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**Study on Governance and Public Participation in Land
Acquisition Process: A Case Study of Marshyangi
Corridor Transmission Line Project**

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Abbreviations

ADB	Asian Development Bank
CDC	Compensation Determination Committee
CDO	Chief District Officer
CoM	Council of Ministers
DCC	District Coordination Committee
DAO	District Administration Office
EIB	European Investment Bank
ESF	Environment and Social Framework
ESMU	Environment and Social Management Unit
FAO	Food and Agriculture Organization
GoN	Government of Nepal
IFC	International Finance Corporation
IR	Involuntary Resettlement
LAA	Land Acquisition Act
LAO	Land Acquisition Officer
LAO	Land Acquisition Officer
MCTLP	Marshyangdi Corridor Transmission Line Project
MoHA	Ministry of Home Affairs
NEA	Nepal Electricity Authority
NGO	Non-government Organization
OPA	Officer for Preliminary Action
PAP	Project Affected Persons
PIC	Public Information Center
PIU	Project Implementation Unit
PS	Performance Standards
RAP	Resettlement Action Plan
SPS	Safeguard Policy Statement
TL	Transmission Line
WB	World Bank

Declaration

I hereby declare that this thesis describes work undertaken as part of the fulfillment of Ph. D. at Selinus University. All views and opinion expressed therein remain the sole responsibility of the author and do not necessarily represent those of the faculty and Supervisor.

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Enrolment No:

Date: July 2025

Certification

This is to certify that this thesis submitted for the degree of Doctor of Philosophy to the Department of Community and Social Development Program at Selinus University, is the record of research carried out by Shiva Prasad Dhakal, under my guidance. The assistance and help received during the course of this investigation have been acknowledged.

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Abstract

This research examined the practice of good governance and public participation in the land acquisition process. The study aims to understand the governance adopted and also level of public participation in land acquisition for the project development.

Land requirement is essential for the construction of project infrastructure and its usually involuntary process. Many developments project have encountered challenges in land acquisition and most research articles explain the need of good governance in the planning phase before commencing of land acquisition process. The methodology adopted is both qualitative and quantitative. This research is guided by a theoretical framework in which mainly transparency, public participation and access to information have been considered as key elements of good governance. It's designed based on previous studies in land acquisition, resettlement and good governance.

The land acquisition process starts with the decision made by the council of ministers and the District Administration Office is a key authority for this process. The acquiring authority and the project attempts to promote transparency involving the project affected parties to some extent. Public participation depends on the access to information related to the process in which the level of participation observed satisfactorily. The compensation rate paid was found satisfactory, however, the different lead time taken for its distribution. Furthermore, there is no structures to promote accountability on the part of the acquiring authority to the affected persons. The laws covering the compulsory land acquisition process were adhered to. Good governance is adhered to the extent possible, the inadequate laws and binding regulations covering the land acquisition process.

Key definition

Land

Land is a basic resource upon which almost all other resources depend on. It is a commodity, which is a principal source of all material wealth and power; be it food, fuel, shelter and precious stones (Kombe, 2009). Land includes the surface of the earth and the earth below the surface and all substances other than minerals and petroleum forming part of the or below the surface, things naturally growing on the land, buildings and other structures permanently affixed to land". It is an important asset because it supports shelter, income and social identity (Rakodi, 2002 and IFAD, 2006).

Good Governance

Governance is described as how society is managed, by not only formal institutions but also the informal arrangements including how the competing interests and priorities of different groups are settled (FAO, 2007). The World Bank also defines governance as the manner in which public officials and institutions attain and exercise authority to form public policy and offer basic goods and services (World Bank, 2007). The same is achieved through articulated good governance principles such as participation, rule of law, transparency, awareness, equity and inclusiveness, effectiveness, efficiency and accountability to ensure decision making at all levels to protect individual rights and the state (Asiama 2015).

Project Affected People

World Bank Operational Policy 4.12 defines PAPs as any person who loses their right to own, use, or benefit from a built structure, land, annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily due to project implementation. Thus, as a result of involuntary taking of land and other assets, the PAPs under the project experience direct adverse socio-economic impacts. They include all people who lose or stand to lose physical and non-physical assets as a result of involuntary relocation. They include all people residing in project areas irrespective of their legal ownership (ADB, 2010).

Compulsory Land Acquisition

This is defined as the power of government to attain private rights in land without the willing consent of land occupiers in order to benefit society (FAO, 2008). The same is possessed by many governments in modern countries whereby the process is meant to benefit society (FAO, 2008). Therefore, land must be acquired to facilitate various investments such as roads, railways, harbours and airports; for hospitals and schools; for electricity, water and sewage facilities as well as environmental protection. In the United States of America (US), this power is known as ‘eminent domain.’ In Canada, the United Kingdom, and Australia, the same is known as ‘expropriation,’ ‘compulsory purchase’ and ‘compulsory acquisition or resumption,’ respectively. In all these countries, compulsory acquisition of private property by the government is governed by legislation (Chan, 2003).

Land Acquisition

Land acquisition is defined as a process to obtain land either by voluntary contribution or by compensating the person who relinquishes the right to his land or assets. It refers to the acquisition of private land by the government in simple fees (through purchase or donation).

CHAPTER: I INTRODUCTION

I. Introduction

It is estimated that every year about 15 million people is directly affected by development induced displacement over the world (Robinson, 2013). In scientific literature Development induced displacement and resettlement first appeared in nineteen when a large number of people were displaced due to mega project for example dam construction. The consequences of the displacement introduced the debate because the term development perceived as positive but at the same time due to this kind of development project a large number of people displaced from their original habitat. Some development comes with the tears of eviction without any compensation or guarantees and sometime with a process of resettlement. A vast literature show that development-induced displacement and resettlement triggered the risk of impoverishment and directly affected the livelihood of displaced people, Although, participation in resettlement process, livelihood restoration and improvement are explicit objectives of the international resettlement policy but most of the cases these aspects are seriously neglected. And impacted people's participation and their voices are less heard. As a result, majority of people who are impacted/displaced by the development project, had to sustain their livelihood without project assistance (Perera, 2014). In some case resettlements are treated as burden rather than a part of development project. The study is influenced by the Moser (1998) analysis of how people cope with new settlement in her book 'Ordinary families', extraordinary lives'. In resettlement cases where adequate participation of affected people and livelihood restoration opportunities are not available, people had to cope up with new places. When resettlement is done poorly without consulting with affected persons and public participation, affected people will experience injustice and had to struggle to cope with inadequate service provision.

II. Background

Development projects require land to build infrastructures. Sometime, the acquisition of land requires the involuntary resettlement of people from areas here they live and work to other locations. Relocation of people from their original location causes economic, cultural and physical disruptions to the individuals affected as well as to the social fabric of local communities. To minimize or reverse the negative effects on economic, culture and sometime

physical relocation, appropriate policies to ensure public participation and project implementation is necessary. In absence of adequate national policy, participation of project beneficiaries including affected population is not possible.

The issue of transparency in public services is a major priority after the failure of traditional Weberian bureaucracy and the emergence of new concepts in public management before 1990's. Achieving transparency is one of the main objectives of the New Public Management. Transparency is widely recognized as a core principle of good governance in land administration (Vander Molen & Tuladhar, 2007). The government implements development projects by collecting taxes paid by the citizens. It reserves the right of the citizen to know how the money is being utilized and governed. This is one of the concepts of transparency and accountability to the citizens being utilized. Land acquisition is no exception where government should be accountable to its citizens and ensure transparency in its governance.

Land governance is the process by which the decision about access to and use of land are made. It incorporates the method of implementing this decision and the approach to lessen the conflict of interest regarding the land issues (UN/HABITAT & ITC, 2008b). Therefore, participation of affected people is very important in the context of land governance, especially, in the identification of parcels and their owners as well in determining the boundaries of the parcel (Zakout, Wehrmann)

Transparency in land administration which entails adherence to such fundamental principles as people's right to receive information and to participate in decisions affecting their lives. Transparency can therefore encourage civic engagement and accountability by rendering the public decision-making arena more 'knowable', accessible and thus fairer. This in turn strengthens confidence in governments and public agencies and has a positive impact on factors such as growth and economic development through equitable and fair access to land, increased tenure security, efficient use of land and substantial reductions in the cost of doing business for example. Though many of the general governance principles have a role to play in strengthening land administration systems, increased transparency alone can dramatically improve the way land administration services are provided

The construction of two major hydropower projects (Kaligandaki HP and Arun III) were not involved in land acquisition process, so campaigns were raised in non- transparency. They mainly complained about four main issues. Firstly, project affected people have not been informed from the beginning regarding the decision making about the project. Secondly, there

have been many difficulties in surveying the required land for road as part of land acquisition procedure. Thirdly, the amount of compensation and resettlement plan was not acceptable to the people. Lastly, the environmental impact assessment was not published to the local inhabitants (ADB 2004).

III. Statement of Problem

Throughout the world, involuntary resettlement has probably been the most unsatisfactory components associated with physical and economic impacts either nationally or internationally financed projects. This sobering record calls for the changes through improved policy approached, greater resource allocation, ensure public participation and enhanced implementation standards and applications.

Infrastructure development projects such as roads/ highways, building, irrigation, hydropower development, transmission line and urban development require huge amount of land. Government organizations/authorities can acquire private land for public benefit or infrastructure development through the Land Acquisition Act 1977 that was formulated about four decades ago. Land acquisition for these infrastructure projects takes longer than expected. Almost all projects related to infrastructure development have been pushed several years back as most of the project spent significant time on land acquisition. It has been assessed that of the total project lifecycle, authorities spent more than 60% of their time in land acquisition and compensation payment. It requires several human and capital resources and expected.

This study focuses on understanding governance practices in land acquisition executed by the government focusing on public participation and access on land acquisition. This study aims to assess the level of public participation in land acquisition process.

IV. Objective of the study

The fundamental purpose of this study is to carry out a deep assessment of governance practice in land acquisition for the infrastructure development project following the existing legal and regulatory framework focusing on public participation. It's objective is to understand the level of public participation in land acquisition process in the development project.

V. Research Question

In the project development stage, the project's timeline has been assessed and fixed accordingly. Project activities move ahead towards contract award and civil construction. However, proven records and experience show that projects related to infrastructure development have not been completed in scheduled time. It's very often that the project is completed on time. Experience shows that some projects are completed after a few years of extension, some extend for several years, and some are closed without completion. Project completion reports elaborate land acquisition as a major factor that pushes project completion for extended period. In this context, land acquisition is considered as a critical path for infrastructure development projects and involvement of landowners and public is crucial in entire land governance and acquisition process. It's important to understand the process adopted by acquisition authorities to ensure public participation and explore gaps in governance practices in the acquisition process.

- To what extent does land acquisition authority involve the public in land acquisition process?
- What tools are communication and approach of information dissemination adopted?
- What are the areas of improvement that expedite the land acquisition process?

VI. Theoretical Framework of Research

In this study good governance will be measured by using transparency, participation, and accountability. According to Parigi et al (2004), good governance is achieved in a way that process of decision-making planning and implementation of actions or development allows maximum public involvement in that manner the above key dimensions were employed to examine how good governance was adhered to during compulsory land acquisition of Marshyangdi Corridor Transmission Line Project.

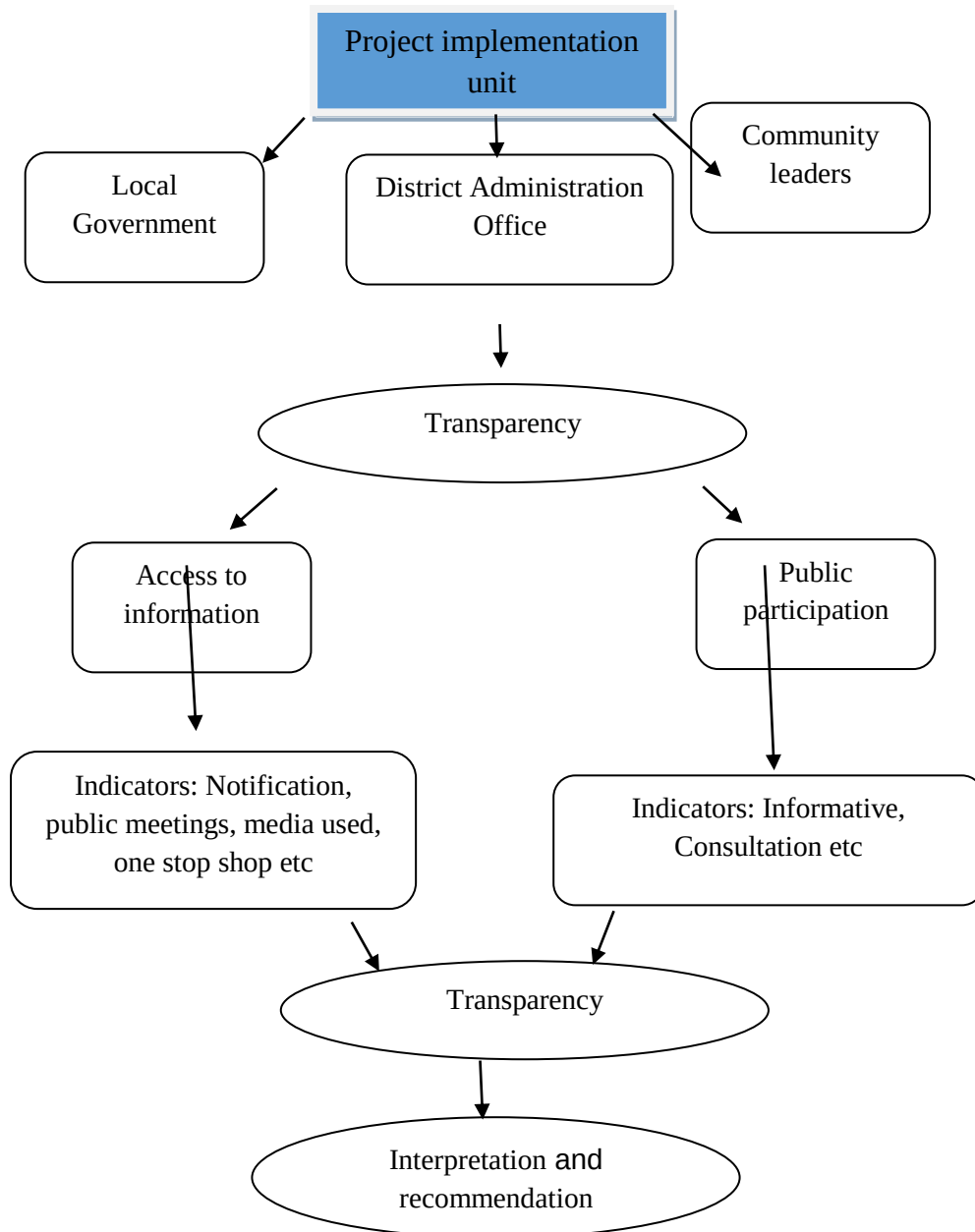
Table 1 Theoretical Framework of Research

Dimension	Definition
Transparency	Transparency means sharing information and acting in an open manner (Parigi et al. 2004) and was evaluated based on access and openness to information about the project. Access to information tools include legislations, public meetings, social media, public campaigns (Habitat 2013).

Participation	It incorporates a group of procedures and process planned to consult, involve, and inform the public to allow those affected by a decision to have an input into that decision (Rowe and Frewer 2000, Fischer 2016, Arnstein 1969). Public participation can contribute to legitimacy and fairness of the decision-making process since PAPs are consulted
Accountability	FAO, (2012) defines accountability as holding the decision makers, public agencies, private sectors and civil society organizations responsible for their actions and decisions in relation to the rule of law, justifying their decisions to beneficiaries and enforcement of their decisions, actions (Schedler 1999).

