

Resettlement Plan

August 2012

Sri Lanka: Northern Road Connectivity Project

B437 Subproject (Vallai–Telippalai–Araly)

Prepared by the Road Development Authority, Ministry of Ports and Highways for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 28 August 2012)

Currency unit	–	Sri Lankan rupee (SLR)
SLR1.00	=	\$0.0075471698
\$1.00	=	SLR 132.500000

ABBREVIATIONS

ADB	–	Asian Development Bank
CEO	–	Chief Engineer's Office
CSC	–	construction supervision consultant
CV	–	Chief Valuer
DH	–	displaced household
DP	–	displaced person
DS	–	Divisional Secretary
DSD	–	Divisional Secretariat Division
EA	–	Executing Agency
ESD	–	Environment and Social Division
GN	–	Grama Niladhari
GND	–	Grama Niladhari Divisions
GOSL	–	Government of Sri Lanka
GRC	–	Grievance Redress Committee
GRM	–	Grievance Redress Mechanism
HRC	–	Human Rights Commission
LAA	–	Land Acquisition Act
LARB	–	Land Acquisition Review Board
LARC	–	Land Acquisition Review Committee
LARD	–	Land Acquisition Review Division
LARS	–	Land Acquisition and Resettlement Survey
MOPH	–	Ministry of Ports and Highways
MLD	–	Ministry of Land and Land Development
NEA	–	National Environmental Act
NGO	–	nongovernment organization
NIRP	–	National Involuntary Resettlement Policy
NRCP	–	Northern Road Connectivity Project
PD	–	Project Director
PMU	–	Project Management Unit
RDA	–	Road Development Authority
RO	–	resettlement officer
ROW	–	right-of-way
RP	–	resettlement plan
SD	–	Survey Department
SPS	–	ADB Safeguard Policy Statement, 2009
TOR	–	terms of reference

WEIGHTS AND MEASURES

km	–	kilometer
m	–	meter
sq. ft.	–	square foot

NOTE

In this report, "\$" refers to US dollars.

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EXECUTIVE SUMMARY

Project Description

1. A total length of about 170 km of class A and B roads (National roads in northern and north central provinces) are to be rehabilitated and improved under Asian Development Bank (ADB) assistance (loan number 2639 SRI). The project is titled as “Northern Road Connectivity Project (NRCP)” executed under the Road Development Authority (RDA) of Ministry of Ports and Highways (MoPH).

2. In Vallai – Telippalai – Araly (B437) Road the Pandaterippu junction is located from 17+860 to 17+980 area and in this junction two provincial roads branch off to Silalai and Thambakonapatuna. This intersection falls under Pandaterippu town area where important schools, religious places and market places are located. The Pandaterippu junction will be improved with a roundabout, foot walk and side drains to ensure road safety and to facilitate road users.

3. The project is categorized as category B for involuntary resettlement in accordance with ADB’s new Safeguard Policy Statement (2009). However, at the feasibility stage a resettlement framework is developed to address the unanticipated impacts that can arise during design and implementation stages. Therefore, this Resettlement Plan (RP) is prepared to address impact to a boundary wall of a school that need to be demolished to develop the road improving road safety.

Policy and Legal Framework

4. The Land Acquisition Act (LAA) of 1950 is the most important legal provision which ‘Makes provisions for acquisition of the Lands and Servitudes for public purposes and provides for matters connected with or incidental to such provision’. It provides the payment of compensation at market rates for lands, structures and crops. It has several amendments and the latest being the version of 1986 and the Revised Regulations, 2008 gazetted as No. 1585/ 7 on Tuesday, 20 January 2009. Further, National Environment Act (NEA), National Involuntary Resettlement Policy (2001) and ADB’s Safeguard Policy Statement (2009) are key policy instruments supporting resettlement planning and implementation in the country.

Scope of Project Impacts

5. Vallai – Telippalai – Araly (B437) Road runs through a populated area passing several townships. The 2nd junction in Pandateruppu is an important junction in this road that needs to be developed to ensure safety. Pandateruppu Girls’ High school is one of the main government schools in the area and boundary wall of the school will be affected by the junction improvements. The total land area of the school is five (5) acres and nearly 522 sq.m. of land will be needed for the development. However, the main building of the school is located far away from the road and the boundary wall and only the school land with small trees will be affected.

6. The only affected structure within the affected land is boundary wall of the school which is very close to the road edge and which faces the junction in a triangular form. The affected area is 170 sq.m.

Consultation, Information Dissemination and Stakeholder Consultation

7. During the consultation with the school principal and key staff members, they expressed that their main concern is over the reconstruction of the boundary wall and the safety of the children. They agreed that the junction improvement is necessary and requested to build the new boundary wall before demolishing of the old one, so that the safety of the children was ensured.

8. They also inquired about the construction activities and requested to pay attention to mitigate dust and noise especially during school hours. They also agreed to educate students on safety during construction activities.

Grievance Redress Mechanism

9. There are two levels of GRM proposed to this project. Step 1 GRC comprises of Grama Niladari, Supervision Consultant, representative from contractor and PMU. Representative from a social organization and community member also can be included for the committee if necessary. Step 2 GRC comprises of Divisional Secretary, Representative from PIU, officer from RDA, Representative from an NGO and a respective clergy/leader in the area. The main objective of Step 2 GRC is to review the issues in a policy point of view and to take appropriate policy measures to overcome such issues. If DPs are not satisfied with the decisions of GRC, they can forward their grievances other agencies available in the country.

Entitlement Matrix

10. The project entitlement matrix was prepared as part of the resettlement framework prepared for the project during the period of loan processing. At that time it is envisaged that the improvement works will be carried out within the existing right of way. However, the provision is kept to further refinement of the entitlements as necessary during the implementation.

Resettlement Budget

11. The land acquisition is not required as the affected school land is a government land. However, the project needs to rebuild the affected boundary wall as per the entitlement matrix. Therefore, the cost estimates were prepared for the reconstruction of the boundary walls considering the length, width, height.

12. The estimated cost is SLR 1,100,440 /= and its equivalent to US \$ 8,464.92. This includes the provisions for contingencies and VAT and other charges.

Implementation Schedule

13. The PMU will take the minimum time period required for reconstruction of boundary wall, so that the school students and staff will not have to face any adverse impacts due to the project. The arrangements will be made by the PMU through the Resident Engineer office of Jaffna. The reconstruction will be carried out by the selected contractor and the physical construction will be monitored by the Chief Engineer Jaffna and the resettlement plan implementation will be monitored by ESDD.

Institutional Framework

14. RDA will be the executing agency of the project. It will work through the already established Project Management Unit (PMU) at Colombo, which is headed by a Project Director (PD). The PMU will coordinate the overall Project implementation. There are three Project Engineers appointed for three regional project offices located in Jaffna, Anuradhapura and Mullathivu. The Environmental and Social Development Division of RDA (ESDD) is entrusted to carry out the monitoring of environment and social safeguards of the ten packages. The staff of ESDD visits the ten road packages every month and submit a report to the Asian Development Bank (ADB).

15. The Divisional Secretary/Grama Niladari will assist in carrying out land process. They are also responsible for the implementation of the grievance redress mechanism.

Monitoring and Reporting

16. RDA, ESDD has already started monthly monitoring of environment and social safeguards of the project. ESDD is mandated to prepare a monthly progress report to ADB informing the progress of the implementation of measures related to environment and social safeguards. Further, the annual report also needs to be prepared by the division.

17. With regard to the RP implantation monitoring, ESDD's social team will monitor the activities monthly with Environment Specialist of CSC and will report to the PD and ADB on the progress. Such activity will assist PMU and the ADB to take necessary action in case of any delays or problems.

I. PROJECT DESCRIPTION

A. Project Information

1. The Northern Province is one of the worst affected provinces due to the civil unrest that prevailed in the country for nearly three decades. The physical infrastructure of the province is severely damaged and the road network is particularly affected due to non maintenance. This is a bottle neck for the transportation of people, goods and material and this obstructs the post war development of the region.

2. A total length of about 170 km of class A and B roads (National roads in northern and north central provinces) are to be rehabilitated and improved under Asian Development Bank (ADB) assistance (loan number 2639 SRI). The project is titled as “Northern Road Connectivity Project (NRCP)” executed under the Road Development Authority (RDA) of Ministry of Ports and Highways (MoPH).

3. Road sections of A009, A020, A032, A034, B268 and B437 roads will be rehabilitated and improved under ten (10) contract packages. Details on road section, contractor and location are presented in Table 1 below.

