

EX-GRATIA PACKAGE FOR THE PEOPLE AFFECTED BY HIGHWAY PROJECTS

1. LAND

1.1 EX-GRATIA PACKAGE APPLICABLE FOR LANDS

1.1.1 The payments for lands will be on the basis of replacement cost as determined by the Chief Valuer. The difference between the statutory compensation and the replacement cost is payable as an ex-gratia payment.

1.1.2 If a remaining portion of a land after acquisition (other than agricultural land) is incapable of being utilised as separate entity, LARC can consider acquisition/purchasing the remainder, making full payment of the total corpus. LARC may consider giving an allowance to the owner if he wishes to keep the extra portion with adequate consideration.

1.1.3 In case of agriculture lands, if the remainder is not physically possible for cultivation, a decision will be taken by LARC to acquire or make payment for the balance extent. Reasonable time to be given to harvest perennial crops, if not, payment will be at market value.

1.1.4 All ex-gratia payments will be as determined by the Chief Valuer.

1.2 ENCROACHMENT ON STATE LANDS

Encroachers on state land will be relocated if the RDA considers it necessary. However, no payment for land will be made, but payment for improvement of the land will be paid to them. This provision will be applicable only for the encroachers who are in occupation prior to 01.01.2005.

1.3 ENCROACHERS ON PRIVATE LANDS

Encroachers on private land which have not been contested in a Court of law by the land owner will be paid for the improvement carried on the land, upon adequate proof of that improvement have been made by such person.

1.4 ACQUISITION OF PADDY LANDS

1.4.1 Ex-gratia payment for Paddy Lands

Where paddy lands are acquired for development, an ex-gratia payment will be paid for paddy lands based on the difference between,

- a). The statutory compensation and

- (b). 10% of the Market Value of the land as computed by the Chief Valuer on the assumption that permission to develop the land has been obtained from the Relevant Authorities.

Paddy Land means :- The Lands that are being cultivated with paddy or lands that have been prepared for cultivation of paddy or lands that have been used for cultivation of paddy at least five years before the date of acquisition.

1.5 LAND FALLING WITHIN STREET LINES OR BUILDING LINES

Where lands falling within street lines or building lines are acquired, no compensation or ex-gratia payment shall be made for buildings or structures constructed after the date of imposition of street lines or building lines.

1.6 UNAUTHORISED OCCUPATION OF LANDS OWNED BY THE ROAD DEVELOPMENT AUTHORITY

Where there is unauthorised occupation of lands owned by the Road Development Authority or vested with them, no compensation or ex-gratia payments shall be made for any constructions made on such land

2. BUILDINGS AND STRUCTURES

For buildings and structures, replacement cost (without depreciation) will be paid by using the definition given by the Chief Valuer.

- 2.1** *Small cottages*, huts, etc. : minimum payment will be Rs. 300,000.00
- 2.2** *For parts of structures* : if part of the structure is acquired, the floor area to be considered for payment will be calculated up to the structural support points.
- 2.3** *Remaining portion of structures* : after acquisition of part of the structure if the remaining portion is unsuitable for further usage LARC to take an appropriate decision.
- 2.4** *Tombs and similar structures* : Rs. 15,000.00 payment for the removal and relocation of such structures.
- 2.5** *Religious structures, Public buildings and Utilities* : RDA to reconstruct or pay replacement cost for such structures and facilities.

3. RENT CONTROLLED PREMISES UNDER THE RENT ACT- SHOPS AND HOUSES

Payment for the above premises will be paid at replacement cost, according to the following criteria

Period of occupancy by the occupant	Percentage	
	Occupant	Owner
> 20 years	75	25
10 - 20 years	50	50
05 – 10 years	25	75
< 05 Years	10	90

4. LOSS OF BUSINESS

Businesses are categorized according to the following definitions :

4.1 Business Category	Entitlement
4.1.1 Informal (non income tax payer)	Rs.15,000.00 or up to 6 months net income which ever is high, if the income could be ascertained by supporting documents.
4.1.2 Formal (Income tax payer)	If business is completely lost minimum of Rs. 15,000.00 or up to 3 years net average adjusted profit of the years immediately proceeding acquisition supported by tax declaration documents.

