

# RESETTLEMENT PLAN

---

February 2018

## SRI: Southern Road Connectivity Project

Homagama to Godagama Section of Colombo – Batticaloa Road (A004)

## CONTENTS

EXECUTIVE SUMMARY	I to V
CHAPTER 1 - PROJECT DESCRIPTION	1-3
CHAPTER 2 - SCOPE OF LAND ACQUISITION AND RESETTLEMENT	4-10
CHAPTER 3 - SOCIOECONOMIC INFORMATION	10 - 18
CHAPTER 4- INFORMATION DISSEMINATION, CONSULTATION AND PARTICIPATORY PROCESS	18 – 21
CHAPTER 5 - GRIEVANCE REDRESS MECHANISMS	22– 26
CHAPTER 6 - LEGISLATIVE AND POLICY FRAMEWORK	26-36
CHAPTER 7 - ENTITLEMENTS, ASSISTANCE AND BENEFITS	37-48
CHAPTER 8 - RELOCATION OF HOUSING AND SETTLEMENTS	49-51
CHAPTER 9 - INCOME RESTORATION AND REHABILITATION	51-55
CHAPTER 10 - RESETTLEMENT BUDGET	56-57
CHAPTER 11 - INSTITUTIONAL ARRANGEMENTS	57-60
CHAPTER 12 – IMPLEMENTATION SCHEDULE	60-61
CHAPTER 13 - MONITORING AND REPORTING	62-63
Annex 1: Land Acquisition and Resettlement Survey (LARS) Questionnaire	64-70
Annex 2: Translation of the Brochure	71-75
ANNEX 3: National Involuntary Resettlement Policy (NIRP)	76-80
Annex 4: TOR for the External Monitor	81-82
Annex 5 – Tenaments List	83-137

## EXECUTIVE SUMMARY

### Project Description

1. The proposed road development project is one of the five roads to be upgraded under the ADB-funded Southern Roads Connectivity Project (SRCP). The impact of the project will be efficient road transport in south region of Sri Lanka. The outcome will be improved connectivity between the Southern Expressway (SEW) and the local road network. The project will improve the capacity of a total of 33 km of key national highways linking the expressway network in south region. The executing agency (EA) is the Ministry of Higher Education & Highways (MHE&H) and the implementing agency (IA) is the Roads Development Authority (RDA).
2. The Colombo–Ratnapura–Wellawaya–Batticaloa (A004) Highway was proposed to upgrade in two sections with funding assistance from the Asian Development Bank (ADB) under Southern Highway Investment Program. The two road sections were (1) Kirulapona (0+000) to Nugegoda (1+260) section and (2) Homagama (15+360 to 16+280 section). The surface of these two road stretches was in a poor condition with many corrugated sections and potholes. Further sections within this road stretch frequently were subject to floods due to poor roadside drainage facilities. The resulted road condition reduced vehicle operating speeds causing Increase in travel time and traffic congestion.
3. Taking in to consideration of the land availability for road widening, improvements and impacts to the people living both side of this road section, and the urgency to improve the road section from Kirulapona to Homagama, RDA developed a design in 2010 with two (2) traffic lanes within the available Right of Way (ROW). This avoided the need for land acquisition, making no impacts (relocation) on any property owner or an encroacher. Thus, the section from Kirulapona to Nugegoda didn't not require any land acquisition or resettlement. However, the section from Homagama to Godagama is very narrow and for the road improvement, the land acquisition became necessary. This report is related to the road section from 15+160km to 20+420km, excluding section from 16+ 260 km to 18+280 km which has been taken under other arrangement. The location map of the road is given in figure 1.
4. The existing average ROW from Homagama to Godagama section of A 004 road is narrow as 20m in most places and required ROW to accommodate proposed developments need to be around 24m. The planned improvements of this road section to make four (4) lane status will include following facilities; 7m carriageway, 1.2 m center median, 1.5m hard shoulder/cycle lane, 2m shoulder and 0.9m drains.
5. This RP attempts to ensure that the land acquisition and resettlement impacts caused by the proposed road construction are identified, avoided, or minimized and mitigated and/or compensated in line with the objectives of the ADB 2009 Safeguard Policy Statement (SPS) and in accordance with the applicable legal enactments, policies and principles of the Government of

- Sri Lanka (GOSL). NIRP (2001) is the key policy document of the GOSL on resettlement planning. RDA will hold prime responsibility for execution of this Resettlement Plan.

### **Scope of Land Acquisition and Resettlement**

A summary of overall impact is given in the table below. found in Table  
**Summary table on project affected assets**

A summary of productive assets to be acquired in each DND

Type of Land use (in each DSD)	No. of Lots	%	No. of HHs	%	Affected Area (perches)	%
Residential	72	9.93	78	16.02	295.58	18.37
Commercial	554	76.41	310	63.66	1080.69	67.15
Agriculture	11	1.52	11	2.26	58.63	3.64
Non-Agriculture	8	1.10	8	1.64	45.86	2.85
Access Roads, Drains	80	11.04	80	16.42	128.62	7.99
<b>Sub Total</b>	<b>725</b>	<b>100.00</b>	<b>487</b>	<b>100.00</b>	<b>1609.38</b>	<b>100.00</b>

As per the above table, 727 land lots, belong to 487 households, have been identified for acquisition. In average, one household owns 1.5 land lots. The total extent of land area is around 1,609.38 perches spread over different land uses. Land use on residential and commercial has become the prominent land use occupying 86.34% of all land lots and 85.52% of land area. .

### **Socioeconomic Information and Profile**

- The road section from Homagama to Godagama, running over 3.24km, is an urban area, especially the road sides, though some sections are officially not come under gazetted municipalities. Average family size is around 4.35 persons against the national average of 3.38 persons. Land acquisition displaces 487 household heads and 1636 household members totalling to a population of 2123 persons.
- Out of 2,123 displaced persons, 4.14% don't have any level of education, but this population includes children under five (5) years of age (59 children), and therefore, this actual no education rate becomes less than 4.14%. A great majority of people (53.18%) have tertiary level of education, showing high level of educational achievements. The educational achievements are equally shared by males and females without any gender discrimination at all levels. The shares of males and females to total community population are almost equal, showing a sex ratio of 0.94 (number of males to 100 female). At birth, this ratio is 1.04 at national level (2015). Out of 2123 DPs, 1308 (61.71%) are married and 795 (17.45%) are unmarried.
- Regarding income levels, there are no income earners below Rs. 10,000/ per month among partially and fully displaced persons. Many income earners in both categories are found between Rs. 25,000/- and Rs. 50,000/-. Out of surveyed (Sample) 259 families, 92% have income above Rs. 25,000/- per month, and 50.0% families have expenditure over Rs. 50,000/- per month. Out of income recipients, 92.39% receive their income from primary source and 44 persons have income from secondary sources. The prominent livelihood source is the business earnings, and out of 332 livelihood events, 223 (67.17%) come from business. Regarding vulnerability, out of 83 of them, 61 are female household heads and 22 are elderly household heads and no other vulnerable persons in the community.

## **Information Dissemination, Consultation and Participatory Process**

10. Information dissemination, consultation and participatory process involved with DPs and other stakeholders maintain transparency throughout the RP process. This openness reduces potential conflicts; minimize risk of project delays and help PMU to formulate resettlement and rehabilitation to suit the needs of DPs. Report has elaborated the consultations sessions conducted by the pMU and has outlined future planned consultation sessions.

## **Grievance Redresses Mechanism**

11. 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. Any complaint regarding environmental or social impacts adversely affecting the general public in the project area is encouraged to be resolved through GRM, however, the complainant can access to the formal judiciary system at any time.
12. 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 will have the knowledgeable in GRM and GRC in order to successfully implement the GRM. A two-stage GRM will be implemented for the 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). Each step should be completed in 4 weeks or less.
13. GRC neither replaces any statutory/legal agency functioning in the country in solving disputes of people nor discourages people going to legal/statutory processes to solve their problems. Objective of the Grievance Redress Mechanism (GRM) is to support genuine claimants to resolve their problems through mutual understanding and consensus reaching process with relevant parties. This is in addition to the available legal institutions for resolving unsatisfied appeals from public against the disagreeable decisions with a project focus approach.

## **Legal Frame Work**

14. This chapter discusses the legislative and regulatory framework for land acquisition and resettlement and policies pertaining to resettlement and available policy framework. It discusses in detail of LAA, the prime legal instrument use for land acquisition for public purpose and other associated legal instruments that can be used for land acquisitions and crown land ordinance applicable for managing government owned land.
15. The policy frame work highlights prevailing policy instruments in the area of resettlement planning giving details on National Involuntary Resettlement Policy (NIRP), 2001 of Government of Sri Lanka and Safeguard Policy Statement of ADB (SPS), 2009, explaining their aims and objectives and operational modalities. Finally report makes a gap analysis between NIRP, SPS and LAA.
16. The entitlements for the project follows the already government and ADB approved entitlement matrix used by ongoing projects. The eligibility policy is to provide a comprehensive coverage for lost assets and restoration and/or enhancement of livelihoods for all categories of displaced people, whether affected directly, indirectly, permanently or temporarily, with or

without titles, and tenants/lessees. The entitlements, assistance and benefits aim to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre- project levels; and to improve the standards of living of the displaced poor and other vulnerable groups. The cut-off date for entitlement is decided by RDA, and most of the instances, it is the date of issuing Section 2 notice under LAA. In some occasions completion date of Land Acquisition and Resettlement Survey (LARS) is also become the cut-off date.

### **Relocation of Housing and Settlements**

17. This section discusses different level of relocations and their operational modalities. They are;

- a) On the same premises if sufficient land is available for reconstructing the lost building.
- b) On a land up to 20 perches provided by the PMU in consultation with the DPs and the host community, provided suitable land is available in close proximity to the DPs original habitats.
- c) On a land selected and purchased by the DP on his own for relocation (Self-relocation).

18. This section provides available provisions for relocations based on the level of local council type where lost properties are located, approved rates under Expropriation Schemes for various relocation requirements. Finally it spell out entitlements for encroachers, cultivations/crops, sub-families, public utilities and damages incur during construction stages.

### **Income Restoration and Rehabilitation**

19. Out of all affected 222 structures 213 are main structures using for residential and commercial purposes. Out of them 97 are going to be partially affected, 82 are fully affected but can be restored at same premises, and 43 fully affected structures have to be relocated elsewhere. Relocation elsewhere depends on the choices made by DPs in consultation with project officers. If DPs need, PMU has to help their relocation process by providing necessary facilities to find alternative locations including transport facilities. There is only one residential house needs relocation, and all other 42 DPs need relocation are commercial establishments.

20. A total of 332 DPs have lost their livelihood, partially 261 and fully 71 DPs. Report gives available income restoration benefits to various identified groups. Entitlement Matrix has provided necessary provisions. Report explains the initiatives that PMU can undertake and necessary coordination support requires obtaining services of available state and private sector organisations for income restoration of DPs from supporters of entrepreneur development. Similarly RP suggests recruiting possible DP family members for employment opportunities created in the construction stage.

### **Resettlement Budget and Financing Plan**

21. Total cost of land acquisition and resettlement will be in the region of Rs. 2,987,870,017.35 equivalent to US\$ 19,153,012.93. This amount includes provisions for income restoration including training and contingencies.

### **Institutional Arrangement**

22. The overall implementing responsibility of the project lies with the GOSL. RDA being the IA has administrative responsibility for implementation of the project under the general supervision of the Ministry of Higher Education and Highways.

### **Implementation Schedule**

23. This RP is a simple straight forward plan, with an implementation period of 18 months. Its operation schedule consists of three main items: (i) statutory compensation, (ii) rehabilitation/reconstruction of damage secondary structures, and (iii) disbursement of statutory supporting allowances to ease inconveniences caused to affected people.

### **Monitoring and Reporting**

24. RDA will conduct its own internal monitoring of RP implementation and will submit quarterly reports to MHE&H and to ADB for review and information. External monitoring reports undertaken by the PIC will be submitted semi-annually during the project.

## CHAPTER 1 - PROJECT DESCRIPTION

### A. Introduction to the Project

1. The proposed road development project is one of the five trunk roads to be upgraded under the ADB-funded Southern Roads Connectivity Project (SRCP). The impact of the project will be efficient road transport in south region of Sri Lanka. The outcome will be improved connectivity between the Southern Expressway (SEW) and the local road network. The project will improve the capacity of a total of 33 km of key national highways linking the expressway network in southern region. For this project, the executing agency (EA) is the Ministry of Higher Education and Highways (MoHE&H), and the implementing agency (IA) is the Road Development Authority (RDA).

### B. Project Profile

2. The Colombo–Batticaloa (A004) Highway was proposed to be upgraded in two sections with funding assistance from the Asian Development Bank (ADB) under Southern Highway Investment Program. The two road sections were (1) Kirulapona (0+000) to Nugegoda (1+260) section and (2) Homagama (15+360 to 16+280 section). The surface of these two road stretches was in a poor condition with many corrugated sections and potholes. Further sections within this road stretch frequently subject to floods due to poor roadside drainage facilities. The resulted road condition reduced vehicle operating speeds causing increase in travel time and traffic congestion. It also attributed to the increase of vehicle operational costs. Therefore, this was a timely investment to remedy the poor condition of the road to give relief to road users. The A004 is the main east-west road connecting Colombo to Batticaloa on the east coast, through Ratnapura and Wellawaya of the hill country side.
3. Taking in to consideration of the land availability for road widening, improvements and impacts to the people living both side of this road section, and the urgency to improve the road section from Kirulapona to Homagama, RDA completed a design with two (2) traffic lanes within the available Right of Way (ROW), in year 2000. As a matter of principle, this design avoided the need for land acquisition, making no impacts (resettlement) on any encroacher using road reservation as clearly exhibited in the Final Village Plans (FVPs). Thus, the section from Kirulapona to Nugegoda didn't require any land acquisition or resettlement. Irrespective to this, section from Homagama to Godagama (15+360 to 20+420km), dealt by this report is very narrow and for this section road improvement, the land acquisition became necessary. The location map of the road is given in figure 1.
4. The initial Resettlement Plan (RP) prepared for the section from Kirulopona to Godagama of A004 in 2007, was later reduced to cover section from Kirulapona to Homagama and the design was reviewed to go ahead without land acquisition to avoid negative resettlement impact. Improve the road section without impacting the people who live on both sides of the road. In May 2013, the section was further reduced to be from Kirulapona to Nugegoda, and the RP as updated to suit this change. The intended improvements of this section include road surface improvements within ROW and drains and shoulders with a center median.
5. The existing ROW for Homagama to Godagama section related to this report is between 18m and 20m. It travvses from 15+360km to 20+420km, excludimng already developed section from 17+260km to 18+280km and road section will have to be developed with

following facilities; 7m carriageway, 1.2 m center median, 1.5m cycle lane, 2m foot walk. Thus the proposed ROW of this road section will be around 22.2m.

6. The main objective of this RP is to overcome adverse effects caused by the land acquisition associated with the road improvement project. It aims at improving Displaced Persons' (DPs') own capacity to restore, if not improve their living conditions and livelihoods by paying their due entitlements appropriately and in a timely manner and by assisting them in identifying options and opportunities for livelihood restoration. At this stage of Resettlement Planning, this document is mainly an expression of RDA's commitment on relieving displaced persons from adverse impacts caused by the project to live in par with pre-project project situation or better-off situation to that level. In this regard, this is a Frame Work providing policy guidelines on serious of identified actions required to restore the life of displaced persons adequately. As such, this document provides policy guidelines required for developing implementable Resettlement Action Plans at operational levels depending on area and problem specific circumstances. This involves discussion on principles and procedures applicable for resettlement planning.
7. This RP is made with the availability of initial Advanced Tracings (ATs) for the Homagama section of the road prepared by the Dept. of Surveys giving exact locations, boundaries of individual lots and possible names of the persons who have legitimate claims for such land lots based on final construction designs. Further, a rapid Land Acquisition and Resettlement Survey (LARS) was conducted during December 2017 and January 2018 to fill information gaps between AT information and current situation, with regard to land acquisition.

### **C. Methodology**

8. The present study team consisted of staffs from PMU, PIC and the contract agency (an outsource agency conducted the LARS) studied the information available in the previous RPs (2011, 2013) and the recent findings of LARS conducted in December 2017 and January 2018, comparing secondary data available in government documents and reports at national and sub national levels, including Population and Housing Census, 2012 of the Department of Census and Statistics and other similar reports.
9. A few public consultations sessions have been conducted during the administration of LARS questionnaire at individual and community levels. The completion of a household survey questionnaire normally takes 2 to 3 hours for one household. This time was used by trained enumerators to make consultative discussions with heads of household individually and frequently with groups of neighboring community members at household heads, at individual level and also with many community members as many individuals wished to join to the interviews carried out by survey enumerators with respondents. These consultative discussions generated valuable information for developing the RP. The LARS questionnaires used in the above mentioned survey is given in the annex. Please refer Annex 1 for this questionnaire.
10. As usual, the LARS field survey made special focus on private lands as the impact of acquisition on such lands have a significant impact on resettlement compared to the impacts of acquiring government lands.