In this study transparency will be reviewed in the entire land acquisition process. This entails dissemination of information related to land acquisition, public involvement in the entire process (land surveying, verification, notification, price assessment, price determination and compensation distribution)

Figure 1 Conceptual Framework of good governance



VI. Significance of the study

Land acquisition is the utmost for the development of infrastructure projects. Usually in the projects financed by international financing institutions, a document requires to demonstrate the process applying in land acquisition process. Generally, a Resettlement Action Plan

(RAP) prepares by the project and executes it in land acquisition. This study focused on participation of project affected families/people in entire resettlement planning and its implementation process. Particularly, this study focusses on understanding the participation of affected populations in land acquisition process. Land price is determined according to the Land Acquisition Act 1977, led by Chief District Officer. This study explores governance in land acquisition projects. It critically examines the project's approach to ensure transparency, and accountability to ensure project affected population's participation in land acquisition process. The study helps to understand the significance of public transparency and accountability to ensure the public participation in the acquisition process and realize the actual need of their participation in the entire process. The outcome of this research will help project implement the value of putting affected populations voice in project planning.

VII. Limitation of the study

The study is subject to certain limitations. This research is undertaken as part of academic pursuit for the fulfillment of the requirements for the Ph. D Degree in Sociology. This study has been conducted to project affected person by land acquisition for the construction of transmission line tower for Marshyangdi Corridor Transmission Line Project (MCTLTP) in Anbu Khairani municipality of Tanahun district financed by European Investment Bank (EIB). The outcome of the study is limited to the response provided by the affected person, village leaders, government official, project management team and information obtained from secondary sources.

VIII. Good Governance Dimension of Compulsory Land Acquisition

FAO (2009) shows the importance of good governance in the effective and fair planning, and implementation of compulsory land acquisition. Good governance is needed to strike a balance between the government's need to acquire land quickly and to protect the rights of the persons who have interests in the land to be acquired. Dissemination of and access to timely, important, and accurate information to all project affected persons and their representatives provides a solid platform for their participation in the decision-making and collaboration with the acquiring authority (Mostert, 2003). It reduces the fears of misconception of the affected person for the project and builds their trust in the acquiring authority (The World Bank, 200). Information regarding the process should therefore be very open to all members of the

affected communities. Accessibility to information will not be effective where there are no structures to aid and encourage the process. An example is where there is no information and grievance offices, especially in the affected communities. The compulsory land acquisition and resettlement process is a complex one; therefore, there is the need to make the information as simple as possible. Important issues related to transparency that this study will cover the two components of transparency: access to information and openness of the process. With respect to access to information, this will include the level of accessibility to the plans in place regarding the compulsory land acquisition and resettlement, the level of complexity and bureaucracy involved in the acquisition and provision of such information, and the existence of public information center or a dedicated project desk.

With respect to the openness of the process, the study will look at whether the process itself is clear and simple whether the process has been explained clearly to the affected population, and the timeline of the process is also made available to the project so certain actions by the acquiring body does not catch them off guard. Furthermore, in the openness of the compulsory land acquisition process, at the planning stage, the study will determine at what point the affected persons are made aware of the intention to acquire the property and whether the affected persons are informed of the purpose of acquisition. In determining the compensation, sharing details of the acquiring authority's compensation assessment with the affected persons make the process more open. Where the openness of the process is with respect to resettlement, the reason for the choice of available sites should also be made known to the affected persons

The UN Declaration on Rights of Indigenous Peoples the Free, Prior and Informed Consent (FPIC) of persons to be affected by the resettlement (United Nations, 2008), Cernea (1997) also indicates the significance of informing and consulting the parties involved in the land acquisition process. When their knowledge is used, inaccurate assumptions about their preferences and needs are lesser. The inclusion of projects affected persons will aid in the identification of social, cultural and environmental issues and concerns of the community. Resettlement resulting from compulsory land acquisition is not always done with the support of the affected persons. The need for participation is therefore one of the bedrocks for the success of this kind of project since the outcome of the project affects not just the present generation, but also the generations yet to come. The nature of public participation takes different forms as already seen. The European Investment Bank (2022) recommends in the

EIB E&S Framework that the level of participation should not just be at informing and consultation level of public participation in the planning and implementation, but it must reach the level of collaboration and partnership. This level of participation will enable the acquiring authority to share the success or failure of the project with the affected persons. It will also reduce the cost that may be incurred later from supporting the affected persons as a result of “dependency syndrome” (Cernea, 1998).

Van Gelder (2010) identifies three views of land tenure security- legal, de facto and perceived tenure security. Legal tenure security follows the idea that the owner of the property has rights to it guaranteed by the state law through the possession of the title to the land. Legal tenure security also refers to a situation where the property owner is protected against involuntary removal from this property unless in special situations and through a procedure prescribed by the law. De Facto land tenure security is the notion that certain elements, independent of the legal status of the occupier’s rights, determine tenure security. These include inherent elements such as duration of the period of occupation, the size of the settlement, the nature of the community organization, as well as external elements such as media support, and political and administrative acceptance. Perceived tenure security deals with the occupier’s estimation of the chance of being evicted by the landowner. Equity also considers the nature of the compensation given. The FAO (2009) holds the view that fair and adequate compensation can only be achieved through negotiations and therefore recommends the training of the affected persons in negotiations as well as hiring professionals to aid them in the negotiations.

The FAO 2009 shows the need for laws and regulations that help in shaping the process of compulsory acquisition of land. This enables the people to know and protect their land rights, as well as those of the future generations. The implementation of the land acquisition should also go according to the laid down legislation. Where the legislation is seen as not enough, it should be supplemented by internationally recognized best practices.

Effective accountability is one of the vital ways combating corruption van der Molen & Tuladhar, 2007). In assessing the quality of accountability in land administration, Graham et al (2003) suggests three things to know; first whether there is a clear assignment of responsibilities to the people involved for the various functions to be performed. Secondly, whether the responsibilities assigned to those involved are appropriate and are according to their skills; and thirdly, the accountability arrangement itself. There are two forms of accountability arrangements – vertical accountability and horizontal accountability. The most

common type of vertical accountability is towards the governed, either directly or through the media and civic organizations. Horizontal accountability is the use of checks and balances at the level of the authority imposed upon it. An example of this is the existence of legislative and judicial arm of government, the ombudsman, and auditing agencies, to serve the checks on the executive arm of the government. With respect to accountability in the compulsory land acquisition and resettlement process, some of the indicators that will show accountability are the clear assignment of responsibilities to the parties involved, the appropriateness of the responsibilities assigned, the existence of bodies to horizontally and vertically check the acquiring authority.

IX. Dimensions of Good Governance and Land Acquisition

Adopting Involuntary process in land acquisition is critical for path for the development projects. Good governance is a key dimension for the process. This study assessed transparency and public participation as key indicators to assess good governance. The relationship between good governance and land acquisition is illustrated below.

Table 2 Relationship dimension of good governance and land acquisition

Dimensions of Good Governance	Relationship with Land Acquisition
Transparency	• Project affected stakeholders including project affected persons will receive accurate information in time • Establishment a dedicated desk for information dissemination; Public Information Center • Provide information on the procedure timeline and responsible authorities for land acquisition • Explaining the donor's requirements and Land Acquisition Act and its provisions • Procedure price determination of affected land and other assets • Deliberation of important messages and notices
Public participation	• Nature and level of public involvement

	• Public meetings/hearing and consultation • Opportunity filing complaint and its redressed procedure • Participation in land and other affected assets appraisal process • Participation in project development, and implementation
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Details of thematic area and their accompanying indicators of good governance. This is based on the identified relationship between good governance and compulsory land acquisition. The table below shows dimension of thematic area and its indicators.

Table 3 Key indicators of good governance

Dimension	Thematic area	Indicator
Transparency	Access to information	• Establishment of project information desk
		• Use of appropriate and most accessible media for project dissemination of project information • Providing free information connected to land acquisition
	Openness of the process	• Disclosure of RAP • Disclosure of project entitlement and benefits • Explain the process/ obligation and responsible authorities for land acquisition • Timeline of compensation payment • Process of land price determination • Testimonies for land deed transfer
Public participation	Participation of public actors	• Frequency of meetings and consultations • Level of involvement and inclusion in the meetings • Process inviting in meeting
	Access in decision	• Access in complain registration

	making	• Procedure for establishment of Grievance Redresses Committee • Involvement of PAPs in land appraisal and its inventory.
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The above description establishes the relationship between the dimension of good governance and the process of compulsory land acquisition. The thematic areas and indicators of the dimension are derived based on this relation to constitute the assessment framework. This conceptual framework provides guidance for data acquisition and applies appropriate methodology for information collection and also shape the study.

X. Key Elements of Land governance

This chapter explains the concept of governance in land acquisition process. Land administration is a process of recording and disseminating information regarding various components of land, like land right, land value, area of land, ownership with detailed documentation and provision of relevant information (UN, 196). Land administration is strongly related to land management.

a. Transparency

Transparency is one of the basic principles of good governance. This principle can however be interpreted in a wider and narrowed context. UNDP 1997 defines transparency as the free flow of information regarding the process, and mechanism to those concerned for their understanding and monitoring. Transparency is impossible without information being freely available to it is therefore necessary that the citizens are well informed and educated about their rights and responsibilities. Therefore, the way information is assessed and or provided is critical if this objective is to be achieved. UN HABITAT (2013) identified certain tools that promote access to information such as legislation, information technology, internet-based information management, electronic and print media, custom made information and contemporary media/social media. Mainly below key elements will be taken accounting as part of transparency. Land information system, computer based one stop shop, print and electronic media, public campaigns, public meetings/hearing and use of contemporary/emerging social media.

b. Public Participation

Public participation is defined as a way in which involvement of citizens can be influenced and have control over the decision that affects them (Devas & Gant, 2003). It is necessary to strengthen the capacity of both governments and civil society in an inclusive manner to be able to engage in a real discussion regarding resource use and service delivery. Transparency influences civic engagement in more direct manner and to increase transparency, the awareness raising programs information campaigns consultation through public hearing, forms of workshops are required where people get informed and bring their ideas Wehrmann et al., 2002). Below key elements are integrated with public participation in land governance. There exists four According to Arnstein (1969), there exists four levels of participation which identifies, Informing, Consultation, Partnership/co-operative participation and co-designed controlled participation

c. Access to Information

Every citizen has the right to access information, and it is important in order to learn about the existence and protection of social rights. It is a powerful tool which initiates the most disadvantaged group to be actively involved in the development process. Moreover, lack of proper communication and appropriate information dissemination, it could be an obstruction in decision making process. Access to information is the parameter of transparency, is assessed through public meetings/hearings, social media, information center, local government, district administration officer.

XI. Structure of this report

The research report outlines into five chapters as described below.

Chapter I Introduction: This chapter introduces land history, its socio-political, cultural and economic dynamics of land in Nepal. It presents objectives, limitations, statement of problem and research questions.

Chapter II: Literature Review This chapter lists out major legal instruments and its provision in land acquisition. It explains land acquisition process, actors involved in acquisition process, their role, safeguard policy of the donor involved for this project, project introduction, and its progress

Chapter III: Research Methodology: This chapter focuses on the research methodology adopted in this study. It explains data collection technique, tool, study area, stakeholder's identification, research design, and checklists used for data collection.

Chapter IV: Results Findings: This chapter elaborates empirical findings derived from research. It explains the qualitative and quantitative data adopted through different research tools.

Chapter V: Research Result: This chapter presents key results of the survey findings in relation to good governance practices.

Chapter VI: Conclusion and Recommendation: This chapter provides an outcome and cohesive summary of the study and presents key findings. It deep dives the governance issue in land acquisition and level of public participation in entire process. The conclusion will be derived from information obtained through research tools and recommendations will be provided specially focusing on transparency of the process, accountability of acquisition authority and level of public participation. Recommendations will be based on the challenges and constraints encountered in the entire land acquisition process.

CHAPTER II LITERATURE REVIEW

This chapters elaborates the Provision and procedure in national legislation and key provision on the requirements of international financing institutions financing in Nepal

I. Constitution of Nepal

Constitution of Government of Nepal (2015) guarantees the fundamental rights and duties of a citizen. Article 30 (1) establishes the right to property from every citizen of Nepal, whereby every citizen is entitled to earn, use, sell and exercise their right to property under existing laws. Article 30 (2) states that taxes on the property of person as necessary on the basis of principles of progressive taxation. Article 30 (3) states shall not accept in public interest, requisition or acquire, or otherwise create any encumbrance on, the property of the people. But it does not apply to any property acquired in an illicit manner. Moreover, constitution ensures the right to information and their participation, or/involvement.

a. Land Acquisition Act 1977

The Land Acquisition Act (LAA) of 1977 [as amended by the Administration of Justice Act (1977), the Act Amending Some Nepal Acts (1992), the Act Amending Some Nepal Acts (1998); and in Republic Strengthening and Amending Some Nepal Acts (2010)]. LAA enables the Government to acquire land for public purposes and provides fair and just compensation to private landowners. Section 3 of the Act states that “Government of Nepal may, if it deems necessary, acquire any land at any place for any public purpose, subject to compensation.” According to the Act, public purpose means undertaken in the interest of or for the benefit or use of the general public, or functions to be undertaken by Government of Nepal which include state/provincial government, or the works related to the project approved by Government of Nepal and project undertaken by local bodies in different levels. Section 4 of the Act also allows acquisition of land by government for institutions. "Institutions" being companies, boards, or corporations established or formed pursuant to law. Specifically, the Act stipulates that the government may decide to have land acquired for institutions subject to payment of compensation and all other expenses to the government, for purposes of staff housing, land related to a project of the institution and lands for agricultural research

The LAA provides for the issuance of at least three notices for intent to acquire land and property: (i) Notice of Preliminary Action; (ii) Notice of Land Acquisition; and (iii) Notice of Compensation Entitlements. In each of these notices, the LAA provides a window for the PAPs to make an appeal and lodge complaints.

b. Official Procedures for Land Acquisition

Step 1. Implementing Officials. Two different officials handle Land acquisition procedures: Officer for Preliminary Action (OPA) and an officer for the acquisition proceeding, The OPA must be an officer of at least Class III rank, appointed by the Council of Minister (CoM) Government of Nepal (GoN). The project nominates OPA, a government employee of at least Class III rank to function as the OPA. Chief District Officer (CDO) of the project located district will act as Land Acquisition Officer (LAO). When a project covers more than one district, each CDO is the LAO for his district, unless the area of acquisition is extremely large. The LAO functions as an appellate authority in hearing complaints about decisions made by the OPA in regard to compensation for any damage caused during the preliminary process. Under the Land Acquisition Act (LAA), 1977, the LAO functioned as an appellate authority in hearing complaints about decisions made by the Compensation Determination Committee (CDC) during the acquisition process. Under the (LAA) existing legislation, a Comprehensive Determination Committee (CDC) is formed, chaired by the CDO with the Chief of the Land Administration Office or District Revenue Office, a representative of the District Coordination Committee (DCC) and mayor of the respective project municipality.

Step 2. Initial Procedures. The Executing Agency requiring Land initiates the acquisition process by sending a proposal for acquisition to its superior Department of Ministry stating the location and amount of land required, the purpose, and, if it exists, a survey map of the area. A public corporation must submit a written consent that will reimburse GoN for all costs incurred for the acquisition as well as the expected time of project completion. The initial approval process takes about one month.

Step 3. Preliminary Process. As a confirmation of the initial process, the first formal proceeding is an issuance of notice to land and property owners affected and an investigation of the situation by the OPA. Notification should take place within seven days of the approval

process but can be extended to a period of one month when several districts are involved. The OPA can begin his investigation within three days of notification and should submit, according to the Act, his report within 15 days of service of the notice on land suitability. In actual practice, it usually takes a month or more to submit. The process is then transferred to the LAO. The notice must be served at the principal place of public thoroughfare in the vicinity of the land concerned, at the office of the concerned village or town, and at the door of the house or on the compound wall, if the dwelling is also to be acquired. The Officer prepares a preliminary report that contains all pertinent information regarding the land and acquisition, as well as details of the extent of damage caused during the preliminary process and the amount of compensation to be paid for such damage.