Table 1. Contract packages of Northern Road Connectivity Project (NRCP)

Package	Road section	Province	Length (km)	Contractor
CP1	Dambulla – Thonigala section of A009 Highway	NCP	23.35	International Construction Consortium (pvt) Ltd (ICC)
CP2	Thonigala – Galkulama section of A009 Highway	NCP	24.17	Maga Engineering (pvt) Ltd (MAGA)
CP3	Anuradhapura – Rambewa (A020) Highway	NCP	14.4	MAGA
CP4	Navatkuli – Kerativu Jetty section of A032 Highway	NP	17.4	MAGA
CP5	Manipay – Kaithady (B268) Road	NP	14.02	MAGA
CP6	Vallai – Telippalai – Araly (B437) Road	NP	27.4	KDAW – Tudawe joint venture
CP7	Mankulam to 13km section of A034 Highway	NP	13	MAGA
CP8	13km to 24km section of A034 Highway	NP	11	VV Karunaratne & company (VVK)
CP9	24km to 38.5km section of A034 Highway	NP	14.4	Tudawe Brothers (pvt) Limited (Tudawe)
CP10	38.5km to Mullaitivu section of A034 Highway	NP	10.6	ICC

NCP =North Central Province, NP= Northern Province

4. Vallai – Telippalai – Araly (B437) Road is one of the important roads in Jaffna peninsula that provides access to Kankasanthurai, Palay and Keerimalai via Thellipalai and also to Karainagar via Sithankerny. In this road, the Pandaterippu junction is located from 17+860 to 17+980 area and in this junction two provincial roads branch off to Silalai and Thambakonapatuna. This intersection falls under Pandaterippu town area where important schools, religious places and market places are located.

5. The Pandaterippu junction will be improved with a roundabout, foot walk and side drains to ensure road safety and to facilitate road users.

6. The project is categorized as category B for involuntary resettlement in accordance with ADB's new Safeguard Policy Statement (2009). During the project preparatory studies and assessments, project strip plans, based on cross sections, were prepared and verified the project boundaries and limits of the new construction. Based on this, the improvement works are envisaged to be within the existing right-of-way boundaries¹. However, at the feasibility stage a resettlement framework is developed to address the unanticipated impacts that can arise during design and implementation stages. Therefore, this Resettlement Plan (RP) is prepared to address impact to a boundary wall of a school that need to be demolished to develop the road improving road safety.

B. Administrative Boundaries and Location of the Project

7. Vallai – Telippalai – Araly (B437) Road is located in Vali South West DS division of Jaffna district of Northern Province. The Grama Niladari division where the boundary wall is located is identified as Pandaterippu – J140. Refer Map 1.1 for topo maps and Appendix 1 for the maps based on google imageries.

¹ Report and Recommendation of the President to the Board of Directors, Proposed Loans and Technical Assistance Grant, Democratic Socialist Republic of Sri Lanka: Northern Road Connectivity Project, Project Number: 4225, May 2010, ADB

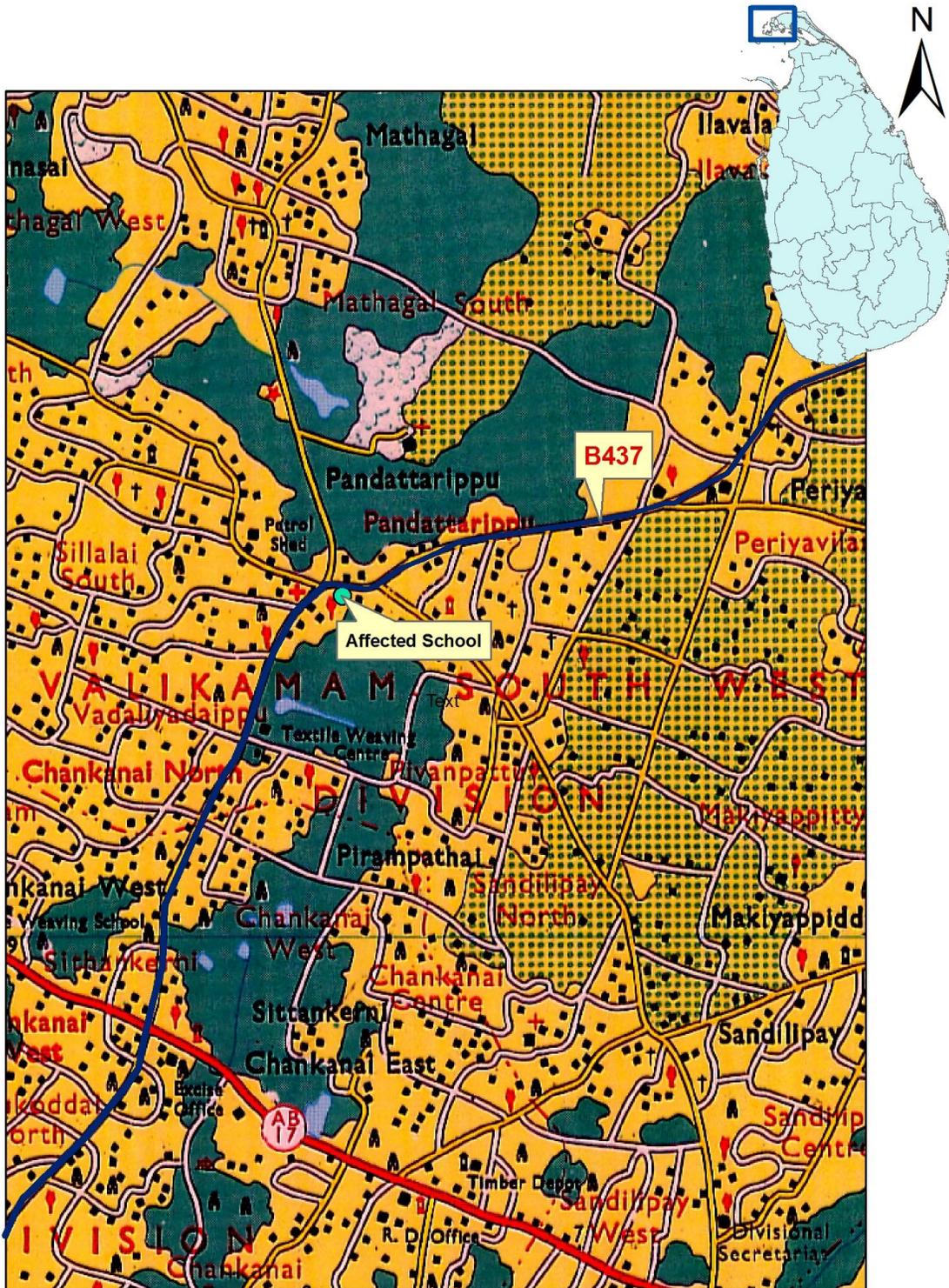


Figure 1: Location Map of Vallai – Telippalai – Araly (B437) Road

C. Objective and the Methodology of the Resettlement Plan

8. The Resettlement Plan (RP) is aiming at to ensure that the resettlement impacts caused by the proposed road construction Vallai – Telippalai – Araly (B437) road are identified and mitigated in accordance with acts, policies and standard procedures of the Government of Sri Lanka and Safeguards Policy Statement (2009) of ADB.

9. The identification of the impacts to the school property adjacent to Pandatherippu 2nd junction started with the finalization of the designs in June 2012. With this the impact to boundary wall was identified first by the NRCP Project Engineer of Jaffna and the consultations were carried out with the school principal. The Divisional Secretary of Vali South West DS Office and the Grama Niladari of Pandaththerippu – J140 were also informed and the consultation process was started.

10. Resettlement Officer, Hydrologist and other resettlement staff of Environment and Social Development Division visited the project site in July 2012 and relevant information was gathered with the Project Engineer Jaffna Further, consultations were also carried out by the Project Engineer to get the views of the principal and staff on the resettlement impact and the mitigation measures. .

II. POLICY AND LEGAL FRAMEWORK

11. This chapter discusses the legislative and regulatory framework for land acquisition and resettlement and policies pertaining to resettlement.

A. Legislative Framework

12. The Land Acquisition Act (LAA) of 1950 is the most important legal provision which 'Makes provisions for acquisition of the Lands and Servitudes for public purposes and provides for matters connected with or incidental to such provision'. It provides the payment of compensation at market rates for lands, structures and crops. The Land Acquisition Act of 1950 was mainly influenced by the English Land Clauses Acts, and has evolved through Acquisition of Land Act 1919 and the Acquisition of Land Authorization Procedure Act 1946 to reach present status in 1950. Subsequently too, it has several amendments and the latest being the version of 1986. It has latest revised regulations made in 2008 by gazette notification No. 1585/7 on Tuesday, 20th January 2009. This is the premiere and oldest Land Acquisition Act in force today.