#### D. Administrative Boundaries of the Road Project

Province	District	Divisional Secretariat	GN No.	GN Division	No. of Lots	Land extent
Western	Colombo	Homagama	482	Panagoda West	106	188.95
			482 C	Henawatta	127	327.64
			483	Godogama North	51	81.60
			483 A	Godagama South	84	362.51
			486 A	Homagama Town	399	835.65

11. The section identified for development from 15+360 km to 20+420 km, (excluding section from 16+260 km to 18+280km) completely falls within Homagama Divisional Secretariat Division of Colombo district. The following table 1 gives the Grama Niladari Divisions it passes through.

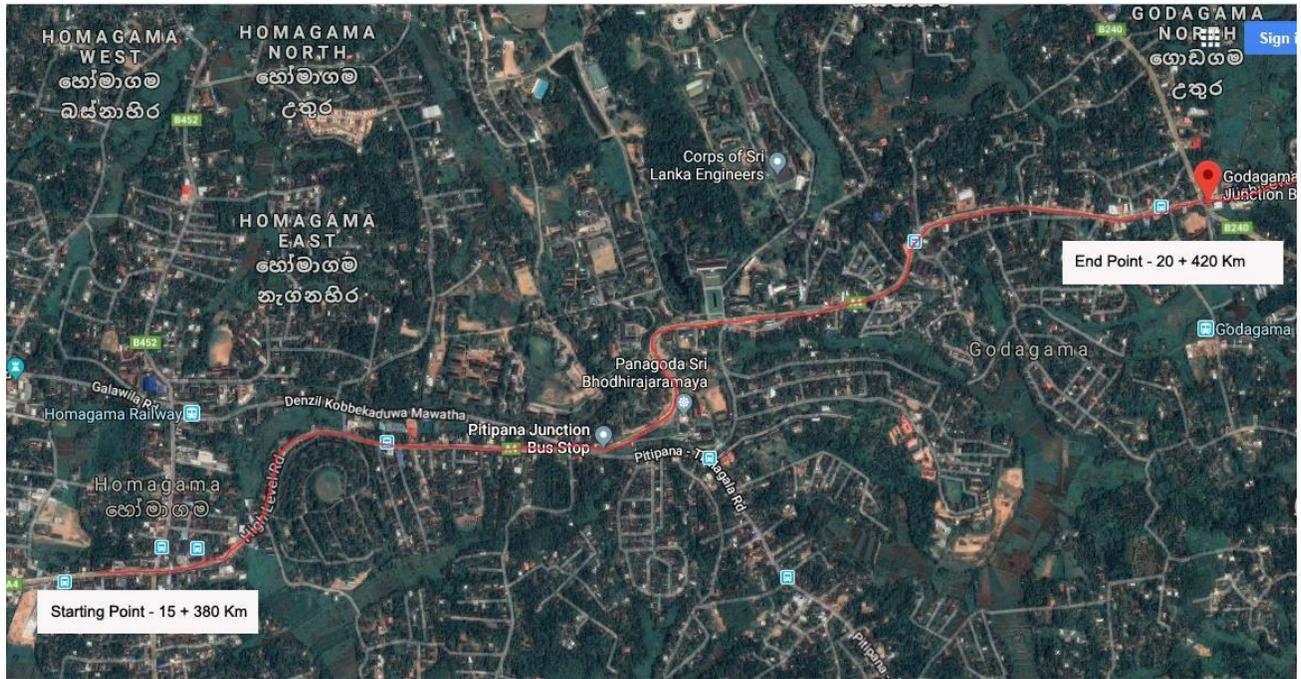
**Table 1: Affected Grama Niladari Divisions and DS Divisions**

Details of Project Affected DSD, GND's and Land Extent

Source: Preliminary plan prepared for Homagama and Godagama road section of A4 road and field Survey, January 2018.

The location map of the road section p-proposed for development is given in the following map (Figure 1).

**Figure 1: Map**



## CHAPTER 2 - SCOPE OF LAND ACQUISITION AND RESETTLEMENT

12. The proposed road section, from Homagama to Godagama (15+360km to 20+420km (excluding the section from 17+260km to 18+280km), is a tiny length (around 4.58km) of Colombo- Batticaloa (A004) highway, which connects Western Province to Eastern Province through Sabaragamuwa and Uva provinces.
13. This road section located in Homagama DS division is narrow stretch, with an average ROW between 18m and 20m. As expected improvements are aiming at to develop this section to four-lane status with standard improvements, including side drains, cycle lanes, and pedestrian foot walks etc., need an average ROW width of 22.20m. This requires additional land, and hence land acquisition under LAA becomes unavoidable. This road section runs through a populated area, and the influence area is reasonably rich in human settlements and commercial establishments. As per the assessments related to land acquisition based on the information contained in Advanced Tracings prepared by the Dept. of Survey for this road section, 725 private owned lots consisting of 1,609.38 perches have to be acquired in total.

**Table 2 - Distribution of affected private own land lots of Homagama – Godagama Road Section – A 004**

No. of Lots	%	No. of HHS	%	Affected Area (perches)	%
725	100.00	487	100.00	1609.38	100.00

Source: Preliminary plan prepared for Homagama - Godagama road section of A4 road and field survey January 2018.

14. The following table - 3 elaborates project affected land lots by their ownership, including government lands. This includes government owned 38 land lots which don't come under LAA for acquisition purpose. Out of the total area of 1796.35 perches (725 lots), 1609.38 perches (38 lots) belong to private individuals, accounting for 90% of the total land requirement in extent.

**Table 3 - Summary of land to be acquired and persons displaced by the project**

Type of ownership	Extent of land – perches	Number of lots
Private Land	1609.38	725 ( 487 DHHs)
Corporative Land	31.48	2
Government Land	141.02	38
Common property	14.47	2
Total	1796.35	767

Source: Preliminary plan prepared for Homagama - Godagama road section of A4 road and field survey January 2018.

### A. Impact to Private Land and Structures

15. The impact of acquiring private lands have far more effect on DPs compared to acquiring public or common property land. Thus the RP made special focus on private lands affected by the acquisition in view of taking appropriate measures to mitigate negative impacts falling on private individuals. These land lots were identified with the type of their use to make remedial resettlement interventions. Table 4 below gives the distribution of private lands by their land use, lots and extents.

**Table 4- Summary of land use, lots and area of extent of private owned lands**

Type of Land use (in each DSD)	No. of Lots	%	No. of HHs	%	Affected Area (perches)	%
Residential	72	9.93	78	16.02	295.58	18.37
Commercial	554	76.41	310	63.66	1080.69	67.15
Agriculture	11	1.52	11	2.26	58.63	3.64
Non-Agriculture	8	1.10	8	1.64	45.86	2.85
Access Roads, Drains	80	11.04	80	16.42	128.62	7.99
<b>Sub Total</b>	<b>725</b>	<b>100.00</b>	<b>487</b>	<b>100.00</b>	<b>1609.38</b>	<b>100.00</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A4 road and field survey January 2018.

16. As per above table, only 9.93% (72 lots) is used for residential purpose, and majority of lots accounting for 76.41% (554), is used for commercial purpose. Agriculture and non-agriculture (barren, abandoned and unclassified waste lands etc.,) together accounts for 2.62% (19 lots), showing their relative insignificance in urban areas. This information emphasizes the dominance of commercial activities in the area with the occupation of 76.41% lots, and 67.15% area extent for the said use. Similarly, 11.04% of lots are used by access roads within a stretch of 4.58km distance of the project road, showing the density of urban based access roads in the project area. This information gives strong evidence for existence of a developed urban environment in the area supported by a strong commercial sector.

17. In this environment, Resettlement Planning becomes difficult and complex. It increases cost of compensation and adds complications for relocation attempts. For an example, it is difficult to provide relocations assistance for commercial property owners when requests are made in this direction. The commercial establishments may have paid workers, and land acquisition may have adverse impact on their employment. Resettlement Planers have to consider this issue when Resettlement Action Plans are developed. Income restoration aspect of impacted persons will be discussed under "Income Restoration and Rehabilitation" chapter of this report.

18. Following table -5 elaborates information provided in Table 4, giving location of private land lots, with their land use and extents (in perches) in respective GNDs

**Table 5 - Distribution of private lands by their use, extent and GND locations**

Type of Land use (in each DSD)	No. of Lots	%	No. of HHs	%	Affected Area (perches)	%
<b>482 Panagoda West GND</b>						
Residential	12	1.66	49	10.06	25.50	1.58
Commercial	78	10.76	5	1.03	113.63	7.06
Agriculture	0	0.00	0	0.00	0.00	0.00
Non-Agriculture	0	0.00	0	0.00	0.00	0.00
Access Roads, Drains	9	1.24	9	1.85	4.47	0.28
<b>Sub Total</b>	<b>99</b>	<b>13.66</b>	<b>63</b>	<b>12.94</b>	<b>144.60</b>	<b>8.92</b>
<b>482C Henawatta GND</b>						

Residential	23	3.17	8	1.63	209.59	13.02
Commercial	82	11.31	28	5.75	69.58	4.32
Agriculture	5	0.69	5	1.03	27.99	1.74
Non-Agriculture	0	0.00	0	0.00	0.00	0.00
Access Roads, Drains	16	2.21	16	3.29	16.92	1.05
<b>Sub Total</b>	<b>126</b>	<b>17.38</b>	<b>57</b>	<b>11.70</b>	<b>324.08</b>	<b>20.14</b>
<b>483 Godagama North</b>						
Residential	6	0.83	2	0.41	7.86	0.49
Commercial	38	5.24	15	3.08	67.77	4.21
Agriculture	0	0.00	0	0.00	0.00	0.00
Non-Agriculture	0	0.00	0	0.00	0.00	0.00
Access Roads, Drains	5	0.69	5	1.03	4.59	0.29
<b>Sub Total</b>	<b>49</b>	<b>6.76</b>	<b>22</b>	<b>4.52</b>	<b>80.22</b>	<b>4.99</b>
<b>483A Godagama South</b>						
Residential	5	0.69	2	0.41	7.45	0.46
Commercial	66	9.10	22	4.52	287.57	17.87
Agriculture	0	0.00	0	0.00	0.00	0.00
Non-Agriculture	0	0.00	0	0.00	0.00	0.00
Access Roads, Drains	13	1.79	13	2.67	67.49	4.19
<b>Sub Total</b>	<b>84</b>	<b>11.58</b>	<b>37</b>	<b>7.60</b>	<b>362.51</b>	<b>22.52</b>
<b>486A Homagama Town</b>						
Residential	26	3.59	17	3.49	45.18	2.81
Commercial	290	40.00	240	49.28	542.14	33.69
Agriculture	6	0.83	6	1.23	30.64	1.90
Non-Agriculture	8	1.10	8	1.64	45.86	2.85
Access Roads, Drains	37	5.10	37	7.60	35.15	2.18
<b>Sub Total</b>	<b>367</b>	<b>50.62</b>	<b>308</b>	<b>63.24</b>	<b>698.97</b>	<b>43.43</b>
<b>Grand Total</b>	<b>725</b>	<b>100.00</b>	<b>487</b>	<b>100.00</b>	<b>1609.38</b>	<b>100.00</b>
Total land affected under residential use = 295.58 perches						
Total land affected under commercial use = 1080.69 perches						
Total land affected under agricultural use = 58.63 perches						

Source: Preliminary plan prepared for Homagama - Godagama road section of A4 road and field survey January 2018.

19. In all above five (5) GNDs, land use on commercial purposes takes dominance over other uses. Residential land use is considerably less in all GNDs while access roads have a considerable share in the total land use. Out of total 487 household heads, 308 of them live in Homagama Town GND, occupying 240 commercial lots and 17 household heads occupying 26 lots. Similarly, out of required 1609 perches, 698.97 perches, accounting for 43.43%, located in this Grama Niladari Division, namely the Homagama Town division. This high concentration of affected HHs and commercial units around Homagama town requires Resettlement Planers' attention in developing Resettlement Action Plans at local level in line with this Resettlement Plan framework.

20. Following table - 6 gives an assessment on the level of impact falling on affected assets.

**Table 6 - Level of impact falling on affected assets**

Affected Assets	Total Area (perches)	Impact in % and extent in perches against the total land			
		Up to 10%	11% - 50%	51% - 75%	76% - 100%
Total Residential assets	295.58	136.69	140.89	6.0	12.0

Total commercial land to be acquired	1080.69	378.24	432.28	216.14	54.03
Total agricultural land to be acquired	58.63	11.43	47.20	0.00	0.00
Non-agriculture land noncommercial land to be acquired (Including access roads)	174.48	64.65	24.16	30.44	55.23
<b>Total</b>	<b>1609.38</b>	<b>591.01</b>	<b>644.53</b>	<b>252.58</b>	<b>121.26</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A4 road and field survey January 2018.

21. Out of total affected area of 1609.38 perches, 591.01 perches (36.72%) have impact less than 10% and 1,018.37 perches have impact over 50%, accounting for 63.27% of the total extent of land. The impact over 75% level is falling on 121.26 perches (7.5% of the total land), giving an idea on the severity of the impact.

22. Following Table 7 provides some lights on impact falling on residential and commercial structures.

**Table 7- Impact on residential and commercial structures**

Type of structure	Total Numbers			Total area (perches)
	Partially affected	Relocate on same plot	Relocate else where	
Residences (houses)	6	6	1	18.61
Shop houses	15	18	19	42.83
Commercial structures/ shop	76	49	23	174.50
Temporary Structure	0	2	0	3.95
Secondary Structures	0	7	0	22.38
<b>Total</b>	<b>97</b>	<b>82</b>	<b>43</b>	<b>262.27</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A4 road and field survey January 2018.

23. The area of structures are given in perches. As explained in the table 97 structures are only partially affected and 82 structures can be relocated in same premises. Out of all 222 structures, only 43 need relocation elsewhere. This is around 20% of all structures, and is a considerable amount for relocation elsewhere. It includes only one residential house, 19 shops and 23 other commercial structures.

24. Table 8 below produces ownership status of private ownership of the land lots.

**Table 8: DPs' Land Ownership Situation of the land lots to be acquired**

Type of Ownership	Number of Lots	Percentage to total
Single Ownership	466	1064.60
Shared Ownership	18	18.98
Squatter on government Land	160	270.00
Uncertain Ownership	81	255.80
<b>Total</b>	<b>725</b>	<b>1609.38</b>

Source: Preliminary plan prepared for Homagama – Godagama road section of A4 road and field survey January 2018.

25. Above table shows that out of 725 land lots 466 have single ownership, accounting for 64.28% of all land lots. This makes easy situation for land acquisition and compensation process, as it make acquisition and compensation process easier and straight forward. In this instance, still, PMU could support DS office acquisition process providing logistic assistance to expedite the processes to receive due compensation by claimants, timely and efficient manner. The shared ownership which can crate difficulties in the acquisition process, especially in payments of compensation accounts only for 18 lots, is representing 2.48% of the total lots. There are 160 squatter lots in the area which will have complex resettlement issues related to removal of them from existing locations. They need person/community specific approaches to settle issues related to them in addition to the present procedures adopted under Ex-gratia payment scheme/2008 LAA regulation revision. All displace persons, irrespective to their category; have to be secured properly against loss of housing accommodation and loss of business /livelihood. The uncertainty ownership (81 lots) also delays acquisition process which has to overcome by depositing compensation money with law courts.

## B. Impact to Government land lots and structures

26. The Table 9 below shows the types of government land lots and structures affected by the project.

**Table 9 - Government land lots and properties**

Name and type of the land	Affected Area (perches)	Percentage
Peoples' Bank	1.86	1.32
Sri Lanka Army (4 lots)	30.60	21.70
Sri Lanka Telecom (SLT)	2.57	1.82
Roads (5 lots)	3.60	2.55
Streams	1.54	1.09
Drainage (3 lots)	5.02	3.56
Marshy lands	8.78	6.23
Government owned premises and road reservations (22 lots)	87.05	61.73
<b>Total</b>	<b>141.02</b>	<b>100.00</b>

Source: Preliminary plan prepared for Homagama – Godagama road section of A4 road and field survey January 2018

27. Except a Bank Branch, four (4) Sri Lankan Army lots and one (1) Sri Lankan Telecom lot, all other Government properties, consisting of 105.99 perches out of total extent of 141.02 perches, are natural assets like streams, drainage systems and marshy land etc. This natural properties account for 75.16% of the total extent of government properties. These government properties don't make any resettlement issue for the project as the Peoples' Bank, Army units and SLT lots have alternative lots for their operations.

## C. Impact to corporate land lots and structures

28. Following table 10 provides information on cooperate owned land lots affected by the project.

**Table 10 - Impact on Corporate Owned lots**

Company / Corporation	Type of Land	Total Area (perches)
Elephant Light Company Limited	Commercial	27.64
Cooperative Filling Station	Commercial	3.84

<b>Total</b>		<b>31.48</b>
--------------	--	--------------

Source: Preliminary plan prepared for Homagama – Godagama road section of A4 road and field survey January 2018

29. The resettlement impact on above properties seems not severe and they can be restored with compensation payments, if paid adequately.

