by owners	The land has to be protected for future use and the cultivation should not be allowed for any type of claim
			Remaining compensation amount	Remaining compensation amount has been deposited at chief district office account and it should be paid to the concern land owners

Source: From land compensated record of the project as of October 2008

CHAPTER 4: AFFECTED COMMUNITIES: SOCIO-ECONOMIC INFORMATION

4.1 Demography

The Kathmandu Valley, which consists of three districts namely Kathmandu, Lalitpur and Bhaktapur has a total population of 1,081,845.00, 337,785.00 and 225,461.00 according to 2001 census respectively. According to 2001 census, the average size of family is calculated at 5.12 with total household number of 345,562. Of the total population, 60 percent are living in the urban area and 40 percent in rural area. The density of population in Kathmandu, Bhaktapur and Lalitpur districts are 1,710/km², 1,453/km² and 668/km² respectively according to population census 2001.

The population in the age group such as 0-14 years, 45-59 years and 60 above is estimated to be 35.5 percent, 9.5 percent and 5.8 percent respectively. **(Table 4.1)**

Table 4.1 Households and Population (2001 Census)

District	Households and Population								
	HHs	Population			% of Population by age group				
		2001 Census	2010 Proj.	Family Size	0-14	15-44	45-59	60 & above	Total
Lalitpur	68,922	337,785	424,239	4.9	29	54	10.3	6.7	100
Bhaktapur	41,253	225,461	447,297	5.47	39.3	43.3	9.9	7.5	100
Kathmandu	235,387	1,081,845	1,573,868	5.0	28	57.4	9.2	5.4	100
Total	345,562	1,645,091	2,445,404	5.12	32.1	51.6	9.8	6.5	100

Source: CBS 2001 Census

4.2 Ethnic Composition of Kathmandu Valley:

The dominant ethnic of Kathmandu Valley districts is Newar. This group represents almost 42 percent of the total population of Kathmandu Valley. Other dominant castes in the valley are Chhetri (18.88 %), Brahmin (14.19%), Tamang (8.98%), Kami, Damai and Sarki (KDS) (1.88%). Among the three districts of the valley the highest percentage of Newar caste is in Bhaktapur (55.85%) followed by Lalitpur (40.32%) and Kathmandu (29.60%). **(Table 4.2)**

Table: 4.2 Ethnic Composition of Population

Districts	Total Districts						
	Brahmin	Chhetri	Newar	Tamang	KDS	Others	Total
Lalitpur	11.92	19.35	40.32	11.86	1.94	14.61	100
Bhaktapur	10.14	18.53	55.85	6.53	1.94	7.01	100
Kathmandu	20.51	18.76	29.60	8.54	1.75	20.84	100
Total/Ave.	14.19	18.88	41.92	8.98	1.88	14.15	100

Source: CBS 2001 Census

Based on the criteria in ADB policy and socio-economic and cultural information of the different ethnic and caste groups one can identify which groups are vulnerable and qualify for special measures and monitoring. Characteristically such groups are more vulnerable due to (a) their caste status; (b) low literacy rates; (c) overall higher levels of poverty; (d) comparatively less access to infrastructure and livelihood resources as compared to other sub-groups.

Groups not qualifying as ethnic minorities or disadvantaged groups are:

- High-caste Bahun and Chhetri (landowners, relatively high socio-economic status and belonging to the majority ethnic group)
- Newar (not indigenous, merchant class)
- Gurung and Magar (not indigenous or disadvantaged)

4.3 Demonstration Area:

The demonstration area is located to the south of Kathmandu Municipality Ward No. 10 and 34, making Madan Bhandari Path as northern, Bagmati River as eastern and southern and Dhovi Khola as western boundary. It covers an area of 111.29 ha of which the sharing of Ward No. 10 and 34 is respectively 52.22 and 59.07 ha.

The demonstration area referred water supply demonstration through existing reservoir from Monohara and Minbhawan. New water supply transmission line will be constructed along the existing road. Further, private land and other structures will not be affected during the implementation. However, nominal electricity transmission pole and telephone cabinet are likely to be shifted. In this case, coordination with concerned authority is required through contractor as stipulated in detail design report prepared by TCE Consulting Engineers Limited, November 2007. Simultaneously, storage of construction materials and camp site shall be managed by the contractors themselves. It is therefore land acquisition and resettlement will not be affected as per resettlement policy.

Based on the comprehensive population count the total residential population for the Demonstration area is estimated at 32,215. Table 4.3 summaries the finding from the house to house survey.

Table 4.3: Population Count from Household Survey, 2007

S.No	Description	Demonstration Area
Population Count		
	Resident	12,879
	Renters	16,101
	Shop/Commercial	1,429
	School	12,486
	Boarders	553
	Office	1,610
	Industry	156
	Godown	8
	Others	459
Total Houses		2,979
Total Residential		29,533
Total House Count with Response		2,731

Average per house	10.81
Non Response Houses	248
Estimated Residents in non-response	2,682
Total estimated residents	32,215

Source: TCE, Detailed Designed Final Report, Nov 2007

Population Forecast

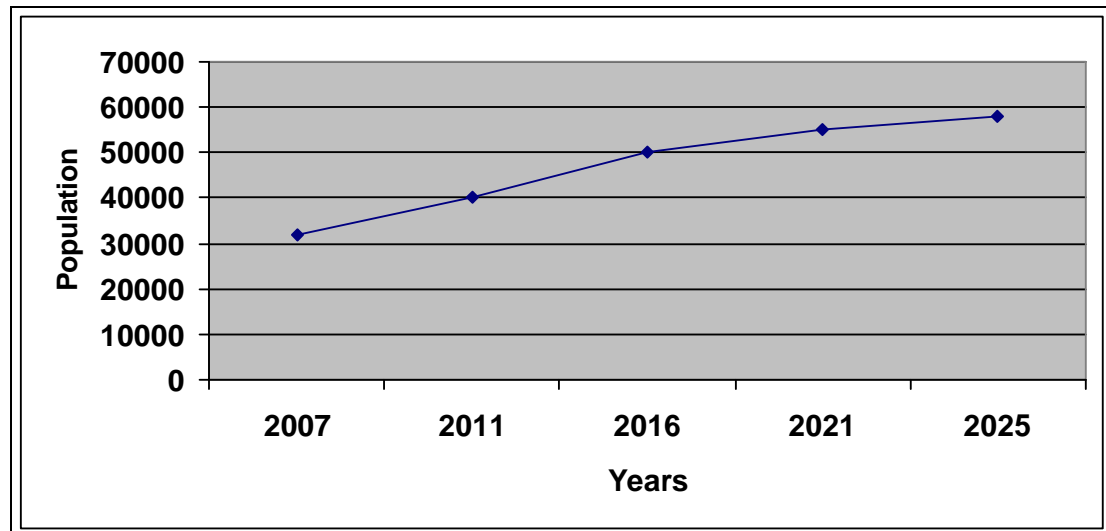
For the intermediate years, an assumption of population growth rate has been done. A variable growth rate has been adopted with a high growth rate for initial years reflecting the present trend of growth and diminishing growth rate for the subsequent years representing the slower growth rates due to hike in land price and diminishing opportunity in the area. The Table provides the details of the growth rate and the projected population up to the year 2025. It has been assumed that the ultimate population will be reached only by 2025 but reaching the ultimate population sooner than this will not affect the design of water supply works.

Table 4.4: Population Forecast

S. No.	Description	2007	2011	2016	2021	2025
	Demonstration Area					
1	Growth rate	8.5%	4.6%	3.7%	1.5%	1.5%
2	Population	32,215	40,758	49,112	54,541	57,888

Source: TCE, Detailed Designed Final Report, Nov 2007

Figure 4.1: Population forecast for Demonstration Area



4.4 Kusunti Area

Kusunti Area covers the southern part of the wards 13 and 14 of the Lalitpur Municipality with Nakhu Khola as southern boundary and Ring road as Northern boundary. The total area of the Kusunti is 132.06 ha with 62.91 ha in ward 13 and 69.15 ha in ward 14 respectively. The Kusunti Area served by the Saunbu reservoir system. There are two mains feeding the Kusunti Area. A 500 mm diameter CL pipe is connected to the Kusunti Area as well as namely constructed 250 HDPF pipe line also serves the area. New water supply transmission line will be constructed along the existing road. Further, private land and other structures will not be affected during the implementation. It is therefore land acquisition and resettlement will not be affected as per resettlement policy.

The ward 13 & 14 growth rates from 1991 - 2001 census was 11.04% and 14.41% which is very high compared to the average municipal growth rate of 3.35%. The population in the ward 13 & 14 was 6,553 and 11,530 respectively in the year 2001.

Based on the comprehensive population count the total residential population for the Kusunti Area is estimated at 19,357. Table 4.6 summaries the finding from the house to house survey.

Table 4.5: Population Count from Household Survey, 2007

S.No	Description	Kusunti Area
Population Count		
	Resident	9,080
	Renters	8,128
	Shop/Commercial	637
	School	4,980
	Boarders	753
	Office	1,815
	Industry	357
	Godown	12
	Others	442
Total Houses		2,080
Total Residential		17,961
Total House Count with Response		1,930
Average per house		9.31
Non Response Houses		150
Estimated Residents in non-response		1,396
Total estimated residents		19,357

Source: TCE, Detailed Designed Report, Nov 2007

Population Forecast

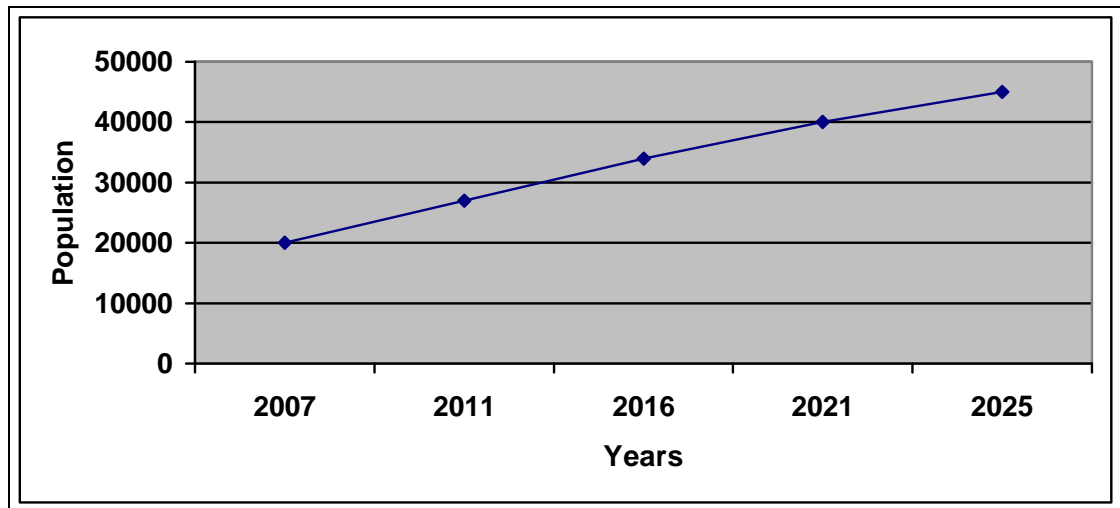
For the intermediate years, an assumption of population growth rate has been done. A variable growth rate has been adopted with a high growth rate for initial years reflecting the present trend of growth and diminishing growth rate for the subsequent years representing the slower growth rates due to hike in land price and diminishing opportunity in the area. The Table provides the details of the growth rate and the projected population up to the year 2025. It has been assumed that the ultimate

population will be reached only by 2025 but reaching the ultimate population sooner than this will not affect the design of water supply works.