13. The revision made by gazette notification No.1585/7 on 20th January 2009 was an attempt to resolve public agitation prevailed over many years against the assessment of properties at lower values compared to prevailing market values. Mostly, this happened when acquired portions of land plots were taken as separate entities for assessment, they become economically less worthy as tinny land plots. Often, lands acquired for roads are small block separated from a large block of land. Now, for valuation purposes of these plots, market value of the parent plot from which a portion is acquired is taken in to consideration, and due proportionate value is given to the acquired portion too. This will have an upward movement of assessment for small land portions identified for acquisition. In addition, this revision gives provisions to consider replacement cost of buildings and cover variety of expenses incur to claimant in the process of changing his residence and businesses. Further, an owner of a house or of an investment property is displaced; additional 10% payment based on market value is also paid under this revision. This revision is a progressive step of the revision process of LAA and obviously NIRP has influenced the revision.

14. The operational procedures of the LAA (1950) are as follows;

- Preparation of acquisition proposal by the requesting agency and submission to the Ministry of Land and Land Development (MLD) through the Secretary of the Ministry under which the requesting agency is functioning.
- Approval of the proposal by MLD, posting of notices by the relevant divisional secretary/secretaries (as designated Acquiring Officer/s) and preparation of advanced tracing by the Department of Survey on the requisitions issued by relevant divisional secretaries (Section 2 of LAA).
- If sec 38 (a) is not invoked, divisional secretary to proceed with Section 4 of the LAA to call objections from the interested parties in the land. Even after inquiring of the objections called under section 4, if the relevant land is required to be acquired, the requirement will be conveyed by the line ministry to the Ministry of Land and Land Development.

- Minister of Land then issues and orders under Section 5 confirming the acquisition of the relevant land which will be followed up through a gazette notification in all three languages. In the same order Ministry of Land and Land Development directs the divisional secretary to take action to prepare the preliminary plans (PPs).
- Based on the Minister's order under Section 5, DS issues a requisition to the Superintendent of Surveys of the district to prepare and submit the plan.
- On receipt of primary plans (PP) from Department of Surveys, DS will published in Government gazette notification in all three national languages (Sinhala, Tamil and English) that he/she intends to conduct inquiries under section 9 of LAA and request people to submit their claims for ownership of land before the date mentioned by him in the gazette notification. In addition to the gazette notification a paper notice will be published by the DS in all three languages for information of the stake holders.
- Then inquiries will be conducted to determine the ownership and DS will issue an order declaring ownership under Section 10 (i) of LAA.
- Acquiring officer either makes the decision on the claims or refers the claims to the district courts or primary courts if he is unable to determine the ownership.

15. Acquiring officer (Divisional Secretary of the area) holds an inquiry into the market value of the land, the claims for compensation and the legality of claimants (advised by valuation officers) and award of compensation under section 17 of LAA.

16. Then the possession will be taken over under Section 38 or in an urgent situation in made section 38 (a) even though the LAA permits to takeover possession before paying compensation any land acquired by the state. At present, possession of land is taken over only by paying compensation in full. This is a very positive outcome of the NIRP and SPS, 2009 of ADB. After taking over the possession DS will take action to vest the properties acquired under the name of relevant beneficiary/ies (RDA for road development) under section 44 (j) of LAA and register the title with the registrar of the land of relevant district.

17. Following the decision (either by the acquiring officer or the courts) the acquiring officer makes an award after determining the persons who are entitled to compensation, the total amount of compensation deemed to be allowed for the acquisition and the apportionment of the compensation among the persons with interest and;

18. In the event of disputes over the determination of compensation, it may be appealed to either the Compensation Review Board or Court of appeal within 21 days of the receipt of the notification of the award. If there are no appeals, the compensation will be paid.

B. Land Acquisition Review Board

19. Under LAA, claimants were paid only the depreciated values for structures. Therefore a wide spread general opinion was developed indicating that compensation paid for land through LAA process is very much less than the prevailing market values. Under LAA any aggrieved party on the valuation determined by the Department of Valuation is expected to appeal to the Land Acquisition Review Board within 21 days of receipt of the Section 17 order from the Divisional Secretary. If party is dissatisfied with the decision of the Review Board, the party can made a petition of appeal to the Supreme Court. No stamp duty is charged for this appeal. However, experience showed that the process involved here was time consuming; moreover, in most occasions, variation between the assessment of the Department of Valuation and the review board's decision was very marginal.

1. Land Acquisition Resettlement Committee (LARC, Divisional Level) and Super LARC (Ministerial Compensation Appeal Board) Process

20. The revision made by gazette notification No.1585/7 on 20th January 2009 to LAA, as stated above, has redundant the LARC review system as areas covered by LARC could be addressed by this revision. Further, Ministry of Land has issued clear instructions to cease the use of LARC and similar systems used by different institutions to decide compensation values for the land acquired under LAA as it wishes to see uniformity in valuation of lands acquired under LAA for public purposes.

2. Land Development Ordinance (1935)

21. By virtue of this ordinance and its subsequent amendments, households that are occupying crown land may request permission from the Divisional Secretary to be regularized on the Land in question. The Acquiring officer (Divisional Secretary) makes an investigation and may recommend giving a one-year permit initially, if the land is not reserved land or not required for any other government purpose. Subsequently, the person may be given a long lease which constitutes a legal title without right to disposal. The term for such titles is known as 'Swarna Boomii' (golden land) or 'Jaya Boomii' (victorious land).

22. There are two categories of encroachments into crown land. (1) Middle income category, the households that have other agricultural land and (2) Lower income category, the landless households will be given special consideration for allocation of crown land that is not reserved for any purpose.

3. Road Development Authority Act No. 73 of 1981

23. The Road Development Authority Act (1981) provides for the establishment of the RDA and specifies the powers, functions, duties and responsibilities of the RDA. Part II of the Act deals with declaring areas for 'road development', which under the meaning of the Act includes the construction of new roads or the maintenance or improvement of existing roads (Improvements are deemed to include any widening, levelling, provision of footpaths, treatment for mitigation of dust or any other works beyond ordinary repairs).

24. Under Section 8 of the Act, the Minister, after taking into consideration the requirements of local and national planning and what is expedient for the regulation and control of road development, may declare a 'road development area' following an order or notice (which sets out the requirement and physical boundaries) published in the gazette.

25. Section 22 deals with land acquisition for road development as a "public purpose" and provides for the acquisition by, and transfer to, the RDA of immovable or moveable property within any declared road development area, for which the RDA will pay any sum payable under the LAA [Section 22 (2)]. Therefore, after the Section 2 notice has been published, if land or other property is to be acquired, the procedures to do so are as set out in the LAA.

4. State Land Ordinance No 8 of 1947

26. This ordinance is known as the State Land Ordinance No 8 of 1947. Section (b) of the ordinance explains the land grants which can be made and the rents to be obtained for the grants. As it is mentioned in section 22, the period of the grant be up to 50 years only and the prescribed form given in the ordinance be filled and signed by the officer authenticated to sign for the grant. A person seeking a crown land has to appeal to the Government Agent of the area. Such person has to pay the rent decided by the Land Commissioner or the Government Agent of the area. Provisions also have provided to officers such as General Manager Railways

and chairman of the Colombo Port to rent out the lands under their purview, under special circumstances.

5. Prescriptive Ordinance No 22 (1871)

27. Under sections 3 and 13 of this ordinance, households who have encroached into private land and have been occupying the land for at least 10 years may apply through the courts for prescriptive rights to the land.

C. Other Acts and Laws related to acquisition and compensation

28. Following are the other subsequent statute laws, which enable the compulsory purchase of property for special purposes or have interfered with the compensation in the term of 'Market Value' and has imposed certain restrictions, conditions and circumstances in which value has to be determined, when properties are compulsorily acquired by the State or become vested in the state, by the force of legislations on payment of compensation.

- Urban Development Authority Law No 41 of 1978
- National Housing Development Authority Act No.17 of 1979
- Greater Colombo Economic commission Law No.4 of 1978
- Town and Country Planning Ordinance Of 1946
- Land Reform Law No.1 of 1972 - Land Reform Commission Act. No.26 of 1972
- Colombo District (Low Lying Areas) Reclamation and Development Board
- Act No.15 of 1968
- Rent Act No.7 of 1972 and amendments thereto, No.55 of 1980 and No.26 of 2002
- Co-operative Societies Law No.5 of 1972
- Ceiling on Housing Property Laws No1 of 1973
- Apartment Ownership Law No.11 of 1973
- Tourist Development Act No.14 of 1968
- Coast Conservation Act
- Agrarian Services Act no.58 of 1979
- Roads and Thoroughfares Act no.45 of 1956 and Law no.37 of 1973
- Mahaweli Authority of Sri Lanka Act No.23 of 1979
- Walawe Lands Act No.11 of 1958

29. **National Environmental Act No. 47 of 1980 (NEA).** These are some provisions in the NEA Act No.47 of 1980, with the amended Act No 56 of 1988 which refers to Involuntary Resettlement. The Hon. Minister in charge of the subject of environment has prescribed projects and undertakings which approval shall be necessary under the provisions of the NEA.