#### D. Impact on common property

30. Table below shows the project effect on common property which has only two such lots.

**Table 11 - Impact on common property**

Company/ Corporation	Magnitude of Impact	Affected Area (perches)
Siri Gunarathnarama Library (Temple)	Partial	3.56
Bus Stand	Fully	10.91
<b>Total</b>		<b>14.47</b>

Source: Preliminary plan prepared for Homagama – Godagama road section of A4 road and field survey January 2018

31. Above library is going to be affected partially which can be restored at the premises with the support of PMU. This doesn't have severe resettlement effect. The full restoration responsibility lies with the PMU.

#### E. Preference for compensation Options by Displace Household Heads

32. Table 12 below shows preference of displaced household heads regarding the form of compensation they wish to receive.

**Table 12- Compensation Preference by Displaced Household Heads**

Preferred compensation type for land	Frequency DHs	Percentage
Land for Land	0	0.00
Cash Compensation	99	20.33
Resettle on the same affected lot	388	79.67
<b>Total</b>	<b>487</b>	<b>100.00</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A 004 road and field survey January 2018.

33. A great majority of affected DHHs, almost 80%, wish to be resettled in the same premises. The operational meaning of this is to be accommodated in the same premises after receiving cash compensation for their acquisition. This cash compensation needs to be adequate enough to meet their cost of renovations which include restructuring and modifying their remaining structures to suit their accommodation and commercial purposes, in the changing environment. While no one wishes to receive land for land option, 33% wishes to receive cash compensation.

34. Table 13 below shows the preference of displaced persons on their resettlement options.

**Table 13 - DHHs preferred option for resettlement**

<b>Preferred relocation option</b>	<b>Frequency</b>	<b>Percentage</b>	<b>Action required</b>
Resettlement by self	99	100.00	Identify and purchase land
Resettlement as a community	0	0.00	
Government organized resettlement	0	0.00	
<b>Total</b>	<b>99</b>	<b>100.00</b>	

Source: Preliminary plan prepared for Homagama - Godagama road section of A4 road and field survey January 2018.

35. Here, almost all displaced household heads have expressed their willingness for self-resettlement option. This requires increasing of DHHs' own capacity to restore by themselves. For this purpose they have to receive their cash compensation adequately and timely to make necessary adjustments to restore their properties and living. It is duty of PMU to support DHHs to fulfill their aspirations in peaceful manner. It seems that they are not asking too much or wishing to add burdens to government with regard to their relocation.
36. The reluctance for community or government interventions for resettlement is that DHHs don't like to get involved with government bureaucratic systems and procedures that can lead for time consuming exercises and discussions. Moreover, as revealed in the interviews held with DHHs during field surveys, people like to take decisions related to personal and family matters by themselves, more independently and freely.

### **CHAPTER 3 - SOCIOECONOMIC INFORMATION**

37. The proposed road section, from Homagama to Godagama (15+360km to 20+420km (excluding the section from 17+260km to 18+280km)5+360 km to 17+260km and 18+200km to 20+420km), is a tiny length of Colombo- Batticaloa (A004) highway, which connects Western Province to Eastern Province through Sabaragamuwa and Uva provinces. The proposed section from Homagama to Godagama is completely located within Homagama divisional secretary division of Colombo district. The socioeconomic situation of the project area around the project road section is mostly represented by the socioeconomic situation of Homagama DS division. Homagama DSD is one of the thirteen administrative divisions located in Colombo district towards East. It is bordered by Kelani River in the North in Gampaha district and by Kalutara district in the South. Between these boundaries it is bounded by Hanwella and Padukka DSDs in the East and Kaduwela, Maharagama and Kesbewa DSDs in the West.
38. This project road section is located mostly within an urban area where commercial activities play a significant role in the economic life of the inhabitants. It is usual to have a large number of commercial units in the form of shops on either side of the road of this section of A 004 road when it runs through an urban area, near to Colombo. Many of these shops are retail outlets selling domestic consumable items and construction related hardware items. The presence of a large number of hardware shops is an indication of the ever growing housing demand of the area, which

is already considered as a densely populated residential area near to Colombo, the capital of the country.

## A. Demography

39. The displaced population within the project area (within the acquisition boundary) is 2,123 (including 487 household heads), of which 1029 are males and 1094 are females. The total number of Displaced Households (DHH) is 487 and almost all displaced population belongs to Sinhalese, the major ethnic community in the country, except one Muslim family. However, in elsewhere of the DS division, and in the district too, there are different ethnic populations, although numbers of them are significantly low in the Southern parts of the country. For an example, Sinhala ethnic group represents 98.12% of the total population, while all Tamil population represents 1.03% and Muslim population represents 0.25% in the Homagama DSD (Housing and Population Census 2012) being major minority ethnic groups in the country. These main minority populations, Tamils and Muslims, have geographic concentration in the Northern and Eastern provinces of the country, and also in the hill country plantation areas. Apart from these areas, rest parts of the country don't have sizable ethnic minorities, except the existence of some Muslim population concentration locations in some geographic areas. Homagama and nearby areas don't have any minority ethnic concentration locations, and therefore, population of Homagama division is overwhelmingly populated by the majority ethnic group, Sinhalese.
40. As shown in the Table - 14 below, almost a half (47.43%) of the households have family members between three (3) and four (4) and next to this around 42.30% families have members between five (5) to six (6). Only 2.26% families have members equal to or above seven (7) members while families with one (1) and two (2) members account for 8.01%.

**Table 14 - House Hold Size by number of family members**

Household Members	No. of Households	Percentage
1 – 2	39	8.01
3 – 4	231	47.43
5 – 6	206	42.30
7 and more	11	2.26
<b>Total</b>	<b>487</b>	<b>100.00</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A 004 road and field survey January 2018.

41. The average family size in the project area is around 4.35 persons against the national average family size is around 3.38 persons (2016), showing an upward trend with more family members compared to national situation.

## B. Distribution of population by age and sex

The table- 15 below shows distribution of displaced populations by age and sex excluding DHHs population.

**Table 15- Displaced Persons Disaggregated by Age and Sex  
(Excluding Displaced Household Heads)**

Age	Male		Female		Total	
	No. of	%	No. of	%	No. of	%

	Persons		Persons		Persons	
5 and below	22	3.65	37	3.58	59	3.61
6-14	74	12.27	125	12.10	199	12.16
15-30	129	21.39	256	24.78	385	23.53
31-45	153	25.37	246	23.81	399	24.39
46-60	135	22.39	219	21.21	354	21.64
Over 60	90	14.93	150	14.52	240	14.67
<b>Total</b>	<b>603</b>	<b>100.00</b>	<b>1033</b>	<b>100.00</b>	<b>1636</b>	<b>100.00</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A4 road and field survey January 2018.

42. This shows only the distribution of age and sex among family members of the households, leaving out DHHs from the analysis for time being, focusing attention rest of the population. Age distribution of family members has equal trend between males and females. Except very young ages and old ages, other age groups show an almost equal distribution of male and female populations in respective age groups.

43. The table 16 below discusses the distribution by age and sex of the displaced household heads.

**Table 16- Displaced Household Heads Disaggregated by Age and Sex**

Age	Male		Female		Total	
	No. of Persons	%	No. of Persons	%	No. of Persons	%
18 – 30	12	2.82	2	3.28	14	2.87
31 – 40	103	24.18	7	11.48	110	22.59
41 – 60	217	50.94	30	49.18	247	50.72
61 – 70	72	16.90	18	29.50	90	18.48
Over 70	22	5.16	4	6.56	26	5.34
<b>Total</b>	<b>426</b>	<b>100.00</b>	<b>61</b>	<b>100.00</b>	<b>487</b>	<b>100.00</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A4 road and field survey January 2018.

44. Out of 487 DHHs, 426 (87.47%) are males and 61 (12.53%) are females. This shows that male DHHs are almost seven (7) times higher than female number of DHHs. In Sri Lankan context, normally male performs the role of household heads even there are no barriers against performing this role by females. There are instances that household heads have to attend to government offices like Grama Niladari/ and Divisional Secretariats and schools (for matter of children) etc., often and these functions are thought to be handled better by male partners. These functions include travelling from place to place and time spending away from families. However, in old ages, more female household heads are found than their male counter parts. As shown in this table, over 60 years of age, 36.06% DHHs are females while male DHHs account for 22.06% of the total number of DHHs. This is due to the fact that in old ages, females become DHHs after the death of their male counterparts or some other separation (becoming physically incapacitate to function as heads of families). In old ages mortality rates are higher among males than among females and therefore female DHHs numbers become higher in these ages than male DHHs.

45. Nearly a half of the total number of DHHs (50.72%) is within the age range between 41 and 60 years of age, and this trend is common for females also. Young DHHs, between 18 and 30 years are very few, accounting only for 2.7%. Due to present trends experiencing in education (long durations in colleges and universities education and public examinations etc.) and employment fields (delays in finding employment opportunities and settling in them) have tendencies for extending marriage age for males and females both.

### C. Distribution of Education Achievements

46. The table -17 below presents displaced persons educational achievements by sex. Education represents a high level of social progress in many aspects in modern civilizations. It is considered as a mean for achieving many life expectations.

**Table 17 - Displaced persons disaggregated by level of education and sex**

Age	Male		Female		Total	
	No. of Persons	%	No. of Persons	%	No. of Persons	%
None	40	3.89	48	4.39	88	4.14
Primary	99	9.62	64	5.85	163	7.68
Secondary	314	30.52	387	35.37	701	33.02
Tertiary	549	53.35	580	53.02	1129	53.18
Postgraduate	27	2.62	15	1.37	42	1.98
<b>Total</b>	<b>1029</b>	<b>100.00</b>	<b>1094</b>	<b>100.00</b>	<b>2123</b>	<b>100.00</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A 004 and field survey, January 2018.

47. Out of 2,123 displaced persons, 4.14% doesn't have any level of education, but this can't take seriously as many of this group includes children under five (5) years of age who need not to attend schools. There may be a very small portion of this category over five (5) years of age who needs to be treated as a group of no school attendance for their life time. A great majority of people, little over half of the population (53.18%), has educational achievements at tertiary level and this level of achievements is equally shared by males (53.35%) and females (53.02) without any gender differentiation. Similarly, over all educational achievements at secondary level accounts for 33.02% while female educational achievements at this level reaches up to 35.37%, little over the corresponding male value noted as 30.52%.

48. This table shows that people living in the project area has rich educational achievements and males and females have similar education status without any gender differentiation. Having such an educationally rich community is a favorable situation for resettlement planning, as it is easy to work with an educated society in a productive manner. In general, education achievements of people in project area is consistent with the situation related to education.

### D. Civil status of Displaced Persons

49. Civil status of displaced persons shows an aspect of family life and social obligation and commitments for maintaining social system in a given area. The following Table – 18 shows this information.

**Table 18- Displaced persons disaggregated by civil status**

Age	Male		Female		Total	
	No. of Persons	%	No. of Persons	%	No. of Persons	%
Married	630	61.22	678	61.97	1308	61.61
Unmarried	385	37.41	410	37.49	795	37.45
Divorce	6	0.59	0	0.00	6	0.28
Separated	3	0.29	3	0.27	6	0.28
Widow/widower	5	0.49	3	0.27	8	0.38
<b>Total</b>	<b>1029</b>	<b>100.00</b>	<b>1094</b>	<b>100.00</b>	<b>2123</b>	<b>100.00</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A 004 road and field survey January 2018.

50. Out of 2,123 populations, 1308 are married, representing 61.61% of the total population. As usual, number of married persons is almost equal between male and females. There are 795 unmarried persons in the community, accounting for 37.45%. This is also equally distributed among males and females as total population of the country consist of almost equal numbers of males and females, varying around 50% by each sex group. Therefore, before marriage age groups have to consist of equal number of males and females, and this makes distribution of unmarried persons between male and female sexes almost equal. The divorce, separated and widow/widower positions are extremely low in this community and each of them takes a value below 0.5%.

#### **E. Livelihood and Income losses**

51. Many people living in the area have to undergo livelihood and income losses due to project implementation. This information is presented by Table -19 given below.

**Table 19 - Loss of livelihoods by displaced persons**

Type of Livelihood	Partially Displaced		Fully Displaced		Total	
	Male	Female	Male	Female	Male	Female
Farmer	1	0	0	0	1	0
Skilled casual labour	4	1	0	0	4	1
Un-skilled casual labour	9	5	0	0	9	5
Shop sales attendant/worker	2	1	0	0	2	1
Vehicle driver	1	0	0	0	1	0
Business owner	140	27	35	21	175	48
Business manager	6	3	0	0	6	3
Government services/ executives	5	6	0	0	5	6
Government services/ other grades	5	9	0	0	5	9
Private sector/executive	6	0	0	0	6	0
Private sector/other grades	9	4	0	0	9	4
Foreign employment	3	2	0	0	3	2
Property renting	6	5	7	8	13	13
Other	1	0	0	0	1	0

<b>Total</b>	<b>198</b>	<b>63</b>	<b>42</b>	<b>29</b>	<b>240</b>	<b>92</b>
--------------	------------	-----------	-----------	-----------	------------	-----------

Source: Preliminary plan prepared for Homagama - Godagama road section of A 004 road and field survey January 2018.

52. The livelihood losses are divided to two categories, 1) partially and 2) fully basis. This table shows the income/livelihood sources of partially and fully affected persons. Out of 2,123 total populations, 332 persons (15.64%) belong to both categories of displacement. Out of all 332 displaced persons, 261 persons (78.61%) are in the category of partially displaced persons. This is the majority of all livelihood loss persons. When people are partially displaced, restoration of their life becomes comparatively easier than the restoration of fully displaced persons. The partially displaced persons still have their productive assets, including operational areas which can be reactivated with some resettlement arrangements. In case of fully displaced category, cases of livelihood losses are limited to 71 incidents, and this reduces the problem to a minimum level. The most noticeable feature of this information is that business owners are the most affected livelihood owners, by accounting for 223 cases, out of all 332 such cases. This is around 67.17% of the total reported livelihood losses. Apart from losses occur to 56 business owners and to 15 number of property renters, no other livelihood losses occurring to fully displaced persons.

53. The restoration of livelihood losses need individual attention and studies on the cases that need resettlement assistance. This further need community discussions and coordination activates with relevant state agencies and NGOs supporting entrepreneur development and financing.

54. The following Table - 20 shows another dimension of livelihood losses, giving attention on money values they received prior to forgoing losses.

**Table 20 - Income derived by DPs from their displaced livelihoods-**

Type of Livelihood Values in Rupees	Partially Displaced		Fully Displaced		Total	
	Male	Female	Male	Female	Male	Female
< 5000	0	0	0	0	0	0
5000 – 7500	0	0	0	0	0	0
7501 – 10000	0	0	0	0	0	0
10001 – 15000	2	3	0	3	2	6
15001 – 25000	8	11	0	0	8	11
25001 – 50000	46	13	23	15	69	28
50001 – 100000	8	9	25	11	8	10
100001 – 200000	24	5	7	3	31	8
> 200000	29	6	1	0	30	6
<b>Total</b>	<b>117</b>	<b>47</b>	<b>56</b>	<b>32</b>	<b>148</b>	<b>69</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A 004 road and field survey January 2018.

55. The levels of income generated by partially displaced and fully displaced persons have a common trend. There are no income earners below Rs. 10,000/- per month, and this common for both categories. Many of the income earners in both categories are found between Rs. 25,000/- and Rs. 50,000/-. Out of all displaced 217 income earners, 115 persons are within the income range of Rs. 25,000/- and Rs. 100,000/-. Except in the range of Rs. 10, 001/- to 15,000/- income level, in all other income levels males stay ahead of females levels. This table shows fairly income earning community with 76 persons (35.0% of all displaced persons) earning above Rs. 100,000/- per month.

56. The following Table -21 adds another aspect to income levels of displaced persons with the introduction of expenditure levels of displaced persons.

**Table 21- Monthly Income and Expenditure of Displaced Households (N = 250)**

Level of income or expenditure in Rs.	Income		Expenditure	
	No. families	%	No. families	%
< 5000	0	0.00	6	2.40
5000 – 7500	0	0.00	0	0.00
7501 – 10000	0	0.00	3	1.20
10001 – 15000	5	2.00	2	0.80
15001 – 25000	15	6.00	14	5.60
25001 – 50000	81	32.40	100	40.00
50001 – 100000	88	35.20	85	34.00
100001 – 200000	23	9.20	20	8.00
200001 – 500000	16	6.40	11	4.40
> 500000	22	8.80	9	3.60
<b>Total</b>	<b>250</b>	<b>100.00</b>	<b>250</b>	<b>100.00</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A 004 road and field survey January 2018

57. This table presents information gathered by conducting a sample survey carried out using 250 persons. Even though, there are no families earning less than Rs. 10,000/- per month, there are nine (9) families spending less than Rs. 10,000/- a month. It is necessary to understand that income and expenditure columns here don't represent same families appeared in income and expenditure columns. They can have any number of mix relationships, like people of Rs. 15001/- to 25000 /- income range, can have expenditure levels in any one of above expenditure rows.