Table 4.6: Population Forecast

S. No.	Description	2007	2011	2016	2021	2025
	Kusunti Area					
1	Growth rate	10.00%	6.50%	4.50%	3.25%	1.50%
2	Population	19,357	26,148	34,091	41,276	44,951

Source: TCE, Detailed Designed Report, Nov 2007

Figure 4.2: Population forecast for Kusunti Area

4.5 Ward/VDC Leadership and Administration

A VDC is the lowest level of local government in the rural areas under the District. A Ward is the basic unit of development and political representation under the VDC. Each VDC is divided into nine wards. In urban areas, there are Municipalities instead of VDCs under the District. Each Municipalities has 9 to 35 Wards depending on the size of Municipality. Kathmandu Metropolitan (Mahanagarpalika), Lalitpur Sub-Metropolitan and Bhaktapur Sub-Metropolitan are the local government bodies under Districts of Kathmandu, Lalitpur and Bhaktapur respectively. There are no elected representatives in the local bodies since last several years. Secretary of VDC or Municipality who is civil servants of GoN is acting as chairman and is responsible for the administration of the local body. The secretary is working in coordination with 7 political parties alliances.

4.6 Land acquisition and compensation

Land acquisition and compensation have disproportionately affected merchant class Newar and higher caste Bahun/Chhetri groups (Table 4.7). It is not surprising, therefore, that such groups have dominated the interaction between the Project and affected people. This also reflects the facts that ethnic minorities and Dalits are more present in locations where there is no construction impact

Table 4.7: Land Compensation on the Basis of Caste and Ethnicity (Year 2002) before restructuring

Description(Reservoir & Pipeline)	Number of Ethnic and Caste Group Household					
	Majority Groups		Ethnic Minorities and Disadvantaged Groups			
	Bahun/Chhetri	Newar	Tamang	Damai	Others	Total
Arubari	10	2	0	0	0	12
Bansbari	4	1	1	0	0	6
Balaju	2	0	0	0	0	2
Khumaltar	13	7	9	0	0	29
Harisiddhi	0	6	1	0	0	7
Tigni	0	23	0	0	0	23
Katunje	3	31	2	0	0	36
Mahankal II	26	0	6	1	0	33
Pipeline	105	133	14	0	2	254
Total	163	203	33	1	2	402
Percentage	40.54	50.50	8.21	0.25	0.50	100

Source: Based on Project Information

Measures put in place to address impacts on ethnic minorities:

1. Special land acquisition and compensation measures that were taken to protect the interests of vulnerable groups before restructuring the project are:
 - all government duties and registration fees for purchase of new land was borne by the project
 - housing displacement, cultivation disruption and transportation allowances were paid
 - preferential access to employment opportunities was applied.

CHAPTER 5: CONSULTATION, PARTICIPATION AND GRIEVANCE MECHANISMS

5.1 Identification of stakeholders:

Stakeholders were identified and consulted about RP and any others that are identified during the construction and implementation of project activity will be brought into the process in the future for the revised RAP.

Stakeholders are divided into two broad groups: primary and secondary stakeholders, primary stakeholders those directly affected by the construction and use of components of the project either as beneficiaries or as those affected by loss of property, or reduction in production or loss of livelihood. This also includes individuals and householders whose livelihoods is improved by the construction of this project. The secondary stakeholders are intermediaries in relation to the project. These people or institutions are not directly affected by the project but show their concern in one way or the others in the project as a whole. They can be divided into funding, implementing, monitoring and advocacy organizations or into government, non-governmental and private sector organizations copy.

5.2 Consultations for determining principles

A series of meeting were conducted with primary stakeholders regarding RP and progress of project activity. The representative of the PAFs and VDC secretaries were informed about the land acquisition and compensation in the CDC meetings. Public meetings with affected communities to discuss and plan work program and allow issues to be raised and addressed during implementation. During the assessment of losses due to the construction, CIRT were directly involved with the individual and other stakeholders to readdresses their issues.

Table: 5.1 Community Consultations with Sub-Project 2

Date	Location	Topic	Details
10/09/2004	Sundarijal	Land Acquisition, maintenance of existing govt. school etc	Information dissemination and discussion regarding land acquisition and maintenance
11/09/2006	Jorpati	Employment, work progress	Employment for the youth and the construction of reservoir to start early
10/11/2007	Sundarijal	Land Acquisition	Compensation of remaining land parcels of PL
23/09/2008	Demo Area	Project and Objectives	Information dissemination regarding demonstration project and its objectives
	0.41 ha Area for pipe line	Project and Objectives	Information will be disseminated regarding project and its objectives. Leaflet, covering summarily of resettlement policy in Nepali language will be distributed to PAF. Further consultations will be held with APs and other stakeholders regarding land acquisition and compensation.

Source: Based on Project Information

5.3 Disclosure of RP to people affected

Leaflet (covering summarily of resettlement policy in Nepali language) were distributed to affected people. Resettlement plan was placed at several locative and established community information center at project office, Kathmandu. The majority of APs have now been compensated. Further consultations will be held with APs concerning disposal of land acquired but unused. Disclosure of the revised RAP will follow the process.

A sample copy of leaflet covering resettlement policy, project objectives, project activities and its progress is presented in **Annex 4**

5.4 Local institutions and its potential role to support people affected.

Village Development Committee (VDC), District Development Committee (DDC), Ward Office and District Administration Office (DAO) played lead role to support affected people during implementation.

5.5 Grievance Redress

Local Consultative Group (LCG) established in Sundarijal VDC was supported to function as liaison between the project and the affected families regarding grievances. But due to dissolution of local elected bodies, the LCG are almost not functioning.

As far as Kathmandu Valley is concerned, there are no major land acquisition needed as 0.41 ha. of land only is left to be acquired as far as the scope of the Subproject 2 is concerned. Similarly, the distribution of remaining compensation amount is nominal, therefore no major grievances are expected. However, in case of complaint and dispute from the PAF and other local stakeholders, Social and Environmental Unit of KUKL will take responsibilities for settlement of dispute.

5.6 Grievance Resolution Procedure:

- Collect application from the APs
- Field verification by S&E / PMU / KUKL
- Prepare detail inventory of losses/damages by S&E
- Forward to KUKL for necessary action
- Forwarded to CDC through KVWSMB for final approval
- Compensation distribution

Note: *In case the complainant is not satisfied with CDC, the complaint is made to the Home Ministry. If not satisfied, case may be filed in the Court.*

CHAPTER 6: INCOME GENERATION ACTIVITIES

6.1 Employment Restoration

This RAP concerns the new land acquisition of 0.41 ha in the Gokarna to two reservoirs only. It is expected that SPAF resulting loss of more than 25% of their land shall be involved in this acquisition. Therefore, APs will be given priority for employment as labourers/ supervisors on the construction of the projects and it was main income restitution measure envisaged for this project. The project will provide job opportunities through contractor for affected people during the implementation phase, in order to enable families to earn sufficient to restore their income. No separate Social Uplift Programme (SUP) is planned to be implemented in the Kathmandu Valley sub-project.

6.2 Job creation Plan

Unemployment is a serious problem in project areas. The unemployed and underemployed in the project areas are hopeful to employment opportunities directly related to project construction works and the project would like to provide such opportunities.

One person in each shall be given priority for employment in the project related construction works based on their capability and qualifications. Skills training shall be provided to members of SPAFs and vulnerable groups prior to construction work to qualify them for the project construction work employment. The skills training shall be provided through trade schools for SPAFs and vulnerable groups in Kathmandu Valley.

The KUKL shall undertake consultation with the contractors and local communities to establish mutually agreeable conditions for employment. Bidding documents and contract specifications shall include requirements for hiring SPAFs, vulnerable groups, and PAFs in that order of priority, according to agreements reached during consultations. If there are still jobs available, the local community will also be welcome to apply, according to their capability and qualifications.

CHAPTER 7: INSTITUTIONAL FRAMEWORK

7.1 Organizational Framework

Under the Change of Scope, the Project has been split into two subprojects (see Figure 7.1). The Kathmandu Valley sub-project will function under a separate Project Management Unit (KPMU) under KUKL which has been licensed as WUO by the Kathmandu Valley Water Supply Management Board (KVWSMB).

The implementation of RP will be carried out through the Social and Environmental Support (SES) unit of KUKL with the assistance of the Consultant and Legal Divisions of the Project Management Unit.

To continue to provide safeguards support to the project, the Health & Hygiene awareness programme, will be implemented under the SEC unit of the subproject 2 PMU.