Step 4. The Acquisition Process. Upon receipt of the preliminary report, the LAO prepares a Notice of Acquisition, signed by the LAO. This serves to express the firm intention of GoN to acquire the land, and any defect in procedure or content can nullify the whole process of acquisition in a court of law. In addition to information contained in the initial notice, the Notice of Acquisition contains a description of the four surroundings of the land and other characteristic features identifying the landowner, plot number, size of the land and size to be acquired and procedural information. The Notice also specifies the time which owners or tenants have to remove, at their own cost, houses, standing crops, trees, compound wall, etc., if they are not acquired along with the land – usually a customary 30 days. The Notice of Acquisition must be posted in the same manner as the preliminary notice. It is also customary to publish the notice in the national daily newspaper the national Nepali-language. The landowner or registered tenant has 15 days from the time of the Notice of Acquisition to submit an application for compensation, with supporting documentation of land ownership or tenancy rights. If they wish to contest acquisition, owners or tenants must file a complaint with “sufficient explanation of reasons” to the Ministry of Home Affairs (MoHA) through Chief District Officer or LAA.

According to the Act, 15 days have passed since publication of the Notice of Acquisition and, the land can be legally acquired. When a house is involved, the family must be compensated 50% of the compensation amount in advance of eviction or a lump sum adequate for shifting the dwelling to another place. The land is then registered in GoN or the acquiring organization’s name at the records office, which informs the former landowner. While GoN

can reuse the same land for other public purposes, public corporations must return the land (taking the compensation back) or, if the owner refuses, sell it to someone else.

Step 5. Property Compensation and Valuation. In the Act, compensation is provided for:

(a) Preliminary Process -

- Damages caused through reaping, felling, or demolishing of crops, trees, fences, compound walls, etc.; and
- Damages caused while removing soil or stone, etc., or digging for puts, or from boring land.

(b) Acquisition Process -

- Land being acquired.
- Any crops, trees, houses, sheds, compound wall, or permanent or temporary structure built on the land, if the owner has not been permitted to remove them.
- Dislocation of the materials as aforesaid, if the owner has been permitted to remove them; and Shifting of the house owner or registered tenant's dwelling, if on the acquired land.

The Act makes an exception for the plight of the landowner who has been dispossessed of his entire landholdings and declares that:

- The compensation determination committee (CDC) that sets rates of compensation may have the latitude and discretion to award additional compensation in such cases, what might be termed a hardship allowance; and
- Those landowners who have lost their entire holdings in the land acquisition process may choose land for land as an alternative to cash compensation.

Step 6. Compensation Notice. Based on the information received from OPA and the claimants, the LAO prepares a Compensation Notice for the information of concerned persons. Unlike other notifications, there are no stated procedures in the Act for what information it should contain or where and when it should be served. Like the other notices, however, the landowner or concerned person also has 15 days within which to make a complaint. Unless a complaint has to be decided in a court of law, as is the case with disputes over the ownership of the acquired land, the Act stipulates that the Chief District Officer

should normally make a decision on the complaint within 15 days, though he may take longer, especial if he decides that he needs to obtain more information to make a ruling.

Step 7. Process of Appeal. While it is possible to appeal the decisions of the OPA regarding compensation for damages incurred in preparation of the preliminary report, there are no provisions of appeal once the Compensation Determination Committee (CDC) decides on the recipient and amount of compensation. It is possible to complain to the LAO regarding the list of concerned parties and lands mentioned in the notification, as well as to sue in court if due process is not followed, but there is no appeal mechanism for compensation decisions. In actuality, the Committee will usually entertain appeals in case a mistake has been made in calculations, but not for other reasons. If there is a procedural complaint regarding the LAO, the Act had provided that this would be made to the CDO within 35 days of the decision of the LAO. The aggrieved party may also give a writ petition to the Supreme Court if his or her fundamental rights have been encroached. This petition is sometimes filed to investigate judicial scrutiny of an action for which there is no provision under the Land Acquisition Act. This is one way of getting around the lack of a legal mechanism for appeals.

c. Land Acquisition, Resettlement and Rehabilitation in infrastructure Policy

In March 2015, the National Planning Commission of Nepal approved and introduced Land Acquisition, Resettlement and Rehabilitation Policy. The policy allows land acquisition without jeopardizing the livelihood of people who have to be relocated from the infrastructure construction or the infrastructure project site. This policy is expected to make land acquisition activity easier for developing infrastructure projects. The policy has tried to address complex issues so that the country can achieve its development goals without causing erosion in the living standard of the people who are displaced or affected by the projects. Those not satisfied with land acquisition, resettlement and rehabilitation processes can lodge complaints at a body formed at the project office and complaint hearing offices at district and regional levels. If a verdict issued by the regional level complaint hearing office is also deemed unsatisfactory, the person can knock on the doors of appellate court.

d. Land through negotiation

Under Section 27 of the Land Acquisition Act, 1977; there is a provision for the GoN to acquire land through negotiation and/or mutual agreement with the plot owners wherein the process as illustrated above does not apply. The Act grants the plot owner the right to choose between a mutual agreement process, and the formal process for land acquisition. Where

Clause 27 is enacted, and the plot owner is not satisfied with the compensation agreement offered, Clause 18 (sub-clause 2) states that the owner may file a complaint.

II. Key Actors and their Role for Land Acquisition

There are four key actors identified in the land acquisition process for the project. These actors have been identified on the basis of land acquisition laws/regulation of the country and its practice in the projects financed by international agencies.

a. Council of Ministries

The Council of Ministry is the first authority to decide about land acquisition. Land Acquisition Act 1977 has secured the right to decide land acquisition to the Government of Nepal. The act provided power the Council of Ministers to decide to acquire land for public purposes, subject to pay compensation and all other expenses upon the request submitted by the institution's /organizations/ departments/project through Ministry of Home Affairs.

b. District Administration Office (DAO)

The District Administration Office is legally mandated to act as a key role in the compulsory land acquisition and resettlement process. After the decision made by council of ministry, DAO collaborates with other government agencies as mandated by law. Officer for the preliminary action appointed by council of ministers submits the land appraisal document to the CDO. Chief District Officer (CDO) at DAO office chairs the land price determination committee. The committee is composed of Chief of the District Coordination Committee, Land Revenue Officer (LRO, Mayor of the Project Municipality and Project Manager. CDO reserves authority to invite any other experts or personnel to support the price determination and facilitation of the process.

In absence of legal authority for land valuation, generally, CDO forms a committee representing from different government authorities, local government and individual experts to appraise the land and provide recommendation. The committee reviews existing transactions, consults with affected people including key personnel at site, reviews practices of other projects in the vicinity, appraises the land use and its productivity and recommends indicates the land price for acquisition purposes.

c. The Project

The project is a key institution that leads for compensation payment upon the facilitation of CDO. The Project collects all information required for land deed transfer. With support from

Land Revenue and Land Survey Office the project initiates land deed transfers in projects name. While the process is completed and the landowner submits necessary documentation the project starts paying compensation.

III. Environment and Social Standards of International Financing Institutions

This chapters describes key policy principles in implementing involuntary resettlement process of the international development partners to operating in Nepal. Focus has been done to understand the participation of key actors mainly project affected population in land acquisition process.

a. Asian Development Bank Safeguard Policy Statement (2009)

ADB's Safeguards Policy Statement, 2009 (SPS) with regard to involuntary resettlement are:

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

ADB's SPS covers permanent and temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land assets, access to assets, income sources, of means of livelihood) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. The SPS covers them whether such loss and involuntary restrictions are full or partial, permanent or temporary.

Policy focuses on conducting meaningful consultation with the affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlement and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children and indigenous people, and those without legal title to the land, and ensure their participation in consultation. Establish a grievance redress mechanism to receive and facilitate resolution of the affected person's complaints. Support the social and cultural institutions of displaced persons and their host population.

b. World Bank's Environment and social Framework 2018

World Bank's Environment and Social Standards five describes key provision and its requirement on land acquisition, restriction on land use and involuntary resettlement. It emphasizes avoidance of involuntary resettlement where possible. In case if avoidance is not possible, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced person's) will be carefully planned and implemented.

It emphasized meaningful consultation to the project affected persons ensure their right to information during the land acquisition process. A full replacement cost principle to be adopted while providing compensation at market cost.

c. European Investment Bank's Environment and Social Standards 2022

People whose livelihoods are negatively affected by a project should have their livelihoods improved or at minimum restored and/or adequately compensated for any loss incurred. As such, where physical or economic displacement is unavoidable, the Bank requires the promotor to develop an acceptable Resettlement Action Plan (RAP). The plan should incorporate as follow the right to due process, and to meaningful and culturally appropriate consultation and participation, including that of host communities. All Project Affected People (PAP's) shall be paid fair compensation in good time for expropriated assets.

The promoter is required to offer to the PAPs an informed choice of either compensation in kind (land-for-land; land plot and house to replace affected land plot and house) or monetary compensation at the outset. The promotor is expected to comply with the choice stated by the PAPs. Whenever replacement land is offered, affected households should be provided with land for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the land taken. In exceptional cases when this is not possible, adequate compensation must be provided.

- Avoid or, at least minimize, project induced resettlement whenever feasible by exploring alternative project designs.
- Avoid and/or prevent forced evictions and provide effective remedy to minimize their negative impacts should prevention fail.
- Ensure that any eviction which may be exceptionally required is carried out lawfully, respects the rights to life, dignity, liberty, and security of those affected who must have access to an effective remedy against arbitrary evictions.

- Respect individuals', groups, and communities' right to adequate housing and to an adequate standard of living, as well as other rights that may be impacted by resettlement.
- Give particular attention to vulnerable groups, including women and minorities, who may require special assistance and whose participation should be vigilantly promoted.

d. International Finance Corporation (IFC) Environment and Social Performance Standards 2021

IFC Performance Standards (PS) 5 recognizes that project-related land acquisition and restriction on land use can have adverse impacts on communities and persons that use this land. The objectives of PS are; to avoid, and when avoidance is not possible, minimize displacement by exploring, alternatives in project design, to avoid forced eviction, to anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restoration on land use by (i) providing compensation for the loss of assets at replacement cost and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation and the informed participation of these affected

- To improve, or restore, the livelihoods and standards of living of displaced persons
- To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites.

e. United Nation Development Program (UNDP) Environment and Social Standards 2021

For affected persons without formal land rights or recognizable claims, compensate for loss of assets other than land (eg dwellings, other improvements) at full replacement costs, provide resettlement assistance in lieu of compensation for land sufficient to restore living standards at an adequate alternative site, and provide arrangements to allows them to obtain adequate housing with security of tenure so that they can resettle without facing the risk of forced eviction.

Prohibit forced evictions in all supported activities, Forces eviction is defined here as the permanent or temporary removal against their will of individuals, families or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. Forced evictions constitute gross violations of a rage of internationally recognized human rights. Any evictions that may be associated with

project activities shall occur only in exceptional circumstances and be carried out lawfully with full justification and meet all of the following criteria: (i) authorized by national law; (ii) carried out in full accordance with relevant provisions of international human rights and humanitarian law. (iii) undertaken solely for the purpose of promoting the general welfare; (iv) are reasonable and proportional, and (v) follow due process standards and are regulated so as to ensure full and fair compensation and rehabilitation. Stakeholders' engagement is a continuous process that may involve, to varying degree, the following elements: stakeholder analysis and planning, disclosure and dissemination of information, consultation and meaningful participation, dispute resolution and grievance redress ongoing reporting to affected communities and stakeholders.

f. Asian Infrastructure Investment Bank (AIIB) Environment and Social Framework 2019

AIIB Environment and Social Standards (ESS) two on Involuntary Resettlement (IR) secure the rights of affected parties for adequate compensation to restore affected assets and meaningful participation in entire process. The objective of these standards is to avoid IR where possible; to minimize IR by exploring project alternatives; where avoidance of IR is not possible, and to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels. IR covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land or access to land and natural resources; loss of assets or access to assets, income sources, or means of livelihood) as result of (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use is access to legally designated parks and protected areas. It covers such displacement whether the losses and involuntary restrictions are full or partial, permanent or temporary.

g. Japan International Cooperation Agency (JICA) Guidelines for Environment and Social Consideration) 2022

Guideline six of Environment and Social Consideration six has made provision on involuntary resettlement. IR and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. When avoidance is proved unfeasible, effective measures to minimize impact and compensate for losses must be agreed upon with the people who will be affected. Prior compensation at full replacement cost must be provided as much as possible and enable them to improve their standards of living, income opportunities, and production levels, or at least to restore these to pre-project levels. Appropriate participation by affected people and

their communities must be promoted in the planning, implementation, and monitoring of resettlement action plans and measures to prevent the loss of their means of livelihood. In addition, an appropriate and accessible grievance redress mechanism must be established for the affected people and their communities. In preparing resettlement action plan, consultation with project affected and their communities must be held in sufficient manner and information should be provided in advance.

h. Green Climate Fund

The GCF has adopted on an interim basis the Performance Standards (PS) and the implementation guidelines of the International Financial Corporation of the World Bank¹ There are 8 Performance Standards in total, covering key environmental and social issues that must be considered when undertaking a project, using international best practices

i. Global Environment Facility (GEF) Policy on Agency Minimum Standards on Environmental and Social Safeguards 2011

The minimum standards that GEF Partner Agencies shall be required to meet are grouped into the eight areas.² Their purpose these standards is to serve as a benchmark to ensure that all GEF Partner Agencies have adopted sufficient safeguard systems for avoidance, minimization, and mitigation of potentially adverse environmental or social impacts in the context of any GEF supported projects and adequate project information related to project are disseminated and people are consulted in each stage of project development.

j. International Fund for Agricultural Development (IFAD) Social, Environmental and Climate Assessment Procedure 2015

IFAD' commitment to advancing sustainable development is reflected in the guidelines. The guideline was approved in 2014 and became effective from 2015. It describes how to better mainstream environmental, social and climate change considerations into the project cycle, and demonstrates IFAD's commitment to go beyond "doing no harm" to maximizing development gains. It seeks to ensure that IFAD's policies and strategies, and its investments

¹ The full text of these Standards is available at:

http://www.ifc.org/wps/wcm/connect/55d37e804a5b586a908b9f8969adcc27/PS_Spanish_2012_FullDocument.pdf?MOD=AJPERES

² [https://www.thegef.org/sites/default/files/council-meeting-](https://www.thegef.org/sites/default/files/council-meeting-documents/C.41.10.Rev_1.Policy_on_Environmental_and_Social_Safeguards.Final%20of%20Nov%2018.pdf)

[documents/C.41.10.Rev_1.Policy_on_Environmental_and_Social_Safeguards.Final%20of%20Nov%2018.pdf](https://www.thegef.org/sites/default/files/council-meeting-documents/C.41.10.Rev_1.Policy_on_Environmental_and_Social_Safeguards.Final%20of%20Nov%2018.pdf)

are designed to “leave no one behind” since sustainable development must be achieved for all – especially the poorest and most vulnerable to climate change.

k. Food and Agriculture Organization (FAO)

FAO Environmental and Social Standards (ESS) six ensures the right of landowner. It advocates involuntary resettlement and displacement, prohibit forced eviction, avoid, and when avoidance is not possible, minimize adverse social and economic impacts from restrictions on land or resource use or from land and resource acquisition³, Improve or at least restore living conditions of persons who are physically or economically displaced, through improving and restoring their productive assets and security of tenure.

IV. Key Gap between LAA GoN and international financing institution in Nepal

Nepal’s land acquisition act and the process is conservative being formulated five decades ago compared with the international practices. Land related laws, regulation and policies are yet to formulate aligning with international best practices, compatible in recent time and favoring the affected persons.

Table 4 Major gaps between Land Acquisition Act and the requirement of International Financing Institutions

Theme	Provision within the Land Acquisition Act (LAA), 1977	Requirements under international standard
Avoidance or impact minimization	The LAA allows land acquisition for “public purposes”, such as a National Priority Project. It does not specify avoiding or minimizing resettlement	Require avoidance of involuntary resettlement and/or minimizing impacts.
Impact Mitigation	The LAA provides for compensation of land and assets and in certain cases of landlessness, for provision of replacement land. Criteria are determined by the Compensation Fixation Committee chaired by the CDO.	Provision of compensation at replacement cost along with rehabilitation assistance and commitment to improve and/or restore livelihoods to pre-project levels.