30. The Minister by gazette notification No 858/14 of 23rd February 1995 has determined the types of projects and undertakings which need the approval under the terms of the NEA. The schedule includes item 12 which refers to "involuntary resettlement exceeding 100 families, other than resettlement resulting from emergency situations".

D. Policy Framework

31. Land Acquisition Act provides compensation only for land, structures, and crops and provisions are not available to address key resettlement issues to mitigate or avoid impacts on people resulting from land acquisition. In addition, non-titled people and other dependents on land cannot be assisted under the LAA.

32. To address the current gaps in the LAA in addressing the key resettlement issues such as exploring alternative project options that avoid or minimize impacts on people, the government of Sri Lanka (through the cabinet of Ministers) adopted the National Policy on Involuntary Resettlement (NIRP) on the 24th May 2001. The NIRP also highlights the need for consultation of DPs and their participation in the resettlement process actively. The Central Environment Authority (CEA) was tasked to review and approve Resettlement Plans (RPs) prepared by project executing agencies. The plans also required to be publicly available.

33. In addition to NIRP, ADBs Safeguard Policy Statement, 2009 have similar requirements and guidelines reinforcing each other.

1. National Involuntary Resettlement Policy (NIRP) 2001

34. The Government adopted National Involuntary Resettlement Policy (NIRP) in 2001, in order to address the adverse social and economic impacts on people who are affected by the acquisition of land by the state for development purposes. The hardships encountered by displaced persons due to compulsory land acquisition often caused for severe deterioration in their social and economic life in intolerable manner. Further, the social unrests and miseries, created by these situations have negative impact on development and social order. Among these miseries, impoverishment of displaced families due to loss of land and livelihood opportunities, food insecurity, lack of access to common property and public services and disruption to existing social organizations were very noticeable. The development taking place without due consideration to resettlement issues of the displaced persons caused for losing public interest and confidence on development. This led to grow public resistance for development which has very negative implications in the process of development.

35. The legislative enactments like LAA and other such provisions and regulations with their amendments are directed towards paying for compensation for land, structures and crops to lawful owners of such assets. These enactments don't have remedial measures for non-titled holders although they have been using these land in question over many years, perhaps a few generations. The consequences of land acquisition occurring to them are completely outside matters that have to be solved differently. In addition, apart from provision of funds for compensation payments, project execution agencies didn't have any responsibility for looking after the fate of displaced persons. Even, in the case of title holders, just receipt of compensation doesn't necessarily make them better off. At least majority of them need numerous assistances to restore their lives to pre project levels or to improve better. The non-title holders need much more assistance to reinvigorate their new life with shelter, employment and social and economic infrastructure etc.

36. NIRP took these ill-effects of land acquisition in to consideration with the aim of ensuring 'that all efforts are made to minimize involuntary resettlement in projects and where it is unavoidable, affected people are assisted to re-establish their livelihoods' (NIRP Forward). NIRP assign responsibility of implementing a Resettlement Plan addressing key resettlement issues such as (i) exploring alternative project options which avoid or minimize impacts on people; (ii) compensate those who do not have title to land; (iii) consulting displaced persons and host community on resettlement options, (iv) providing for successful social and economic

integration of the displaced persons and their hosts; and; and (v) full social and economic rehabilitation of the displaced persons.

37. NIRP was developed through a consensus reaching process with the participation of all concerned government agencies and authorities; NGOs and foreign development agencies and other stakeholders. The steering committee appointed by the government reviewed the existing laws and policies and approved the National Involuntary Resettlement Policy on 5th March 2001 and the government of Sri Lanka adopted it (by cabinet approval) as a National Policy on 24th May 2001.

2. Objectives of the NIRP

- Avoid, minimize and mitigate negative impacts of involuntary resettlement by facilitating the reestablishment of the DPs on a productive and self-sustaining basis. The policy also facilitates the development of the DPs and the project by
- Ensuring that DPs are fully and promptly compensated and satisfactorily resettled. The livelihoods of all displaced persons should be re-established and their standard of living improved;
- Ensuring that no impoverishment of people shall result as a consequence of compulsory land acquisition for development purposes by the state;
- Assisting DPs in dealing with the psychological, cultural, social and other stresses caused by land acquisition;
- Making all DPs aware of process available for redress of grievances, which are easily accessible and immediately responsive; and
- Having in place a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the project executing agency and DPs.
- NIRP applies “to all development induced land acquisition and Resettlement Action Plan must be prepared where 20 or more families’ (NIRP Forward). NIRP requires that a comprehensive RP be prepared where 20 or more families are displaced. In case where less than 20 families are displaced, the NIRP still requires a RP with lesser level of detail. NIRP applies to all projects irrespective of source of funding.

3. Safeguard Policy Statement, 2009 of ADB

38. The ADB’s Safeguard Policy Statement 2009, recognizes and addresses the resettlement and rehabilitation impacts of all the Displaced persons, irrespective of their titles, and requires the preparation of RP in every instance where involuntary resettlement occurs. The ADB policy requirements are:

- avoid or minimize impacts where possible;
- consultation with the displaced people in project planning and implementation;
- payments of compensation for acquired assets at the replacement cost;
- ensure that no one is worse off as a result of resettlement and would maintain at least their original standard of living;
- resettlement assistance to Displaced persons, including non-titled persons; and;
- Special attention to vulnerable people/groups.
- The main policy principles of the SPS are:
- Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.

- Carry out meaningful consultations with displaced persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and reporting 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 Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when displaced livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts,

consider implementing the involuntary resettlement component of the project as a stand-alone operation.

- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

E. Existing Gaps in LAA and NIRP vis-à-vis SPS

39. There are differences between LAA and the NIRP and SPS in relation to approach to land acquisition and payment of compensation. Although the SPS and NIRP are more or less congruent, there are differences when compared with the LAA and SPS. Even though the LAA is not subordinate to the NIRP, for the payment of compensation the NIRP and SPS are being followed. The gaps in the LAA vis-à-vis the NIRP and the SPS are analysed in the Table 2.

Table 2. Legislative GAP analysis

Aspect	GOSL Laws/ Policies	ADB's SPS	Measures to Bridge the GAP
Requirement of RP	Does not require under the LAA as amended, NIRP requires that a comprehensive RP for projects exceeding displacement of more than 20 families and a RP of lesser detail if the number of families displaced is less than 20. A project affecting 100 families is considered as a prescribed project under the NEA; such project requires the approval of the CEA before implementation but does not address the resettlement issues.	RP is required For category A and category B projects.	RDA follows the NIRP which spells out the type of RP to be prepared and implemented.
Compensation For non-title holders	Provided in the NIRP, Not in the Act(LAA)	The borrower will compensate them for the loss of assets other than land such as dwellings and also for any other improvements to the land at the full replacement cost. The entitlements will be provided to those who have occupied the land or structures in the project area prior to the cut-off date for eligibility	Provision is available in the entitlement package approved by the Cabinet of Ministers for STDP and subsequent projects to make fair and just treatment. Entitlement matrix is a part of RP

Aspect	GOSL Laws/ Policies	ADB's SPS	Measures to Bridge the GAP
		or resettlement assistance.	
Consultation with stake holders	Does not require under LAA as amended. It is a requirement under NIRP	Consultation is required with displaced persons (Same as NIRP)	RDA follows the NIRP and Safeguard Policy Statement, 2009 as indicated in the RP
Public disclosure	Provided in the NIRP, Not required under the LAA as amended. If the project is subject to an IEE or EIA, the report should be available for the information of the public or public comments respectively.	Public disclosure is required	RP will be disclosed to the public and will be available in the website of ADB. The entitlement matrix will be translated into local language and circulated to APs.
Income Restoration	LAA does not have provisions. But NIRP stipulates the necessity of income restoration and improving the standard of living.	Income should be restored	RDA follows NIRP and Safeguard Policy Statement, 2009, details are given in the RP
Taking over possession before Payment of compensation	Act provide, NIRP does not allow	Does not allow	RDA will follow the NIRP and Safeguard Policy Statement, 2009 as indicated in the RP
Grievance Redress Mechanism	No provision in the LAA as amended a requirement under the NIRP	Requirement under the Safeguard Policy Statement, 2009	Provided in the RP
Acquisition within 48 hrs. on an urgency basis	Under 38(a) of LAA, after 48hrs, even without paying compensation. But according to NIRP, not without paying replacement cost and reasonable notice NIRP does not supersede the LAA since it is a statutory act. But in order to provide relief to the displaced people, NIRP is being implemented on a directive by the Cabinet of Ministers of the GOSL.	The borrower /client will ensure that no physical or economic displacement will occur until 1) compensation at full replacement cost has been paid to each displaced person 2) other entitlements listed in the RP have been provided to the DPs 3) A comprehensive income and livelihood rehabilitation program supported by adequate budget is in place for the DPs	RDA follows the NIRP and SPS
Replacement Cost	Provided in the NIRP, replacement cost according to regulation	At full Replacement Cost	Project will follow the NIRP and Cabinet approved

Aspect	GOSL Laws/ Policies	ADB's SPS	Measures to Bridge the GAP
	gazette on 20 January 2009.		entitlement matrix
Assistance for vulnerable people	LAA is silent on this Aspect. NIRP requires special treatment for the vulnerable groups.	Safeguard Policy Statement, 2009 requires a special assistance for the vulnerable people.	Provision is Available in the RP
Compensation by installments	LAA provides statutory compensation to be paid in installments, but NIRP does not agree	As per SPS full compensation at the replacement cost has to be paid to the displaced person before any physical or economic displacement will occur.	RP provides statutory compensation to be paid in one lump sum.