7.2 Coordination and Interaction with Other Government Departments

During the implementation, the Legal, PRC, PMC and Social and Environmental Support (SES) will work closely with the following ministries, local government and the non-government organization:

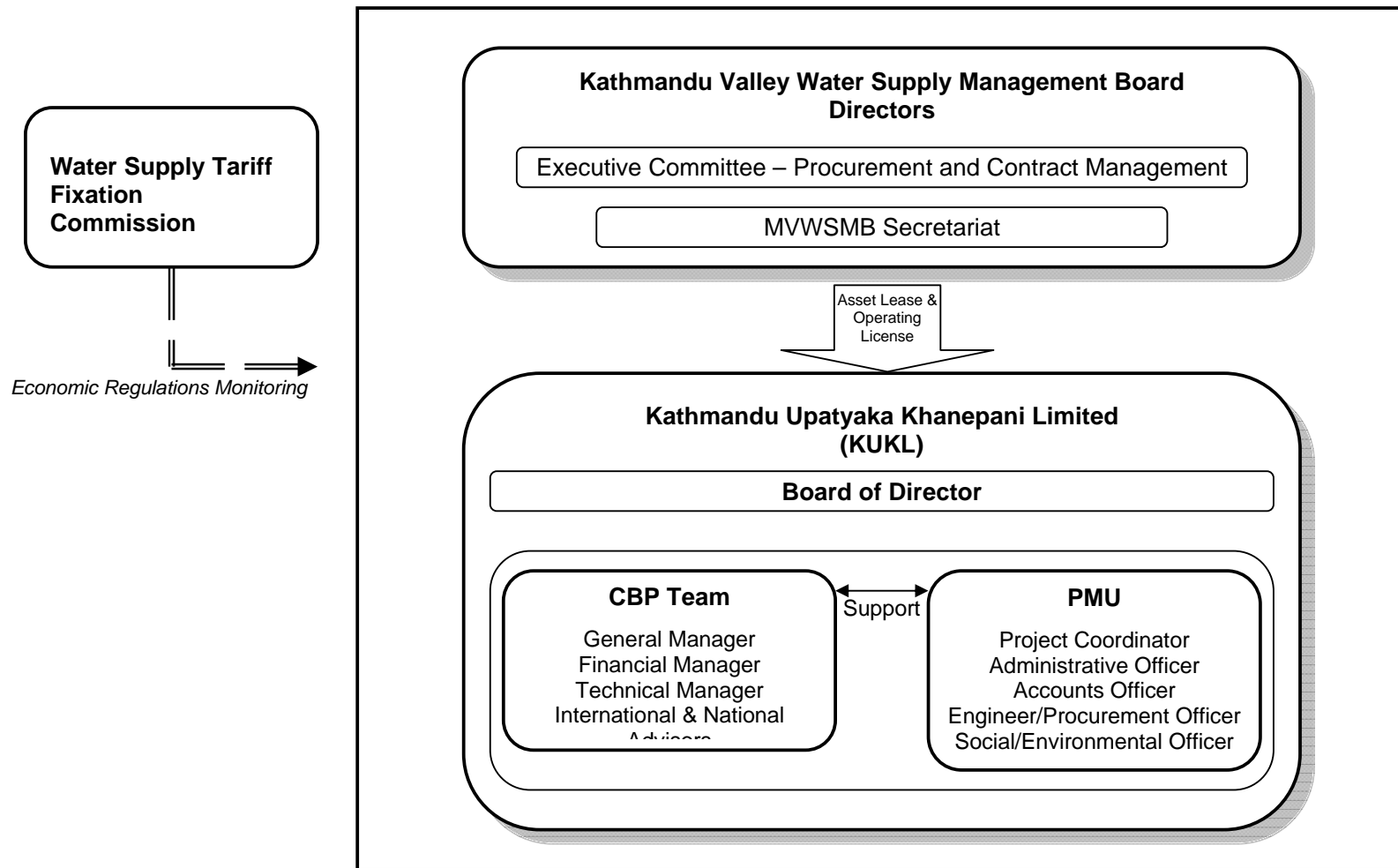
Ministry of Home Affairs (Office of the Chief District Officer): for compensation determination, implementation of resettlement and rehabilitation programme of the project;

Ministry of Land Reform and Management (District land Revenue Office): to confirm/enhance land acquisition and transfer procedures;

Ministry of Local Development: to insure support for land acquisition and rehabilitation works of the project;

Ministry of Forest (Department of Forest): to develop programme for the timely clearance of trees from the Corridor of Impact (COI).

Figure 7.1: Kathmandu Valley Water Supply and Sanitation Sub-Project (Sub-Project 2) Organization



CBP = Capacity Building and Public-Private Partnership Support, KUKL = Kathmandu Upatyaka Khanepani Limited, KVWSMB = Kathmandu Valley Water Supply Management Board, PMU = Project Management Unit.
 Source: Asian Development Bank

7.3 Compensation Determination Committee (CDC).

CDCs shall be composed of the Chief District Officer, Chief of the Land Revenue Office, one representative of the District Development Committee, Chairman of KVWSMB, and General Manager of KUKL. In addition to this, at least one representative of the PAF and one representative from the affected VDC/ward will remain as member of CDC as invitees.

7.4 Local Consultative Group.

The concept of LCG was developed and formed in Sundarijal area to facilitate the resettlement and rehabilitation activities of the project and ensure each affected households are informed of the projects activities plus their entitlements. Due to the dissolution of the local bodies by the government, the formation of these groups with elected representatives is not possible at the moment.

CHAPTER 8: RESETTLEMENT BUDGET

8.1 Introduction

This section provides updated cost estimates for the Resettlement Plan activities under the following items:

Breakdown of estimated cost for resettlement and rehabilitation Table 8.1

1. Cost for Compensation of 0.41 ha. of land for pipeline
Pipeline NRs. 8,000,000.00/ ropani @ 0.41 ha.= NRs 64,474,960.00
2. Transfer fees amount to NRs 3,868,498.00 Transfer fees has been calculated as 6 percent of the total land purchase cost.
3. Cost of Compensation for privately own trees/ crops for the 0.41 ha. of land along pipeline

Based on the project information, it is estimated that about 500 trees will be affected through land acquisition for pipeline. For the budget purpose current average production value is taken as NRs. 1000 per tree.

Based on quantity estimate of current value of the acquired land, is 0.41 ha. NRs. 1,000,000.00 is allocated for crop (paddy, wheat, maize etc) compensation.

4. Cost of Compensation for private structures:

About 15 houses/ structures along pipeline will be affected during land acquisition. A lump sum amount has been estimated for each house at a unit cost of NRs 2,500,000.00
5. Cost of Compensation for Community Structures

Based on the project information, it is estimated that about 5 community structures will be affected during construction period. A lump sum amount has been estimated for each community structure at a unit cost of NRs 2,500,000.00
6. Displacement allowances are based on 270 days minimum wage as established at the national or local level. The national minimum wage rate is NRs 200.00/day. Allowances are paid for each household in accordance with the number of wage earners in the household.

7. Rehabilitation Cost:

Based on the project information, it is estimated that about 25 SPAF will be affected during project construction.

Life Skill Training: NRs 5000 x 25 SPAF = NRs 125,000.00

Income Generation Activities 8500x 25 SAF= NRs 212,500.00

Revolving fund for Income Generation Activities 12000x25= 300,000.00

Total estimated cost is NRs. 637,500.00

10. Administrative Cost Resettlement/ compensation

Table 8.1 Estimated cost of administrative resettlement and compensation

S.N.	Description	Unit	Quantity	Rate(NRs./ Unit in 1000)	Amount (NRs. In 1000)
1	Compensation Determination Committee				
	8 person for 2 yr 90 days/ yr (meeting allowance)	Person days	1140	1.0	1140
2	Administration				
	Unit Chief	To be covered by PMU budget.			
	Resettlement Consultant-2 for 1 Yr	mm	24	100	2400
3	Technical				
	Group Leaders and 1 Overseer	mm	24	40	960
	Surveyors	mm	24	35	840
	Draftsman	mm	24	15	360
4	Vehicle (one for 2 yrs)	mm	24	85	2040
5	Supporting Staff				
	1 computer operator	mm	24	15	360
6	Other Support (30 %)				
	Office supplies, equipment, labor, vehicle maintenance etc	lump sum			2430
		Total			10530

8.2 Land Acquisition and Compensation Budget Summary

The Summary of estimated resettlement and rehabilitation costs for forth coming activities is presented in table 8.2.

Table: 8.2 Estimated Cost of Resettlement & Rehabilitation for sub-project 2

S. No.	Description	Quantity	Estimated Compensation (NRs)	Remarks
1	Compensation for private land	0.41 ha.	64,474,960.00	
2	Transfer fee	0.41 ha.	3,868,498.00	
3	Privately own trees/crops	500	1,500,000.00	

4	Private Structure	15	37,500,000.00	
5	Community Structure	5	12,500,000.00	
6	Displacement allowances	20	1,080,000.00	
7	Rehabilitation Measures		637,500.00	
8	Implementation and management		6,889,400.00	Same as original RAP
9	Monitoring and evaluation		39,871,200.00	Same as original RAP
10	Administrative cost		10,530,000.00	
11	Rehabilitation in demonstration area			The cost should be included in the construction contract
12	Sub-Total		210,332,558.00	
13	Contingencies	10 %	21,033,256.00	
	Total		231,365,814.00	

Table 8.3 below presents the compensation paid to affected PAFs due to the acquired land by sub-project before restructured.

Table 8.3 Status of Compensation Distributed as of October 2008

S. No.	Description	Total HHs/ No.	Compensated HHs/ No	Total plots	Compensated Plots	Total Acquired Area (ha.)	Compensated Area (ha.)	Compensated Amount NRs.
1.4	Reservoirs/Pipeline (Land)	402	314	477	387	12.09	10.02	151,296,593
	Total	402	314	477	387	12.09	10.02	151,296,593

Source: Based on Project Information

Table 8.4 below presents compensated amount as of October 2008 and estimated amount for forthcoming activities.

Table 8.4 Comparison of Compensated (as of October 2008), Revised Estimate and Original Estimate of RAP for KV Sub-project-2 including all 8 reservoirs.

S.N	Description	Compensated Amount as of Oct. 2008	Estimated Amount NRs.(for forthcoming activities)	Revised Estimate (Oct. 2008)	Original (RAP 2001)Estimated Compensation (NRs)
1	Permanent Acquisition for reservoirs and transmission pipes	151,296,593	231,365,814	382,662,407	949,923,200

Note: The original estimate included 54 km of transmission line for the BDS, whereas the subproject 2 has been limited to 11.2 km of transmission line from WTP to two reservoirs only. The reduced cost is mainly due to the reduction in BDS transmission mains.