³ <http://www.fao.org/3/a-i4413e.pdf>

Theme	Provision within the Land Acquisition Act (LAA), 1977	Requirements under international standard
Timing of Compensation	An executing agency may acquire land by depositing money with the competent authority for compensation determination. In the case of houses, 50% of the compensation is to be paid prior to transfer.	Possession of acquired land and related assets will be taken up by the project only after compensation has been made available and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons in addition to compensation
Eligibility	Legally, provisions are made for landowners and registered tenants under the Constitution and the LAA. However, there are no provisions for informal rights holders, unregistered landowners, squatters, undocumented tenants, other family members or landless.	Includes: those with formal legal rights to the land/assets; those with no legal rights but with a claim to land recognized under national or customary law; or those with no recognizable legal right to land or assets
Informed Consultation and Participation	The Local Government Operation Act, 2017 does not clearly specify any roles and responsibilities linked to interface between the project and the local community. During the LA process, the CDO is the appellate authority. Otherwise, the LAA does not require on-going consultations with affected persons and other stakeholders	Disclosure of relevant information; meaningful consultations with affected persons communities, and other stakeholders; consultations must be on-going and inclusive
Livelihood Restoration	The legal frameworks for resettlement provide for rehabilitation of displaced settlements and compensation to affected persons through land-based resettlement strategies. However, land-based livelihood is not used as a criterion for application of such land-based resettlement strategies wherever	Provision of compensation at replacement cost along with rehabilitation assistance and commitment to improve and/or restore livelihoods to pre-project levels.

Theme	Provision within the Land Acquisition Act (LAA), 1977	Requirements under international standard
	possible.	
Grievance Redress Mechanism	The affected entities may approach the CDO and/or the Ministry of Home Affairs within a defined period for compulsory expropriation. Under Clause 27, an appeal against the compensation may be directly filed with the Ministry of Home Affairs. However, entities other than legally registered landowners and tenants are not considered.	The project is required to establish a grievance redress mechanism which should seek to resolve concerns promptly, using an understandable and transparent consultative process that is culturally appropriate and readily accessible.
Special assistance for vulnerable households	There are provisions for landless entities with legal ownership. However, additional compensation is at the discretion of the CFC.	Particular attention will be paid to the needs of the poor and the vulnerable as a part of the resettlement process, however no specific package or entitlement for vulnerable groups.
Support during transition	No such provision in the LAA.	Transitional support should be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

CHAPTER III RESEARCH METHODOLOGY

The researcher will use both qualitative and quantitative and primary and secondary data. The primary data will be collected through questionnaire with project affected persons, municipality team, government authorities and secondary data will be collected through literature review and review of project documents, and publications.

I. Stakeholder identification and mapping

Stakeholders mapping will be done to understand the position of the stakeholders related to land acquisition and compensation payment. In land acquisition process, government stakeholders are secured by the LAA 1977. Ministry of Home Affairs (MoHA), District Administration Office (DAO), Land Revenue Office (LRO), Land Survey Office (LSO), District Coordination Office (DCC) Project Manager and Municipality are key institutional stakeholders involved in land acquisition and compensation process. In addition to those government stakeholders, project management team, project affected people, community-based organization, NGOs, right based organization, and village leaders. Besides the key institutional stakeholders involved in the process, local/community organizations also play key role in land governance and acquisition process. During the research, among the identified stakeholders, selected will be interviewed and consulted.

II. Study area introduction

The project construction cost is co-financed by European Investment Bank and Asian Development Bank. The study area lies in Gandaki province of Nepal. The transmission line passes through five districts and about 12 municipalities of the province. Given the constraint of time and financial resources, this research will be carried out on one of the projects affected municipality namely Anbukhareni Municipality of Tanahun district.

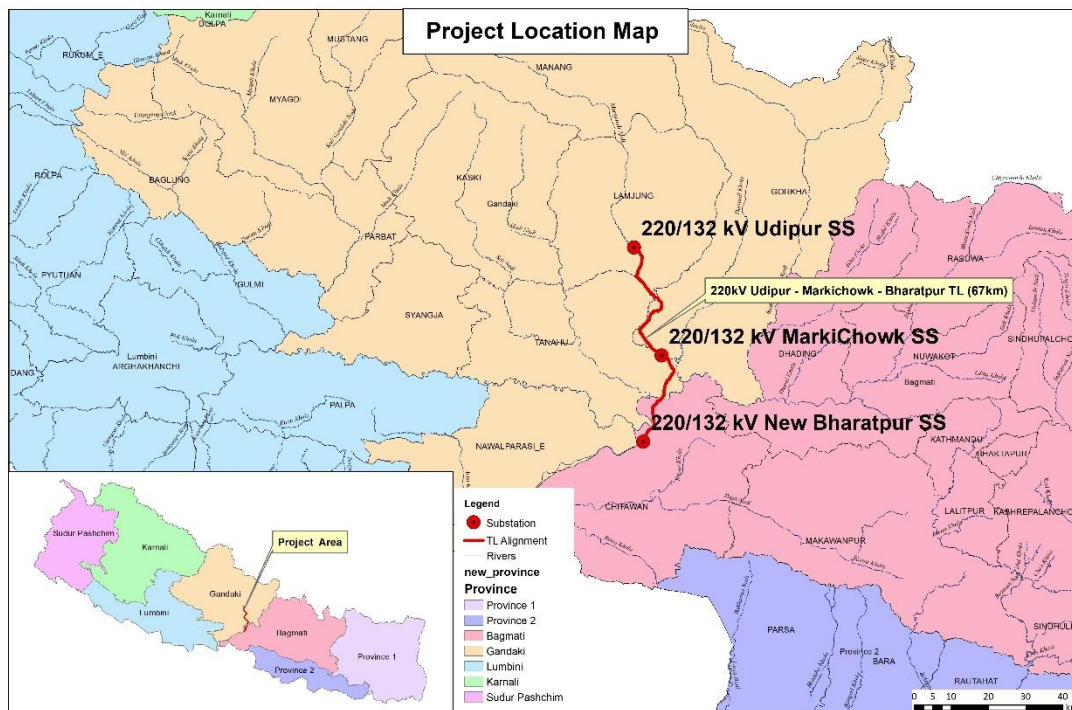
The study area is located in right bank of Marshyangdi River and Kathmandu Pokhara highway. Tanahun district has ten municipalities and Anbukhareni is one of them adjoining with Gorkha and Chitwan district. Marshyangdi HP project is located nearby Anbukhareni market, one of the oldest power generation stations. A total 69 MW power generation capacity is a run-of-river plant located in Anbukhareni was built and commissioned in 1989. The power evacuated is connected in Marki Chowk station and transmitted to southern part of Nepal. Nepal Electricity Authority (NEA) is state owned agency for power generation,

transmission and distribution has been constructing power transmission line in Marshyangdi Corridor.

III. The Transmission Line Alignment

The project alignment runs south-east direction through hilly terrain as well as plain area. The alignment crosses Marshyangdi river and the Prthivi highway and climbs up to Dhakaltar. Dhakaltar is a flat land. AP avoids impact in the Dhakaltar settlement. After the Dhakaltar, the alignment passes through cultivated land avoiding impacts in private houses. The alignment then passes through a gentle slope and goes towards forest land. The alignment of the route passes through cultivated forest and bushes/grass land. The alignment covers about 5% of the forest land, followed by 1% of cultivated land, 3% of bushes/grass land and 2% of river/streams and others. Marshyangdi and Trishuli rivers are the major rivers in the alignment. Prithvi Highway is major access road for the alignment.

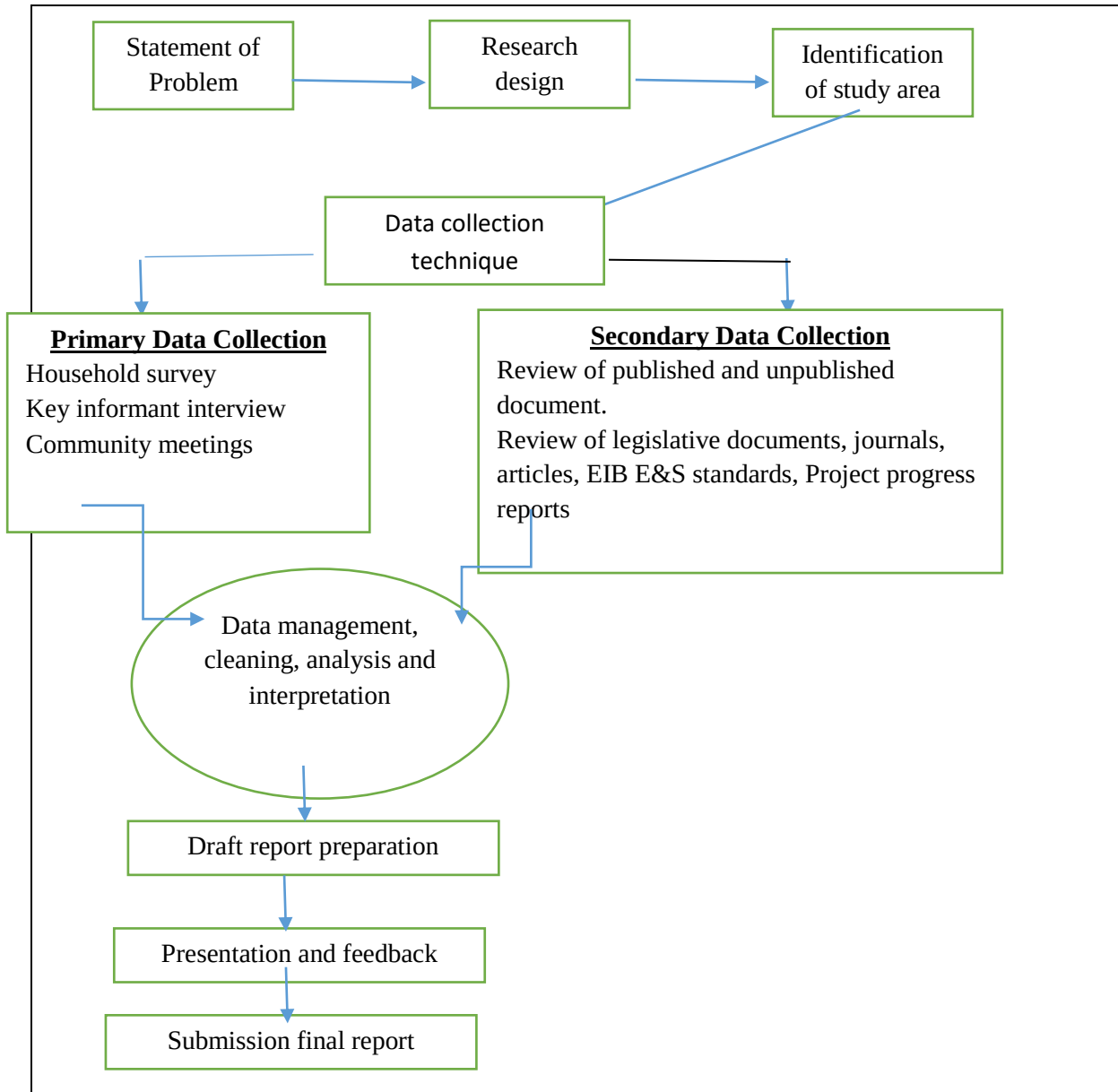
Figure 2 Project location



IV. Research design

To meet the objective of research question and statement of problem this research has been structured in below framework.

Figure 3 Research design framework



V. Nature and sources of data

a. Primary Data:

Primary data was collected through questionnaire, checklist visiting in study area with direct interaction and conversation with project affected personnel and the authorities engaged in land acquisition process. Secondary information will be obtained through reviewing available published and unpublished literature and documents.

b. Secondary Data

Review of project documents, available literature, project progress report, loan agreement, national and international publications, journals and statistics were reviewed, and information will be collected.

VI. Data collection technique

Primary data was collected through household questionnaire, key informant interview, focus group discussion and meetings with institutional stakeholders. It was analyzed cross-tabulation, frequencies, percentages and means

.

VII. Census Survey

Based on the information obtained from the project management office, it's been reported that a total of 15 main and suspension towers is proposed in the municipality. But the construction of tower of a total of 37 households will be affected by the land acquisition for tower constriction. A census survey will be conducted through the household questionnaire project affected households to meet objective of this research.

VIII. Tools of data collection

For this research, both primary and secondary data were collected, analyzed, interpreted and presented. Primary data were collected through questionnaire surveys, key informants' interviews and community meetings whereas secondary information were collected through published and unpublished literature, legal instruments, project progress reports, loan agreements, and land acquisition process.

a. Primary Data

Questionnaire survey

A household interview was conducted with project affected through semi-structured questionnaire. The survey questionnaire was pretested, and necessary adjustments were made and finalized it. The interview focused on understanding household profile, demographic structure and understanding and involvement in land acquisition process. It has been planned to conduct a census survey to the project that affected households from selected municipality by using questionnaire interview but for some reason all project affected households couldn't meet during the survey time.

Key informants interview

Key informants identified who were directly involved in the land acquisition process. Key personnel for the land acquisition have been defined by the Land Acquisition Act of Nepal. Chief District Officer, Project Manager, Mayor of the project municipality, Land revenue officer and chief of the district coordination committee are key personnel involved in the land acquisition process. In addition, the officer of the preliminary action nominated by the council of the minister plays a key role in managing the meeting of the land price determination. Interview with the personnel involved in land acquisition was conducted.

Community meeting

Two community meetings were conducted with participants from the selected area. Participants were from the project area affected from tower pad and transmission line. The objective of the community meeting is to understand their perception of research questions. The meetings were focused on understanding participant's views and their personal experience on the process adopted by authorities in land acquisition. Mainly, the information flow, public participation in assessment, indicator selected for land price determination and participation in verification was discussed.

b. Secondary Data

To the extent possible, published and unpublished literatures, legal instruments, project progress reports, loan agreements, land acquisition process, cross reference studies, Compensation Determination Committee Meeting Minutes, and international good practice

IX. Validity and reliability

Validity refers to the extent to which an instrument provides information that is related to the commonly accepted meaning of a particular concept to ensure validity, this study employed various strategies, including

Pilot testing of the field instrument (interview questionnaire and guide) and feedback from participants will be adjusted to ensure validity of survey instruments. Triangulation of information, and information obtained from interview and group discussion for cross-validation of the information.

Reliability is another important aspect of field research. To address reliability, regular checking of filled-in questionnaire and field notes of interviews and group discussion to minimize mistakes.

X. Data analysis

Data collected through questionnaire, interview and secondary documents were analyzed using both qualitative and quantitative methods. The data was categorized and interpreted. Logical interpretations were done using simple table pie chart bar and tables to present the information obtained.

a. Quantative data

Quantitative information collected through household surveys was verified, coded, and data was cleaned and analyzed through simple Microsoft excel. Data was entered into excel spread sheet and required tables were generated as required. The data was presented such as cross-tabulation, frequencies, percentages, content mapping, means, and standard deviation as required.

b. Qualitative data

Qualitative data were collected through focus group discussion and key informant interview. Information will be analyzed through inductive coding, categorization, concept mapping and theme will be derived from findings.

c. Analysis of available document

Secondary documents were collected available, and reports were rigorously studied. Project financiers environment and social standards, finance agreement, resettlement action plan, minutes of compensation determination committee, municipal profile, district profile, progress in compensation payment, and project progress reports etc were reviewed and presented.

CHAPTER IV RESEARCH FINDINGS

Introduction

This research has been conducted in one of the projects affected rural municipality of the Marshyangdi Corridor Transmission Line project spread over four districts and eight municipality/rural municipalities of Gandaki and Bagmati province of Nepal. As indicated in the previous chapter, this research approach is of both qualitative and quantitative natures. So, this chapter presents the summary and key results of household's survey of the project affected households.