Source: Consultations, NIRP, Safeguard Policy Statement 2009 and LAA.

III. SCOPE OF PROJECT IMPACTS

A. Affected Land

40. Vallai – Telippalai – Araly (B437) Road runs through a populated area passing several townships. The 2nd junction in Pandateruppu is an important junction in this road that needs to be developed to ensure safety. Pandateruppu Girls' High school is one of the main government schools in the area and boundary wall of the school will be affected by the junction improvements.

41. The total land area of the school is five (5) acres and nearly 522sq.m. of land will be needed for the development. However, the main building of the school is located far away from the road and the boundary wall and only the school land with small trees will be affected.

42. With regard to land ownership, the school land belongs to the government. Therefore, no acquisition of land is required.

B. Affected Structures

43. The only affected structure within the affected land is boundary wall of the school which is very close to the road edge and which faces the junction in a triangular form. The affected area is 170 sq.m.

C. Summary of Impacts

44. Table 3 below presents the summary of impacts.

Table 3. Summary of Impacts

Total number of land needed for the development	522sq.m.
Total number of households displaced by the project	0
Total number of persons displaced by the project	0
Total number of persons physically displaced (requiring relocation)	0
Total Number of persons economically displaced	0
Percentage of land affected	Below 10%

Source: Reconnaissance visit conducted by ESDD in July 2012

IV. CONSULTATION, INFORMATION DISSEMINATION AND THE STAKEHOLDER CONSULTATION

45. Information dissemination, consultation, and participation of stakeholders and concerned agencies maintain transparency throughout the process. This openness reduces potential conflicts, minimize the risk of project delays, and enable the project to design resettlement and rehabilitation program to suit the needs and priorities of people.

46. Identification of impact to school premises started with the finalization of the designs of junction improvement. The principal of the Pandateruppu Girls' High School was contacted by the Project Engineer, Jaffna and the impacts to the boundary wall and the school premises were discussed.

A. Consultation Activities

47. During the consultation with the school principal and key staff members, they expressed that their main concern is over the reconstruction of the boundary wall and the safety of the children. They agreed that the junction improvement is necessary and requested to build the new boundary wall before demolishing of the old one, so that the safety of the children was ensured.

48. They also inquired about the construction activities and requested to pay attention to mitigate dust and noise especially during school hours. They also agreed to educate students on safety during construction activities.

B. Process of Land Transfer

49. The affected land is government land. Therefore, there is no need to acquire the land. However, the land needs to be transferred from the ownership of Education Department to RDA. This was done through an agreement form signed by the principal of the school and RDA to expedite the process. The agreement form is attached in Appendix 2.

50. The Grama Niladari and the Divisional Secretary of the area also was engaged as government officials in the process.

C. Planned consultation Activities

Table 4. Planned Consultation Activities

Activity	Objective	Timing	Responsible Unit/ Agency
Consult Principal and staff members	To inquire whether the requirement of school was addressed	During construction of the wall	PMU, ESDD
Visit project site during construction	To see whether the dust and noise are mitigated properly.	During construction of the wall	PMU, ESDD
Consult Principal and staff members	To inquire whether the requirement of school was addressed	After the construction of Boundary wall	PMU, ESDD

V. GRIEVANCE REDRESS MECHANISM

A. Grievance Redress Mechanism (GRM) of NRCP

51. With the directions and guidance of ADB and GOSL, NRCP has adopted an effective GRM system to suit specific development of objectives of rehabilitation and improvement of road development projects in conflict affected regions. ADB has clearly expressed expectations and functions of GRM IN SPS as *“The borrower/client will establish a mechanism to receive and facilitate the resolution of affected persons’ concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. The grievance redress mechanism should be scaled to the risks and adverse impacts of the project. It should address affected persons’ concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to the affected persons at no cost and without retribution. The mechanism should not impede access to the country’s judicial and administrative remedies. The borrower/client will inform affected persons about the mechanism.”*

B. Grievance Redress Mechanism

52. Project Administration Manual of NRCP states that GRM to be formulated to address the issues raised by the public with regard to the project implementation since a GRM provides a predictable, transparent and credible process to all parties, resulting in outcomes that are seen as fair, effective and lasting. Accordingly, Grievance Redress Committees (GRC) will be appointed to take necessary steps in order to harmonize project activities as well as the well being of the General Public.

53. Proposed GRM pays special attention on gender policy assuring equal opportunities for men and women to be given at any stage of GRM and to encourage women’s participation in the decision-making process in development activities.

C. Objectives of GRM

54. The main objective of establishing GRM is to resolve problems in an efficient, timely and cost effective manner in a cordial environment with the participation of all stakeholders including affected parties. Under the GRM, it shall describe the options available to the project for grievance redress. Any environmental or social impacts (other than issues of valuation and compensation) that would be adversely affecting the general public in the project area should be resolved at the GRC.

55. The PMU is responsible for disseminating information on GRM to affecting parties and make sure the accessibility to the system. The grievance redress mechanism should also have an in-built monitoring mechanism to check on responsiveness to complaints or grievances lodged. The different forms of receiving the complaints should be clearly described together with the different stages of going through the process. In addition, the redress mechanism shall indicate alternatives, in case the proposed mechanism, for any reason, does not respond to all grievances and complaints.

56. GRM should be able to provide benefits to both the project and affected parties by setting up following objectives:

- Provide a forum for redressing grievance and disputes at the lowest level.
- To create effective communication between the project and affected parties.
- To build up productive relationship among the all stakeholders including affected parties.
- Provide access to affected parties to negotiate and influence the decisions and policies of the project which might be adversely affected to them.
- Mitigate or prevent adverse impacts of the project on communities and produces appropriate corrective or preventive action.
- To harmonize both project and affected parties activities.

D. Implementation

57. For effective functioning of GRC, it is necessary to develop awareness among stakeholders of the project on GRM and GRC. The General Public, Public Officers, Social Organizations, Contractors and Divisional Secretaries in respective areas should be knowledgeable in GRM and GRC in order to successfully implement the GRM.

58. National Involuntary Resettlement Policy (NIRP) requires to “make all affected persons aware of processes available for the redress of grievances that are easily accessible and immediately responsive”.

59. A two-stage (Step 1 and Step 2) GRM will be designed and implemented for the NRC Project. Accordingly two (2) GRCs will be appointed for these two stages. The higher level GRC will be formulated at Divisional Secretariat level, while the lower level (ground level) GRC will be formulated at Grama Niladari Level (GN within each package).

60. GRC of Step 1 will address Ground Level Issues. The step 1 GRC will comprise of a member from the PIU, Supervision Consultant, Contractor and Grama Niladari (GN) of the area. These four (4) members will act as permanent members of the GRC while representatives from a Social Organization (male and/ or female) of the area and a Community Member could serve as non-permanent members. Services of such non-permanent members will be required in resolving any issue related to gender or issues with other vulnerable persons.

61. The representative of the PIU will be the chairman for the step 1 GRC while the GN will be the secretary.

62. The Divisional Secretary/ Assistant Divisional Secretary of the respective project area will chair the Step 2 GRC. The representative from the PIU will be the secretary. Other permanent members of Step 2 GRC will be an officer from RDA, a representative from a Non Government Organization (NGO), a community leader / respected clergy. Based on the nature of the issue a representative from other utility agency, an officer from the Health services of the area could serve as non-permanent members of Step 2 GRC.

63. The Step 1 GRC will be given four (4) weeks time to address any ground level issue. Any issue which cannot be addressed at this stage will be referred to Step 2 GRC within 07 days with a full report comprising suggestions and observations of Step 1 GRC to review in policy point of view.

E. Awareness of GRM

64. GRM should be given a wide publicity among stakeholder groups such as affected parties, government agencies, and civil society organizations. Effective awareness of GRM process makes people better understanding about their options, depending on the types of complaints. However, measures should also be taken to encourage stakeholders not to submit false claims. Criteria for eligibility need to be communicated and also awareness campaigns should be launched to give publicity to the roles and functions of the GRM.