CHAPTER 9: IMPLEMENTATION SCHEDULE

9.1 Current Status of Land Acquisition and Compensation

By the date of this updated Resettlement Plan, the majority of Supervision milestones have been achieved documented and monitoring has commenced. Contracts have been let on and construction of UAR 01 (Gokarna – Sundarijal) had been completed.

The remaining land acquisition and compensation for 0.41 ha. of land for pipeline from Gokarna junction to Mahankal Chour and Bansbai reservoirs is yet to be done. For other areas, land acquisition process has been in principle completed and the remaining compensation fund has been deposited to the district account (CDC Account). By the end of October 2008, more than 86 % of the affected land parcels in Kathmandu Valley have been compensated.

9.2 Updated Implementation Schedule of RP

Detailed schedule of tasks of implementation of RP is presented in Table 9.1. The rehabilitation implementation is a continuous process during the construction phase and it continues afterwards. Thus, it needs continuous monitoring.

Internal monitoring has not been carried out by the project for 402 households affected in the Kathmandu Valley. All these households are subjected to be monitored and evaluated in terms of their socio-economic status before and after compensation. The updated implementation schedule of the RP has been presented in the table 9.1.

Table 9.1: Updated Implementation Schedule of the Resettlement Action Plan

S. No.	Activities	Time period
1.	Initiation of land acquisition process	Partial Completed and to be completed by the end of Dec. 2009
2.	Formation of Compensation Determination Committee	CDC already existing
3.	Issuance of notice of land and property acquisition with details of plots, structures and other necessary things	To be completed by the end of Dec. 2009
4.	Consultation, negotiation with the Project Affected Persons	To be completed by the June 2010
5.	Fixation of the compensation rates	To be completed by the end of June 2010
6.	Fixation of the compensation rate for additional land, crops and damages	To be completed by the end of June 2010
7.	Distribution of compensation for Kathmandu Valley	- The payment of remaining compensation pending due to non availability of land owners shall be made as and when they shows up - The compensation for new land acquisition is expected to be completed by Dec. 2010
8.	Internal monitoring of affected land/structures owners	To be continued

CHAPTER 10: MONITORING AND EVALUATION

Design and Supervision Consultant (DSC) shall assist the PMU in the internal monitoring of the implementation of RAP and provide feedback to KVWSMB to assess the effectiveness of the resettlement policies and implementation.

KVWSMB assisted by a panel of experts shall carry out second level monitoring of the implementation of RAP.

10.1 Internal monitoring:

PMU, KUKL's Design Supervision Consultant (DSC) will be responsible to assist PMU for monitoring the progress of the resettlement activities at the Project level, which include: (i) information dissemination, consultation with PAPs, (ii) land acquisition, (iii) land compensation payment, (iv) compensation for the trees and vegetation and other assets, (v) assessment of complaints/ grievances and (vii) delivery of rehabilitation measures.

A key activity in 2009 will be the updating of AP database in the Kathmandu Valley VDCs. The completion of compensation process for the acquired land and the remaining land to be acquired by the sub-project 2 is to be done by June 2010 .

The demonstration area is the main activity at present and does not involve land acquisition and resettlement impact. However, it is recommended to monitor the status land acquisition and implementation of RAP in a regular manner during project implementation.

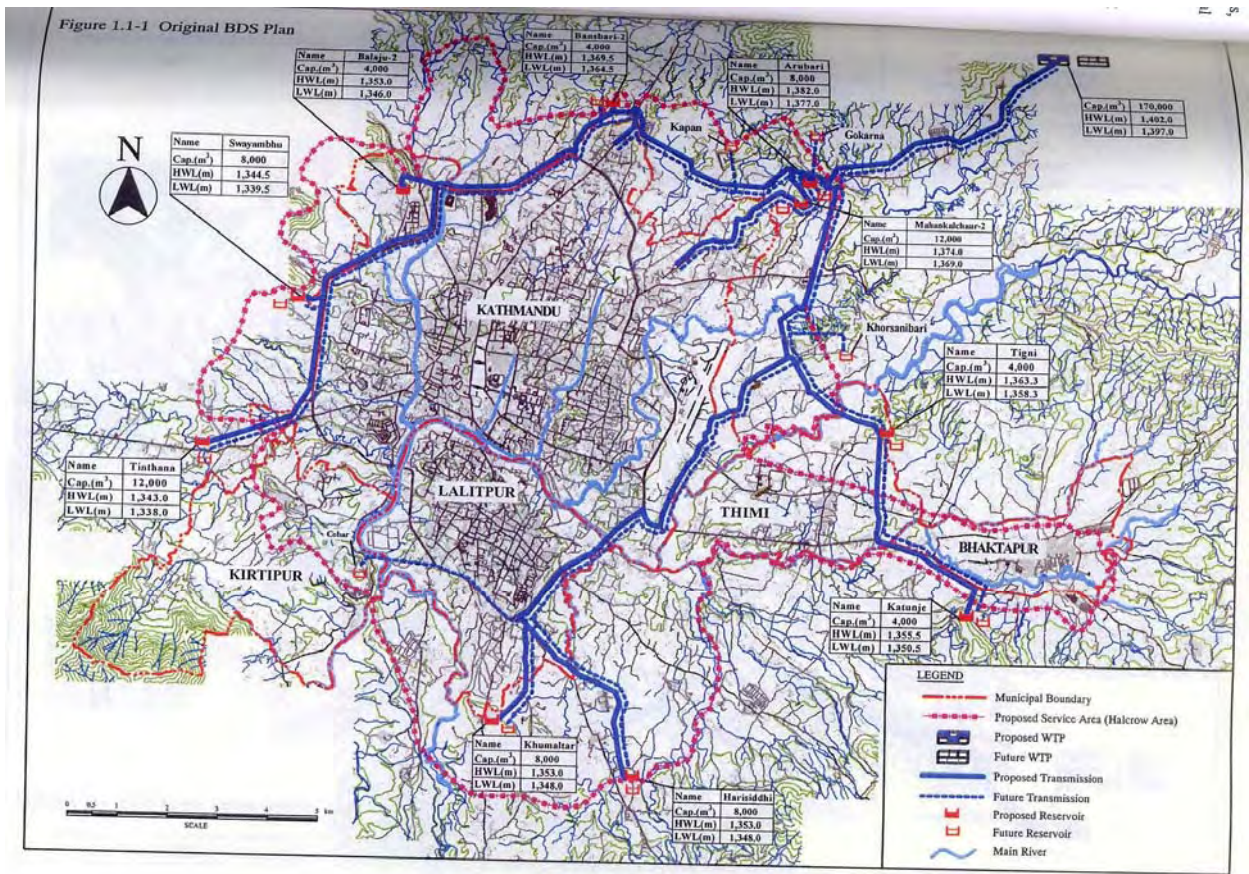
10.2 External monitoring and evaluation:

The panels of experts (PoE) for social and environment, if required by ADB, shall conduct an independent assessment of the extent of compliance of the implementation of RAP, verify the results of internal monitoring, and consult with PAFs, officials, community leaders and non-government agencies etc and will report the results to ADB.

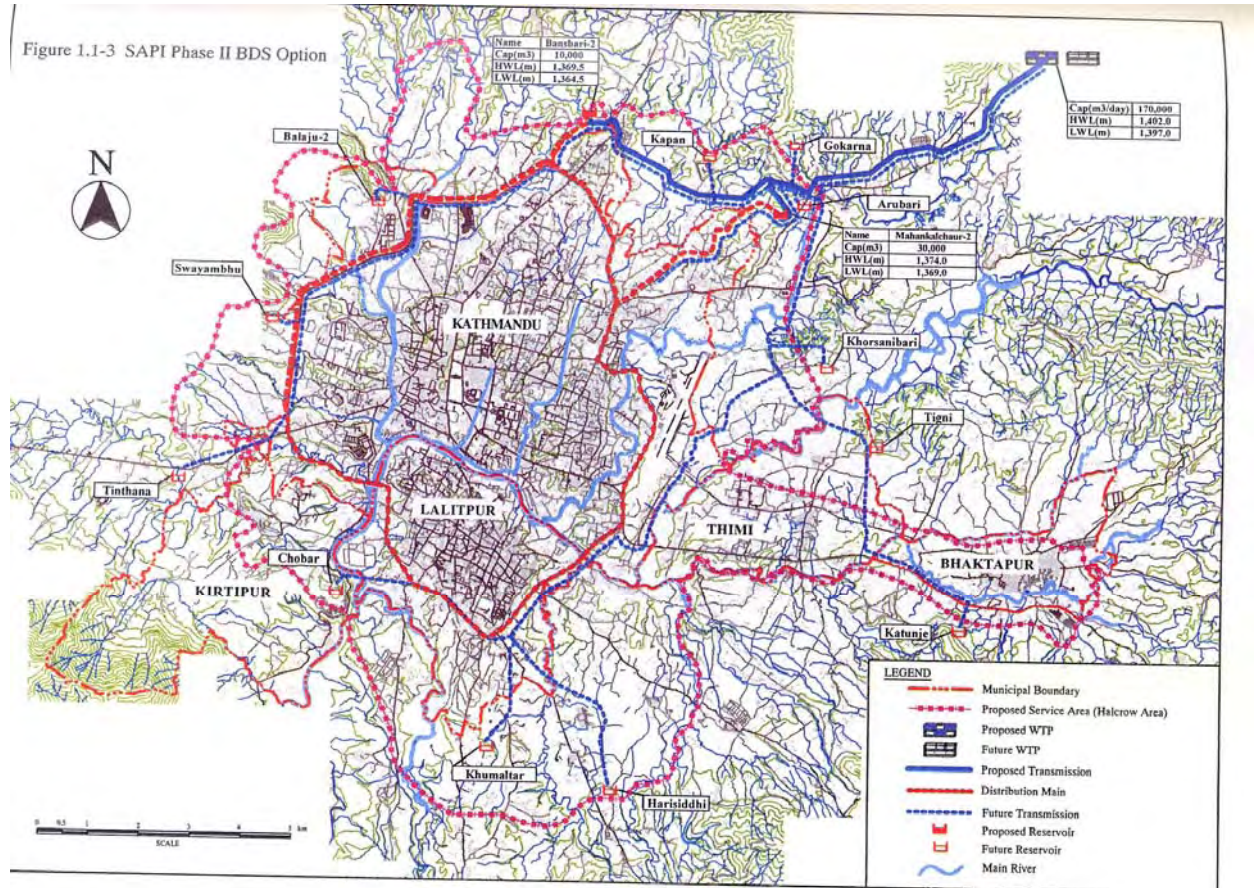
The status of land acquisition, compensation, rehabilitation measures will be disseminated broadly and the affected person can monitor the activities in Kathmandu PIU as well as in the central office at Kathmandu. PAPs will be involved in the complaints and grievance resolution process through the Social and Environmental Unit.