I. Baseline information of interviewed project affected households

This chapter presents socio-economic information such as gender, age, educational attainment, income sources, employment status, food sufficiency level and land possession. Of the total project affected households in the municipality, 32 households participated in the survey. The survey was conducted using semi-structured questionnaire visiting each household.

a) Biographic information

The biographic information consists of age, ethnicity, gender and educational dimension of the interviewed project affected person (PAP). Given the age structure, most of the respondents about 56% fall in the age group between 40 -60 years and 25% were above 60 which is considered economically inactive age. This shows that majority of PAPs are economically active and have further capacity in terms of earning at home.

Of the households interviewed, 46% were from Magar ethnic group whereas 18% were from Gurung ethnic groups. The rest of them were Newar, Brachnim/Cheetri and Tamangs. Overall, about 87% belongs from Janajati groups and rest of them were Brahmin/chhetri

Education as an important characteristic to understand the profile of the affected people. Out of 32 interviewed PAPs, above 31% had completed secondary education that is followed by about 22% by primary education. Of them about 6% were illiterate who can't read and write and 12.5% completed intermediate and bachelor level of education. This indicates that most of the respondents are literate and could understand the project documents written Nepali language.

Table 5 Summary of biographic details of the PAP's

S.N.	Profile	Frequency	Percentage
1	Gender		
	Male	21	65.62
	Female	11	34.37
2	Age		
	<40	6	18.75
	<60	18	56.25
	Above 60	8	25.00
3	Caste group		
	Gurung	6	18.75
	Tamang	3	9.38
	Magar	15	46.88
	Brahmin/Chhetri	4	12.50
	Newar	4	12.50
5	Education		
	Can't read/write-illiterate	2	6.3
	Literate	5	15.6
	Primary	7	21.9
	Secondary	10	31.3
	Intermediate	4	12.5
	Bachelor & above	4	12.5

Source: Filed survey March 2025

b) Economic profile

Economic profile is considered an important dimension of the household information that reflects position in society.

Agriculture is dominant in rural society of Nepal. Land holding is an important factor for productivity and food sufficiency at household level. The survey shows unequal distribution of land among the PAPs. The majority of the about 37.5% of the household possess less than 5 ropani of land whereas 25% of them have above 20 ropani of land. About 19% have 5 to 20 ropani of land. The unequal distribution of land remains similar throughout the country and the study area doesn't differ from what exists in the country.

In terms of primary occupation of the PAPs, about 18.75% are engaged in jobs in the private sector, government jobs and engaged in foreign employment. Similarly, about 12.5% are dependent in agriculture and labor whereas 15.6% have run their own business.

With regards to the primary source of income, remittance and jobs in private sector is dominant. About 25% of the households have reported remittance and jobs are major source of income and 15.6% reported business as major source of income. Income from agriculture and government service have reported 12.5% and labor have 9.38%.

The level of food sufficiency largely depends on the land holding size and its productivity. The above data shows unequal distribution of land holding. Majority of households have limited land where a smaller number of houses have larger size of land holding. Data shows that about 50% of households have food sufficiency for year-round from their own production whereas 9.38% have less than 3 months' food sufficient level. About 15.6% of households reported 3-6 months and about 21.9% reported 6-9 months sufficient from their own production.

Table 6 Economic characteristics of PAPs

S.N.	Profile	Frequency	Percentage
1	Land Holding Size (in Ropani)⁴		
	Less than 5	12	37.5
	5 to 10	6	18.8
	11 to 20	6	18.8
	Above 20	8	25.0
2	Primary occupation of PAPs'		
	Agriculture	5	15.63
	Private	6	18.75
	Government	6	18.75
	Foreign employment	6	18.75
	Labor	4	12.50
	Business	5	15.63
	Agriculture	5	15.63
	Agriculture	5	15.63
3	Primary source of income		
	Agriculture	4	12.50
	Business	5	15.63
	Job private	8	25.00
	Government service	4	12.50
	Remittance	8	25.00
	Labor	3	9.38
5	Food Sufficiency (in months)		
	1-3 month	3	9.38
	3-6 months	5	15.63
	6-9 months	7	21.88
	9-12 months	12	37.50
	12 above	5	15.63

⁴ A customary unit of land measurement in Nepal equivalent to 5476 square feet of 0.126 acres

II. Survey Results

This chapter presents analysis of the information obtained from the questionnaire survey from the selected study area to the project location. The three elements of inland governance (transparency public participation and access to information) were considered in this study. The findings of this study have been presented as below.

a) Transparency

Transparency has been considered the way project affected persons get access on the information, the way they participated in land acquisition process and their accessibility in source of information. This section provides the views and opinions of the affected persons how easy it was to get project information on the process of land acquisition as well as how familiar they were with the land acquisition process

1. Access to information

This has been taken to understand the source of information that PAP possesses and use to obtain general and project specific information. During the field survey respondents were asked commonly used media for information, possession on media, sources of information, and project's communication to the PAP's in regard to information dissemination,

Radio is the most popular and accessible tools of media they have. All of them reported that they have radio at home. After radio, mobile phone places in second position and newspaper is in the least. While asking the major source of information, they reported that about 93% reported radio that is followed by 84% relatives/friends and the use of notice board from information is least in position.

In regard of the source of information about the project, about 47% reported relatives/ friends/ neighbors. In regard of date of first notification about the project, about 43% of them knew the project a year ago of implementation.

Table 7 **Key indicators for access of information**

S.N.	Profile	Frequency	Percentage
1	Access in media		
	Radio	32	100.00
	TV	22	68.75

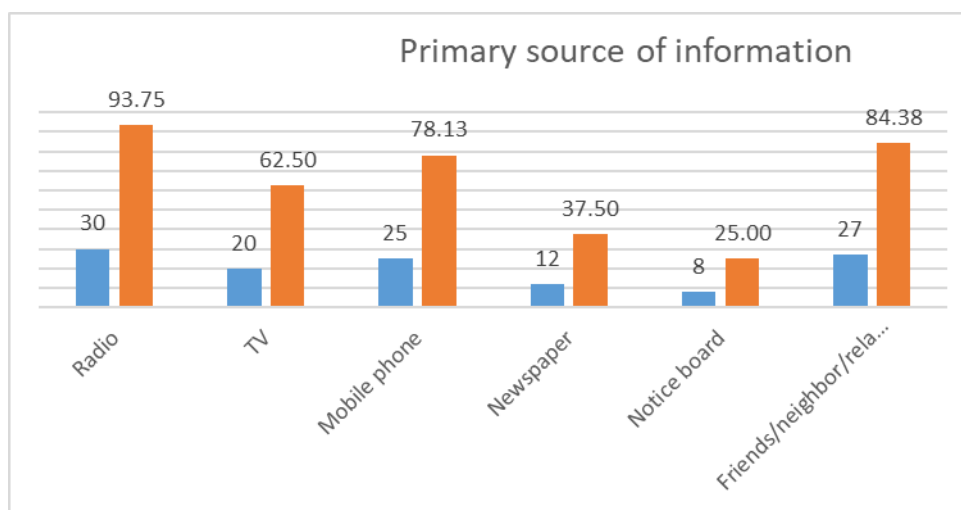
	Mobile phone	29	90.63
	Mobile with internet	12	37.50
	Newspaper	25	78.13
2	Primary source of information		
	Radio	30	93.75
	TV	20	62.50
	Mobile phone	25	78.13
	Newspaper	12	37.50
	Notice board	8	25.00
	Friends/neighbor/relative	27	84.38
3	Source of information about the project		
	Radio	2	6.25
	TV	0	0.00
	Project staff	10	31.25
	Newspaper	3	9.38
	Notice board	1	3.13
	Friends/neighbor/relative	15	46.88
	Contractor personnel	1	3.13
4	Source of information on land acquisition		
	TV/radio	0	0.00
	Project staffs	3	9.38
	News paper	2	6.25
	Notice board	0	0.00
	Public hearing/announcement	3	9.38
	Social survey	4	12.50
	Friends/neighbor/relative	20	62.50
5	Time when heard about the project		
	Less than a year before start	9	28.13
	One year before start	14	43.75
	Two year before start	5	15.63
	More than 3 years before start	4	12.50

a) Access on media

1. Source of information

In order to understand the linkage between transparency and Project Affected People's (PAP's) access on different sources of information, a question was asked on PAP's access on media. Based on the question asked, radio reported it as the most accessible source on information. Survey shows that about 94% of them have access on radio which is a widely available means for distributing information.

Figure 4 Source of information



Source: Filed survey March 2025

2. Openness of the process

The process of information flow and the way project provides information to the PAP's including all interested parties is an important element of transparency. Land Acquisition Act 1977 of Nepal requires that PAP's and all other interested stakeholders are to be notified of the purpose to acquire land from the public through notification. In order to know the level of openness the project adopted in the land acquisition process, several sets of questions were asked to the PAPs.

a) Public participation

This section provides the information obtained through households survey the level of public participated in land acquisition and compensation payment process. It also provides on the level of involvement of actors and their participation in decision making process.

While asking the PAP's frequency of participation in the meeting, 59% of them didn't attend the meeting whereas about 50% of the attended it often. Of the interviewed PAP's about 6% have never attained a meeting and 15% expressed unawareness about meeting arrangements. Similarly, 25% of the respondents attended at least three meetings and 12.5% attained more than four times and about 3% never attained any meetings related to the project. PAP's level of involvement in project development was asked. It's been reported that about 90% have been involved in the project implementation stage whereas 25% were engaged from the beginning stage of the project.

While understanding the level of PAP's involvement in land acquisition process, only about 6% expressed unawareness and did not participate in the process. Among the response obtained about 34.5% were actively involved, 50% were partially involved and about 60% were a few parts of the process. During the land appraisal and verification 25% reported actively involved and 37.5% partially involved. While appraising the affected assets and its verification, 25% of them were fully involved, about 80% reported partially involved whereas 6% expressed themselves not involved in the process.

Table 8 PAP's involvement in land acquisition process

S.N.	Profile	Frequency	Percentage
1	Frequency of public meetings		
	Very often	11	34.38
	Often	16	50.00
	Not very often	19	59.38
	Never	2	6.25
	Don't know	5	15.63
2	Frequency of meeting attained		
	One	8	25.00
	Two	5	15.63
	Three	8	25.00
	Four	6	18.75
	More than four	4	12.50
	Never	1	3.13

3	PAP's involvement in project development		
	Feasibility study	8	25.00
	Detailed design stage	11	34.38
	Environment and Social Impact Assessment	12	37.50
	Project implementation	29	90.63
4	PAP's involvement in land acquisition process		
	Very much contributed the process	9	28.13
	Just enough to know what is going on	12	37.50
	A few part of it	8	25.00
	Not at all	3	9.38
5	PAP's involvement in land appraisal and verification		
	Yes, fully involved	8	25.00
	Partially involved	12	37.50
	A few parts of it	10	31.25
	No at all	2	6.25
6	PAP's involvement in DMS and inventory		
	Yes, fully involved	8	25.00
	Partially involved	11	34.38
	A few part of it	9	28.13
	No at all	4	12.50
	Partially aware	12	37.50

Source: Filed survey March 2025

b) **Grievance** Management System

Establishment of accessible and operational complaint handling system has been considered as an indicator of ensuring PAP's participation in the project. Among other, PAP's level on knowledge, their participation in establishing complaint management system, accessibility in filling complaint and attention of project personnel in timely addressing the complaint have been taken as key indicator of the grievance and its operational procedure. Data shows that about 55% of the PAP's have access grievance registration whereas 36% expressed unawareness on complaint filling system. The survey finding shows that it takes more than a

month to address about 60% complaints. About 47% of the respondents reported that they were fully consulted in the complaint handling process whereas about 40.5% were partially consulted. About 12% of the expressed unaware the issue talking.

Table 9 Grievance Management System

S.N.	Profile	Frequency	Percentage
1	Level of awareness in Grievance Management System		
	Fully aware	10	31.25
	Partially listened	14	43.75
	Not aware	8	25.00
2	Formation process of GRM Member		
	Election	0	0.00
	Nominated by local authority	16	50.00
	Leaders choose themselves	13	40.63
	Democratic selection	3	9.38
3	Accessibility in complaint registration		
	Fully accessible	8	25.00
	A few part about it	15	46.88
	Not accessible	9	28.13
4	Time taken for complaint responding		
	Less than one week	0	0.00
	Two week	4	12.50
	One month	9	28.13
	Above one month	19	59.38
5	Consultation with PAP for complaint management		
	Yes	15	46.88
	Partially consulted	13	40.63
	No, Project decides	4	12.50

Source: Filed survey March 2025

c) Compensation payment.

Lead time taken for compensation payment has been taken as the project's transparent procedure in land acquisition process. Of the total households interviewed about 90% of them have received cash compensation for the loss of their property. In the time taken to receive compensation, 12.5% have received compensation for less than three months of period, about 47% of them have received compensation above six months from the date of price determined. About 31% have received compensation for between three to six months.

Table 10 Status of compensation payment

S.N.	Profile	Frequency	Percentage
1	Status of compensation payment		
	Received	29	90.63
	Yet to receive	3	9.38
2	Time taken for compensation payment		
	Less than three months	4	12.50
	Between three to six months	10	31.25
	More than six months	15	46.88
	Not revived yet	3	9.38

Source: Filed survey March 2025

a. Livelihood restoration program (LRP)

PAPs participation in development of LRP and level of their involvement in its implementation has been taken as one of the indicators under the thematic area of public participation. About 48% of the interviewed responded expressed their unawareness in developing LRP whereas about 31% are fully involved and 44% of them are participating in the program.

Table 11 Livelihood restoration program (LRP)

S.N.	Profile	Frequency	Percentage
1	Participation in LRP development		

	Yes, fully consulted	5	15.63
	Partially consulted	12	37.50
	No, consultation	15	46.88
2	Involvement in LRP implementation		
	Yes involved	10	31.25
	Partially involved	14	43.75
	Not involved	8	25.00

Source: Filed survey March 2025

d) Key findings of the public participation

Nepal Electricity Authority (NEA) a state-owned power regulatory entity has established Project Management Directorate (PMD) to execute the project financed by International Financing Institutions (IFIs). A dedicated Project Management (PMU) has been established to execute day-to-day project operation and management. The PMU is based on Sundarbazar of Lamjung district. A team of engineers, administration and finance staff are handling the project. A Project Design and Supervision Consultant has been appointed to provide technical guidance in project implementation. In addition, a technical team, Environment and Social Management Unit (ESMU) has been established to implement the environment and social related activities to the project. EMSU is composed of environment and social officers supporting PMU to ensure the implementation of Environment and Social risk management documents including public relation and grievance management.

This section assesses the level of public participation in different project development phases. Households interview and consultation with key personnel were adopted to understand the level of involvement in project development.

e) Participation in project stages

1. Feasibility stage

Stakeholders level of involvement in project development stage was asked in key informants' interviews and focus group discussion. Participants were asked their level of participation in the feasibility stage. Participants in the discussion were local village leaders, and the project affected families.

In the household survey participants expressed unawareness about the project in feasibility stage and were not involved. The result shows that the level of participation in project feasibility stage was limited. The households survey reports that only 8% of them were aware of the project. Most of them were involved in the project implementation phase. Consultation with key stakeholders reports that limited institutional stakeholders were consulted by regulation. For example, during the Initial Environmental Examination (IEE) phase consultation with local government and their recommendation is mandatory by the Environment Protection Act (EPA). The IEE report was done in 2017 explains the key approach and methodology applied for this study. The report mentions that during the study the team conducted public consultation, focus group discussion, key informants' interview and socio-economic household survey in the project affected municipalities. In addition to this, consultation with forestry user groups and key personnel in the village were conducted. Public notification and obtaining a deed of inquiry from the respective project municipality is mandatory by the Environment Protection Act (EPA). The report says this process was done and all the project affected municipalities have provided deed of inquiries and recommended constructing the project as soon as possible.

During the feasibility study a group of technical teams were mobilized for preliminary design and preparation of tender documents. The technical engineering team traversed throughout the alignment and conducted a feasibility survey. Participants in consultation meeting and focus group discussions expressed unawareness of engineering works. After completion of feasibility study the project issued Information for Bid (IFB) for the construction works in 2016.