58. Out of 250 surveyed families, 230 families (92%) have income above Rs. 25,000/- per month and 225 families (90%) have expenditure above Rs. 25,000/- per month. The higher income level, above Rs. 50,000/- per month is received by 149 families (60%) and 125 (50%) families have expenditure over Rs. 50,000/- a month. This again confirms the financial strength of this community, affected by the project.

59. The Table – 22 shown below shows income sources of Displaced Persons as Primary and Secondary Sources. The primary source is the main income source (regular income source) of the person/family and secondary source is the additional source of income (most of the time it doesn't take full time of the person/family).

**Table 22- Income sources of Displaced Persons**

Income Category	Primary Source (No. of persons)	Secondary Source (No. of persons)	Total	Percentage
Commercial	352	15	367	63.49
Agriculture	1	0	1	0.17
Government	52	0	52	9.00
Wages	39	27	66	11.42
Private Sector	88	2	90	15.57
Other	2	0	2	0.35
<b>Total</b>	<b>534</b>	<b>44</b>	<b>578</b>	<b>100.00</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A 004 road and field survey January 2018

60. Of the 578 income recipient DPs, 534 DPs (92.39%) receive their income from primary source, while only 44 DPs (7.61%) have income from secondary sources. Commercial sector, Private sector employment and government service are the main sources of income for DPs. They together have provided income sources for 492 DPs out of the total of 534 DPs. Commercial sector activities, government and private sector employment are the prominent secondary sources of income for DPs in this table. Out of 578 income sources of both categories, 367 (63.50%) opportunities are provided by commercial sector. This shows the importance of commercial sector in the project area.

#### F. Vulnerability of Households

61. Vulnerability households need special attention and care of resettlement planners as this group of people are physically and mentally not strong enough to go with the changes created by the project. The negative impact makes serious suffering and miseries for them as they are very sensitive to the changes happening around them. The vulnerable groups need systematic and planned interventions to address their problems effectively and for restoration of their life, they need appropriate support from the government (PMU). The entitlement matrix provides special provisions to support vulnerable groups.

**Table 23- Vulnerability Household by cause of vulnerability**

Type of vulnerability	Number of vulnerable families	Percentage
Female headed household	61	73.49
Elderly headed household	22	26.51
Disabled	0	0.00
Very poor	0	0.00
<b>Total</b>	<b>83</b>	<b>100.00</b>

Source: Preliminary plan prepared for Homagama - Godagama road section of A 004 road and field survey January 2018.

Out of 83 vulnerable families, 61 or 73.50% are female headed households and 22 or 26.51% are elderly persons headed households.

#### G. DPs perceptions on changes caused by the project

62. The perceptions of DPs on changes created by project impact have important inputs in the preparation of resettlement plans. The following Table 24 – gives DPs views, as positive perceptions, on expected changes.

**Table 24 - DPs Perceived positive social and economic impacts on the road projects (multiple response N= 487**

Perceived positive social and economic impacts	Percentage
<b>Social Impact</b>	
1. Improve quality of living	79.88
2. Improve road safety	48.46
3. Develop transportation facilities	61.81
4. Develop social infrastructure	19.51

5. Convenient for travelling to key social facilities	25.26
<b>Economic Impact</b>	
1. Generate additional Income due to proposed project	9.45
2. Reduce cost of living	5.13
3. Develop business premises & work places	75.36
4. High demand for lands	87.27
5. Increase the land value	90.55

Source: Preliminary plan prepared for Homagama- Godagama road section of A 004 road and field survey, January 2018.

63. Among positive social impacts, improving quality of living, developing transport facilities and road safety have prominence over many other benefits while developing of business premises and increasing land value have become perceived economic benefits by DPs.

64. Following Table 25 - provides DPs perceived negative social and economic impacts caused by the project.

**le 25 - DPs Perceived negative social and economic impacts by the project (multiple response N= 487)**

Perceived negative social and economic impacts	Percentage
<b>Social Impact</b>	
1. Loss of relatives, neighbours and friends	4.31
2. Affects children's education	6.37
3. Lose social relations like society memberships	2.46
4. Increase risk due to unknown workers at the project	43.12
5. Lose income support from relatives	2.67
<b>Economic Impact</b>	
1. Loss of Income	24.64
2. Increasing cost of living	63.86
3. Disturb self-employments	89.32
4. Parting from business premises & work places	72.07
5. Damage to properties	94.25

Source: Preliminary plan prepared for Homagama - Godagama road section of A 004 road and field survey January 2018.

65. Increase risk due to presence of unknown workers have become the most felt negative impact of the project shown by 43.12% responses, which is far above all other responses. This proves the relevance of conducting awareness creation sessions for communities and construction workers by SRCP project under different contract packages. Many of the negative economic impact are in the areas of increasing cost of living, disturbances for self-employment, parting of business premises, and damages to properties. These perceptions provide inputs for community consultations and participatory development approaches.

## H. Indigenous People

66. There are no indigenous people located in the vicinity of the road or even in the DS division of Homagama or in the Colombo district.

## **CHAPTER 4- INFORMATION DISSEMINATION, CONSULTATION AND PARTICIPATORY PROCESS**

### **A. Consultation process with Stakeholders and Community**

67. Land Acquisition process for this project road section commenced some time back, around 2007, when a complete section of the road was taken from Kirulapona to Homagama for improvement, under previous arrangements. Now, after proceeding several stages of the LAA process, property valuation has to be commenced for this section of the road. PMU expects to go through LARC process no sooner the valuation reports are received from the Department of Valuation. This will enable claimants to receive a reasonable amount as legitimate compensation for their acquired properties. When people receive compensation adequately and timely manner, most disputes disappear making a peaceful environment for construction program.
68. Information dissemination, consultation and participatory process involved with public and other stakeholders maintained transparency throughout the RP process. This openness reduces potential conflicts; minimize risk of project delays and help PMU to formulate resettlement and rehabilitation to suit the needs of the public. In line with this approach, prior to road construction, PMU has conducted a few workshops to improve mutual understanding on the roles and responsibilities of key collaborating partner agencies responsible for land acquisition process like the Ministry of Land and Land Development, Departments of Valuation, Survey, Government Printer and the Divisional Secretaries. Ministry of Higher Education and Highways (MoHE&H) supported the PMU to organize these workshops and they served as important forums in reaching consensus on complicated statutory issues.

### **B. Public Disclosure and Information Dissemination**

69. Public disclosure of information and maintenance of transparency by the PMU with all stake holders and displaced persons are basic policy requirements of the NIRP and the Safeguard Policy Statement, 2009 of ADB. When PMU approaches become transparent and open, the chances for establishing mutual trust between the PMU and the stake holders are greater. This process will have salutary effect on all activities of the road project unlike to the suspicion and mistrust caused by closeness of affairs that will end up with serious negative effects on project implementation.

### **C. Consultation during formulation of RP**

70. In 2007, PMU with the support of MoHE&H deployed 12 resettlement assistants to facilitate the process of public consultation before the commencement of land acquisition and socio economic survey (LARC). A workshop was conducted in Colombo for the representatives of main agencies related with the land acquisition and resettlement to ensure their support to the program in place to disseminate information regarding land acquisition, formulation of RP and its implementation process.
71. Information dissemination meetings held at DS level were attended by relevant officers, clergymen, legislative members of the area, Gramaniladaris, Samurdhi Niyamakas, agricultural assistants, and representatives of the community based organizations and relevant government departments.

#### **D. Information Disclosure**

72. The information disclosure process initiated at the early stage of the planning focusing on the land acquisition process, payment of compensation, entitlements and other resettlement issues will continue with strong participatory elements till the end of the project. The consultative discussions initiated at the early stages of land acquisition will commence again after finalization of valuation reports with affected parties and state agencies simultaneously with the commencement of LARC processes.
73. This RP (Revised version) will be available for the general public to study. It will be displayed at public places such as DS Offices and Local Authorities (Municipal Council / Pradeshiya Saba) where people have easy access.

**Table 26 - Completed and Planned Public Consultation and Disclosure Activities**

<b>Completed consultations and disclosure (During Feasibility Stage)</b>					
<b>Activity and Location</b>	<b>Objective</b>	<b>Timing</b>	<b>Responsible Unit</b>	<b>Feedback / Issues / Concerns / Raised</b>	<b>Action Taken</b>
Workshop with concerned Departments (80 persons attended this workshop which was held at the Buildings Research Centre, Pelawatta, Battaramulla, Colombo)	To disseminate information regarding the project and seek support of the public to accelerate land acquisition & RS process	Before meeting the public, 26 May 2007	LAR Unit of NHSP	Staff shortages, and assistance from RDA on logistics, sundry expenses	Recruiting acquisition officers by PMU to assist the DSs, Provide logistical support for land surveying by private surveyors under the supervision of SD
Public Meeting with NGOs, CBOs and national and local level politicians (A total of 123 persons attended this meeting which was held at Homagama & Thibirigasyaya Divisional Secretariat Offices)	To explain the parameters of the road project, land acquisition process, ADB's Social Safeguard Requirements & NIRP on involuntary resettlement payment of compensation and entitlement matrix	Before the conduct of the Census & SES Survey 14-06-2007 and 18-06-2007	DS &LAR unit of the NHSP	Income loss, relocation at same location even if the remaining extent does not conform to the minimum requirements imposed by local Councils/UDA. Payment of reasonable compensation issues raised by	UDA agreed to allow reconstruction of structures at the same location even if the remaining extent is smaller than the required extent and expedite matters
Distribution of information flyer/communication literature (information flyers were distributed among the participants at the public meeting held at Homagama Divisional Secretariat on 09-01-2011 and during the survey period)	Public disclosure, maintenance of transparency, confidence building, Keep uniformity	Before updating the RP	LAR unit of the SRCP & ESDD of RDA	Accelerate the land acquisition and resettlement process, request by public	Follow-up actions with relevant agencies to accelerate the land acquisition process

74. In addition to already conducted consultation sessions, following sessions are planned to be held simultaneously with the ongoing land acquisition process.

**Table 27- Planned consultations and disclosures**

<b>Activity</b>	<b>Objective</b>	<b>Timing</b>	<b>Responsible Unit / Agency</b>
Consultation with public at community level meetings	Explain the process of road project implementation	Prior to project implementation	DS, ESD, PMU,
Meeting community groups at GN Division level	Imitate a dialogue with DPs about their concerns and resettlement requirements	Prior to project implementation	GNN, RAA & PMU
Public awareness meetings at GND and DS levels	Assure compliance of environment and social Safeguards HIV/AIDS prevention, solid waste management and Road Safety	During project implementation	DS, GNN, RAA, PMU & ESD
Disclosure of final RP (updated version) in relevant DSDs and ADB web	Support stakeholders understanding on RP and its implementation	Two weeks after draft version is distributed	PMU, ESDD/ RDA and ADBD
Distribution of the Sinhala version of the entitlement matrix to public if there any need for acquisition.	Support public to understand their entitlements and claim processes	Simultaneous to the distribution of final RP.	PMU and ESDD

Note: The consultation is an on-going process there is a continuous dialogue between the resettlement staff and the public.

**E. Consultation during RP updating exercise**

75. During the field visit made to the project area in January 2018 for the updating of this RP, survey team members visited few locations of A 004, between Homagama and Godagama. They met a number of primary road users including a few three- wheel drivers, road pedestrians, traffic police officers, and road side venders. They endorsed the views that improvement of the road is a great relief for them as it solves road congestion, reduces vehicle running cost and time spending on the road. Through good drain system, present Dengue fever epidemic will be lessened if not ended. As expressed by police personnel who perform regulatory functions over vehicle flows, proposed development will ease most of their burdens related to traffic control. Shop owners and pavement hawkers expected more trade when peaceful environment is set around the road.

76. A great majority of people met along the road in different locations commonly held the view that this development is essential in view of linking A 004 to Southern expressway, with the rapid expansion of the traffic. As perceived by them, this linkage will help ease their transport burdens by reducing time and cost of vehicle running, and additionally facilitating for safe and comfortable driving. Moreover, they expect that this linkage will have positive effect on socioeconomic development of the project area.

77. When LARS interview were held with DPs, most of them conveyed their supported for the planned development efforts, but requested to minimize construction related inconveniences occurring to road users. Their suggestion included to do cumbersome construction activities in

off-peak times including weekends and night sessions. School children were happy as development makes an accident free environment favorable for them. Also, they wished to express their expectation regarding reduce noise level that will ease present intolerable road noise damaging to classroom environment.

## **CHAPTER 5 - GRIEVANCE REDRESS MECHANISMS**

78. Grievance Redress Mechanism (GRM) is necessary to support genuine claimants to resolve their problems through mutual understanding and consensus reaching process with relevant parties. This is in addition to the available legal institutions for resolving unsatisfied appeals from public against the disagreeable decisions.

### **A. Grievance Redress Committee & its Composition**

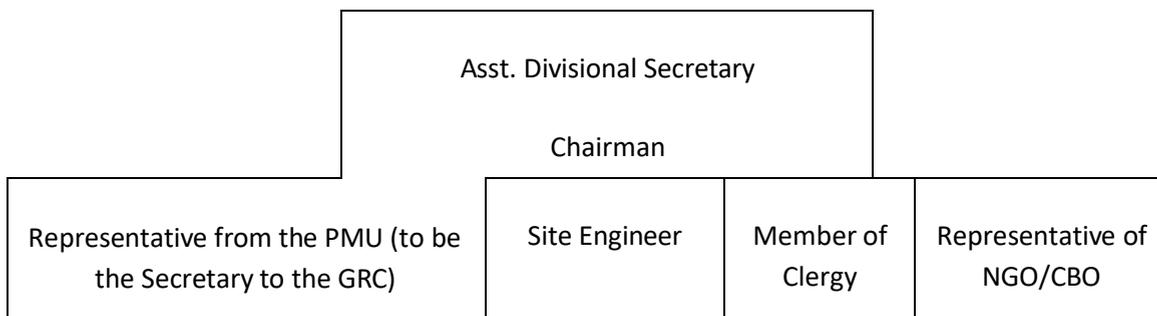
79. The best practice for resolving grievances is to settle issues in the first instance at the community/village or the Grama Niladari level through consultative processes. This community based approach is an informal setup that can be tried at lower levels with the initiatives of PMU and its extension staff. However, issues that can't be addressed at this level informally have to be taken at a higher level formally for reconciliation. RDA has considerable experience in handling grievances of public especially with the implementation of Southern Expressway project, which is incidentally the first major expressway of the country. With the experience gained on grievance redress during the implementation of "Southern Transport Development Project", road development projects of RDA have adopted a similar approach with GRCs keeping some uniformity in resolving grievances. Grievance Redress Committee established by the RDA has well defined functions, composition, and a procedure to redress grievances. A GRC system based on the Resettlement Framework for SRCP is proposed for this section of A 004 Road.

80. GRC approach gives an opportunity for public to bring their unsolved grievances caused by the project implementation to the committee established for the said purpose at divisional level. The innovative intervention of this approach is the establishing of a GRC at a divisional level consisting of key official members involved in land acquisition and representatives from public as committee member to find solutions for unsolved grievances. Any disagreed person can bring his case to this committee, free of charge (not even stamp duty), for hearing of his/her case. GRC is not the only body which public can approach to solve their grievances. There are series of formal bodies, some are with special focus on certain matters, available for persons to take their unsolved grievances, problems and issues. PMU's responsibility is to make all persons in the project area familiar and knowledgeable with these institutional arrangements and play the role of a facilitator if any person wishes to process their grievances and claims through those institutions for better hearing. A GRC can deal with complaints relating to unaddressed losses or social and environment issues resulting from project implementation. It cannot challenge the statutory entitlements of persons and should refrain from making decision relating to designs or engineering matters or on any compensation matters that are pending before the Compensation Review Board or courts.

**B. GRC Functions**

81. The GRC will be a five member committee headed by the Assistant Divisional Secretary of the relevant division, Project director/Resettlement Officer, Site Engineer and two civil society representatives (who may be chosen from among the recognized NGOs/ CBOs, clergy, persons representing DPs groups and women). The Resettlement Officer/ Resettlement Assistant of the RDA/ PMU will function as the Secretary of the GRC and will be responsible for keeping record of all grievances registered and action taken on them. When required, the GRC can seek the assistance of other persons/institution.

Figure 2 – Organizational set-up of GRC



82. **For Whom:** Any person may approach the GRC to seek its assistance in resolution of any problem, complaint or dispute concerning environment and social issues that can arise due to road construction. Further, if any land acquisition and resettlement is needed in the future DPs can appeal to the GRC. DPs dissatisfied with awards may also appeal to the GRC where GRC will refer it to the appropriate forum, after examining the complaint. Only appellants or others specifically authorized may attend the GRC meetings.

83. **Functions:** The function of the GRC is to remove grievances, settle disputes of all persons regarding environment and social issues. The GRC mandate and procedures will be given wide publicity so that the people in the project area have a better understanding of their entitlements, rights, and responsibilities. Grievances relating to land titles, with legal implications, will remain outside the purview of this Committee, and persons with such grievances will be advised to approach appropriate courts of laws to settle such disputes. Persons will be exempted from all administrative and legal fees associated with the grievance settlement procedure, except for cases filed in courts.

84. **Venue of the GRC Meetings:** The GRC will meet at the project site keeping in view the convenience of the displaced persons. But it will be free to hold its meetings at any other locations if that will be more convenient to complainant.