More over, Ward/VDC level committee will be responsible for monitoring on going Sub-project and will assist in the evaluation process as well.

Annex - 1: Map of Original BDS Plan



Annex – 2: Map of Special Assistance for Project Implementation (SAPI) Phase II BDS Option



Annex – 3: Entitlement Matrix

Type of loss	Entitlement Unit	Description of Entitlement and Implementation Procedures	Remarks
1.1 Loss of Private Land due to Permanent Acquisition	<ul style="list-style-type: none"> • Titleholder • 2.Registered tenant and non-registered tenant who is legalizable by means of a written agreement with the landlord but having certificates 	<p>1. For compensation at full replacement cost. 2. Registered tenants will be entitled to 50% of the compensation payables to the titleholder for affected land and crops 3. PAFs will have the option to relinquish the remainder of that parcel or landholding if they feel that remaining portion of land after acquisition is too small to be viable for cultivation or other use. A minimum land area for viability shall be 8 ana in Melamchi Valley and 2.5 ana in Kathmandu Valley. PAFs who choose to relinquish the whole parcel or landholding will be entitled to assistance with the identification and purchase of replacement land or cash compensation at replacement cost for the entire parcel or landholding. 4. For SPAFs: as a priority, full title to land of equal area and productivity acceptable to SPAFs in the same or surrounding village; OR compensation by cash or cheque at full replacement cost and assistance with identification and purchase of suitable replacement land.</p>	<p>a) The following categories of affected households will be considered as SPAFs.</p> <ul style="list-style-type: none"> i. Households who lose more than 25% of their land (owned land operated) within the project area. ii. Household who lose land as per clause 1.1, no.3 of this matrix and who after relinquishing the remainder of the parcel fall under category (i) above. iii. Households who lose residential/business house. <p>b) If any SPAF receives cash compensation for farmland and purchase farmland within 1 year from the date of receiving compensation(policy statement 17), the land registration fees for the purchased land and all government taxes and duties related to the acquisition and registration of affected assets will be borne by the project.</p> <p>c) Compensation in all case will be either by the cash or cheque, depending on the PAFs preferences. (Cheque will be preferred option of payment for security reasons).</p> <p>d) the composition of CDC as per this policy will consist of :</p> <ul style="list-style-type: none"> • CDO (Chief District Officer/Chairman) • Chief/ Land Revenue Office (LRO) • Representative from DDC • Representative from MWSDB • Representative from respective VDC/Municipality • Representative from PAFs <p>CDC Composition will vary with VDCs/Municipality.</p>
1.2 Loss of	<ul style="list-style-type: none"> • Non-registered tenant not- 	1. Non-registered tenants do not qualify for	<ul style="list-style-type: none"> • Households who lose their operated land as per type

<p>Tenancy Land due to Permanent Acquisition</p>	<p>legalizable as registered</p>	<p>compensation for land losses, however they will be entitled to compensation for crops according to the lease arrangement. Such compensation will be based on 5 years annual net production for fruit and fodder trees and 3 years annual net production for timber/fuel wood trees and other perennial crops. 2. If the land owner is not identified, the full compensation amount as per (1) above will be paid to cultivator (operator). 3. Each SPAF household member/titleholder under clause 1 and 2 above will be entitled to the cultivation disruptions allowance as specified in section 8.3 in this Table. 4. Each SPAF household will be entitled to rehabilitation assistance in Section 9. SPAFs who have been earning livelihood from the affected land for at least 3 years prior to the cut-off date but who do not possess title of the land and who also do not have title to any other land in the country., as per statement 4 of this policy, will be provided ailani or other government land as per the policy of Commission on Solving the Problem of Squatter.</p>	<p>of loss 1.1 (a) of this table will be considered a SPAF</p> <ul style="list-style-type: none"> • Tenant to be assisted with the identification of other agricultural production opportunities in the area. • The National Commission on Solving the Problem of Squatters(NCSPS) will be requested to give priority to allocating land for MWSP SPAFs
<p>1.3 Loss of Private Land due to temporary acquisition</p>	<ul style="list-style-type: none"> • Persons/Family as specified in 1.1 & 1.2 	<p>1. Compensation for crop losses for duration of temporary occupation plus one more year necessary for the soil to be adequately prepared to its original productive. 2. Compensation for other distribution and damages caused to property. 3. Land will be returned to the owner at the ended of temporary acquisition, restored to its original condition.</p>	<p>PAFs will sign a temporary occupation contract specifying :</p> <ul style="list-style-type: none"> • Period of occupancy. • The formula for calculation of production losses. • The frequency of compensation payment • Land protection and rehabilitation measures.
<p>1.4 Loss of Guthi Trust Land</p>	<ul style="list-style-type: none"> • Entitled person/ institutions in accordance with the Guthi Corporation Act. 2003 • Registered & un-registered tenants 	<p>1. Entitlement description as a specified in clause 1.1 in this table. 1. Entitlement as for registered and un-registered tenants in 1.1 & 1.2</p>	<ul style="list-style-type: none"> • The project will facilities the legalization of un-registered tenants, where possible.

2. Crops and Trees			
2.1 Loss of trees and Perennial Crops	<ul style="list-style-type: none"> • Titleholder • Tenant • Lessee/cultivators having agreement with the owner 	<ol style="list-style-type: none"> 1. Advance notice to harvest crops 2. Net value of crops where harvesting is not possible. 3. Compensation at market value on the basis of loss of future production, based on 5 years annual net production for fruit and fodder trees and 3 years annual net production for timber/ fuel wood trees and other perennial crops. 4. Rights to all others resources from privately-owned trees (Timber, Firewood). 	<ul style="list-style-type: none"> • Crop market values will be determined by the CDCs and Compensation prices will be finalized with active participation of PAFs representative. • If the Land is under tenancy, both the owner and the tenant will be entitled for 50 % of compensation amount each. • When a tenant/lessee and landowner have a sharecropping arrangement, the compensation payable should be apportioned according to the arrangement.
2.2 Loss of non-perennial Crops.	<ul style="list-style-type: none"> • Titleholder • Tenant 	<ul style="list-style-type: none"> • Advance notice to harvest crops • Net value of crops where harvesting is not possible. • Compensation at market value. 	<ul style="list-style-type: none"> • Crop market values will be determined by the CDCs and Compensation prices will be finalized with active participation of PAFs representative. • Where there is a registered tenant, the tenant and titleholder will each be entitled on 50 % of the compensation payable. • Where there is a non-registered tenant with a sharecropping arrangement with the titleholder, the compensation payable should be apportioned according to the arrangement.
House and Other Structure			
3.1 Loss of own house & other structure	<ul style="list-style-type: none"> • Titleholder • Tenant(own accommodation) • Landless squatter/ encroachers on public land as per clause 4 of this policy 	<ul style="list-style-type: none"> • Compensation for full or partial loss of house at replacement cost of material and labour according to house type, with no deduction for depreciation • Every displaced household(SPAFs) will receive housing displacement allowance as mentioned in Section 8.1 • Every SPAF household will receive transportation assistance as specified in Section 8.4 and Rehabilitation assistance as described in Section 9 • Every displaced household with business affected will be entitled to receive the business displacement allowance as defined in Section 8.2 	<ul style="list-style-type: none"> • Replacement cost at market value of structure will be determined by the CDCs and compensation prices will be finalized with active participation of PAF representatives. • Materials may be salvaged with no deduction from compensation. • Formal resettlement planning will be undertaken where more than 10 households from one settlement/residential area are displaced, if SPAFs opt for group resettlement sites.
3.2 Loss of rented	<ul style="list-style-type: none"> • Tenant/lessee 	<ul style="list-style-type: none"> • Each SPAF household will be entitled to a rental 	<ul style="list-style-type: none"> • Tenant/lessee will not be entitled for compensation

accommodation		stipend as defined in section 8.1 in this table.	of structure.
3.3 Loss of commercial establishment	<ul style="list-style-type: none"> Titleholder Tenant/lessee Landless squatter/encroachers on public land as per clause 4 of this policy 	<ul style="list-style-type: none"> Compensation for full or partial loss of house at replacement cost of material and labour according to house type, with no deduction for depreciation Each displaced household with business affected will be entitled to receive the business displacement allowance as defined in Section 8.2 Each SPAF household will receive transportation assistance as specified in Section 8.4 and Rehabilitation assistance as described in Section 9 	<ul style="list-style-type: none"> Replacement cost at market value of structure will be determined by the CDCs and compensation prices will be finalized with active participation of PAF representatives Materials may be salvaged with no deduction from compensation but transportation cost should be borne by PAFs themselves if so desired.
3.4 Loss of other privately-owned structures	<ul style="list-style-type: none"> Titleholder 	<ul style="list-style-type: none"> Compensation for full or partial loss of house at replacement cost of material and labour according to house type, with no deduction for depreciation Cash compensation for damage to structures resulting from temporary occupation of land at replacement cost. 	<ul style="list-style-type: none"> Other structure includes sheds, walls, fences water mills, etc Loss of structure other than houses and commercial establishment does not entail payment of a displacement allowance Compensation determination and compensation payment will be as per 3.1
4. Additional PAFs			
4.1 Loss of land for resettlement sites	All categories of entitled persons as defined in clause 1,2 and 3 above in this table.	<ul style="list-style-type: none"> Same entitlement policies as specified in clause 1,2 and 3 of this table will apply If PAFs affected by acquisition of resettlement site have to be relocated temporarily during resettlement site development, they will be entitled to a displacement allowance and accommodation during temporary relocation. 	Same procedures will apply as in 1, 2 and 3 above
5. Damage caused During Construction			
5.1 Public and private building and structures, infrastructures, land crops and trees	All categories of entitled persons as defined in clause 1,2 and 3 above in this table.	<ul style="list-style-type: none"> Extreme care should be taken by contractors to avoid damaging public and private property unnecessarily Where damages do occur to public or private property as a result of construction works, the affected families, groups, communities, or government agency shall be compensated for damages to crops and trees; damage land, structure, and infrastructure shall be restored to 	<ul style="list-style-type: none"> Compensation determination for losses will be same as in 1, 2 and 3 in this table. Compensation for the losses mentioned in column3 includes restoration cost for loss of income source, damage to land, structure and physical infrastructure. Compensation will be payable to affected people during the lifetime of the project for landslide damage on roads. A visual record of land on