2. Detailed design

This phase commenced after the contract award in June 2016. The contract mobilized arrived one year after the contract commenced. Upon arrival on site contractor engaged preparing paper works and submitted drawing and layout of the power poles including RoW information. During the design, the contractor conducted a detailed field survey and designed power tower using PLSCADD software.

During the detailed technical survey, while discussion with the contractor team, they claimed that people around the tower pads were consulted. During the technical survey, land owner of the tower location was consulted and informed about the tower location, size and the land

required. At that time, consultation meetings with respective affected families were conducted and informed about potential impact. In the meantime, land ownership record/proofs were asked to supply for the project purpose and most of them support providing documentation. Consultation with contractors and project promotor confirmed consultation with project affected families during the design stage.

3. Construction Stage

The project is in construction stage and tower erection is in progress. After approval of tower design and completion of land acquisition for tower foundation, the contractor obtained full access to the site. Tower erection act started after compensation payment to the respective landowner. Prior to initiating the foundation works for tower erection, project personnel from Environment and Social Unit (ESMU) takes lead providing construction planning and schedule. ESMU team visits the tower alignment and disseminates information related to the tower erection. They organized community meetings and provided information about the process and timeline. This process has been confirmed by the project that affected families too.

Chapter V RESEARCH RESULTS

This section describes the results in key conceptual frameworks established for this study. The governance measured the level of transparency applied and the level of public participation ensured in land acquisition process.

I. Adhere to good governance principle

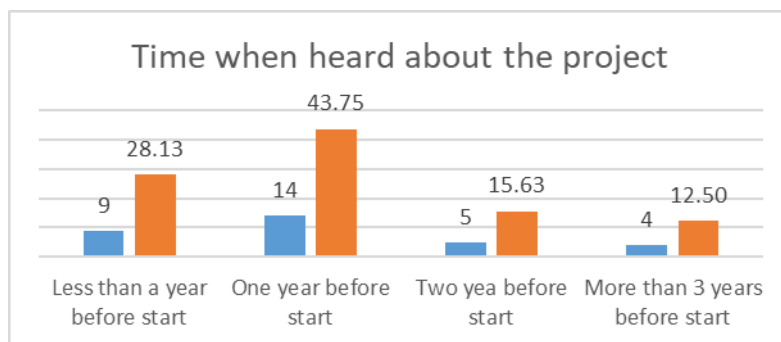
This section explains how accessibility to clear and accurate information related to land acquisition was delivered to PAPs. This also shows which ways were used and how other information of the process such as the process, laws and regulation were made clear to the project affected people.

a. Transparency

Access to information and openness of the land acquisition process is taken as key indicators of transparency. The project has established the Environment and Social Management Unit (ESMU) led by environment and social officer to implement the environment and social aspect of the project. The unit is in the main project office as Sundarbazar and subunit office at Khudi and Anbu Khairani. The subunit offices act as focal for distribution project information. The project printed complaint resolution procedure that includes general project information. The printed brochures with project information and grievance mechanism have been distributed in community meetings. Message transmitted by ESMU team members and informal meetings and site visits are effective to disseminate information related to the project.

Survey shows that of the total interviewed PAPs about 44% of them heard about the project a year before its starting. Only 4% of them had heard about the project about three years ago or earlier. This shows that the large number of people were unaware about the project before its commencement

Figure 5 Timeline the project heard

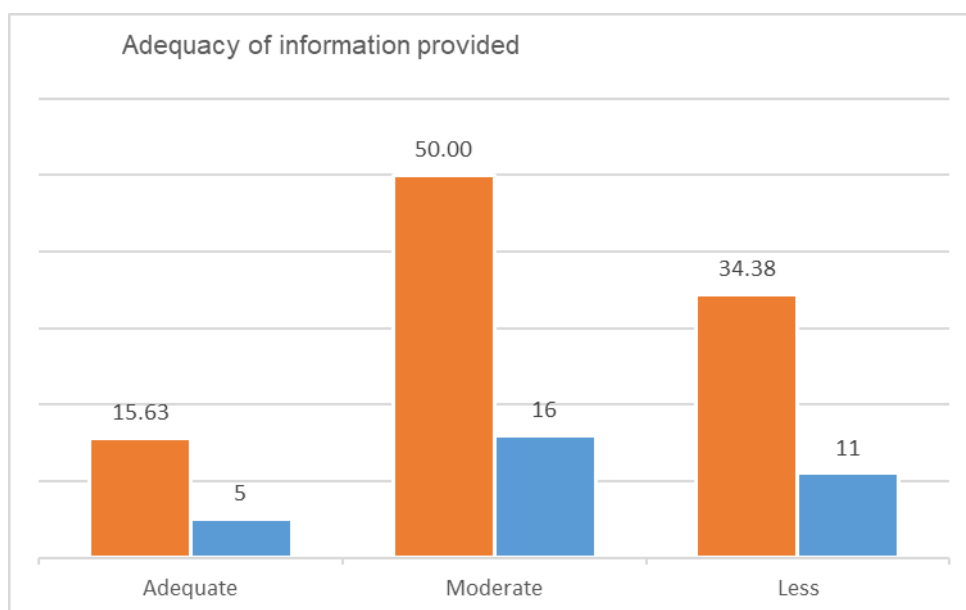


Source: Filed survey March 2025

1) Access to information:

Notification about the project to the community is crucial and it is amongst the stage of carrying out the land acquisition in the project. The cabinet of council of minister decided land acquisition on 20th January 2020. After the decision made by the council According to the Land Acquisition Act 1977, the project should provide notification of intent to acquire the land. As required by law the law, notice for land acquisition was issued in national paper and posted in community to notify the acquisition process including details of land to be acquired. The survey result shows that about 44% PAP heard before one of the project starts dates whereas about 13% of them heard before starting the project. Survey reports that more than 46% were aware of the process, 50% responded with adequacy on the information provided, 67% were aware of the acquisition process and only about 28% of the interviewees were unaware about the timeline of acquisition.

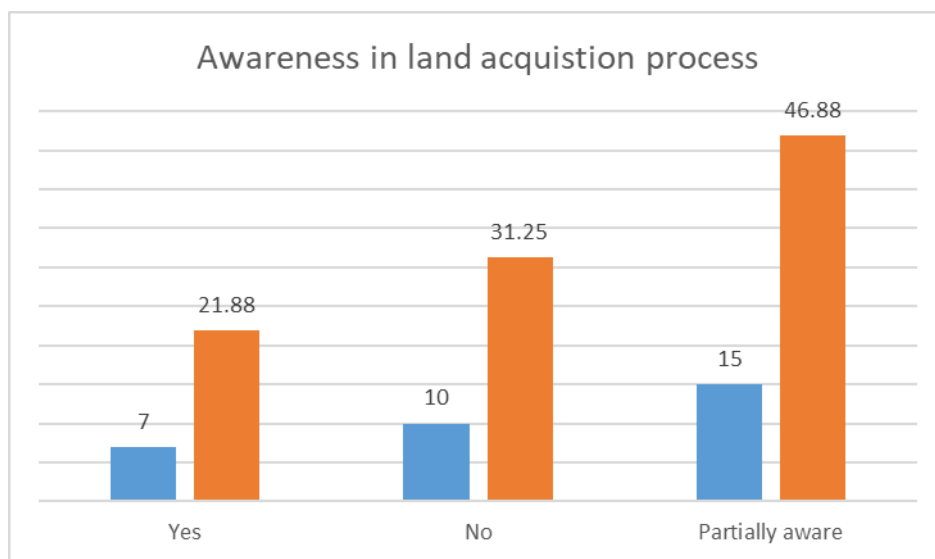
Figure 6 Adequacy of the project information provided.



Source: Filed survey March 2025

The information related to land acquisition process, less number of interviewed person expressed awareness about the process applied in land acquisition process. About 47% of them were partially aware and 31% were not known about legal process about the land acquisition

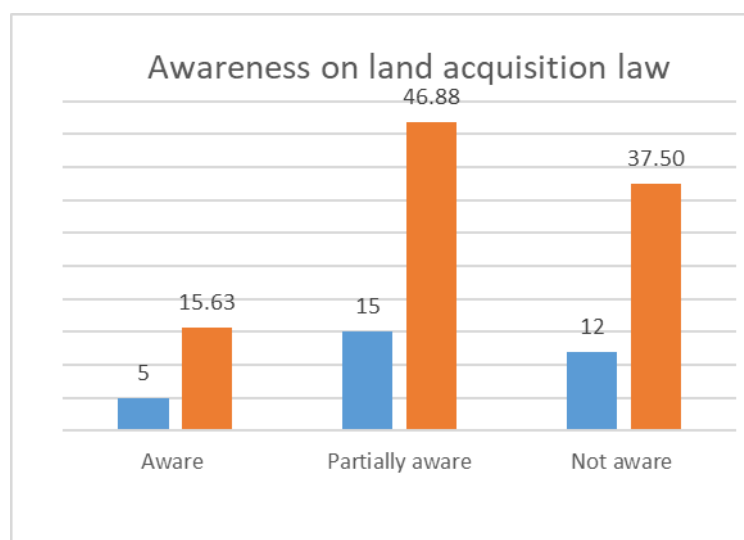
Figure 7 PAP's awateness in land acquisition process



Source: Filed survey March 2025

Similarly, the infromation below shows that about 15% are aware regulatoroy laws /policies and its application in land acquisition where as 37.5% expressed unawareness in the process.

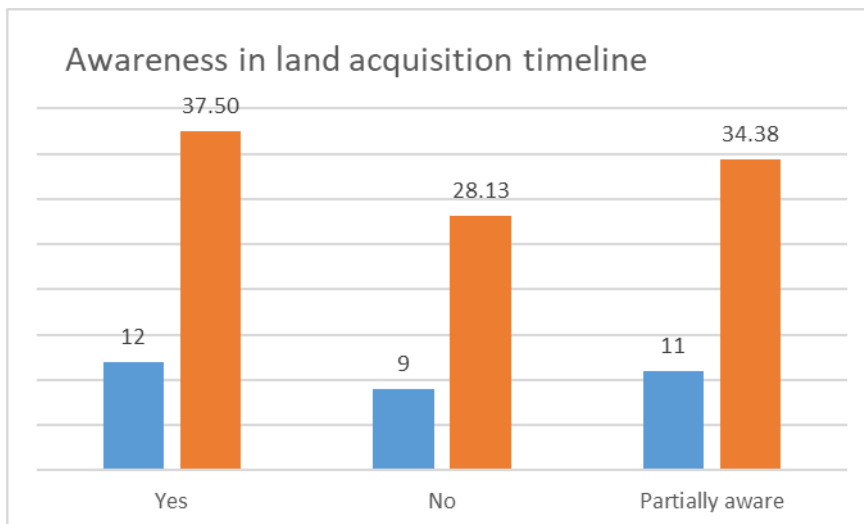
Figure 8 PAPs awareness in regulatory instruments in land acquisition



Source: Filed survey March 2025

While asking the awareness in the timeline of land acquisition, about 37.5% were aware the lead time takes for the acquisition process in which 34.5% were partially aware. This shows that PAPs are aware the

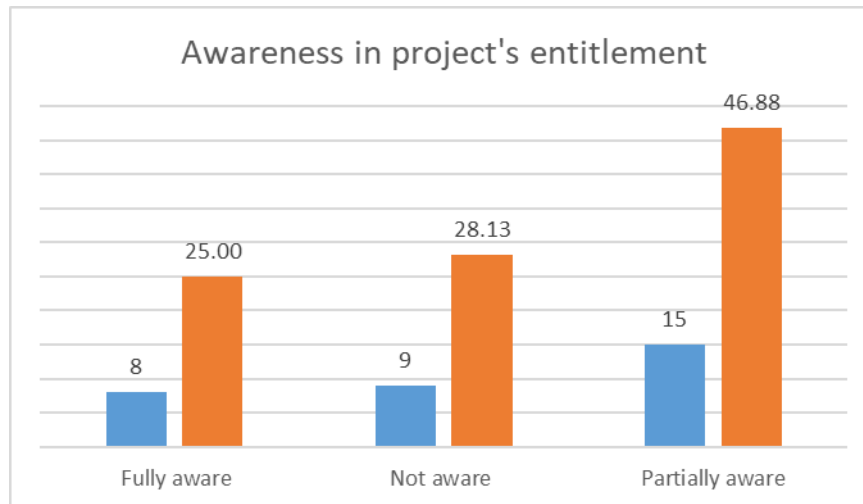
Figure 9 PAP's awareness in land acquisition timeline



Source: Filed survey March 2025

Project affected people awareness about the compensation package including project's entitlement package were found limited. Aabout 47% of them were partially aware about the compensation package where as about 28% expressed unawareness in the package

Figure 10 Level of awatness in project's entitlement



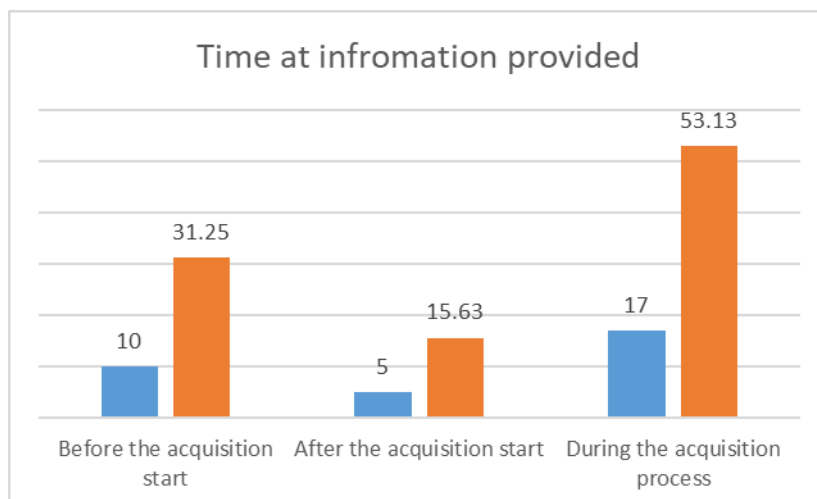
Source: Filed survey March 2025

2) Openness of the process

It has been discussed with the project management team and key personnel engaged in the acquisition process. Document related to land acquisition, PAP's profile, entitlements and compensation procedure were developed and disclosed through projects' web page. Information on land acquisition process, project's entitlement and timeline for the acquisition were disseminated to the project affected people. Affected people express moderately satisfied the information provided by the project team. The survey shows that about 50% of the people interviewed expressed themselves moderately satisfied in the information provided. Largely, the affected population are aware of the land acquisition process and participate in the acquisition process. Interviews show that ESMU team members visited each household and collected information related to land ownership and informed the process of price determination, necessary document for compensation procedure and process of title transfer.

Survey shows that about 53% of the affected households were informed about the timeline of acquisition during the process where are about 31%% were aware before the acquisition

Figure 11 Information on land acquisition



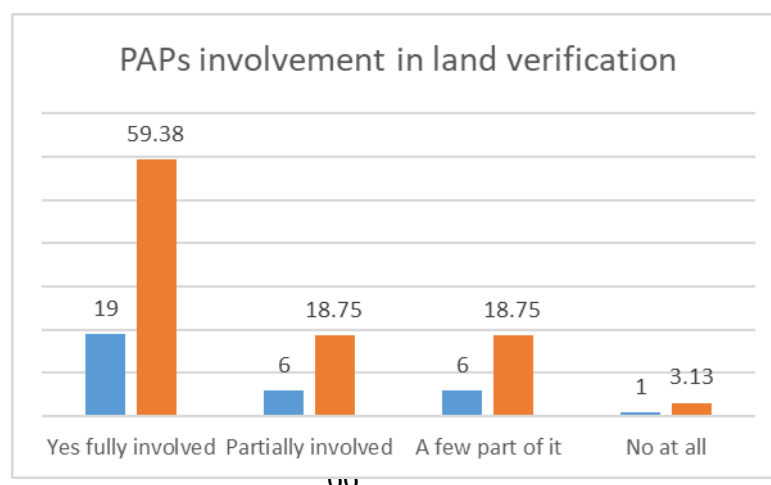
Source: Filed survey March 2025

3) Public Participation

This section explains how Project Affected People (PAP) participated in the land acquisition process and its subsequent payment and livelihood restoration process. This shows in which ways PSPs were involved in the process and whether such involvement influenced the final decision reached by the acquiring authority. PAP's involvement in the land acquisition process is observed in moderate. Of the total affected people, about 31% are highly involved and 37.5% were partially. It also shows that about 72% have been participating in the process in any means. The levels of unawareness of this process is insignificant.