65. Awareness should include the following components:

- Scope of the project, planned construction phases, etc.;
- Types of GRMs available; purposes for which the different GRMs can be accessed, e.g., construction-related grievances, grievances related to physical and economic displacement,
- Types of grievances not acceptable to the GRM.
- Eligibility to access the GRM.
- How complaints can be reported to those GRMs and to whom, e.g., phone, postal and email addresses, and websites of the GRM as well as information that should be included in a complaint;
- Procedures and time frames for initiating and concluding the grievance redress process; boundaries and limits of GRM in handling grievances; and roles of different agencies such as project implementer and funding agency.
- A variety of methods can be adopted for communicating information to the relevant stakeholders. These methods could include display of posters in public places such as in government offices, project offices, community centers, hospitals and health clinics of the area.

66. Similarly an effective awareness program should be arranged to educate the DP on the following:

- Members of GRC and its location
- Method of complaining or reporting the grievance
- Taking part in the GRC meeting (is any companions of the complainant allowed)
- The steps of resolving process and timeline adopted in this mechanism.
- Needed documents and evidence to support of the complaint

67. This information should be part of a simple brochure that explains the different grievance redress possibilities for DPs.

F. Steps of Awareness

68. Awareness program has been designed in two steps to cover all stakeholders such as general public, government officers, implementing agencies, contractors and other interested groups.

- Step 1 Awareness Program is designed for all Divisional Secretaries in respective area with the coordination of relevant GAs (District Secretaries). This program will be conducted by PIU at relevant District Secretariat office to provide information with regard to the GRM and how it acts on Project Implementation.

- Step 2 Awareness is designed especially for Grama Niladari, community organizations, community leaders, religious leaders, rep. of contractor (site manager) and other related government official. PIU will conducted awareness program at the all relevant Divisional Secretariat offices with the assistance of Divisional Secretary. At this stage printed materials (posters, leaflets etc.) containing the information about GRM and project will be distributed among the community.

G. Methodology of Implementation – Step 1 GRC

69. There should be at least three focal points to lodge public complains for each Divisional Secretariat Division (DSD). Accordingly it is suggested to have one in the respective Grama Niladari Office and next one at the Construction Site and the other one at the Divisional Secretariat office. In addition to the above three places public may submit complains to the Divisional Secretariat and Social Organizations in the respective area also. Considering the importance of efficient functioning of GRM, Step 1 GRC is accepted to resolve complains within three weeks time. In this stage it is expected to get the advantage of the construction management setup (which involves the employer, supervision consultant and contractor) to resolve the issue at site (avoid/ minimize any delays in rectifying the problem).

70. Following time frame is given to respective focal points to act accordingly.

1. Grama Niladari - Should inform the Chairman of Step 1 GRC with a full report within 5 working days from the date of receiving a grievance or complain.
2. Site Manager - Should inform the Chairman of Step 1 GRC with a full report within 3 working days from the date of receiving a grievance or complain.
3. Social Organizations - Should inform the Chair of Step 1 GRC or respective GN within 3 working days.
4. Regional Office of RDA (Employer) - Should inform the Chairman of Step 1 GRC within 2 working days.
5. Divisional Secretary - Any complain or grievance directed to the DS should be forwarded to the respective GN within 2 working days so that the GN could make a full report and forward it to Step 1 GRC within 5 working days.

71. GRC meetings will be held at the employer's site office and DPs who has lodge complaints will be invited for the GRC meeting. The DPs will be informed about the GRC, seven days prior to its meeting. However, GRC meetings could be held in the public if required.

72. Secretary of GRC is requested to coordinate with all relevant parties to get necessary information. In addition to that the secretary should keep records of all complaints, reports. All complaints should be in written form.

73. If the issue is resolved at Step 1 GRC, the decision should be informed by the secretary to the Site Manager without any delay (in written form). If the issue cannot be resolved at this level then it should be brought in to the notice of Step 2 GRC without delay.

74. Step 1 GRC is comprised by following members.

Representative of PMU	- Chairman
Grama Niladari	- Secretary
Representative of Supervision Consultant	- Member
Representative of Contractor	- Member
Representatives from a Social Organization (if necessary)	- Member
Community member (if necessary)	- Member

75. Committee meetings will be conveyed by the GN (Secretary of Step 1 GRC). The chairman of Step 1 GRC is expected to take appropriate action with the consultation of other committee members within the given a three weeks time and to be informed immediately to DPs.

H. Methodology of Implementation – Step 2 GRC

76. The issues that could not be resolved by Step 1 GRC, will be forwarded to Step 2 GRC within seven days (working days) of the final decision of Step 1 GRC. Step 2 GRC is comprised by following members.

- Divisional Secretary / Asst. Divisional Secretary - Chairman
- Representative from PIU - Secretary
- An officer from RDA - Member
- A representative from an NGO - Member
- A respected clergy of the area or Community Leader - Member

77. The main objective of Step 2 GRC is to review the issues in a policy point of view and to take appropriate policy measures to overcome such issues. Accordingly Step 2 GRC is requested to convey its decisions to Step 1 GRC and other relevant parties within four (4) weeks time (from the date of receiving issues from Step 1 GRC) without further delay to take immediate actions. (Step 1 GRC - 4 weeks + Step 2 GRC 4 - weeks = 8 weeks).

I. Settling of issues

78. Project-based GRMs may propose a variety of strategies to settle grievances, including;
- Requesting the relevant agencies responsible for the grievance to take appropriate measures to remove the cause of grievance, e.g., contractors to clear access roads or provide alternative roads, clear canals and other irrigation systems, de-silt paddy fields, and/or remove garbage.
 - Determining reasonable compensation for property damage, loss of livelihood, temporary evacuations, resettlement, etc. either from the project executing agency (i.e. RDA) or from contractors;
 - Signing agreements between DPs and the project for solutions mutually agreed upon;

- Assuring the DPs to address their grievances at the end of completing the project-related work, e.g., repairing the houses; the assurance letters are issued by the contractors or the project executing agency in both English and Tamil or Sinhala.
- Initiating a monitoring process (after addressing the causes of the problem or paying compensation) to assess any further impacts of project-related work on the properties and livelihoods of the DPs.

J. Evaluation of GRM

79. An evaluation system should assess the overall effectiveness and the impact of the GRM. Such evaluations can take place either annually or biannually, and their results should contribute to improving the performance of the GRM and provide valuable feedback to project management. The following questions can be addressed in such evaluations:

- How many complaints have been raised?
- What types of complaints have been raised?
- What is the status of the complaints (rejected or not eligible, under assessment, action agreed upon, and action being implemented or resolved)?
- How long did it take to solve the problem?
- How many APs have used the grievance redress procedure?
- What were the outcomes?
- Is the GRM effective in realizing the stated goals, objectives, and principles?
- Is the GRM capable of responding to the range of grievances specified in their scope?
- Is the GRM equipped with an adequate and diverse set of resolution approaches?
- Has the GRM adopted measures to improve the resolution approaches, e.g., capacity building, consultation, with technical experts, etc.
- Was the GRM effectively integrated into overall project management?

80. This information is important for project management to see trends of complaints, detect flaws in implementation, take timely corrective action, and make strategic changes where needed. It also provides valuable feedback about APs' satisfaction with the project and thus contributes to a good reputation for the implementing and executing agencies.

81. It is most important to note that proposed GRM for NRCP is not a substitute for grievance redress systems operating in the country, especially the legal system addressing issues of grievance, related to land acquisition caused by development projects. By all means, project GRM supports and encourages effective use of available grievance resolving systems. Proposed project GRM has respects and confidence on present legal system regarding solving grievances' at all levels. The proposed system is an informal arrangement for APs to solve their grievances if they wish to solve them without going for legal systems and other formal systems.

82. It is necessary to safeguard APs who is not going for formal or legal processes to solve their grievances due to their lack of knowledge, collateral evidences, articulation and communication skills and financial resources etc. If APs can go to formal or legal processes, it is well and good. But, to reach these optimal situations, they need to overcome their constraints

preventing them from going to formal and legal processes. The proposed project GRM is an attempt to address those issues in organized and transparent manner at most possible local levels.

83. Following are available formal avenues in the country for solving land acquisition related grievances. This includes courts of law also.

84. **Land Acquisition Compensation Review Board (LARB).** If there a complaint regarding compensation for land acquisition, there is a provision in the LAA itself for any aggrieved party to appeal to the LARB, in respect of the statutory valuation determined by the Valuation Department. Such appeals should be made within 21 days of the award of the compensation under section 17 of LAA.

85. **Samatha Mandalaya – SM (Board of Mediation).** This is a body of distinguished citizens functioning as a conflict resolving committee appointed by the Ministry of Justice for each Judicial District, the decisions of the Samataha Mandalaya is not binding on the parties to the conflict. It has no mandate to enforce decisions, this is purely a consultative process, and disputes between DPs could be referred to SM to persuade the parties to arrive at an amicable solution without resorting to protracted litigation.