85. **Working System:** The GRC will deal promptly with any issue relating to environment and social that is brought before it. The GRC will make all efforts to see that these issues are also resolved within 2-3 weeks. The GRC will take decisions on the basis of a majority vote.

86. **Powers:** The GRC has no authority to deal with cases pending in a court of law. It cannot challenge the legal entitlements of DPs. The GRC will also refrain from making decisions on

issues relating to design and related engineering matters and on pending compensation cases. The GRC will invite the contractor and the engineer to clarify issues concerning to construction impacts.

87. **Procedure for Resolution of Disputes:** GRC has free access to public to present their grievances without any fear or pressure from government authorities. They can present their grievance verbally. They can also present their grievances in writing, for which assistance will be provided if so required.
88. The decisions of the GRC will be conveyed to complainant in writing. Three copies of the decisions will be provided: one for the DP, second copy for the Project office and the third copy for the Divisional Secretary. The decisions of the Grievance Redress Committee will be in conformity with the resettlement policy and the entitlement matrix.
89. **Appeal against GRC Decisions:** Affected persons not satisfied with the GRC decisions can appeal to higher authorities in the Project, the Ministry of Higher Education and Highways Ports and Highways, or to even Courts of Law.
90. The persons who are aggrieved by the decision of GRC will be free to approach higher authorities for grievance redress.

**C. Grievance Redress Process**

Step One	The person approaches the Project staff at site with a complain regarding his problems that he thinks have not been addressed properly. The project staff explains him the steps taken to assist him and solve his grievances but, he remains unconvinced.
Step Two	Not satisfied with the explanation by the Project staff, DP Can go to the Grievance Redress Committee about which he had come to know from a consultation meeting that he had once attended. He first makes his complaint to the GRC verbally but he follows it up with a written petition. The GRC assures him that his complaint will be looked into and a reply sent to him within 4-5 weeks. If the complaint is within the mandate of the GRC, GRC will examine it and submit the findings to appropriate forum for necessary action. If required the person (DP) will be invited to GRC when his complaint is taken for scrutiny. If the complaint is not based on a proper understanding of compensation procedure or any legal issue was involved or complaint is not within the mandate of GRC the DP will be accordingly informed within 15 days. This again leaves the DP disappointed.

Step Three	The person persists and this time knocks at the door of the Compensation Review Board with hopes of getting his grievance redressed forever. But this does not happen.
Step Four	The last resort left for the person is the Court of Law if he still feels that none of the above organization has delivered justice to him. The decision of the court would be final. Since his problem has adjudicated by a competent, knowledgeable legal body.

**D. Other agencies that the DPs could forward their grievances**

**Land Acquisition Compensation Review Board (LARB)**

91. 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.

**Samatha Mandalaya – SM (Board of Mediation)**

92. 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.

**Human Rights Commission (HRC)**

93. 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.

**Parliamentary Ombudsman**

94. Independent official appointed under the Constitution, to inquire into the grievances brought to his notice by the members of the public.

**Parliament Petition Committee (PPC)**

95. 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.

### **Parliament Consultative Committee of the Ministry of Ports and Highways**

96. 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.

### **Litigation**

97. 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.

### **Legal Aid Commission**

98. 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.

99. GRC neither replace any statutory/legal agency functioning in the country in solving disputes of people nor discourage people going to legal/statutory processes to solve their problems. Objective of the Grievance Redress Mechanism (GRM) is to support genuine claimants to resolve their problems through mutual understanding and consensus reaching process with relevant parties. This is in addition to the available legal institutions for resolving unsatisfied appeals from public against the disagreeable decisions with a project focus approach.

## **CHAPTER 6 - LEGISLATIVE AND POLICY FRAMEWORK**

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

### **1) Legislative Framework**

#### **A. The Land Acquisition Act of 1950 (LAA) and Subsequent Amendments and Regulations**

101. 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 modeled mainly on the English Land Clauses Acts, The Acquisition of Land Act 1919 and the Acquisition of Land Authorization Procedure Act 1946 and the Land Acquisition Act amended by Act 28 of 1964 is the premiere and oldest Land Acquisition Act in force today. It has several

amendments and the latest being the version of 1986 and the Revised Regulations, 2008 gazetted as No. 1585/ 7 on Tuesday, 20th of January 2009.

102. The revision made by gazette notification No.1585/7 on 20<sup>th</sup> 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.

103. 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. In case of road projects, this is the Ministry of Ports and Highways.
- 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 Dept. 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 (in case of roads, Ministry of Ports and Highways) to the Ministry of Land and Land Development.
- Minister of Land then issues and order 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 issue a requisition to the Superintendent of Surveys of the district to prepare and submit the plan.
- On receipt of PP the 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.

- 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.
- 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 (i) of LAA and register the title with the registrar of the land of relevant district.
- 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;
- 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 Resettlement Committee (LARC) Process and revision of regulations: No.1585/7 of 20 January 2009**

104. The introduction of LARC process to determine values of structures is a turning point of the valuation approach of LAA, although process is going to be terminated with the enforcement of revision made by the gazette notification No.1585/7 on 20 January 2009, mentioned above. LARC process adopted by the Ministry of Port and Highways attempted to fill the gap between replacement cost and the valuation based on depreciation principle of assets, up to then adopted in the valuation of affected structures. LARC system introduced a reviewing process for valuation of structures, if affected parties are not satisfied with the valuation offered by the acquisition officer. This revision is made through a consultative process with the participation of affected party and the relevant government officials related to land acquisition and valuation. The revision mechanism had two committees 1) at divisional level, and 2) at national (ministerial level), and affected parties could bring their cases first to divisional level, and if they are not satisfied with the decision of divisional committee to the national level committee, functioned as a board of appeal, chaired by Secretary/ Ministry of Ports and Highways.
105. Though LARC system is a short lived administrative arrangement built outside to LAA to value acquired structures, the approach has provided a pragmatic way out to overcome public distrust over lower valuation of assets through LA process. There was a wide spread general opinion that compensation paid for land through LAA process is very much less than the prevailing market values. This was the main reason for property owners to object any land acquisition irrespective of the benefits going to be accrued by proposed development projects. LARC system implemented for road sector land acquisition has a proven success, and has effectively worked for Southern Expressway. Our field observations revealed that land acquisition officers, especially operating at divisional level, appreciate LARC system as a positive approach for solving grievances of affected people on valuation issues, and affected property owners also have shown similar views in the discussions held with them.

106. The cessation of LARC process is a result of making uniformity in valuation of assets in the implementation of LA. Government wished to do away with agency specific concessionary valuations operating outside to LA statutory provisions. The new regulation No.1585/7 gazetted on 20<sup>th</sup> January 2009, is expected to take new look on replacement cost in the valuation, in addition to its other progressive valuation elements.
107. However, LARC process is going to be operative for Homagama-Godagama Road section of A 004 as the LAA process of this road has been commenced before the adaptation of 2009 LAA Regulation Revision, and hence, project planers have to pay attention on LARC system, regarding the appeals submitting for revisions of compensation amounts paid under LAA.

### **C. Land Development Ordinance (1935)**

108. 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 'Swarna Boomi' (golden land) or 'Jaya Boomi' (Golden land). 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 if they are not reserved land.

### **D. Road Development Authority Act No. 73 of 1981**

109. 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, leveling, provision of footpaths, treatment for mitigation of dust or any other works beyond ordinary repairs).
110. The functions and duties of the RDA include, inter alia, carrying out integrated road planning and development, submitting such plans for government approval, and following approval, implementing the road development plans, works and activities.
111. 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.
112. 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.

#### **E. State Land Ordinance No.8 of 1947**

113. 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.

#### **F. Prescriptive Ordinance Bo.22 (1871)**

114. 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.

115. 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

## **2) Policy Framework**

### **G. National Environmental Act No 47 of 1980 (NEA)**

116. 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.
117. 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”.
118. 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.
119. 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 CEA was tasked to review and approve Resettlement Plans (RPs) prepared by project executing agencies. The plans also required to be publicly available.
120. In addition to NIRP, ADBs Safeguard Policy Statement, 2009 have similar requirements and guidelines reinforcing each other.

### **H. National Involuntary Resettlement Policy (NIRP) 2001**

121. The Government has adopted National Involuntary Resettlement Policy (NIRP) 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 social unrests and miseries adding turmoil to various disruptions. 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.
122. 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 are using the land in question over many years. 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.

123. 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.
124. NIRP was developed thorough 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.

### **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.
125. 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.

126. A detailed summary of NIRP which include rationale, objectives, scope, policy principles, institutional responsibilities, monitoring and evaluation etc. are given in the Annexure 2.1

#### **I. Safeguard Policy Statement, 2009 of ADB**

127. 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.

#### **J. Existing Gaps in LAA and NIRP vis-à-vis SPS**

128. There are differences between LAA, 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-a-vis the NIRP and the SPS are analysed in the table 28 below.

**Table 28 – GAPS analysis between SPS and NIRP**

<b>Aspect</b>	<b>GOSL Laws/Policies</b>	<b>ADB's SPS</b>	<b>Measures to Bridge the GAP</b>
Requirement of an 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	RP is required For Category A and category B projects.	PMU follow the NIRP which spell out the type of RP to be prepared and implemented.
	Resettlement issues.		
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 or resettlement assistance.	Provision is available in the Entitlement package approved by the Cabinet of Ministers to make fair and just treatment. Entitlement matrix is a part of RP
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)	PMU follow 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 ESD and ADB. The entitlement matrix will be translated into local language and circulated to DPs.
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	PMU follow 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	PMU 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

<b>Aspect</b>	<b>GOSL Laws/Policies</b>	<b>ADB's SPS</b>	<b>Measures to Bridge the GAP</b>
Acquisition within 48hrs on an urgency basis	Under 38(a) of LAA, after 48 hrs, 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	PMU follow the NIRP and SPS
Replacement Cost	Provided in the NIRP, replacement cost according to regulation gazetted on 20th January 2009.	At full Replacement Cost	Project will follow the NIRP and Cabinet approved entitlement matrix
Assistance for vulnerable people	LAA is silent on this Aspect. NIRP require 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 instalments	LAA provides statutory compensation to be paid in instalments, 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.

129. It is proposed to bring amendments to the Land Acquisition Act, during this process the gaps that exist between Act and the NIRP might be considered in order to give legislative muscle to the policy on involuntary resettlement. The SPS and NIRP are almost similar in context.

## **CHAPTER 7 - ENTITLEMENTS, ASSISTANCE AND BENEFITS**

130. The eligibility policy, as spelled out in the LAA and the National Policy on Involuntary Resettlement (NIRP) and policy statements of international funding agencies such as ADB, is to ensure the provision of comprehensive compensation for lost assets and rehabilitation /or enhancement of livelihoods for all categories of displaced people, whether displaced directly, indirectly, permanently or temporarily, with or without titles, and includes tenants/lessees. For all lost lands and assets, compensation will be at replacement cost and paid promptly. The entitlement matrix has been used for existing ADB funded projects implemented by the RDA.
131. Losses of a temporary nature to private property are frequent during the construction period. Contractors need to occupy private land to store material, equipment and vehicles. They also need land to erect temporary camps for labourers. Private property can often get damaged due to such uses. In accordance with NIRP policy expectations, all such losses will be fully compensated and the PMU has the responsibility for granting such compensation calculated on the rates that are current. Vulnerable Groups identified will be especially supported for livelihood revival for ensuring that they do not slide into poverty due to resettlement.

### **A. Replacement Cost**

132. Replacement cost could be defined as the compensation required in replacing a similar land in a similar location and a building of similar floor area and construction.

### **B. Loss of Buildings**

133. Replacement cost will be paid for all buildings irrespective of the age of the building. DPs are entitled to retain the salvage materials. Although, compensation has been paid for these items, they are not really useful to RDA/or government. These scrap materials are only useful for people who used them for some time, and this system reduces property owners' graveness at least in a small way. The affected people normally hold the view that government valuation is lower than the market rates, and allowing property owners to take them is a type of concession that government can afford. They can use these materials for putting up temporary structures for residential and storing purposes until they find permanent solutions. On the other hand, if these salvage items are taken by the government, it has to bear a big cost for their security, storage, transport and maintenance/disposal etc., which is not worthwhile compared to the values of these salvage materials. In order to ensure that displaced persons do not suffer any loss but is compensated even for a better standard, a DP who was in occupation of even a cadjan hut (made by tree leaves) is entitled to a cash grant of Rs.300, 000/- for the loss of the house in addition to other compensation available for them.

### **C. Loss of Agricultural Land**

134. Land that is under perennial crops or cultivated seasonally or annually by the owner or lessee or tenant, households will be classified as fully displaced when the loss is:

<b>Total area</b>	<b>Displaced area</b>	<b>Compensation applicable</b>
Less than 01 acre	10%	Cash or land (if available + Livelihood Grant for loss of crops
More than 01 acre	25% same as above	

94. Title holders who lose less than 10% from a total holding of one acre or less and less than 25% from an extent of more than 01 acre are classified as marginally displaced persons and are only entitled to cash compensation and for loss of crops.

#### **D. Temporary Loss of Private Land**

135. During construction, temporary occupation of privately owned land may be required to excavate materials for filling and formation of embankments. If such a necessity occurs the contractor with the concurrence of PMU will sign a temporary occupation contract with the owner of the land specifying; (1) Period of occupancy (2) Terms and compensation amounts mutually agreed (3) Compensation for material losses for the duration of the temporary occupation period (4) Compensation for other disturbances and damages caused to property (5) Frequency of compensation payment (6) Rehabilitation and restoration measures (7) Land will be returned to the owner at the end of the temporary occupation period restored to its original condition or improved, according to the agreement.

#### **E. Determination of Rates for Properties Acquired**

136. The rates that will be used for the calculation of compensation for the acquired properties will be based on the prevailing market rates in order to reflect the cost of replacement of the properties acquired.

#### **F. Special Needs of Vulnerable Households**

137. Vulnerable households have been identified are entitled to a special grant of Rs.15,000/- per household in addition to the compensation available for other losses. PMU will support them through community workers during the construction of their houses and support them for livelihoods. Vulnerable people depending on the category and degree of vulnerability may be linked to national institutions that provide assistance and interventions for such groups.

#### **G. Entitlements for Tenant Cultivators (Under Paddy Lands Act)**

138. The Paddy Lands Act of 1958 recognizes the tenant rights for cultivation paying a prescribed share of harvest to the landowner. The Paddy Lands Act ensures the perpetuity of tenancy. As per the provisions of the Paddy Lands Act, part of the compensation of the acquired property is allocated to the tenant.

#### **H. Land Owned by state Corporations**

139. People who are in possession of lease agreements with state corporations are entitled to loss of income for the balance period of the lease agreement.

**Table 29- Entitlement Matrix**

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
<b>A. AGRICULTURAL LAND</b>				
Loss of Agricultural land	Owner with title deed or registration certificate	All (cash) payments for land will be at replacement costs. Cash payment for loss of standing crops and trees at market prices. In case the DP loses 10% or more of their productive income generating assets and / or remaining portion is economically not viable for continued use as determined by LARC, these options will be available: 1) If opted by DP, the remainder land will be acquired or injury will be paid at	Payment for lost assets and restoration of livelihood. Payment for loss of income based on entitlement under Land Acquisition Act [46 1 (iii)] or as determined by the LARC.	RDA, CV, DS, LARC.
		Replacement cost if economically not viable. Reasonable time will be given to harvest perennial crops if not payment will be made at Market value. 2) Preference will be given to DPs for land for Land option (similar location and productive quality, subject to availability or cash payment for loss of land at full replacement costs. Cash Payment for loss of income for portion of land as Per the land acquisition Act or as determined by the LARC.		
Loss of access to agricultural land	Tenant, user with lease	No payment for land. Cash payment for loss of standing crops and trees at market Prices, if cultivated by tenant or user with lease; AND Cash payment for loss of net income for portion of land affected for the remaining leased/assigned period.	Payment to cover lost crops and restoration of livelihood	RDA, CV, DS, LARC.
Loss of access to agricultural land	Non-titled user or squatter on private or state land	No payment for land. Cash payment for loss of standing Crops and trees at market prices, if cultivated by him.	Payment to cover lost crops And restoration of livelihood.	RDA, CV, DS, LARC.
<b>B. RESIDENTIAL LAND AND STRUCTURES</b>				

Loss of Residential land and structure	Owner with title deed or registration certificate	All (cash) payments for land and structure will be made at replacement costs. All payments at replacement cost in cash, according to the actual loss to repair or rebuild the structure to original or better condition when remaining land is sufficient to rebuild; for structures not having sufficient land to rebuild, DPs will be entitled to the following: 1. All (cash) payments for land and structure at full replacement cost (for materials and labor) in cash, WITHOUT deduction for depreciation or salvageable materials; 2. Assistance from LARC to locate alternative plot	Payment for lost assets, assistance to reorganize on existing land or relocate on Alternate land and support for transition period.	RDA, CV, DS, LARC.
--	---	--	---	--------------------

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility																	
		<p>For relocation; OR 3. Rehabilitation package G 2. Shifting allowance G1</p> <p>4. Displaced persons who lose their residence completely he/she is entitled to extra allowance between Rs.150,000 to Rs.500,000 depending on the location</p> <p>5. For non-title holder the allowance for alternative land varies from the Rs.100,000 to Rs.250,000 depending on the location.</p> <p>Rent allowance varying from Rs. 20,000 to Rs.100,000 will be paid according to the location (Local Authority Area). Minimum payment for a house (Hut) irrespective of the title will be Rs.300,000.</p>																			
Shops and Houses under the Rent Act	Owner/Renter/ Lessee	<p>Difference between replacement cost and statutory Payment to be divided between the owner and the occupant on the following basis. Payment of compensation at replacement cost, according to the following criteria.</p>	Equitable distribution of Compensation depending on the period of occupation.	D.S, Valuation Department, RDA																	
		<table border="1"> <thead> <tr> <th rowspan="2">Period of occupation</th> <th colspan="2">% of payment</th> </tr> <tr> <th>Occu- pant</th> <th>owner</th> </tr> </thead> <tbody> <tr> <td>Over 20 years</td> <td>75</td> <td>25</td> </tr> <tr> <td>10-20 years</td> <td>50</td> <td>50</td> </tr> <tr> <td>05-10 years</td> <td>25</td> <td>75</td> </tr> <tr> <td>Less than 05 years</td> <td>10</td> <td>90</td> </tr> </tbody> </table>			Period of occupation	% of payment		Occu- pant	owner	Over 20 years	75	25	10-20 years	50	50	05-10 years	25	75	Less than 05 years	10	90
		Period of occupation				% of payment															
					Occu- pant	owner															
		Over 20 years			75	25															
		10-20 years			50	50															
05-10 years	25	75																			
Less than 05 years	10	90																			
Loss of rental accommodation	Tenant, user with lease	<p>If there is partial loss of rental accommodation, DP has the option to stay with the owners agreement OR if DP chooses to move out, cash assistance of Rs.15,000. AND Assistance in</p>	Cash payment for rental allowance or cash value of remaining lease, assistance for	RDA, CV, DS, LARC.																	