Similarly, PAPs involved in verification of land assessment and price appraisal were assessed. Data shows that about 99% of the PAP's were involved in land verification and about 63% were involved in price determination prices. Similarly, PAP's satisfactory level recorded 50% and 28% expressed partial.

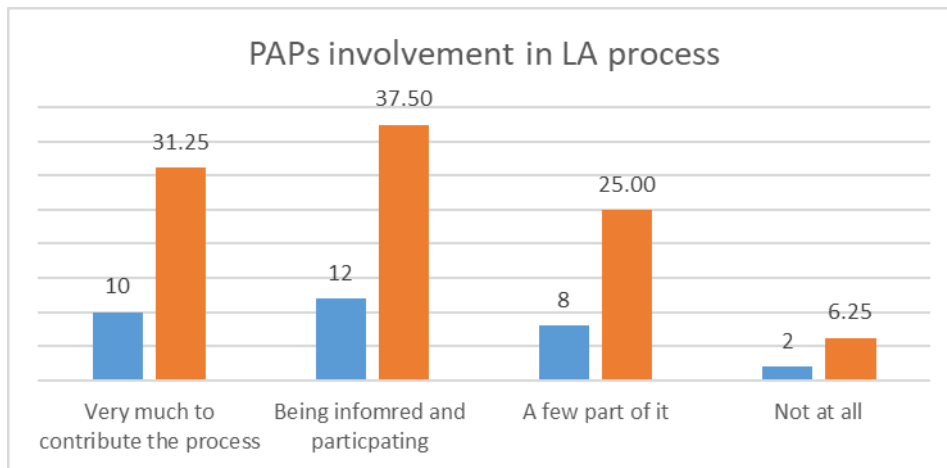
Figure 12 PAP's level of involvement in land verification



Source: Filed survey March 2025

Similarly, PAP's involvement in land acquisition process were asked to the project affected people. Data shows that about 37.5% were informed frequently and were participating in the acquisition process

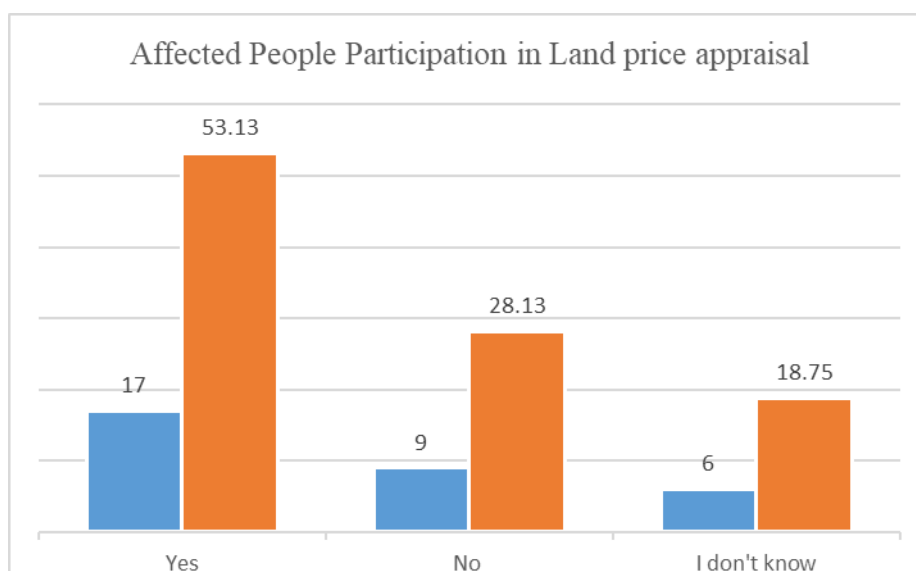
Figure 13 PAPs involvement in land acquisition process



Source: Filed survey March 2025

In assessing the participation of the various actors as well as the project affected people in the land acquisition process, the four main levels of participation are discussed with respect to the manner through which the process was undertaken, as well as roles played by the various actors. These four levels of participation were identified as the level of PAPs in the entire process. Participation in land assessment, participation in price appraisal, participation in verification and participation in land price determination. Besides land price determination, the level of participation of project affected people observed noticeably. Land price determination is defined by the Land Acquisition Act 1977 in which PAPs direct involvement is prohibited. Mayor of the participating project affected represents on behalf of the affected people and joins price determination.

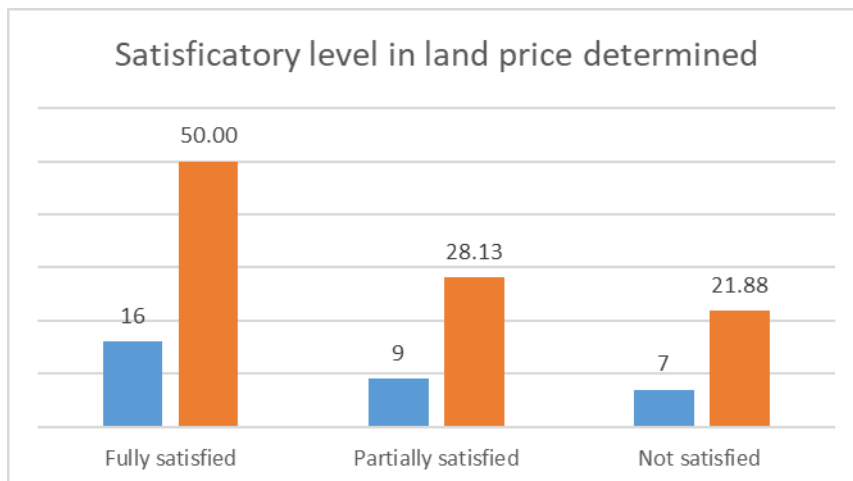
Figure 14 PAPs participation in appraisal of land price



Source: Filed survey March 2025

During the field survey, PAP's level of satisfaction was asked on the land price determined by the Land Price Determination Committee. Of the total number of respondents who participated in the survey 50% of them were fully satisfied in the price whereas about 28% were partially satisfied. But about 22% of them expressed dissatisfaction with the price rate determined.

Figure 15 PAP's level of satisfaction on land rate

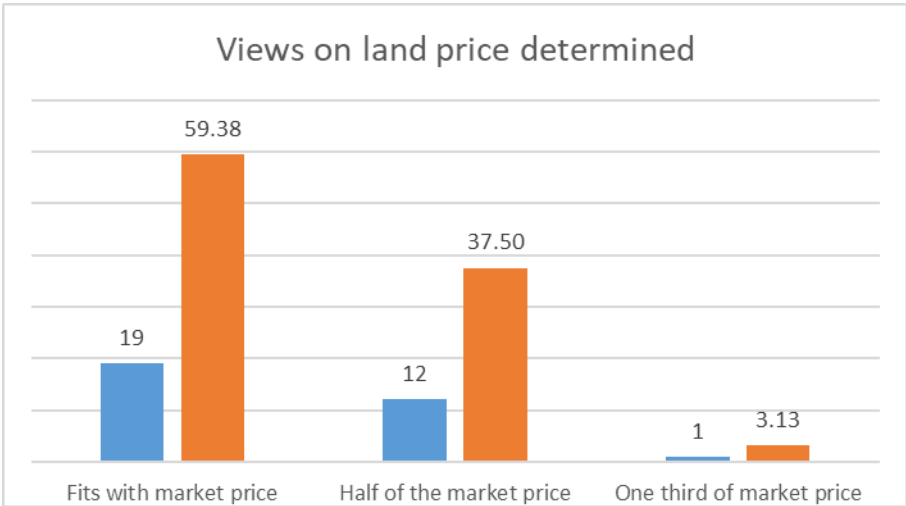


Source: Filed survey March 2025

Similarly, PAPs opinion on the price determined were asked whether it represents the market price. Of the total participated respondents most of them expressed the price rate fits with the market price. About 59.5% pf the respondents participated in the survey expressed that the

price determined by the committed represents the market price whereas 37.5% of them expressed that it represents half of the market price. Only one respondent expressed that the rate represents one third of the market price.

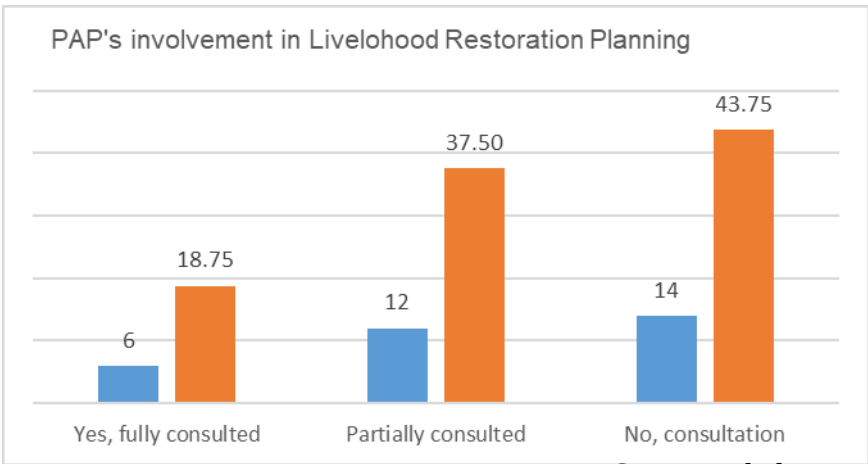
Figure 16 PAPs view of land price determined



Source: Filed survey March 2025

Survey shows public participation in land acquisition observed limited however, PAP expresses satisfaction in the land rate fixed by price determination committee. In addition to cash compensation paid for the loss of land, a livelihood restoration program has been implemented, expecting to enhance livelihood and restore income of the affected peoples. PAPs involvement in developing/planning livelihood restoration programs are limited. They responded that most of the activities related to livelihood determined by project officials and community meetings are not organized in the planning phase

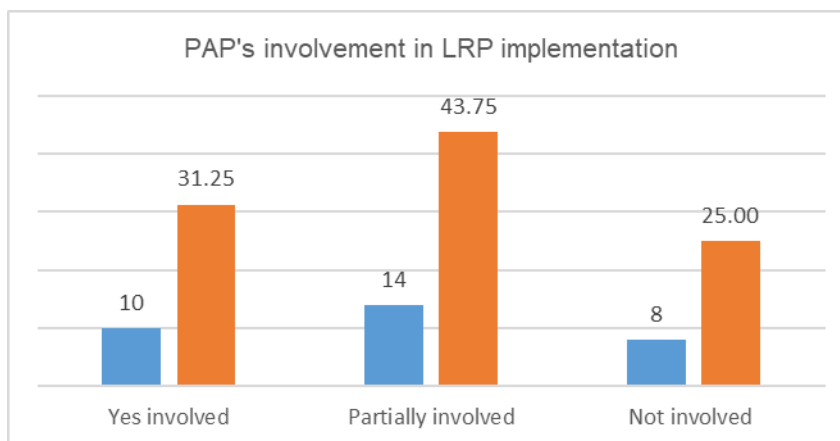
Figure 17 PAP’s participation in LRP planning



Source: Filed survey March 2025

Public participation in livelihood restoration program (LRP) is significantly increased. Data shows that about 75% of the beneficiaries have been engaged in implementing LRP. This shows that accountability is project's in design and implementation of LRP observed satisfactory.

Figure 18 PAP's participation in LRP implementation



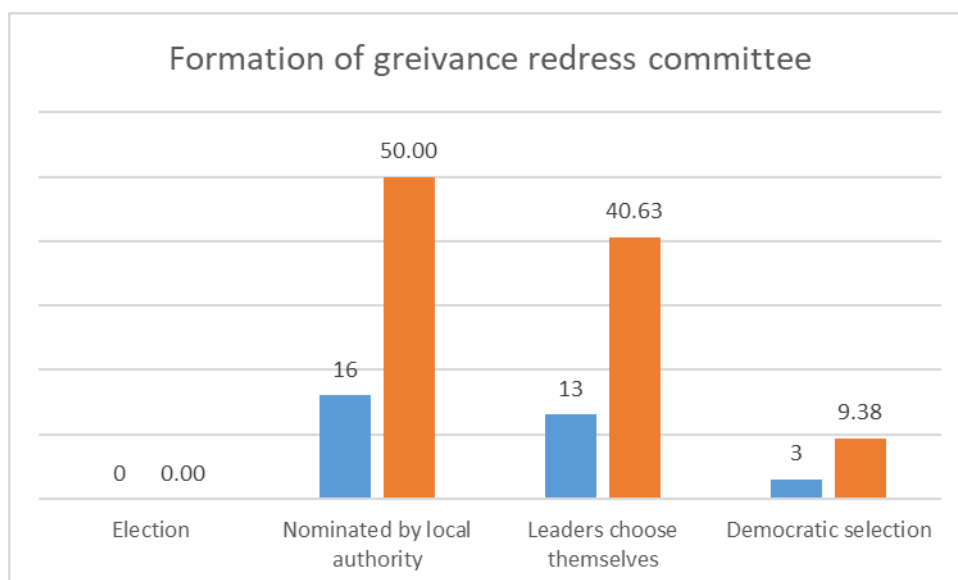
Source: Filed survey March 2025

4) Complaint handling procedure

Stakeholders accessibility in complaint registration, formation of grievance redress committee (GRC), response on the complaint registered, time taken for complaint redressal process and the entire complaint resolution process has been taken as an indicator of public participation. The project has conceptualised a three tier of complaint settlement procedure. First committee is in project based level in which the representation of project affected families is ensured. The committee comprises authority from local government including women and backward communities.

The interview results that nearly half of the GRC members are nominated by local authorities which is followed by selection by local leaders. The survey shows that about 50% of the committee members are nominated by local authority where as 40.5% are chosen by local leaders.

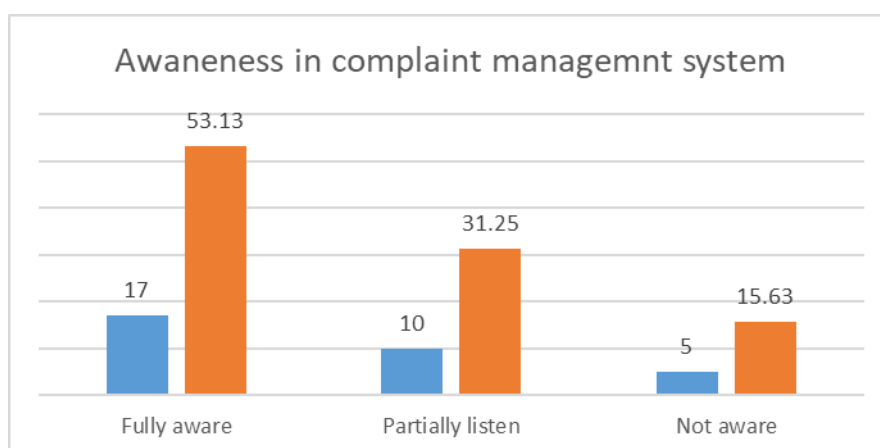
Figure 19 Formation of Grievance redress committee



Source: Filed survey March 2025

During the survey srespondents were asked whether they are awere about the complaint management system established in the project. The result shows that about 53% of them were aware the compliant treatment procedure wehre as about 31% of them were particaly aware in which about 15% of the expressed unawarens in the system.