86. **Human Rights Commission (HRC).** By the constitution of Sri Lanka, commission has been established to entertain and inquire into the violation of human rights by state officials and agencies. This is a built in mechanism provided by the state to safeguard the rights of the citizens against arbitrary and illegal actions of the state officials. An aggrieved party could seek relief from HRC. Chairman and members of the HRC is appointed by the President.

87. **Parliamentary Ombudsman.** Independent official appointed under the Constitution, to inquire into the grievances brought to his notice by the members of the public.

88. **Parliament Petition Committee (PPC).** An aggrieved member of public could bring to the notice of the Hon. Speaker of Parliament through a member of parliament (peoples' representative) about his grievance. Hon. Speaker will direct the PPC to inquire into the matter. The committee will direct the offending party to provide relief to the aggrieved, if the committee finds that relief sought is justifiable.

89. **Parliament Consultative Committee of the Ministry of Ports and Highways.** This is another forum where an aggrieved DP could direct his grievance. Secretary to the Ministry of Ports and Highways, Chairman and Director General and other relevant senior officers are members of this committee which will be chaired by the Minister in charge of the portfolio of highways.

K. Litigation

90. A person aggrieved by a decision of any public official in the process of implementation of the implementation process could challenge such decisions in an appropriate court of law, if such person is unsuccessful in obtaining a reasonable redress through discussions.

91. **Legal Aid Commission** Government of Sri Lanka has established an agency to help people who cannot afford legal expenses, when they seek redress from the judiciary .On an application made to the Secretary of the Legal Aid Commission with evidence of his income, the Legal Aid Commission will make arrangements to appear for the aggrieved party in a court of law without fees.

92. PIA/PMU's responsibility is to make DPs knowledgeable and familiar with these institutional arrangements and play the role of a facilitator if DPs wish to process their grievances and claims through those institutions for better judgments.

VI. ENTITLEMENT MATRIX

93. The project entitlement matrix was prepared as part of the resettlement framework prepared for the project during the period of loan processing. At that time it is envisaged that the improvement works will be carried out within the existing right of way. However, the provision is kept to further refinement of the entitlements as necessary during the implementation. Table 5 below presents the provisions mentioned in entitlement matrix to reestablish affected common properties.

Table 5. Project Entitlement Matrix

Type of Losses	Entitled Person	Entitlements	Implementation Issues
Community structures and facilities	Community	EA/IA will rebuild community structures and facilities.	Building of structures will be done in consultation with the affected community/care taker.

94. **Cut-off date.** The day on which the reconnaissance survey is conducted is taken as the cut off date for the entitlements. By establishing the cut off date the new entrants to project area as encroachers or title owners by buying lands for sake of getting project entitlements later can be prevented. For this project, the cut off date was 18th of July 2012.

VII. RESETTLEMENT BUDGET

95. As mentioned in the Chapter 3 of this RP, the land acquisition is not required as the affected school land is a government land.

96. However, the project needs to rebuild the affected boundary wall as per the entitlement matrix. Therefore, the cost estimates were prepared for the reconstruction of the boundary walls considering the length, width, height. This estimate provides for all labor, material and transport charges necessary for the reconstruction. The boundary wall will be constructed with cement block masonry with wall columns and gate columns plastered on either side. The estimation is presented in Table 6.

Table 6. Estimated cost of reconstruction of Boundary walls in B437 road project

Item	No.	No.	Unit	Rs/Unit	Total SLR	Total US\$
1	Boundary Walls	85	Lm	9,200	782,000.00	6,015.38
2	Gate Columns	10	Column	10,500	105,000.00	807.69
3	Implementation of GRM	1	Lump sum		5,000.00	38.46
4	Consultation Activities	Lump sum			10,000.00	76.92
5	Sub Total				902,000.00	6,938.46
6	Contingency 7%				63140.00	485.69
7	VAT & Other charges 15%				135300.00	1,040.77
8	Grand Total				1,100,440.00	8,464.92

Source: The estimate was prepared as per the estimate of the Chief Engineer of Jaffna
1 US \$ = Rs. 130/=

97. The estimated cost is SLR 1,100,440 /= and its equivalent to US \$ 8, 464.92. This includes the provisions for contingencies and VAT and other charges.

VIII. IMPLEMENTATION SCHEDULE

98. The PMU will take the minimum time period required for reconstruction of the boundary wall, so that the students and staff of the school will not have to face any adverse impacts due to the project. The arrangements will be made by the PMU through the Resident Engineer office of Jaffna. The reconstruction will be carried out by the selected contractor and the physical construction will be monitored by the Chief Engineer Jaffna and the resettlement plan will be monitored by ESDD. The implementation schedule is presented in Table 7.

Table 7. Implementation Schedule – Major Events

Activities	Time after commencement (Months)	Responsibility
Identification of Impacts	01	PMU, ESDD
Discussion with care takers of common property	01	PMU, DS, GN, ESDD
The reconnaissance visit to the project site	01 week	ESDD
Preparation of the Resettlement Plan.	01	ESDD, PMU
Preparation of required Documents for land transfer	01	PMU
Reconstruction of boundary wall	02	Contractor
Clear the ROW	01	Contractor
Starting of road construction activities	05	Contractor
Monitoring of RP	12	ESDD

IX. INSTITUTIONAL FRAMEWORK

99. There are several personals and institutions to support implementation of the RP of this project. RDA and its sub units and subject specific divisions are directly responsible at different levels of this project. Divisional Secretaries and Grama Niladaries assist in implementation of RP. All these institutions need to be coordinated to resolve all issues related to resettlement. The most important divisions and their role can be identified as follows.

A. Road Development Authority

100. RDA will be the executing agency of the project. It will work through the already established Project Management Unit (PMU) at Colombo, which is headed by a Project Director (PD). The PMU will coordinate the overall Project implementation. There are three Project Engineers appointed for three regional project offices located in Jaffna, Anuradhapura and Mullathivu.

101. The Environmental and Social Development Division of RDA (ESDD) is entrusted to carry out the monitoring of environment and social safeguards of the ten packages. The staff of ESDD visits the ten road packages every month and submit a report to the Asian Development Bank (ADB).

102. The Resettlement Officer (RO) of ESDD with the supporting staff prepare the resettlement plans and will monitor the tasks of RP implementation. ESDD's Database Management Officer will establish a database of all impacts in an MIS, which would be retrievable on demand.

103. RDA through PMU office and its regional offices has the overall responsibility for resettlement planning, implementation and monitoring. The responsibilities and tasks of PMU with assistance from ESDD through their assigned staff include:

- Coordinate with Divisional Secretary and Grama Niladari to carry out consultations with required agencies.
- Carrying out consultation in liaisons with DS and GN.
- Documenting the land transfer activities.
- Preparation of resettlement plan as per national and donor guidelines.
- Coordinate, schedule, supervise and monitor all resettlement activities; facilitate phased handover of land to the construction contractors on a timely basis coordinated with civil works contract.
- Conduct awareness programs for GRC and coordinate with DS and GN on issues that need to be resolved through GRC.
- Monitor the overall activities with regard to boundary wall construction and project implementation.

B. Divisional Secretariat**1. Land Transfer Process**

104. The affected land need to be transferred to the ownership of RDA. The Grama Niladari and the Divisional secretary of the area were also engaged to the process as a third party. Thereby they are a party to the land transfer agreement.

2. Grievance Redress Mechanism

105. Grama Niladari is the secretary of the step 1 GRC and he plays an important role in informing other committee members about receipt of complaints or grievances. He is also responsible for the awareness creation on GRM.

106. The Divisional Secretary/Additional Divisional Secretary is the chairman of the step 2 GRC. He/She is an independent person and expected to consult relevant parties to take policy decisions in broad point of view.

C. Construction Supervision Consultants (CSC)

107. The Environment Specialist is mandated to monitor the environment and social safeguards of the ten packages during construction. After the monitoring of activities the specialist is sending a monthly progress reports to PD. The Environment Specialist is conducting field inspections monthly with ESDD staff also and assists the monitoring activities of the implementing agency.

D. Chief Engineer's Office

108. The CEO will help the PMU and ESD as and when necessary for reconstruction of boundary wall and monitoring activities, on the request of PD.

E. University/NGO in the project area

109. The assistance of a university personal or NGO working in the area may be requested in order to carry out any monitoring activities.

F. Other Agencies

110. In implementing the resettlement plan, the PD, ESDD, DS or GN may request other agencies like Department of Agriculture, Department Of Agrarian Services, Department of Irrigation, Farmer's Organizations, Local Agrarian Committees and other agencies including NGOs/ CBOs who would be responsible for implementation of various aspects of the RP in the project area.

X. MONITORING AND REPORTING

111. Implementation of this RP should be monitored and periodically evaluated. Such monitoring and evaluation is required to assess the progress of implementing the requirements of the RP. And it will serve as an early warning system in identifying problems and constraints and serves as confidence building mechanism and wider forum for reviewing and updating of the situations.