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
		Finding new affordable rental accommodation.	finding alternate rental accommodation and support during transition period.	
Loss of residential structure	Non-titled user, non-permitted user or squatter	No payment for land. All payments for structure at replacement costs in materials, cash according to the actual loss for repairing or rebuilding the structure; AND If affected land is state land DP may rebuild on the remaining land with permission, and if affected land is private land the project will encourage DP to relinquish the land and relocate on alternate land or DPs can rebuild on existing land then shifting assistance G 1 i. If DP has to relocate then Rehabilitation package – G 1 ii and G 2. If part of the structure is acquired, the area to be considered for payment will be calculated up to the structural support point.	Payment for lost assets, assistance to reorganize on land or provision of alternate site if choosing to relocate and support for transition period.	RDA, CV, DS, LARC.
<b>C. COMMERCIAL LAND AND STRUCTURES (INCLUDES CORPORATES)</b>				
Loss of commercial land and structure	Owner / operator of registered business	All (cash) payments for land lost at full replacement cost; Payment at replacement cost in cash, according to the actual loss to repair or rebuild the structure to original or better condition when remaining land sufficient to rebuild upon; Payment for any associated loss of income while commercial structure is being rebuilt. For structures not having sufficient land to rebuild will be entitled to the following: 1. All (cash) payments for structures lost at full replacement cost (for materials and labor) cash, WITHOUT	Project shall give reasonable time for DPs to Continue their business operation while rebuilding their structures. DPs will rebuild their structure as soon as payment is released and clear the area in the agreed timeframe. Transition assistance and	RDA, CV, DS, LARC.

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
		<p>Deduction for depreciation or salvageable materials; 2. Assistance from LARC to locate alternative plot for relocation; OR if opted by DP on recovery of the undeveloped Value of the plot depending on availability of land. 3. For income losses cash payment not exceeding three times the average annual net profits from business, as shown by the books of accounts, for three calendar years immediately preceding acquisition or livelihood restoration grant, whichever is higher. For businesses who do not Maintain books of accounts cash payment equivalent to 6 months net income OR 4. Livelihood assistance grant, Rs.15,000 whichever is the higher; 5. Rehabilitation Package – G 2 and G2 ii if required.</p>	Income restoration.	
Loss of commercial Structure	Tenant / operator of registered business	<p>If there is partial loss of structure, DP has the option to stay with the owners agreement or if DP chooses to move out, cash assistance ofRs.15,000., AND Assistance in finding new affordable rented premises to re-establish business For income losses cash payment not exceeding three times the average annual net profits from business, as shown by the books of accounts, for three calendar years immediately preceding acquisition or livelihood restoration grant, whichever is higher. For businesses who do not maintain books of accounts cash payment equivalent to 6 months net income OR Rs.15,000. Livelihood assistance grant, whichever is the higher.</p>	Cash payment for livelihood restoration, Assistance for finding alternate rental accommodation and support for income losses and during transition period.	RDA, CV, DS, LARC.

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
		If part of the structure is acquired the area to be considered for payment will be calculated up to the structural support point.		
Loss of commercial Structure	Owner or operator of non-registered business / squatter	For structure – all payments for structure lost at replacement cost in cash, according to the actual loss; AND For income - cash payment equivalent to 6 months income OR Livelihood assistance grant, whichever is the higher; AND If affected land is state land or if land is private land the project will encourage DP to relinquish the land and relocate on alternate land or/ AND Rehabilitation package – Items G.2, and G.2 ii if required.	Payment for lost assets, transition assistance and income restoration	RDA, CV, DS, LARC.
<b>D. OTHER PRIVATE PROPERTIES OR SECONDARY STRUCTURES</b>				
Partial or complete loss of other property or Secondary structure (i.e. shed, outdoor latrine, rice store, animal pen etc.).	Owners of structures (regardless of if the land is owned or not)	All (cash) payments for affected structure at replacement cost; OR Cost of repair of structure to original or better condition; OR Cash assistance for relocation of structure.	Payment for loss and relocation if required	RDA, CV, DS, LARC.
Loss of tombs or graves	All owners	All cash payments per tomb to cover the cost of exhumation (Including any religious ceremony) if required relocation OR cash payments of Rs.15,000. per tomb to cover the cost of exhumation (including any religious ceremonies if required)	Payment for loss and relocation if required	RDA, CV, DS, LARC.
<b>E. LOSS OF INCOME OF EMPLOYEES OR HIRED LABOR</b>				
<b>E.1 Temporarily Affected</b>				
While business re-establishes (i.e.	All affected employees, wage or daily laborers in	Cash payment of Rs.15,000/ or three months' salary whichever is more.	Businesses will be encouraged to retain existing employees.	RDA, CV, LARC

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
reorganizing on remaining land or relocating in the same area)	Private or government businesses.		Payment for lost income during business re-establishment	
<b>E.2 Permanently Affected</b>				
Job loss due to relocation of business to another area or business operator decides not to Re-establish.	All affected employees, Wage or daily laborers in private or government businesses.	Cash payment of Rs.15,000/ or three months' salary whichever is more.	Payment for lost income, Rehabilitation package to provide support and income restoration.	RDA, CV, LARC
<b>F. TREES &amp; STANDING CROPS (already included under A)</b>				
Loss of crops and trees	Person who cultivates crops and/or trees owns by private /state; if the trees in private the timber given to owner and if trees in state land the timber given to timber cooperation; (regardless if the land is owned or not)	For owner, payment for crops and trees at market prices; For tenant, payment for crops shall be paid to tenant; For sharecropper, payment for crops shall be shared between owner and sharecropper according to the sharecropping agreement; For all - advance notice to harvest crop; AND Payment for net value of crops where harvesting is not possible; AND Cash payment for loss of trees and standing crops at market prices; AND Rights to resources from privately owned trees (i.e. timber or firewood) All felled trees will be given back to the owners.	Payment for losses Payment for trees calculated on market value on the basis of land productivity, type, age, and productive value of affected trees	RDA, CV, DS, LARC
<b>G. LIVELIHOOD RESTORATION &amp; REHABILITATION ASSISTANCE</b>				
<b>G.1 Materials Transport Allowance</b>				
i. Re-organization of residential structure	DPs reorganizing or rebuilding on same plot	Cash assistance (shifting allowance) of Rs.5,000/ to 15,000/ depending on the floor area of the house.	Payment for disturbance and to assist in rebuilding	RDA, CV, LARC
ii. DP requiring relocation for housing	Relocating DPs	Cash assistance (relocation allowance) of Rs.5,000/ up to an amount of Rs.15,000. DP/household for transportation to new location or site based on floor area of	Allowance to cover transport of household or commercial effects, salvaged and new building	RDA, CV, LARC

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
		the house in occupation before relocation.	materials	
<b>G.2 Livelihood Restoration (Grants &amp; Training)</b>				
i. Permanent effects on livelihood.	DPs/household	Livelihood restoration grant - as cash assistance of Rs.15,000/ per household (plus professional assistance and advice, if required, to invest funds or to set up a business at a commercially viable location).	Cash sum to offset income losses not directly paid for, to provide support while business re-establishing or as start-up investment for new business if DP has to change livelihood.	RDA, CV, LARC
ii. Permanent effects on livelihood.	Severely affected farmers remaining on affected land.	Assistance to increase productivity on remaining land (i.e. increasing cropping intensity, use of high yielding seeds, diversification and introduction of new seeds or crops etc.) and assistance to access existing subsidies.	Access to existing agricultural extension services and development of new services as per the specific needs of DPs as identified through consultation with them, support for access to existing subsidies, development and training from Department of Agriculture, Tea Smallholding Authority, Agrarian Services Department, Coconut Development Board, and Rubber Control	RDA, CV, LARC
<b>G.4 Special Assistance</b>				

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
Agricultural Lands other than paddy lands - title holder	Owner	For the agricultural land compensation payable under A and B in item one is applicable, payment of 5% of the statutory value subject to a minimum value of Rs.10,000/ and a maximum of Rs.100,000. if vacant possession is handed over on or before a date stipulated by the RDA/DS Sufficient time to be given to harvest crops or compensation for the loss of crops.		RDA, Valuation Department, D.S
Incentive payment	Owner or occupant at the time of handing over the property.	Ex-gratia payment of 25% of the statutory value of the building to be paid, if handed over in vacant position on date stipulated by the D.S/ RDA, subject to a minimum of Rs.25,000/ and maximum of Rs.500,000.	To encourage DPs to handover the acquired properties on a time.	D.S, Valuation Department, RDA
Effects on vulnerable DPs	Vulnerable DPs including the poor, elderly DPs, ethnic minority households IPs, female - headed households, and disabled.	A special grant of Rs.15,000/ per DP/household to improve living standards of vulnerable DPs and households Assistance to vulnerable households in finding suitable land for relocation and shifting.	Assistance, over and above payment for lost assets, to reduce impacts of resettlement which can disproportionately affect the already vulnerable and to ensure that the project does not simply re-establish levels of poverty, vulnerability or	RDA, CV, LARC
<b>H. COMMUNITY ASSETS</b>				
Loss of buildings and other structures (schools, temples, clinics, walls etc.),	Divisional Secretary of the division, urban ward, village, local community or local authority owning or	Restoration in existing location of affected community buildings, structures, infrastructure and common property resources to original or better condition; OR Replacement in alternative location identified in	Full restoration of buildings, structures, infrastructure, services or other community resources by contractor (costs	RDA, CV, LARC

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
infrastructure (local roads, footpaths, bridges, irrigation, water points or communal hand pumps etc.), common resources (such as water supply, community forests).	benefiting from community property, infrastructure or resources.	consultation with affected communities and relevant authorities; OR (Cash) Payment at full replacement cost; AND restoration of buildings, structures, infrastructure, services or other community resources.	to be borne by project) or payment for such if agreement is reached for local authority or community to undertake the restoration works.	
Government owned premises	The affected premises of the government institution	As only secondary structure are affected, the project will compensate by reconstructing those structures	Land is not compensated at government itself pays for all land acquisition costs.	RDA, PMU
<b>I. UNANTICIPATED IMPACT</b>				
Any unanticipated adverse impact due to project intervention.	Any unanticipated consequence of the project will be documented and mitigated in accordance with the spirit of the principles agreed upon in this policy framework.			

140. Government owned and used land is not compensated as government itself is paying for it. In this project, only secondary structures e.g. walls and fences of government premises are affected and these will be compensated for replacement at current rates.

#### **K. Cut-off Date**

141. As per the cut-off date stipulated in the previous RPs eligibility for entitlement is the date of publication of the Section 2 notice under LAA for titleholders and for non-titleholders as well. The date of Section 2 notification is 07 September 2012 for this stretch of road. In case of titleholders, the relevance of cut-off date is related to the additional constructions and improvements, which have to be excluded from compensation. In case of non-titleholders, cut-off date is important as it prevents new encroachers coming to the area after formal identification of land required for the project. The Section 2 notification is the first official announcement making publicly on the acquisition and hence provide a meaningful ground for the cut-off date.

## CHAPTER 8 - RELOCATION OF HOUSING AND SETTLEMENTS

142. Relocation was not identified during the survey and is not anticipated. If there is any need for relocation, the PMU with the assistance of Divisional Secretaries will take adequate measures to help the any displaced person to restore their businesses/ livelihood in a manner that did not disrupt their style of lives and socio economic standards.

### A. Options for relocation of housing and other structures

143. Options for relocation of housing and other structures, including replacement housing, replacement cash compensation, and self-selection are available to the DPs. The following are the options;

- a) On the same premises if sufficient land is available for reconstructing the lost building.
- b) On a land up to 20 perches provided by the PMU in consultation with the DPs and the host community, provided suitable land is available in close proximity to the DPs original habitats.
- c) On a land selected and purchased by the DP on his own for relocation (self-relocation).

144. In the case of sites chosen by the PMU in consultation with the DPs and host community, if such sites are available, all infrastructure facilities required at the resettlement site will be provided by the PMU. When a DP has taken the decision to relocate by himself/herself at a site purchased by him/ her or another site owned by him/ her, such DPs are entitled under Ex-gratia system to following additional assistance depending on the local authority area of his original residence. However, to ensure that relocating households would not be impoverished or worse off as a result of their relocation, the following measures will be undertaken to assist the DPs based on the entitlement matrix developed for this project.

<b>Local Authority Area</b>	<b>Amount of additional compensation</b>
Municipality	Rs.500,000
Urban Council	Rs.300,000
Pradeshiya Sabah	Rs.150,000

145. Replacement cost will be paid for all buildings irrespective of the age of the building. DPs are entitled to retain the salvage materials. All DPs subject to relocation are entitled to following payments to assist them in the relocation process. Additionally the following allowances are also available:

- a) Rent allowance of Rs.50, 000 to Rs.100, 000/ (one time) depending on the area of his original residence and the floor area.
- b) Transport allowance of Rs.5,000/ to 15,000/ depending on the floor area of the original residence and for salvaged and new building materials is available. Salvage material is given free of charge to DPs.
- c) Livelihood grant of Rs.15, 000/ to vulnerable households.

## **B. Assistance for transfer and establish new site**

### **(i) Incentive Payments**

146. All DPs who hand over the possession of their properties on a date prescribed by the PMU will be entitled to an ex-gratia payment of 25% of the statutory valuation of the building subject to a minimum of Rs.25,000 and a maximum of Rs. 500,000.

### **(ii) Relocation Assistance for Encroachers**

147. A housing block up to 10 perches free of charge is targeted at a fully serviced resettlement site developed by the PMU. In lieu of a building block, if encroacher's original habitat was in a Municipal or Urban Council area, he/she is eligible for 50% of the cash grant entitled for a title holder and Rs.100,000 if he/she comes from a Pradeshiya Sabah areas. They are also entitled to all other payments applicable to title holders except for the compensation for the land.

### **(iii) Cultivated Agricultural Land**

148. A 5% of the statutory payment is made (section 17) subject to a minimum of Rs. 10,000 and a maximum of Rs. 100,000.

### **(iv) Relocation of Sub Families**

149. Those married adult children who had lived with parents in the same house at least 03 years prior to the publication of Sec 02 notice under LAA, are entitled to a plot of land if suitable land is available from a fully serviced resettlement site up to 10 perches, free of charge or cash grant applicable to an encroacher in lieu of a plot of land.

### **(v) Loss of Community Facilities and Resources**

150. Affected community buildings and facilities will be repaired to their previous condition or replaced in consultation with displaced communities and relevant authorities. These include schools, temples, health centers, public wells, irrigation canals, foot bridges, cemeteries and accesses to community resources.

### **(vi) Loss of Public Utilities**

151. PMU will meet the relocation cost of all public utilities destructed, while respective state agencies that are specialized in such functions undertake construction/relocation responsibility of them under PMU's monitoring to ensure continuation of such utilities.

### **(vii) Damages Caused During Construction**

152. All damages caused during construction will be compensated by the contractor. This activity is monitored by the Social and Environmental Impact Monitoring Officers attached to the PMU. PMU has a close supervision on contractors through formal agreements.