Figure 20 PAPs awareness in complaint handling system



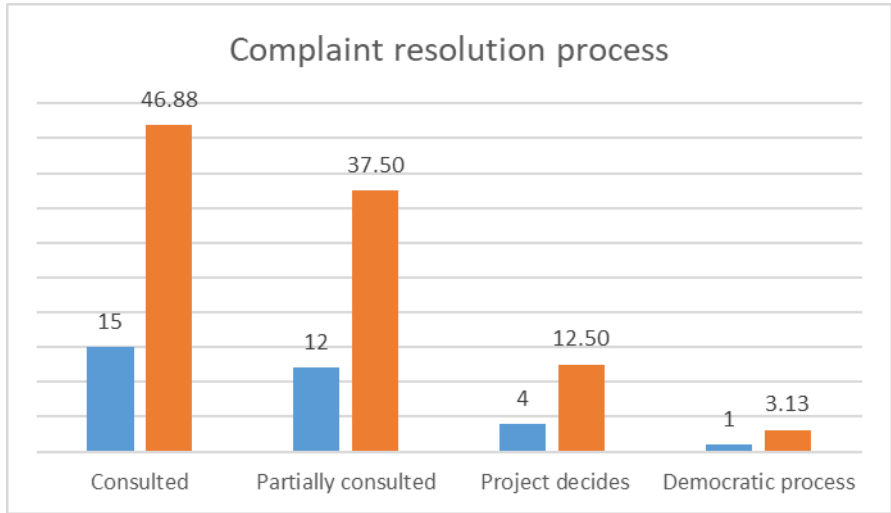
Source: Filed survey March 2025

The survey shows that aboyt 47% PAPS responded their accessibility in complaint registration system in which about 25% of them expressed unawareness in filling complaint.

PAPs participation in complaint resolution process was limited. Public meeting were Public participation was limited as listeners in the meeting and agreement development was not done as democratic way.

The survey shows that the project adopted participatory approach in complaint resolution. But the efforts of enclusive participation by involving multiptle actos, inclusion projects affected persons are limited. Public meetins are organized to discuss the issues and conclusions are disseinated in public gathering. PAPs participation in complaint resolution in the project has been met.

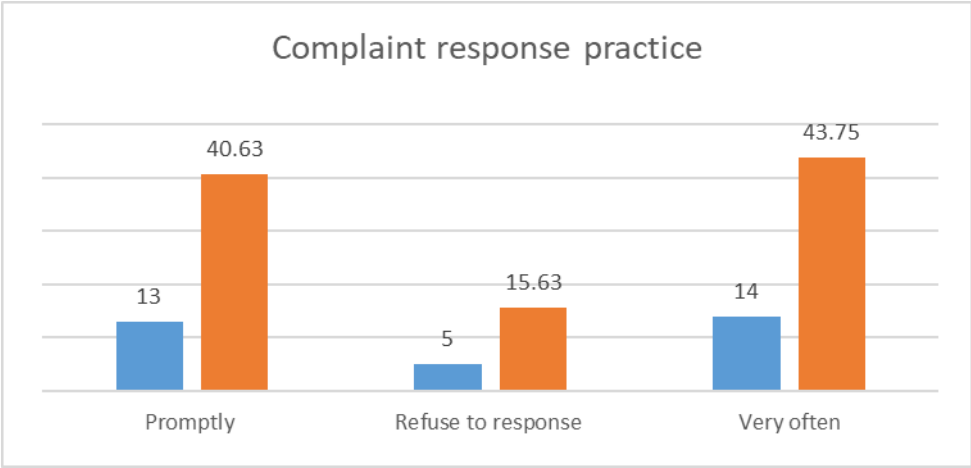
Figure 21 Consultation with PAPs in complaint resolution process



Source: Filed survey March 2025

Project’s practice in responding the complaints registered been considered as one of the element of governance practice in complaint handling. Of the total interviewed PAPs 40% of them responded that project provide prompt response in the complant registered whereas about 44% responded that project provide response very often and 15% reported that the project refuse to respond the complaint.

Figure 22 complaint response practice



Source: Filed survey March 2025

CHAPTER VI CONCLUSION AND RECOMMENDATION

This chapter provides conclusions and recommendation based on the results obtained from the study. Conclusions are derived from the result of multi analysis of the indicator established in the conceptual framework. Involuntary land acquisition is a critical path for the project's involvement in infrastructure development. Projects such as roads/highways, water supply, power generation and urban development which provide immediate changes and directs benefits to the community people usually welcome by the community people however land acquisition is critical path. But there are few projects such as development of land fill site/garbage dumping site, railway alignment and power transmission line etc usually community reject in their village. Power transmission line is one of the most challenging projects for land acquisition.

Good governance principles are vital in case involuntary land acquisition project entire the project implementation period. Good governance principles are challenging in implementing projects.

Based in the interview's outcome of questionnaire survey of this study it is concluded that the adoption of governance principles in involuntary land acquisition are limited. Project affected people's access on information related to project and land acquisition are not widely disseminated to all stakeholders. The role of ESMU in organizing public meetings, disseminating project information and complaint resolution process is limited. Community meetings have been organized as and when required basis and frequency of organizing meetings are often. The information disseminated is adequate, but the frequency is limited.

The level of PAPs participation in developing/planning livelihood restoration plan observed limited but the involvement in the implementation phase observed participatory where then involvement is significantly increased. This shows that the stakeholder's participation in project planning requires improvement but the project theirs's participation in the implementation passed in satisfactory.

Good governance principles are vital in the case of compulsory land acquisition throughout implementation stages. The same is required protection of PAP's rights and the state (Asiama 2015). Good governance principles are partially adopted in the land acquisition process. The exercise was characterized by the lack of adequate and clear information about the project of by PAPs, little PAPs participation. These are limited to achieving good governance in this

project since its major characteristics like full participation, rule of law, transparency, awareness creation, equity and inclusiveness, awareness creation, equity and accountability were partially applied or not applied as observed in this study. Generally, there was a lack of appropriate planning of the project in implementation whole project at once.

The research result shows that to the extent adhered good governance principles by involving stakeholders from the beginning of the process to compensation. There should be the project to transparency in terms of clear information, full engagement of PAPs in the process to reach their readiness and willingness to participate in the project and hence simplify the exercise. Moreover, accountability through adherence to laws and regulations plus cross-checking the district administration and other responsible stakeholders are crucial to facilities proper and successful execution of the project. It is also paramount that financial and personnel planning are considered in the land acquisition process. Moreover, planning the project design and monitoring should be given to the eminent of the field responsible for the easy management of the projects,

The main objective of this research is to assess good governance in the implementation of compulsory land acquisition in constructing transmission line projects. Although Nepal doesn't have Resettlement Act and land acquisition is being done by the act older than decades. The project adheres to good governance only to some extent, given the constraint by the acquisition act. A lot of more could be done to improve transparency, public participation, equity, rule of law and justice, and accountability.

I. Communication gaps between land acquisition authority (the project) and PAPs

Land Acquisition Act (LAA), key instruments of land acquisition in Nepal, lacks ensure Project Affected Peoples (PAPs) participation in land price determination process. The Act ensures mandatory issuing public notification explaining intended to acquire the land. The at doesn't give any importance to discussion and coordination with landowners. The government has the right to acquire land whenever and wherever the government decides. This provision gives the authority the extraordinary right to decides on land acquisition directly.

Landowners can file the complaint in Ministry of Home Affairs (MoHA) if they are not satisfied with the land price determined by the land price fixation committee. However, no provision to file a complaint in the court if the decision of the government is not correct or if the decision of the government regarding land acquisition is not correct. There is a provision

that even if a complaint is registered to stop the land acquisition process, no complaint can be made against the government. There is a provision to register a complaint with the ministry of home affairs if the government of Nepal is not satisfied within 15 days of the issuance of the notice of compensation. But in that case, the decision of the Ministry of Home Affairs of the Government of Nepal is final. There is no provision for landowners to go to other judicial bodies for justice if they are not satisfied with the decision of the home ministry. In the district level District Administration Office (DAO) a prominent authority entire land acquisition and compensation distribution where the project bridges between PAP's and the DAO.

The research shows that there exists a lack of adequate information dissemination and deficiency of discussion and coordination with project affected people sometime lead disputes with the government officials. Timely dissemination of appropriate and adequate information on land acquisition process will reduce the conflict bestowed on the project and land affected people. Sometime PAP's small level of information will satisfy them. And their participation in each step of land acquisition will further ensure PAP's ownership.

II. Participation on land price determination committee

On the other hand, there are complaints that the people's representatives and other stakeholders are not adequately represented in the committee for determining compensation. It is blamed by the locals that the committee headed by the Chief District Officer, head of the Land Revenue Office, the head of the project concerned, and the head of the concerned village or municipality cannot lead the issues of related landowners. In some cases, this assessment committee gives the responsibility of determining the compensation to the sub-committee and also makes a decision based on the report given by the sub-committee. In some cases, the assessment committee has shied away from its responsibilities. Similarly, the landowners have demanded that the ward chairpersons of local villages and municipalities should also be included in the committee. Due to the large structure of the village municipality and rural municipality, in some cases their chiefs and deputy chiefs are ignorant of the prevailing price of the land around them and do not show much interest, so at least the ward chairman is in the fixation committee of the compensation. Dissatisfaction has increased among the landowners regarding the determination of the amount of compensation due to the provision that the price of the same land may be different for the more land and the less land

III. Institutional Performance

Land acquisition process initiates after the decision made from Council of Minister. Several institutions are involved in the process. The role of Chief district officer (CDO) at District Administration Office (DAO) is critical and influential for determining the compensation rate of the land and distribution. CDO acts as chief administrator providing day-to-day service delivery, overall governance, crime control and establishment of peace and security. In addition to DAO, Land Revenue Office, Land Survey Office, local municipality are key actors legally authorized. In addition to this, local formal and informal community based customary organization, and their leader and personnel are also influential for this process. Among the listed institutions, communication, consultation and engagement are observed limited with DAO and the project. Remained stakeholders act as endorsements of the assessment/appraisal and proposal prepared by the project.

Similarly, there exists communication gaps among these stakeholders. The role of the project municipality mayor is expected to be influential representation and also transmitting the voices of PAPs' to the price determination committee but observed as minimum involvement and less active playing the role. The role of local customary organizations is limited while the project team reach out for any purpose.

Recommendation

This research is focused on the governance process adopted based on existing land related laws in the project financed by international financing institution. It is therefore recommended that a similar study be done in the project, financed by government funds and also financed by private sector which is covered by the existing laws and best practiced ascertaining whether the same conclusion can be derived. The conclusion derived from this study could be further verified and examined. It is recommended that the project implementation authorities should clearly follow the good governance principles ensuring the involvement of all stakeholders for the beginning of project stage. There should be transparency in the terms of disseminating project information, participation of PAPs in land appraisal process and provide choice of land for land or land for money.

Similarly, this research examined good governance dimension view from the project affected personnel and limited stakeholders. Its recommended that more stakeholders at different levels be involved in the study in future research.

Institutional stakeholders involved in the land acquisition process are linked to each other. Among others the role of the District Administration Office is significant but observed less active due to overloaded overall administration in the district. The role of Chief District Officer (CDO) is assessed and redefined.

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Annexes

Annex: I Survey questionnaire

Governance practices in land acquisition process
A case study of Marshyangid Corridor Transmission Line Project
Interview questionnaire

General information

Description of respondent

Date

Gender Male Female

Marital status unmarried married divorced

Ethnicity: Household population:

Education

Can't read/write-illiterate	
Literate	
Primary	
Secondary	
Intermediate	
Bachelor	
Above	

Primary Occupation

Agriculture	
Private	
Government	
Foreign employment	
Skilled labor	
Unemployed	

Source of income

Agriculture	
Business	
Job private	
Government service	
Skilled labor	
Unskilled labor	
Livestock sell	

Food Sufficiency

1-3 month	
3-6 months	
6-9 months	
9-12 months	
12 above	

Access to media

What type of media you have?

Radio	
TV	
Mobile phone	
Mobile with internet	
Newspaper	
Other	

Primary source of news

Radio	
TV	
Mobile phone	

Newspaper	
Notice board	
Friends/neighbor/relative	

1) Transparency

Access to information

How did you know about the Project for the first time?

Radio	
TV	
Project staffs	
Newspaper	
Notice board	
Friends/neighbor/relative	
Other	

When did you hear about the project?

Less than a year before start	
One year before start	
Two yea before start	
More than 3 years before start	

How did you hear first time about Project is acquiring land?

TV/radio	
Project staffs	
News paper	
Notice board	
Public hearing/announcement	

Social survey	
Friends/neighbor/relative	
Other	

- Are you aware the place to visit for additional information about the project?
Yes, No
- Is it easy to get information of interest from the project?
Yes No Never approached
- How clear was the information provided by the project or any other sources?
- Are you aware, the project adopts laws for land acquisition?
Yes, No Partially aware
- Were you informed project's entitlement and compensation package?
Yes No Partially informed
- Was the process of land acquisition informed you?
Yes No Partially informed
- How does the project inform you about the meeting?
Formal letters, through social mobilizer Verbal use public media?
- When this information provided
Before the acquisition start during the acquisition after the acquisition notification
- Was the information clear? Or explanation easily understood

Yes very much clear the process	
Just enough to know what is going on	
a few part of it Not at all	

- Who provided you the information

Project staff Relatives/neighbor newspaper radio/TV

- Did the project provide information on land appraisal timeline?

Yes No Not aware

- Were you aware your land is being impacted by the project?

Yes No

- When did you inform your land is being impacted?

- Public announcement made before land appraisals

Yes No

- Did the RAP disclose?

Yes No, Don't know

2) Public participation

How often public meetings/hearing conducted?

Very often	
Often	
Not very often	
Never	
Don't know	

How many times have you attended public meetings?

One Two Three Four More than four Never

Were you involved in any below stage of the project?

Feasibility study	
Detailed design	
Environmental Impact Assessment Study	
Project implementation stage	

How were you involved in the project's land acquisition process?

Very much to contribute to the process	
Just enough to know what is going on	
A few parts of it	
Not at all	

Did the project involve PAP in land verification?

Yes fully involved	
Partially involved	
A few part of it	
No at all	

Did the project involve PAP in collecting inventories of loss?

Yes fully involved	
Partially involved	
A few part of it	
No at all	

Did the project establish Grievance redress committee?

Yes No

How was the GRC member selected

Election	
Nominated by local authority	
Leaders choose themselves	
Democratic selection	

Do the project response complaint?

Yes	
-----	--

No	
Very often	

Time taken for complaint response

Less than one week	
Two week	
One month	
Above one month	

Do the project apply participatory in complaint hearing?

Yes	
Partially consulted	
No Project decides	
Democratic process	

Implementation of community voices

1. Yes
2. No
3. Not consulted

Compensation payment period

Less than three months	
Between three to six months	
More than six months	
Not yet	

Livelihood restoration program

Did you participate in preparation/planning of the livelihood restoration Program (LRP)?

Yes, fully consulted	
Partially consulted	
No, consultation	

Did the project ensure your participation in LRP implementation?

Yes, participated	
No,	
Not aware LRP is being implemented	

Thank you

Governance practice in land acquisition process
A case study of Marshyangdi Corridor Transmission Line Project
Checklist for individual/institutional consultation

1. Process, actors and their roles

Who were the key stakeholders involved?

Who selects representatives from the community?

How did the land acquisition begin?

How was the process undertaken?

What were the roles of stakeholders in the acquisition process?

When did the project begin Land Acquisition?

1. Transparency

Do the project has dedicated desk for information dissemination

Is public information center established?

Is there any information desk/office for resettlement process?

How was the information given to the PAP?

2. Public Participation

Is grievance redress committee (GRC) established?

How does the committee establish?

Was there any influence from NGP and civil society?

How often does the committee meet?

Utilization of appropriate media in information distribution

Lack of complication and bureaucracy in information provision

Establishment of information desk/public information center

3. Access to information

Sources of information for land acquisition

Information tools used

One stop shop via the internet

Compensation

Payment schedule

Notification

Land verification

Compensation payment

4. Openness of the process

Full disclosure of the process

Laws and regulations are made clear

Simple and clear process

The process and its timeline are made clear to the community

5. Openness of actors

Level of inclusion of PAP's representation in the process

Level of PAPs involvement in land acquisition process

Frequency interaction between PAP's, their representative and concern authority

6. Decision making process

Possibility of making suggestions/ lodging complaint and its response

Nature of response to PAP

Ability of PAPs to reject the acquiring authority plans

Involvement of community members in resettlement process

Thank You