		<p>their former conditions.</p> <ul style="list-style-type: none"> Along the main access road of Melamchi Diversion Schemes, compensation shall be paid for all losses caused due to construction in the past(public and private land, structures, infrastructure, crops and trees) retroactively, including for income lost for the duration of the damage period; and damaged land, infrastructure and structures shall be restored to their former condition. 	<p>each side of project-constructed roads is being undertaken to determine extent and timing of damage.</p>
6 Community Facilities and Resources			
6.1 Loss of building and structures	Local Community	<ul style="list-style-type: none"> Restoration of affected community building and structure to at least previous condition, or replacement in areas identified in consultation with affected communities and relevant authorities. Restoration before commencement of the project where necessary, to be determined in consultation with the community. 	<p>Community building and structures includes: schools, temple, graves, ghats, waiting sheds, irrigation channels, water points, trails/foot paths and bridges.</p>
6.2 Loss of land	Local community or user groups	<ul style="list-style-type: none"> Restoration of access to community resource. 	<p>The Department of Agriculture and Forestry will be requested to assist communities so that impacts on grazing areas are adequately mitigated.</p>
6.3 Loss of community forest due to construction	Forest user groups	<ul style="list-style-type: none"> Mitigation measures should be initiated to control erosion caused by tree cutting, and to stabilize and rehabilitate the slopes with suitable bio-engineering works and vegetation. The community forest land taken for the road construction should be replaced and reforested according to Department of Forestry regulations. Compensation for trees according to 2.1 Advance notice to harvest resources from affected community forest areas. 	<p>Community forests along the project affected by construction will be rehabilitated and to minimize future damage the Department of Forestry will be requested for necessary actions.</p>
6.4 Loss of drinking water	Community that owns the water points.	<ul style="list-style-type: none"> Replacement and restoration of the water points at suitable location Replacement should be made before construction damage the systems 	<ul style="list-style-type: none"> The down time between construction of the news system and transfer from the old should be minimized to minimize impact on households caused by disruption in water availability. As far as possible, alternative sources of water

			should be made available during the construction period.
7 Group Losses			
7.1 Loss of income indirectly due to the project (employment for porter and other labourers)	Persons in the vicinity of the MDS who may be adversely affected by the project although they do not lose assets	<ul style="list-style-type: none"> Rehabilitation assistance as defined in 9 	Vulnerable social categories and losses actually by the project will be identified in consultation with local consultation groups and may include porters and other providers of non-vehicular transport.
7.2 Loss of water for water mills as a direct result of the project	Water mill owners affected by reduced water availability due to diversion	<ul style="list-style-type: none"> If monitoring indicates water mills will be affected by reduced water flow into channels, affected mill owners will be entitled to assistance to construction mitigation measure to restore access to water for the mills, such as extending seasonal weirs and intake channels. A one –time payment for the cost of construction of any necessary mitigation measures will be provided directly by the project. If such measures are also required in subsequent year, the affected mill owners will be entitled to funds from a revolving to cover the cost. 	<ul style="list-style-type: none"> The Melamchi River Environment Flows, water use and Fisheries Management Program, which is being proposed in the Project EIA as part of the Environmental Management Plan, will establish a baseline and monitor river flows. The project will provide seed money for the revolving fund, to be managed by a separate unit, possibly in joint venture with the Agricultural Development Bank of Nepal . The seed money would not come out of the Resettlement budget but from some other Project budget. Water mill owners could apply to the fund for a loan sufficient to construct the necessary mitigation measure with reasonable interest rates. Nominal interest rates will apply. Borrowers would subsequently repay their loans.
7.4 Loss of water for irrigation as a direct result of the project	Water user groups using affected irrigation systems	<ul style="list-style-type: none"> If monitoring indicates any Irrigation users group having been affected by reduced water flow into irrigation channels, necessary assistance shall be provided to construct structure of appropriate technology such as Seasonal Weir/Intake Channel) to provide necessary water for irrigation. A one –time payment for the cost of construction of any necessary mitigation measures will be provided directly by the project. If such measures are also required in subsequent year, the affected irrigation users will be entitled to funds from a revolving to cover the cost 	<ul style="list-style-type: none"> The Melamchi River Environment Flows, water use and Fisheries Management Program, which is being proposed in the Project EIA as part of the Environmental Management Plan, will establish a baseline and monitor river flows. The project will provide seed money for the revolving fund, to be managed by a separate unit, possibly in joint venture with the Agricultural Development Bank of Nepal. The seed money would not come out of the Resettlement budget but from some other Project budget. Irrigation users could apply to the fund for a loan sufficient to construct the necessary mitigation measure with reasonable interest rates. Nominal

			interest rates will apply. Borrowers would subsequently repay their loans.
7.5 Loss of irrigation systems due to construction	<ul style="list-style-type: none"> Water user groups using affected irrigation systems Farmers using irrigation systems 	<ul style="list-style-type: none"> Irrigation systems will be restored to their original conditions <p>Farmers will be entitled to compensation at replacement cost for all losses caused by damage to irrigation systems during construction, including loss of crops and related income.</p>	<ul style="list-style-type: none"> Contractors' contracts should specify compensation for damages and restoration of irrigation systems to their original condition. Contractors should also be required to have linesmen whose responsibilities should include liaison with communities to monitor damages and ensure immediate compensation and repairs.
8 Displacement Allowances			
8.1 Displacement of households	<ul style="list-style-type: none"> Titleholder Tenant Landless squatter/encroachers on public land as per clause 4 of this policy 	<ul style="list-style-type: none"> Every SPAF household will be entitled to a housing displacement allowance. Each SPAF tenant household will be entitled to a rental stipend for loss of rented accommodation. 	<ul style="list-style-type: none"> Each displaced household will received displacement allowance equivalent to 270 days wages. This housing displacement allowance will be based on daily minimum wage as established at the national or local level, whichever amount is higher. If such rates are not updated wages rates the n the allowance will be adjusted for annual price increase. Displaced households living on rentals will receive rental stipend equivalent to 30 days wages amount. Such amount will be based on minimum wage as established at the national or local level, whichever amount is higher. The value of the allowance will be adjusted annually for price escalation. Allowance will be paid prior to displacement.
8.3 Severe disruption to cultivation	<ul style="list-style-type: none"> Titleholder Tenants Lessee/cultivator having agreement with the owner 	<ul style="list-style-type: none"> SPAFs as defined in clause 1.2 column 3 in this table will be entitled to a cultivation disruption allowance for severe disruption to household cultivation levels. The cultivation disruption allowance will be equal to one season's production on the area of cultivation land lost, based on the published District and VDC producing figures, land types and market prices for crops for the year in which the land is acquired, to be paid at the time of compensation payment. 	<ul style="list-style-type: none"> SPAFs as defined in clause 1.1 column 4 a (i and ii) in t Table will be entitled to cultivation disruption allowance
8.4 Transportation allowance	<ul style="list-style-type: none"> Titleholder Tenants Persons living on rented 	<ul style="list-style-type: none"> Each displaced SPAF household will be entitled to transportation assistance to move their belongings. 	

	<ul style="list-style-type: none"> accommodation Landless squatter/encroachers on public land as per clause 4 of this policy 		
9.Rehabilitation Measures			
9.1 Severe loss of assets directly due to the project, and severe impact indirectly caused by the project	<ul style="list-style-type: none"> SPAFs 	<ul style="list-style-type: none"> Counseling regarding project impacts, compensation alternatives and risks, and resettlement options (where required). Counseling on saving schemes and cash management. 	<ul style="list-style-type: none"> The rehabilitation measures will be targeted to SPAFs and to vulnerable groups in the vicinity of the project area who may be adversely affected by the project, even though they do not lose assets. Vulnerable groups include: porters and non-vehicular transport providers who may lose jobs because
	<ul style="list-style-type: none"> SPAFs and labourers defined in 7.1 	<ul style="list-style-type: none"> Preferential access to project construction employment opportunities, to the extent possible. Assessment of current economic activities and potential for improvement to these activities, as well as alternatives income-earning opportunities. 	<ul style="list-style-type: none"> Specification for training and hiring workers will be included in contractors' contracts. Terms will be determined in consultation with contractors and local communities.
	SPAFs over 18 years of age	<ul style="list-style-type: none"> Assistance with training in life skills that would help in obtaining employment and/ or earning livelihood. 	<ul style="list-style-type: none"> SPAFs who opt for training assistance will be entitled to a training subsistence allowance equal to a maximum of one month's minimum wages as established at the national or local level, whichever amount is higher, for the duration of the training course. The project will investigate training programs and institutions. Funds will be paid directly to the relevant institutions.
	SPAFs	<ul style="list-style-type: none"> Assistance to gain access to national poverty alleviation and credit programs. 	<ul style="list-style-type: none"> The resettlement unit of the project will investigate the potential for coordination with existing programs.
	SPAF agricultural households	<ul style="list-style-type: none"> Households shall be entitled to agricultural extension services to increase production on their remaining agricultural and forestry land. 	<ul style="list-style-type: none"> The respective agriculture institutions will be request to assist in implementing the program. Any costs will be borne by the project.
10. Government Property			
10.1 Loss of infrastructure and facilities	<ul style="list-style-type: none"> Relevant agency 	<ul style="list-style-type: none"> Facilities will be repaired or replaced. 	<ul style="list-style-type: none"> To be undertaken in consultation with the relevant department or ministry.
10.2 Loss of forest areas	<ul style="list-style-type: none"> Department of Forest 	<ul style="list-style-type: none"> Mitigation by mean of a forestation. 	<ul style="list-style-type: none"> To be undertaken in consultation with the relevant Department of Forestry.