### **(viii) Construction Related Disturbances**

153. If DPs living close to the ROW have to be temporarily evacuated during blasting and other operations that can make harmful incidents to DPs. Contractor has to compensate for the disturbances and inconvenience caused to DPs.

**(ix) Transfer of Ownership of Housing Lots Allocated at Resettlement Sites**

154. Titles to the housing lots given to the DPs will be transferred to them as soon as possible and all legal and stamp fees will be borne by the PMU.

**CHAPTER 9 - INCOME RESTORATION AND REHABILITATION**

**A. Status of impact on Livelihood**

155. All the affected structures due to road widening of Homagama- Godagama section of A004 road will experience partial and full impact, requiring relocation elsewhere for 43 cases. Out of all affected 222 213 structures are main structures using for residential and commercial purposes. Out of them 97 are going to be partially affected, 82 are fully affected but can be restored at same premises, and 43 fully affected structures have to be relocated elsewhere. This information is already discussed under Table -7 of Chapter 2. For easy reference it is produced again here.

“

**Table 7- Impact on residential and commercial structures  
(From Chapter 2 of the same report)**

Type of structure	Total Numbers			Total area (perches)
	Partially affected	Relocate on same plot	Relocate else where	
Residences (houses)	6	6	1	18.61
Shop houses	15	18	19	42.83
Commercial structures/ shop	76	49	23	174.50
Temporary Structure	0	2	0	3.95
Secondary Structures	0	7	0	22.38
<b>Total</b>	<b>97</b>	<b>82</b>	<b>43</b>	<b>262.27</b>

Source : Source: Preliminary plan prepared for Homagama- Godagama road section of A 004 road and field survey, January 2018

”

156. Out of the total 222 structures, 43 need to be relocated elsewhere, depending on the choices made by DPs in consultation with project officers. If DPs need, PMU has to help them to find alternative locations and other logistic support including transport facilities. As seen above, only one residential house needs relocation, but all other 42 DPs need relocation are commercial establishments. When they commence business in new locations (as they are compelled to do so), they need PMU’s support to establish in new areas. Most importantly, they need to be compensated adequately for their lost properties first. Next to this, they need help of business advisory services regarding their prospects in new areas and potential risks. PMU may support to have these services by way of conducting necessary consultations and exposing them to trained entrepreneur developers. If these services are not made in an organised manner, these businessmen have to run here and there in blind fold, without knowing correct destinations they have to reach. Finally, this creates disastrous end results, making DPs worse-off with the project. This situation needs to be avoided and PMU has to act very consciously to avoid DPs becoming worse-off.

157. In case of partially affected and DPs who can relocate within same premises also need PMU assistance for their recoveries. These DPs may have income losses due to temporary disruption to businesses. All these DPs affected during readjustment period will have to be compensated as per

the provisions made in the entitlement matrix. Those who lost income from their business and services are eligible to receive substantial income depending on their previous income received from their respective engagements. There are 124 such DPs losing their income temporarily.

158. The following table already discussed under Table 19, of Chapter 2 is presented here again

“

**Table 19 - Lost livelihood of DPs by the project**

Type of Livelihood	Partially Displaced		Fully Displaced		Total	
	Male	Female	Male	Female	Male	Female
Farmer	1	0	0	0	1	0
Skilled casual labour	4	1	0	0	4	1
Un-skilled casual labour	9	5	0	0	9	5
Shop sales attendant/worker	2	1	0	0	2	1
Vehicle driver	1	0	0	0	1	0
Business owner	140	27	35	21	175	48
Business manager	6	3	0	0	6	3
Government services/ executives	5	6	0	0	5	6
Government services/ other grades	5	9	0	0	5	9
Private sector/executive	6	0	0	0	6	0
Private sector/other grades	9	4	0	0	9	4
Foreign employment	3	2	0	0	3	2
Property renting	6	5	7	8	13	13
Other	1	0	0	0	1	0
<b>Total</b>	<b>198</b>	<b>63</b>	<b>42</b>	<b>29</b>	<b>240</b>	<b>92</b>

Source: Preliminary plan prepared for Homagama and Godagama road section of A4 road and field

”

159. A total of 332 persons have lost their livelihood partially (261) and fully (71) due to the project. All most, all of these livelihood losses are incurred in commercial activities. This is due to the existence of a prominent commercial sector in the project area. The losses incurred to female members are comparatively less, showing a share of 38.33%, but still it is very noticeable sum when disadvantage position of women are considered as income receivers. A great majority of income losers are business owners accounting to 223 out all 332 DPs, contributing to 67.17% share of all income lost DPs.

160. The business units included in the above table suggests that the businesses referred here are small enterprises managed mostly by owners themselves, as there are no corresponding workforce behind these businesses. There are only 19 private sector employees and nine (9) business managers have been listed in the table and this doesn't represent a strong large scale business practice in the area. However, irrespective to the scale of the business, income losses incurred to them have to be restored, considering their lost income from their

businesses and services depending on their previous income received from respective engagements.

## **B. Project as a Development Opportunity**

161. PMU views the resettlement program as a development opportunity for the displaced persons in all categories. As a priority matter, project benefits should flow to the displaced through associated institutional interventions such as adequate and timely compensation, income restoration programs, rehabilitation of vulnerable groups, and employment opportunities in construction related activities etc. The expectation is that DP after resettlement will be at an enhanced status of well-being than their pre-project era. Before designing a plan for income restoration, an appraisal will be done with the participation of the eligible, DPs to assess their needs, potentials and preferences for income restoration. Some of the strengths visible among the displaced persons and the environment include; reasonably high level of literacy, access to credit facilities, diversity of businesses, and the prevailing macro-economic climate. The prevailing physical and socioeconomic context is very conducive for business opportunities and avenues for employment.
162. The following categories of DPs are entitled to income restoration benefits:
- a) Farmers losing agricultural lands
  - b) Farmers with less than one acre of residual agricultural land
  - c) DPs losing reasonable income from homestead gardens.
  - d) DPs losing businesses.
  - e) Very poor who need institutional support to improve their income.
  - f) Vulnerable categories
163. Most of the displaced would suffer only temporary loss of business. The IRP strategy would be based on multiple approaches, reinforcing each other, targeted the DPs. IRP strategy includes the following approaches:
- Increase the awareness of the DPs
  - Develop of vocational, managerial and entrepreneurial skills
  - Improve and promote leadership qualities
  - Form organizations of and by members to address common issues.
  - Train in Human Resources Development
  - Train in occupational skills development
  - Members of target groups attend regular meetings conducted by RDA
  - Members of target groups open savings accounts and promote banking practices
  - Feedback information to the PMU to facilitate the implementation process and monitoring.

## **C. Organization to implement Income Restoration Plan**

164. PMU will act as a facilitator and a coordinator for the DPs to obtain the services and inputs available from the respective state and private institutions in the area of enterprise development, in addition to the implementation of its own income generation programmes.
165. NGOs and CBOs will play a key role in planning and implementing the income restoration program, as it is necessarily a community level program. PMU provides logistic support and initial funds required to implement the program. The Resettlement Officer attached to the PMU will be the focal person of the PMU with regard to income restoration. The restoration plan will have linkages with following institutions:

- Banks and other financial institutions
- Vocational Training Institutions
- National apprentice and Industrial Training Authority
- Assistance of the NGOs such as Chambers of Commerce

#### **D. Potential Income Restoration Programs**

166. Provisions also have been included in the Entitlement Matrix to assist the farmers, agricultural holders, tenants, business units and others who lose their income as a result of this project. Sri Lankan experience is that they prefer to stay close to the roads and remain on lands with reduced space in order to remain on land enjoying direct road frontages. As such DPs will be given the option to remain on the existing plot if the ongoing road widening allows it. When identifying potential income generating opportunities for needy people, emphasis will be paid to raw materials, availability of required infrastructure and market potentials. All DPs whose livelihoods are displaced under the project will be provided with livelihood restoration measures. From the experience of the previous ADB funded National Highway Sector Project, a separate income restoration program will be implemented through a consultant. The program will be initiated with the payment of compensation. The program will include the following:

- A livelihood restoration allowance to assist as seed money to re-establish a business
- Allowance and interventions for poor and vulnerable families
- Vocational or skilled training as identified through assessment
- Project related employment

#### **E. Training in Skills Development**

167. One person from each fully displaced household will be selected for skills development. Youth of the households losing dwellings and commercial premises will be given priority in the selection of trainees.

#### **F. Training in Entrepreneur Development**

168. Entrepreneur development will be provided to selected individuals who are capable of benefiting from such training after an initial screening purpose. The basic requirements would be willingness to commence a business or an industry and ability to raise capital. PMU will act as a facilitator to raise the capital and develop business plans of the interested DPs.

#### **G. Employment Opportunities during the Construction Phase**

169. It is envisaged that the following contractual work opportunities will be available to DPs during the construction phase of the project. The PMU will liaise with the contractor to find employment opportunities in the construction related activities.

- Light vehicle drivers
- Heavy vehicle drivers
- Masons
- Carpenters
- Welders
- Bar benders
- Computer operators
- Clerks

- Office Aides
- Laborers

170. The foregoing strategies are general programs for income generation targeting DPs at project level. The livelihood restoration program will address the specific needs of each and every DP who requests the service. This involves micro level planning for income generation at individual DP level and for this purpose the project will employ its settlement staff for coordination and obtaining technical and financial assistance from best relevant sources. Project office will follow up on progress by each DP and ensure that all the facilities are provided to them.

#### **H. Interim Measures**

171. Compensation for the loss of income due to acquisition of properties or employment will be paid as listed in the entitlement matrix.

## CHAPTER 10 - RESETTLEMENT BUDGET

172. Total cost of land acquisition and resettlement will be in the region of Rs. 2,987,870,017.35 equivalent to US\$ 19,153,012.93. This amount includes provisions for income restoration including training and contingencies. Table 28 details the major budget lines.

**Table 30 - Estimated Cost of Land Acquisition and Resettlement**

Item No.	Item	No.	Unit	LKR/Unit	Total (LKR)	Total (USD)
Compensation for Land and Structures	Residential	295.58	Perch	1,000,000	295,580,000.00	1,894,743.59
	Commercial	1080.69		2,000,000	2,161,380,000.00	13,855,000.00
	Agriculture Land	58.63		25,000	1,465,750.00	9,395.83
	Non-Agriculture	45.86		15,000	687,900.00	4,409.62
	Access Roads, Drains	128.62		10,000	1,286,200.00	8,244.87
	Houses	5066.57	Square foot	4000	20,266,280.00	129,912.05
	Shop houses	11660.47		4000	46,641,880.00	298,986.41
	Commercial structures/ shop	47507.63		3000	142,522,890.00	913,608.27
	Temporary Structure	1075.39		1000	1,075,390.00	6,893.53
	Secondary Structures	6092.96		750	4,569,720.00	29,293.08
Loss of Income	Business Income	321	DHH	40,000	12,840,000.00	82,307.69
Allowances	5% of Statutory (Agriculture)	5% of Sum	Lump Sum		73,287.50	469.79
	25% of Statutory (Buildings)	25% of Sum	Lump Sum		53,769,040.00	344,673.33
	Shifting allowance	13	DHH	50,000	650,000.00	4,166.67
	Relocation allowance	43	DHH	150,000	6,450,000.00	41,346.15
	Temporary Accommodation	13	DHH	40,000	520,000.00	3,333.33
	Vulnerable allowance	83	DHH	15,000	1,245,000.00	7,980.77
Utilities	Water Supply	388	DHH	20,000	7,760,000.00	49,743.59
	Electricity	388	DHH	20,000	7,760,000.00	49,743.59
	Telephone	388	DHH	10,000	3,880,000.00	24,871.79
	Proof evidence	725	Lots	2,500	1,812,500.00	11,618.59
<b>Subtotal 01</b>					<b>2,772,235,837.50</b>	<b>17,770,742.55</b>
Income restoration programme		2% pf Subtotal 1	Lump sum		55,368,444.35	354,925.93
External monitoring		18	months	250,000	4,500,000.00	28,846.15
<b>Subtotal 02</b>					<b>2,832,104,281.85</b>	<b>18,154,514.63</b>
Administration Cost (including public construction and GRM implementation)		0.5% pf Subtotal 2	Lump sum		14,160,521.41	90,772.57

Contingency	5% pf Subtotal 2	Lump sum		141,605,214.09	907,725.73
<b>Grand Total</b>				<b>2,987,870,017.35</b>	<b>19,153,012.93</b>

1 USD = 156LKR

173. This estimate is prepared based on the information gathered for the LARS held in January 2018. Further, team considered the values presented in the previous RPs which were based on the information collected during previous studies and surveys undertaken by previous RP development teams. For assessing land values, study team consulted real estate agencies, public notaries, officers of government land registries, DS staff, Grama Niladari and other field level officers etc. In addition, team has participated in lengthy discussions with area residents, individually and collectively, before concluding decisions on land values.

## CHAPTER 11 - INSTITUTIONAL ARRANGEMENTS

174. Improving existing roads involve accomplishments of several legal and social requirements in addition to their construction related work. This is mainly to assure sustainability of development projects and their benefits. For this purpose, development projects have to be proceeded in harmony with natural atmospheres. If development project creates adverse effects on environment and social surroundings, development projects become less attractive to people, and in worse scenarios no one want them, as they create more losses than gains. Finally, they will end without fluffing any useful purpose. The environment and social safeguard policies are aiming at to prevent this undesirable situation by identifying negative impacts of development projects falling on environment and social settings, temporarily an permanently. This safeguard compliance works as an early warning system, protecting interest of all concerned parties, including the public. This system supports development projects to survive better, without making inconstancies with environment and social life of the people.

175. In the implementation of safeguard compliance, several state and NGO agencies have direct involvements in carrying out these responsibilities. Following are the key state agencies, in addition to the RDA that will have direct responsibility with resettlement interventions;

- Ministry of Land and Land Development
- District Secretary
- Divisional Secretaries, their staff including Grama Niladharis
- Survey Department
- Valuation Department
- Government Printer
- Central Environmental Authority
- Municipal Councils and Pradeshiya Sabas of project areas
- Ceylon Electricity Board
- Water Supply and Drainage Board
- Sri Lanka Telecom Ltd
- ✓ Sri Lanka Police

176. Some of the above agencies have representative offices at provincial and district/divisional levels. Contractors and consultants employed by the PMU, Community Based Organizations of DPs, NGOs and other civic organizations also play a significant role in the implementation process of safeguard compliance related to road development projects.

#### A. RDA/PMU

177. The Project Management Unit is highly experienced in implementing ADB funded projects. PMU staffs are already recruited including environment and social officers. Currently under PMU there are ten Resettlement Assistants supporting the safeguard compliance. All ten staff are graduates with relevant experience in implementing similar projects. Further, PMU has continuous support from ESDD of RDA in the areas of planning and implementation of social safeguard interventions. The PMU together with the Environmental and Social Division (ESDD) of RDA will perform following key activities related to safeguard compliance;

- ✓ Conduct environmental and social situation assessments, including Land Acquisition and Resettlement Surveys(LARS) and Socioeconomic Surveys (SES),
- Conduct awareness meetings with stakeholders to disseminate information in respect of the project and make continuous efforts to update information with necessary feedback and support two-way communication regarding information collection and dissemination,
- Distribute informative bulletins to ensure transparency,
- Surveys to collect necessary data for resettlement planning,
- Coordinate and assist the land acquisition process with the DS, Survey and Valuation departments and other relevant government agencies and DPs,
- Prepare Resettlement Plans and implement them with the aim of restoring/improving the lives of the Displaced Persons at least to the pre project level,
- Support execution of reasonable compensation package to realize the objectives of the NIRP.
- Assist/ and coordinate with relevant agencies to restore/improve the income of the DPs,
- Coordinate with community based organizations to assist DPs in resettlement activities,
  
- Identify resettlement sites in consultation with the DPs and host communities when necessary,
- Assist DPs on resettlement in new sites selected jointly,
- Expedite the payment of compensation by assisting the DS and the DPs,
- Coordinate/monitor the activities of GRCs,
- Assist vulnerable; including women and poor,
- Monitor the resettlement plan with identifiable indicators.
- Develop a plan to address gender concerns,
- Implement the construction program through contractors and supervision consultants.
- Monitor the construction program,
- Prepare/submit required periodic reports to the relevant state agencies and ADB,
- Ensure flow of funds to maintain a healthy cash flow,
- Maintain MIS with networking to relevant agencies,

178. For acceleration of acquisition process and ensuring justice for DPs, PMU supports DPs with the following;

- Advise the DPs regarding the list of documents to be submitted at the title determination inquiries conducted under Section 9 of the LAA,
- Ensure timely cash flows to assist DSs to pay the statutory payments as they are due,
- Prepare individual cheques and hand them over to DS to effect payments,
- Assist DS to inform the DPs in advance regarding the payment of compensation,
- Prepare the list of DPs with categories of compensation they are entitled to,
- Document grievances if any made by the DP,
- Make arrangement to pay the interest due on the statutory payment through the DS,
- Arrange to distribute a certificate with details of the compensation paid to each DP,
- Allow a period of 4-6 weeks after the payment of statutory compensation and other assistance for the DP to hand over vacant possession of the property,
- RDA/PMU should pay the incentive payment due to the DP immediately after the ADP handover the vacant possession within the prescribed period to the DS. RDA stores all data in respect of compensation in a pre-prepared data base,
- Maintain a file for each DP, this file should contain, data on each DP collected at land acquisition and LARS and SES and the details of payments made and other correspondence with the DP.