If temporarily disrupted, Chief Valuer to decide the quantum of payment.

5. LOSS OF LIVELIHOOD

Those who are self employed and are temporarily affected due to loss of income from acquisition will be entitled for a livelihood grant of Rs. 15,000.00

6. VULNEARABLE ALLOWANCE

Vulnerable families will be paid an extra allowance of Rs. 15,000.00. Vulnerable family means, women headed families, families with disabled people and families with very old persons.

7. LOSS OF WAGE EMPLOYMENT

Persons who have lost their wage employment due to acquisition of properties where they are employed will be entitled to an allowance of Rs. 15,000.00 per person or 03 months basic salary which ever is high. (subject to proof of 06 months employment before the publication of the notice under Section 02 of LAA)

8. EX-GRATIA PAYMENTS FOR HANDING OVER POSSESSION OF PROPERTIES BEFORE THE DEADLINE

8.1 If the affected persons hand over the possession of the properties, before a date declared by the RDA, they are entitled for the following extra monetary benefits.

Buildings/Houses 25% of the statutory payment for bidding (section 17) subject to a minimum of Rs. 25,000.00 and a maximum of Rs. 500,000.00

Cultivated Agricultural 5% of the statutory payment (section 17) subject to a minimum of Rs. 10,000.00 and a maximum of Rs. 100,000.00

8.2 TEMPORARY ACCOMMODATION

If the physical possession of the property is required to be taken on a prescribed date by the RDA, rent allowance payable will be based on the floor area of the house in occupation before relocation.

House Category	MC area Rs.	UC Area Rs.	PS Area Rs.
<500 Sq.ft	50,000.00	40,000.00	20,000.00
500 – 750 Sq.ft	60,000.00	50,000.00	30,000.00
750 – 1000 Sq.ft	75,000.00	60,000.00	40,000.00
>1000 Sq.ft	100,000.00	75,000.00	50,000.00

8.3 SHIFTING ALLOWANCE

If the physical possession of the property is required to be taken on a prescribed date by the RDA, shifting allowance will be paid based on the floor area of the house in occupation before relocation.

House Category	Allowance Rs.
< 500 Sq.ft	5,000.00
500 – 750 Sq.ft	7,500.00
750 – 1000 Sq.ft	10,000.00
>1000 Sq.ft	15,000.00

9. OTHER BENEFITS

9.1 Every re-settler with titles to their holdings is entitled to a building block up to 20 perches from a fully serviced resettlement site at the unimproved value of the land or a cash grant as applicable to self re-location.

- 9.2 Encroachers up to 10 perches of land from a resettlement site free of charge or a cash grant as applicable to self re-location.
- 9.3 A sub family living in the same house under the same or separate electoral list at least 03 years prior to the publication of the notice under Section 02 of LAA is entitled to a block of land up to 10 perches free of charge from a resettlement site or a 50% cash grant as applicable to self re-locates, subject to a minimum of Rs. 100,000.00.

(Extent of lands for above will vary with the availability of land in a particular area).

10. SELF RE-LOCATION

Those who wish to self relocate will be entitled to the following maximum amounts in lieu of a plot of land, depending on the area in which the present property is situated. Sub families who are eligible for plot of land under 9.3 above can be paid 50% of this cash grant in lieu of a plot of land subject to a minimum of Rs. 100,000.00

10.1	Municipality areas	Rs.	500,000.00
10.2	Urban /Council areas and Pradeshiya Sabha areas in metropolitan & Greater Colombo areas	Rs.	300,000.00
10.3	Pradeshiya Sabha areas	Rs.	150,000.00

- 11.** All ex-gratia payments will be as determined by the Chief Valuer. No interest is payable for any ex-gratia payment. The LARC will decide on administrative matters and disputes in relation to other facts arising out of the acquisition, and not on matters pertaining to the quantum of payment.

12. ELEGIBLE AFFECTED PEOPLE

This package will not apply to projects which are covered by the existing payment package approved by the Cabinet of Ministers on 03/10/2001, (Cabinet Paper No. 01/1778/017/002) or land acquired before introducing this scheme.