11. General counseling			
11.1 All project impacts	<ul style="list-style-type: none"> Persons within the project areas. 	<p>1. General counseling on:</p> <ul style="list-style-type: none"> Project impacts Construction schedules Land acquisition schedules Valuation, compensation and grievance resolution mechanisms Construction procedures Local development initiatives. 	

Annex 4: Sample copy of Leaflet Distributed to APs



Background

Since 1973, the Government has undertaken several studies and implemented schemes to find the best solution to meet the water supply demand of a rapidly growing population of the Kathmandu Valley. In 1988, more specific pre-feasibility studies were carried out for water supply sources for the Valley. Based on these studies, the Melamchi scheme was identified as the best long-term solution to solve the chronic water shortage in the Valley. Subsequently, in 1997, the Government established the Melamchi Water Limited to seek funding for and implement the Melamchi Water Supply Project. In 1998, it was replaced by the Melamchi Water Supply Development Board (MWSDB) while some key donors, such as the Asian Development Bank, the Governments of Japan and Norway took interest in funding the Project. Currently, the Government, through MWSDB, is implementing this Project.

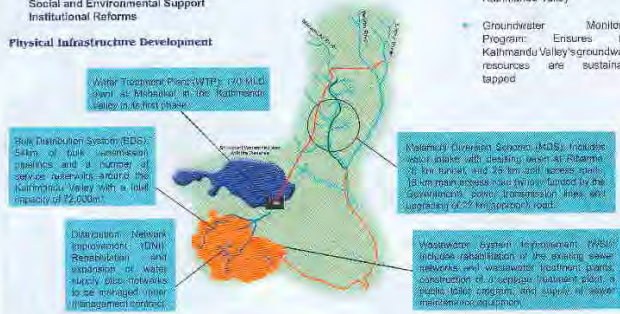
Introduction

The Melamchi Water Supply Project (MWSP) is a comprehensive inter-basin water supply project that aims to solve the chronic water shortage in the Kathmandu Valley by diverting water from the snow-fed Melamchi River in Sindupalchowk district to the Kathmandu Valley. In its first phase, this Project is designed to divert 170 MLD (million litres per day) of water from the Melamchi River through a 26 km-long tunnel. Under the scheme, economical capacity expansions are possible by extending the tunnel to tap the Yamoti (second phase; 170 MLD) and Larke (third phase; 170 MLD) Rivers, which will ultimately make the total design capacity of 510 MLD.

The Project also seeks to develop a comprehensive institutional/managerial framework for water supply within the Valley.

The Project comprises three major parts:
Physical Infrastructure Development
Social and Environmental Support
Institutional Reforms

Physical Infrastructure Development



Social and Environmental Support

- Social Uplift Program (SUP) includes buffer zone development, a health education program, income generation and community development, and rural electrification to improve the living conditions of the people in the Melamchi Valley
- Resettlement Action Plan (RAP): Implementation of compensation and rehabilitation program for acquiring or leasing land parcels required for the Project both in the Melamchi and Kathmandu Valleys
- Hygiene Education and Promotion Program (HEPP): Hygiene Education and Public awareness program in the Kathmandu Valley
- Groundwater Monitoring Program: Ensures that Kathmandu Valley's groundwater resources are sustainably tapped



- Environmental Management Plan (EMP). Mitigates adverse environmental impacts from Project implementation and monitors progress both in the Melamchi and Kathmandu Valleys

Institutional Reforms

- Establishment of a water supply regulatory board
- Establishment of an autonomous authority responsible for water supply and wastewater services in the Kathmandu Valley
- Enactment of groundwater licensing in the Kathmandu Valley
- Introduction of private sector participation (PSP) under the public-private partnership (PPP) model for urban water supply and sewerage management in the Kathmandu Valley

Project Implementation

MWSDG has been established to oversee and ensure the successful implementation of the Project.

Project Cost

The total cost for the MWSP is US\$464 million. The co-financers include: Asian Development Bank (ADB), Japan Bank for International Cooperation (JBIC), Norwegian Agency for International Cooperation (NORAD), Swedish International Development Cooperation Agency (Sida), OPEC Fund for International Development (OPEC Fund), Nordic Development Fund (NDF), and the Government of Japan (to be implemented by the Japan International Cooperation Agency, JICA)

Project Implementation - Major Milestones

• Management Contract to be Signed	End of 2004
• Tunnel Construction Begins	2005
• Distribution Network Improvement Works Starts	2005
• Melamchi Water Supply Project Commissioning	2009

Institutional Framework

Recognizing the need for reforms in the current institutional arrangements to achieve the Project objectives, the Government will establish an autonomous authority responsible for water and wastewater services in the Kathmandu Valley. The Government, municipalities and other stakeholders will be represented on the Board of the authority. The authority will delegate the day-to-day operations of water and wastewater services to a water utility which may be established either as a department of the authority or as a separate company.

To protect consumer interests and promote good governance in the water supply sector, a regulatory board will be established. The regulatory

board will primarily carry out economic regulations, in particular, tariff review and approval. It will also carry out licensing and bulk water tariff determination for alternative distribution service management schemes, such as community-based or under small-scale service providers.

To ascertain efficiency, transparency and accountability, the water authority will initially promote the private sector participation (PSP), based on the private-public partnership (PPP) model, to manage water supply and wastewater services in the Kathmandu Valley. International experience shows that the PPP model can work effectively in providing quality services efficiently.



The proposed form of the PPP model for the management of water supply and wastewater services in the Kathmandu Valley is a Performance-Based Management Contract.

It is a contract through which the Government hires a private company, called the Management Contractor (MC), to manage the water utility. This contract entails:

- Transfer of responsibility for managing day-to-day operations to MC, and
- MC's pay is linked to its performance (i.e., fixed fee to cover basic costs plus performance-based bonus for which MC must perform) measured by agreed key performance indicators.


MC is held strictly accountable for its performance through a system of incentives and penalties.

Why Performance-Based Management Contract?

- Improves the quality of water supply services
- Reduces the cost of services
- Increases responsiveness to customers
- Strengthens skills of the water utility personnel and provide rewards for good performance
- Increases accountability and transparency of management of the water utility.



His Majesty's Government of Nepal
MELAMCHI WATER SUPPLY DEVELOPMENT BOARD
(MWSDDB)



अन्य थप जानकारीका लागि सम्पर्क रवान

सूचना महासंस्था
मेलम्ची खानेपानी विकास समिति
बानेश्वर, काठमाडौं, नेपाल
टोलफोन : ९७७-१-४४२-४२०९
फ्याक्स : ९७७-१-४४१-०२९६
इमेल : melamchi@nbc.org.np
<http://www.melamchiwater.org>

या

मेलम्ची खानेपानी विकास समितिको सूचना क्षेत्रमा सम्पर्क गर्न भन्नुहोस् ।
सूचना क्षेत्र विभागको १० जर्देदीयाँ बजारको ४ बन्देसमा खुला रहेको छ ।


मेलम्ची

खानेपानी आयोजना

एक चिनारी









मेलम्ची सन्देश

श्री ५ को सरकार, मेलम्ची खानेपानी विकास समिति, काठमाडौं

(अर्धवार्षिक बुलेटिन वर्ष-३, अंक ५, २०६२ माघ)

सम्पादकीय

काठमाडौं उपत्यकावासी, खानेपानी आपूर्तिको समस्यालाई समाधान गर्न प्राथमिकताका साथ भौतिक पूर्वाधार निर्माण तथा व्यवस्थापकीय कार्यपद्धति सम्बन्धी कामहरूमा जूटिरहेको यस घडीमा सरोकारवाला वर्ग, समूहहरू तथा व्यक्तिलाई यस आयोजना सम्बन्धी सूचनाहरू निरन्तर प्रवाह तथा सम्प्रेषण कार्य निश्चय पनि चुनौतीपूर्ण हुन्छ। यसका लागि अधिकतम रूपमा सरोकारवालाहरूसित निकटतम सम्बन्ध कायम गर्नु दुवै पक्षका लागि उपयोगी रहने महसूस गरी आयोजनाको सूचना प्रवाह गर्न विभिन्न माध्यम तथा तरिकाहरू मेलम्ची सन्देश मुखपत्रका रूपमा प्रकाशित गर्दै समयोचित सूचना जनसमक्ष पुऱ्याउँदै आएको छ।

आयोजना सञ्चालनमा प्रतिकूल असर पार्ने खालका आयोजना सम्बन्धी अपूर्ण सूचना सन्देशहरूप्रति सजग रहन र आयोजनाका बारेमा आवश्यक सूचना जानकारी पाउन आयोजनासित सम्पर्क गर्न आह्वान गर्दै यदाकदा फैसिलिने अपूर्ण सूचनाहरूबाट आयोजनाप्रति नै सर्वसाधारणमा नकारात्मक प्रभाव पर्नसक्ने भएकोले त्यस्ता अपूर्ण सन्देश सूचनाहरूप्रति गम्भीर हुनुपर्दछ।

मेलम्ची उपत्यकावासी र काठमाडौं उपत्यकावासी सबै सरोकारवाला वर्ग समुदायहरूको सल्लाह र सुभावजस्ता नैतिक सहयोग तथा योगदानको सदैव अपेक्षा राखिएको छ। अन्त्यमा प्राविधिक, आर्थिक, सामाजिक दृष्टिकोणले जटिल र वृहत प्रकृतिको यस आयोजनाको सफल कार्यान्वयनले राष्ट्रले नवीनतम अनुभव प्राप्त गर्ने भएकोले आम नेपाली जनताको सदभाव र सहयोगको समेत अपेक्षा राखिएको छ।

यसभित्र

- ▶ सम्पादकीय
- ▶ मेलम्ची खानेपानी आयोजनाको संक्षिप्त मल्लक
- ▶ व्यवस्थापन तथा संस्थागत सुधार
- ▶ संरचना निर्माण
- ▶ समुदाय सहयोग
- ▶ वातावरण व्यवस्थापन कार्यक्रम
- ▶ सामाजिक उत्थान कार्यक्रम
- ▶ सफलताको कथा-बोगटी टोल खानेपानी योजना
- ▶ जगसज्जक तथा सूचना प्रवाह कार्यक्रम
- ▶ मुआब्जा तथा क्षतिपूर्ति वितरण विवरण