112. RDA, ESDD has already started monthly monitoring of environment and social safeguards of the project. ESDD is mandated to prepare a monthly progress report to ADB informing the progress of the implementation of measures related to environment and social safeguards. Further, the annual report also needs to be prepared by the division.

113. With regard to the RP implantation monitoring, ESDD's social team will monitor the activities monthly with Environment Specialist of CSC and will report to the PD and ADB on the progress. Such activity will assist PMU and the ADB to take necessary action in case of any delays or problems.

114. Few monitoring and evaluation indicators are mentioned in the matrix given below.

Table 8. Monitoring and Evaluation Indicators

Indicator	Areas to be monitored
Consultation and participation	<ul style="list-style-type: none"> • Consultations held with relevant stakeholders. • Documentation
Grievance Redress	<ul style="list-style-type: none"> • Awareness on GRM to Stakeholders • Awareness on GRM to public • Number of complaints received and resolved • The status of pending problems
Land transfer activities	<ul style="list-style-type: none"> • Adequacy of documentation • Consultation.
Reconstruction of boundary wall	<ul style="list-style-type: none"> • Progress reconstruction • Issues related to reconstruction

Location Map



AGREEMENT

Demolishing of the Constructions to acquire the land to improve / rehabilitate the Vallai Araly Road..... Road

This agreement is made and entered into on this 25th day of July Two Thousand Twelve at D.S. office Sandilupaya in Democratic Socialist Republic of Sri Lanka.

BY AND BETWEEN

Road Development Authority, a governmental authority created by Act No. 73 of 1981 of Sri Lanka and having its' principal office at " Sethsiripaya" , Battaramulla herein after called and referred to as the RDA and which term of expression shall mean and included the said RDA or its' successors and Divisional Secretary, Sandilupaya permitted assigns of the one part.

AND

J/Pandareppu Girls' High School..... (name of owner of the land) of Pandareppu..... (address) which term in expression shall where the context so admits or requires, mean and include the said of his successors and permitted assigns of the other part.

NOW THIS AGREEMENT WITNESSETH THAT THE RDA AND J/Pandareppu Girls' High School has mutually agreed as follows.

01. Considering the Social & Economical impact of the rehabilitation of the above mentioned road I/We School..... The owner / owners of the land called (morefully described in the schedule hereto) donate and will be transferred in the name of the Chairman of the Road Development Authority.
02. The land is being given of my / our own free will and is an entirely voluntary donation.
03. I / We School..... do hereby assure that I / We relinquish all Claim and title to the donated land & that land is free of all encumbrances.

04. The relinquished & donated land does not affect any person's livelihood.

05. I / We School agree on demolishing of boundary wall

Which has been recognized to be demolished to rehabilitate the road, on the condition of a new construction to be consigned.

THE SCHEDULE ABOVE REFERRED

Detail about the land

Size of the Land 5 Acre

Details about the Constructions, Properties & Cultivations

To North Road, Vallai Araly

To South Private Land

To East Church Lane

To West Vallai Araly Road

Here by we grant & acknowledge the acceptance of the land morefully described in the schedule hereto on 25th July 2012 Date.

Mrs. K. Sivarajah
 PRINCIPAL Signature of the 1st party
 PANDATERUPPU GIRLS' HIGH SCHOOL
 PANDATERUPPU

S. A. R.
 Signature of the 2nd party

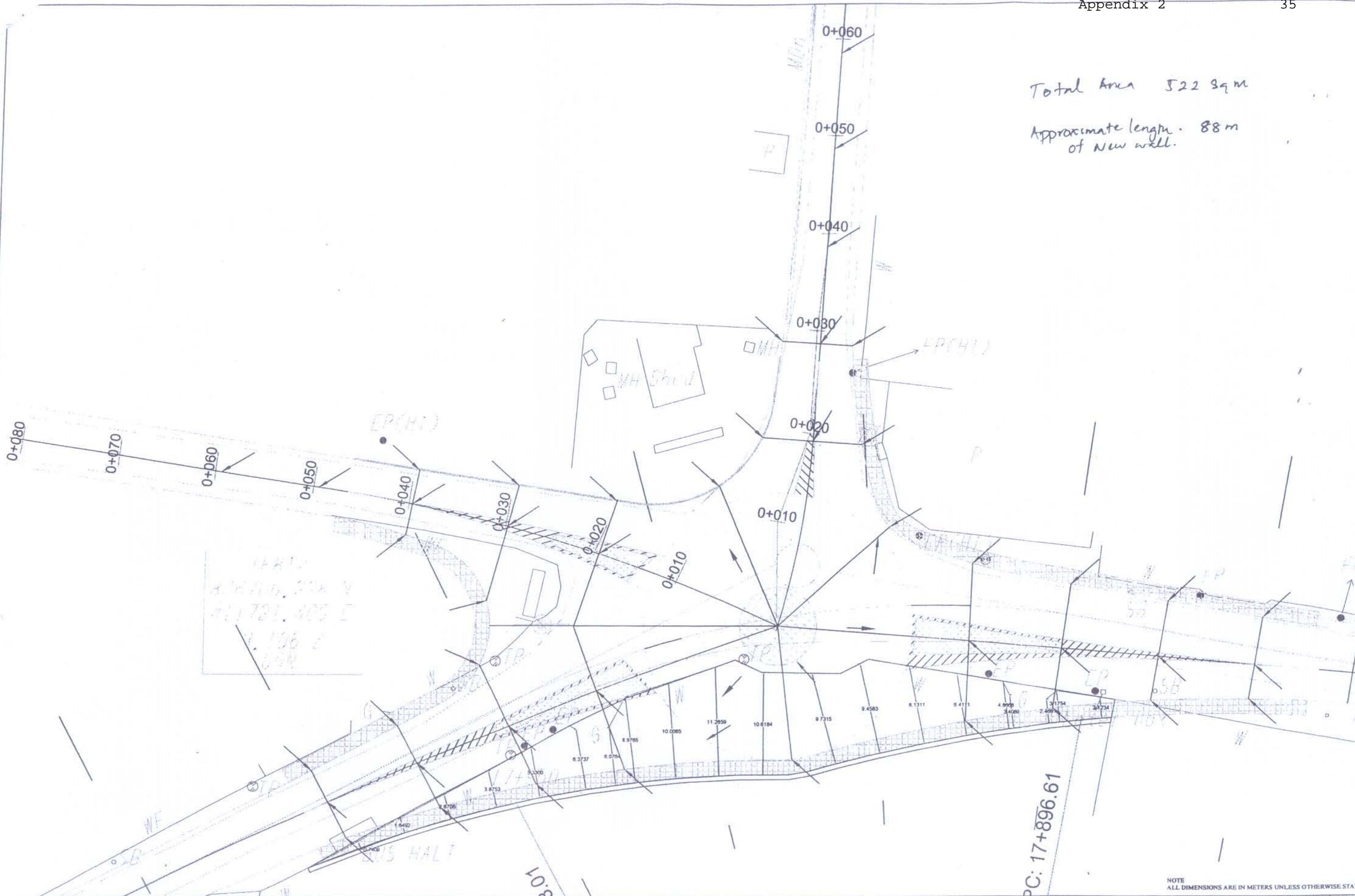
01. Chairman, R.D.A. [Signature]

R. W. R. PEMASIRI
 Actg. Chairman GRAMA OFFICER
 Road Development Authority PANDATERUPPU 140

02. Divisional Secretary, [Signature]

S. Muralitharan
 Divisional Secretary
 Vali South West,
 Sandilipay.

Total Area 522 Sq m
 Approximate length 88 m
 of New wall.



Handwritten notes in a box:
 14810
 8.2500.528 V
 8.1721.405 E
 1.106 E
 0.230

NOTE
 ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED

Employer:
 DEMOCRATIC SOCIALIST REPUBLIC
 OF SRI LANKA MINISTRY OF
 HIGHWAYS & ROAD DEVELOPMENT

Engineer:
SMEC
 SMEC INTERNATIONAL (PVT) LTD
 In association with Ceyana and FCI

Contractor:
KDAW - TUDAWE JOINT VENTURE

PROJECT : ASIAN DEVELOPMENT BANK FUNDED
 NORTHERN ROAD CONNECTIVITY PROJECT
 CONTRACT PACKAGE NO : RDA/NRCP/ICB/ADB/CP-6
 REHABILITATION & IMPROVING OF 27.40 km LENGTH OF
 VALLAI-ARALY (B437) ROAD

DRAWING TITLE:
 PANDATHIRUPPU 2ND JUNCTION
 VERTICAL DESIGN

REV.	DESCRIPTION	SY	DATE

SCALE :	1 : 500	SUBMITTED	APPRO
SURVEYED :	S.U.JAYASINGHE	DATE :	2012-01
DESIGN :	GAYAN	DRAWING NO :	B437CP/VP/01