मेलम्ची खानेपानी आयोजना - संक्षिप्त मल्लक :

काठमाडौं उपत्यकाको खानेपानीको बढ्दो मागलाई दिगो रूपमा पूरा गर्नसक्ने विभिन्न वैकल्पिक सतही स्रोतहरूको अध्ययनबाट मिन्धुपाल्चोक जिल्ला भई वग्ने मेलम्ची खोला सबैभन्दा भरपर्दो पाइएको छ। सो मेलम्ची खोलाको पानीलाई काठमाडौं उपत्यकामा भित्र्याई उपत्यकावासीले लामो समयदेखि भोक्दै आएको खानेपानी समस्या सुल्झाउने उद्देश्य लिएको छ। पहिलो चरणमा हेलम्चु गाउँ विकास समितिमा पर्ने मेलम्ची खोलामा मुहान बनाई २६.५ किलोमिटर लामो सुरुङ मार्फत् दैनिक १७ करोड लिटर पानी उपलब्ध गराउने र भविष्यमा सोही क्षेत्रमा अवस्थित यांग्री र लार्के खोलाहरू प्रत्येकबाट दैनिक १७/१७ करोड लिटर पानी दोस्रो र तेस्रो चरणमा थप्दै लाने योजना रहेको छ।

व्यवस्थापन तथा संस्थागत सुधार :

खानेपानी तथा ढल निकास सेवा क्षेत्रको सुधार गर्न आवश्यक संस्थागत संरचनाको पुनर्संरचना तथा व्यवस्थापन सुधार जस्ता गहन विषयहरूलाई समायोजित गर्दै खानेपानी र सरसफाई सेवालाई स्तरीय बनाउने उद्देश्यले श्री ५ को सरकारबाट नेपाल खानेपानी संस्थान संशोधन गर्न, खानेपानी व्यवस्थापन बोर्ड गठन तथा खानेपानी महशुल निर्धारण आयोग गठन तथा कार्यान्वयन सम्बन्धी तीन वटा छुट्टाछुट्टै अध्यादेशहरू २०६२/१/५ मा जारी भइसकेको छ। काठमाडौं उपत्यकाभित्र नेपाल खानेपानी संस्थानले सञ्चालन गरी आएको खानेपानी तथा ढल निकास सेवाको सुधार र व्यवस्थापन गर्न निम्नअनुसारका निकायहरू क्रियाशिल भइसकेको छ।

१. **खानेपानी व्यवस्थापन बोर्ड** : श्री ५ को सरकारले कुनै सरकारी नियमले सञ्चालन गरी आएको कुनै एक वा एकभन्दा बढी नगरपालिका क्षेत्रको खानेपानी तथा सरसफाई सेवालाई प्रभावकारी रूपमा सञ्चालन तथा व्यवस्थापन गर्न गराउन सम्बन्धित नगरपालिकासँग परामर्श गरी आवश्यकता अनुरूप खानेपानी व्यवस्थापन बोर्ड गठन गर्न सक्ने व्यवस्था रहेको छ। यस बोर्डले मौजूदा सेवा सञ्चालन गर्दै आएका निकायको

मुआब्जा वितरण (पौष २०६२)

क्र. सं.	अवयव	दूरी कि.मि.	गा.वि.स.	किताहरू	संरचनाहरू (घर/टहरा/गोठ)	मुआब्जा प्राप्त घरधुरी संख्या	वाँकी घरधुरी संख्या
१.	मुख्य प्रवेशमार्ग	१८ कि.मि.	मेलम्ची	८९	१०	६६	१२
			तालामाराङ्ग	७४	८	४७	४
			महाकाल	२२३	७३	१२०	९
			किउल	१२६	१०	९८	१६
			हेलम्बु	१६	०	९	६
इचोक	१५	९	६	०			
२.	सुरुङ प्रवेशमार्ग	२५ कि.मि.	वाँसवारी	१७४	५	१०८	१०
			सिन्धुकोट	१४७	१५	९२	११
			थकनी	२०५	५	१०८	२३
			महाकाल (ग्याल्थुम)	१२५	४	४८	५
			हेलम्बु	२२	०	१६	४
			सुन्दरीजल	९०	४	८७	३
			नयाँपाटी	१४	०	१४	०
३.	सुधारिएको सडक खण्ड	२२ कि.मि. काभ्रे } सिन्धु }	पाँचखाल	१९	०	१२	३
			जैशीथोक	२१	०	१८	१
			चन्डेनी मण्डन	१४	०	१०	०
			महादेवस्थान	३०७	०	१९७	२०
			देउपुर गैरी विसौनी	९३	०	३३	४५
			फटकशीला	१०२	०	७७	३
			वाँसवारी	१७८	०	१०७	३३
			मेलम्ची	१२४	०	६४	२६
			जम्मा	४७७	०	३२४	८२
			४.	* थोक वितरण प्रणाली		काठमाडौं (८ गाविस)	३१३
ललितपुर (३ गाविस)	४४					२५	११
भक्तपुर (४ गाविस)	१२०					५८	५४
कूल जम्मा	२६५५	१३९				२०६४	२४३

* हाल ललितपुर र भक्तपुर जिल्लामा २/२ गाविसमा मात्र मुआब्जा वितरण भइरहेको छ ।

सुमन प्रसाद शर्मा

कार्यकारी निर्देशक
प्रमुख सल्लाहकार

खोम बहादुर सुवेदी

उपकार्यकारी निर्देशक
सल्लाहकार

सम्पादक मण्डल

मंगला कारंजित

प्रमुख, सूचना तथा जनसम्पर्क महाशाखा
प्रबन्ध सम्पादक

शत्रुघ्न ओम्का

जनसम्पर्क अधिकृत, जनसम्पर्क परामर्शदाता
सम्पादक

सदस्यहरू

शालिग्राम शर्मा

प्रमुख, प्रशासन महाशाखा

कृष्ण राना

प्रमुख, प्रोक्थोरमेन्ट महाशाखा

अनिलमद्र खनाल

प्रमुख

पु.वा. तथा सा. विकास महाशाखा

मेलम्ची स्थानेपानी विकास समिति, देवकोटा मार्ग, बानेश्वर, फोन नं. ४४६८२६३, ४४६८२६४, ४४६८२६५.
फ्याक्स : ४४६८२६२, E-mail : mwsdb@ntc.net.np, website: www.melamchiwater.org


क्षतिपूर्ति तथा पुनर्वास नीति

मुख्य बुँदाहरू:

- अधिग्रहणमा परेका खेती योग्य जमीन घर, छडेरी, गोठ, मिल्, कुलो, अन्नबाली, रुख आदिको उचित क्षतिपूर्तिको व्यवस्था ।
- विस्थापित व्यक्ति, परिवार, समुदायको लागि पुनर्वासको व्यवस्था ।
- अस्थायी रूपमा अधिग्रहण गरिएको वा भाडामा लिइएको जमीनलाई निर्माण कार्य सम्पन्न भएपछि जग्गा धनीलाई नै फर्काउने ।
- गम्भिर रूपमा प्रभावित व्यक्ति/परिवारका सदस्यलाई मौपमूलक तालीमको व्यवस्था ।
- प्रभावित पक्षहरूको सहभागितामा समाज कल्याण तथा उत्पादनका कार्यक्रम संचालन गर्ने ।
- प्रभावित व्यक्तिहरूलाई आयोजनामा दयासम्बन्ध योजनाको व्यवस्था गर्ने ।
- मेलम्ची उपत्यकाका प्रभावित गा.वि.स.हरूमा सामाजिक उत्थान कार्यक्रम अन्तर्गत स्वास्थ्य, शिक्षा, ग्रामीण बिदुतिकरण तथा आयआर्जन तथा सामुदायिक विकास कार्यक्रम संचालन गर्ने ।
- कुनै पनि विस्थापित व्यक्ति/परिवारले एक वरिष्ठ अक्षयमा अन्त्य छडेरी क्लिनको सुषुद्धता जग्गा तरोद-चिकी गर्दा स्वार्थ आवश्यक सरकारी कर-दस्तुर आयोजनाले व्यहोर्ने व्यवस्था ।

परामर्श समूह:

- पुनर्वास कार्य योजना अनुरूप पुनर्वास योजना तथा सामाजिक उत्थान कार्यक्रम संचालनमा सहजता ल्याउनका लागि प्रत्येक प्रभावित गा.वि.स. स्तरमा स्थानीय परामर्श समूह गठन गरिने व्यवस्था ।
- मेलम्ची उपत्यका भित्रका प्रभावित गा.वि.स.हरू र सो भन्दा भिन्न उपत्यका बाहिर भएका आयोजनाको विन्यास तथा संचालनका विषयमा छलफल र बिश्लेषण गरी आयोजना सहजतामा कार्यान्वयन ल्याउन आवश्यक सर-सल्लाह, सुझाव सहित आयोजना र स्थानीय स्तरको सूचनाको आदान प्रदान गर्ने मेलम्ची परामर्श समूह गठन गरिने छ ।



मेलम्ची स्थानीय विकास समिति, वीरेन्द्र अन्तर्राष्ट्रिय सम्मेलन केन्द्र,
 नयाँ बानेश्वर, काठमाडौं, फोन: ४१,५४३०, ४३२३२०, फ्याक्स: ४६३१५९,
 ई-मेल: mwspdb@info.com.np

Sample copy of Leaflet Distributed to APs (English translation)

Resettlement Policy and Compensation

Main Objectives:

- Compensation provision for acquired land, structures, water mill, canal, trees and crops
- Resettlement management for displaced individual, family and community
- Rented or temporarily acquired land will be handover to landowners after completion of construction activities.
- Skill development training shall be conducted to SPAF/SPAP
- Based on participatory approach, SUP will be implemented in association with affected people.
- SUP will be implemented in project affected VDCs which include Buffer Zone, Health, Education, IGCD and Rural electrification.
- Land registration tax will be refunded to those affected people who purchase same amount of land within one year duration.