## **B. Environment and Social Development Division (ESDD)**

179. Environment and Social Development Division (ESDD) is the focal division of RDA for safeguard compliance. ESDD assists RDAs/PMUs in conducting the Land Acquisition and Resettlement and Social and Economic Surveys including training of survey enumerators and data analysts. Reviewing of RPs is a major function of ESDD before they are submitted to the external authorities, including ADB in respect of RDA projects. If and when necessary, RDA can seek assistance of ESD as a resource base in Resettlement Planning.

## **C. Divisional Secretariat**

180. Divisional Secretary is responsible for civil administration of the division and hence land acquisition comes under his/her purview within the division. He/ She has coordinating responsibilities of all development work, in addition to planning and implementation of its own development projects/ programs in the division. DS is empowered with statutory provisions to acquire land and vest them with the agencies that require land under LAA. Similarly, before commencement of construction, RDA has to wait till DS vest land in RDA after going through LAA process. Although, formally all land acquisition work has to be done by the DS office, now for acceleration of the process, RDA/PMU assists DS for various activities of the acquisition, including arranging meetings with DPs and other stakeholders, preparation of paper work and gazette announcements for DS signature, and distribution of DS office notices to public. DSs are happy with this arrangement as it helps him to overcome DS office resource constraints with regard to land acquisition.

## **D. Field Office of the RDA/PMU**

181. A field office will be established to facilitate the land acquisition and resettlement inclusive of income restoration activity. This office will be located within the project area. A Resettlement Assistant will be stationed at this office with supportive staff to attend to the problems of DPs, and take necessary actions to solve them under the guidance of Project Director. It will help DPs to have better solutions by way of coordinating DPs and relevant authorities that are functioning in the areas where DPs need attention. Especially, this field office will be an attractive resource centre for DPs who need income restoration support. It will be equipped with information required for various types of livelihood development opportunities and post product situations, including marketing.

This office will help DPs to identify feasible income generating ventures and implement them successfully with the support of RDA/MU.

#### E. Project Implementation Consultants (PIC)

182. Construction Supervision Consultant is responsible to supervise, monitor, and guide the construction and assist resettlement planning and implementation. Table 31, below gives roles and responsibilities of all project stakeholders.

**Table 31- Roles and Responsibilities of Project Stakeholders**

<b>Agency / Unit</b>	<b>Roles and Responsibilities</b>
RDA /PMU	Preparation of land acquisition proposals, staffing, coordination with other relevant agencies, consultation with stake holders, dissemination of information, secure funds, identify lands for resettlement with DPs, procure land for resettlement sites when necessary, develop Infrastructure at resettlement sites, arrange income restoration projects. Attend to internal monitoring, progress review, Project MIS and documentation
Ministry of Port & Highways	Submit proposals forwarded by the RDA to MOL, arrange for funds including reimbursement responsibility
Ministry of Land and Land Development	Approval for the publications of relevant orders under LAA.
Divisional Secretary	Acquisition of land, payment of statutory compensation, payment of interest, consultation, information dissemination, GRC, and vesting of acquired land with the RDA Support implementation of RP when necessary on PIA's/PMUs' request Support rehabilitation and improvement of public utilities disturbed by land acquisition and construction program
Grama Niladhari	Delivery of notices under LAA to the DPs, consultation, facilitate acquisition of alternate lands, preparation of advance tracing and final plan by assisting the surveyors to identify the claimants,
Dept of Survey	Preparation of required survey maps on the request of DS
Valuation Department	Preparation of condition reports of the properties to be acquired, preparation of valuation reports,
Government Printer	Publication of gazette notifications relevant to land acquisition
Local Authority	Approval of resettlement sites, housing plans
Displaced Persons/ Affected Persons	Help in planning of resettlement site development, IRP
Construction Supervision Consultants	Planning, monitoring construction and resettlements

## CHAPTER 12 - IMPLEMENTATION SCHEDULE

183. The implementation schedule carries the time frame of accomplishment of each and every activity of the plan. Resettlement activities for this project will commence parallel to the ongoing land acquisition process, and this will be strengthened with the formal approval of this RP. In addition to the ongoing resettlement interventions carried out to support initial land acquisition process, remaining Resettlement Intentions will be implemented during a period of one and half years from April 2018. The existing PMU managing the Southern Road Connectivity Project (SRCP) will have the responsibility in the implementation of this Resettlement Plan.
184. Before demolition of structures, DPs will be again consulted, paid compensation and time given and agreed upon for re-constructing on same site or transfer to relocation site. This is intended to minimize ill effects of displacement or relocation on the DPs. Table 32- below gives implementation schedule with regard to implementation of resettlement activities.

**Table 32- Implementation Schedule**

Activities	Time after Commencement	Responsibility
Conduct of Census & SES and input of data & analysis	Month 2-3	PMU, LARD/ESD
Preparation of RP and submission to MoL & ADB for approval	Month 4	PMU, MoL, ESD, ADB
Land Acquisition -Process	Month 1-11	PMU, DS, SD, VD, GP, RDA, MoPH, MoL
Payment of Compensation	Month 6-10	PMU, SD, VD, MoPH, CSC, NGO
Relocate houses, shops, businesses	Month 16-18	PMU, LARD/ESD, CSC, NGO
Clear the ROW	Month 17 - 18	PMU, CSC
Issue notice for commencement of civil workers	Month 10-18	PMU and ,MoPH, ADB
Income Restoration	Month 17 - 18	PMU, LARD/ESD, CSC, NGO
Management Information System	Month 1- ongoing	PMU, LARD/ESD, CSC, NGO
Grievance Redressing	Month 5 - ongoing	GRC, Samatha Mandala, Other state institutions
Internal Monitoring	Month 03 - ongoing	PMU, LARD/ESD, CSC
External Monitoring	Month 6 – 24	External monitor, PMU, ARD/ESD & ADB

## CHAPTER 13 - MONITORING AND REPORTING

185. Resettlement Monitoring means the collection, analysis, reporting and use of information on the progress of resettlement, based on the RP. Monitoring focuses on physical and financial targets and the delivery of entitlements to persons displaced. Monitoring is usually conducted internally by the executing agency, sometimes with the assistance from external monitoring specialists.

### A. Internal Monitoring

186. Internal monitoring will be done by the RDA/PMU. Monitoring will be done in relation to the activities detailed out in the RP against the time frame and each activity. In addition to recording the progress in compensation payment and other resettlement activity, the PMU will prepare monitoring report to ensure that implementation of RP has produced the desired outcome. Information gathered from the monitoring exercise will be subjected to review by the RDA/PMU and other relevant stakeholders in view of taking remedial measures to mitigate or solve the problems that need institutional interventions.
187. Baseline data are needed to measure benefits accrued by the project for its target populations. Monitoring during project implementation is particularly important to inform the management about progress or any discrepancies in the implementation. Management is required to act upon the information and together with affected communities or target groups, design and implement solutions to reduce the discrepancies.
188. Field level monitoring will be done by the unit office of the PMU with the assistance of DPs, GNs CBOs. The mechanisms to be used in field level monitoring include (a) review of files, (b) informal sample survey of DPs, (c) key informant interviews, (d) in-depth case studies and (e) community public meetings.
189. Following set of key indicators will be used to conduct the monitoring (i) Comparison of pre-/post- socioeconomic status, (ii) restoration of income earning capacity, (iii) development of kinship ties, (iv) integration with the host villagers, (v) access to education, water supply, and sanitation, etc.
190. Unit Office of the PMU/RDA will submit monthly progress reports on the following activities to the PMU/RDA. PMU/RDA will submit a consolidated progress report of all road projects to RDA, Steering Committee and Project Coordinating Committee monthly. Indicators for the reporting include the following:
- ✓ Number of affected persons category wise
  - ✓ Land acquisition with details of the stage of the process for e.g number of Sec2 notices issued.
  - ✓ Number of DP prepared number of Sec 38 (a) issued etc.
  - ✓ Number of DPs paid with statutory compensation
  - ✓ Number of Buildings taken over by PMU
  - ✓ Number of DPs resettled at RDA site
  - ✓ Number of self-relocated people
  - ✓ Number of vulnerable people Assisted by the PMU
  - ✓ Number of gender issues reported by the DPs
  - ✓ Number of gender issues solved

- ✓ Number of DPs need income and livelihood restoration assistance
- ✓ Number of DPs assisted under IRP
- ✓ Number of GRC meetings held
- ✓ Number of complaints received by the GRC
- ✓ Number of grievances solved by the GRC

## **B. External Monitoring**

191. External monitoring will be done by the PIC. The specific tasks and methodology for external monitoring shall include;

- ✓ Review of pre-project (before displacement) baseline data on DPs ,
- ✓ The external monitors will verify the EAs monitoring information
- ✓ Advise on safe guard compliance issues if significant involuntary resettlement issues are identified, prepare a corrective action plan to address such issues
- ✓ Identification and selection of an appropriate set of indicators for gathering and analysing information on resettlement impacts
- ✓ Use of various formal and informal surveys for impact analysis
- ✓ Assessment of resettlement efficiency, effectiveness, impact and sustainability,
- ✓ Provide guidelines for future resettlement policy making and planning from the lessons learned

192. External monitoring will commence after the commencement of the resettlement program. External monitors will prepare semi-annual monitoring reports that describe the progress of implementation of resettlement activities and any compliance issues and corrective actions. RDA will submit semi-annual monitoring reports to ADB.

## **C. Computerized Management Information System (MIS)**

193. All information regarding loss of assets (inventory of losses) of individual DPs, and socio economic information will be stored in a data base maintained by the PMU/RDA. Soft copies of such data will be given to RDA/ESD for them to maintain a centralized data base. A Database Manager will be recruited to store and maintain the database.

## Annex 1: Land Acquisition and Resettlement Survey (LARS) Questionnaire

**ROAD DEVELOPMENT AUTHORITY**  
Land Acquisition and Resettlement Survey  
**CENSUS QUESTIONNIRE**

S. No:

**A. General Information:**

1. Road Code ..... 2. Chainage at Location ..... 3. Road Side Left Right

**4. Type of Land**

1. Residential	2. Trade/Business	3. Non Agricultural	4. Agricultural
5. Common Property	6. State Land	7. Other (Specify)	

5. Type of location Urban Semi Urban Rural

6. District..... 7. Divisional Secretariat Division .....

8. G.N. Division and Code Number ..... 9. Village/Town.....

10. Name of household head.....

11. National Identity Card No. of HH

12. Address .....

13. Respondent.....

14. Relation to the household head..... (Use code in the table below)

15. Ethnicity Sinhalese Tamil Moor Other

**B. Affected Households/Businesses Information:**

16. Characteristics of household (if the land is state owned and/or common property this question is not relevant)

S. No.	Name of HH member	Relation to chief Occupant *	Age	Sex*	Marital Status*	Any disabilities*	Education*	Occupation*	
								Primary	Secondary
1		CO							
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									

**\* Use numerical code:**

Relationship to household head (HH)	Disability	Occupation
1. Wife/Husband	1. Not disabled	1. Farming own land
2. Son	2. Major	2. Agricultural labour
3. Daughter	3. Minor	3. Non-agriculture labour (skilled)
4. Father		4. Non-agriculture labour (unskilled)
5. Mother		5. Fishing
6. Brother		6. Weaving
7. Sister		7. Animal Husbandry
8. Daughter in Law		8. Commercial Activities
9. Son in law		9. Vendor (Specify)
10. Other (specify)		10. Government Services/ Executive
		11. Government Services/ other grades
		12. Private Sector/ Executive
		13. Private Sector/ other grades
		14. Armed forces
		15. Police, Homeguard/Security Services
		16. Housewife
		17. Retired person
		18. Student
		19. Child (0-5 age)
		20. Unemployed
		21. Other (specify)

17. Potential impacts due to land acquisition for the road development project? (Multiple responses are allowed in priority order)

Description of Impact	Answer √
1. Loss of commercial land (owner with title deed or registration certificate) <i>Go to quest. 18</i>	
2. Loss of commercial structure (current owner of structure regardless if land is owned or not) <i>Go to quest. 18</i>	
3. Loss of commercial land and structure (owner with title deed or registration certificate) <i>Go to quest. 18</i>	
4. Loss of residential land (owner with title deed or registration certificate) <i>Go to quest. 20</i>	
5. Loss of Residential structure (current owner of structure regardless if land is owned or not) <i>Go to quest. 20</i>	
6. Loss of rental accommodation (tenant, user with lease) <i>Go to quest. 20</i> (Get details from the land owner)	
7. Loss of income of employees <i>Go to quest. 18</i>	
8. Loss of agricultural land (owner with title deed or registration certificate) <i>Go to quest. 20</i>	
9. Loss of agricultural land (tenant, user with lease, <i>Ande</i> farmer/sharecropper, non-title user or squatter on private or state land) <i>Go to quest. 20</i>	
10. Relocation of AP and his/her household <i>Go to quest. 20</i>	
11. Partial or complete loss of other property or secondary structure (i.e. fence, driveway, outdoor latrine, gate, shed, animal pen, etc.) <i>Go to quest. 20</i>	
12. Loss of tomb or graves (owner) <i>Go to quest. 20</i>	
13. Loss of crops, plants or trees (person who cultivates crops and/or own trees regardless if the land is owned or not) <i>Go to quest. 20</i>	
14. Temporary land loss during the road construction	

18. Commercial Activities (Though you have collected family details in Q. 16 it is necessary to collect trade/business details of the AP including other members (workers/employees) who support for business)

No	Relation to Businessman*	Age	Sex*	Any Disability*	Education*	Occupation*		Monthly Income/Allowances *	Magnitude of Impact to Each AP*
						Primary	Secondary		
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

\* Use numerical code:

Relation to the Businessman	Education	Occupation	Salary/Allowances (Rs.)
1. Businessman/Owner	1. Illiterate	1. Farming own land	1. < 5000
2. Manager	2. Can place signature	2. Agricultural labour	2. 5001-7500
3. Cashier	3. Waiting for schooling	3. Non-agriculture labour (skilled)	3. 7501 – 10000
4. Permanent Employee	4. Class I-V	4. Non-agriculture labour (unskilled)	4. 10001 – 15000
5. Casual Employee	5. Class VI-G.C.E. (O/L)	5. Fishing	5. 15001 – 25000
6. Security Guard	6. G.C.E. (O/L) Pass	6. Weaving	6. 25000 – 50000
7. Other (Specify)	7. G.C.E. (A/L) Pass	7. Animal Husbandry	7. 50001 – 100000
	8. Undergraduate/Graduate	8. Commercial Activities	8. 100001 - 200000
	9. Post Graduate	9. Vendor (Specify)	9. > 200001
1. Male	10. Other (specify)	10. Government Services/ Executive	
2. Female		11. Government Services/ other grades	<b>Impact to AP</b>
		12. Private Sector/ Executive	1. No impact
		13. Private Sector/ other grades	2. Permanent loss of income
		14. Armed forces	3. Temporary loss of income
		15. Police, Homeguard/Security Services	
		16. Housewife	
		17. Retired person	
		18. Student	
		19. Child (0-5 age)	
		20. Unemployed	

19. Specific details of commercial activities

Type of Business*	Year Commenced	Status of Registration	Place of Registration

\* Use numerical code:

1. Retail shop (essential items)	2. Whole sale shop (essential items)	3. Small shop (services)	4. Large shop (services)
5. Store	6. Garage/tyre shop/service centre	7. Vehicle yard (selling)	8. Hardware shop
9. Hotel /restaurant/bar	10. Tea shop	11. Fuel centre	12. Vegetable shop
13. Fruit shop	14. Fish stall	15. Small scale factory	16. Large scale factory
17. Other (specify)			

**C. Affected Land and Crops:**

20. Please provide information about your household's land holding status.

Land holding status	Year owned	Area (Perch)		Value of a perch (Rs.)	Type of use *		
		Total	Affected				
1. Owned and operated 1							
2. Owned and operated 2							
3. Owned and operated 3							
4. Shared in							
5. Shared out							
6. Mortgaged in							
7. Mortgaged out							
8. Leased							
9. Other							
Total land holding (perch)							

\* Use numerical code:

1. Residential	2. Trade	3. Agriculture	4. Horticulture	5. Bare land	6. Other
----------------	----------	----------------	-----------------	--------------	----------

21. Major crops cultivated and value.

Crop*	Quantity	Affected Quantity	Age of affected crops	Total area (perch)	Affected area (perch)	Value of a crop unit	Total value of the affected units

\* Use numerical code:

Type of cultivation			
1. Home garden (flower plants)	5. Cinnamon (bushes)	9. Bread fruit #	13. Fire wood #
2. Paddy (acres)	6. Banana (bushes)	10. Jack #	14. Timber #
3. Tea (acres)	7. Coconut/king coconut #	11. Lemon/Lime #	15. Other 1 (specify)
4. Rubber (acres)	8. Mango #	12. Orange #	16. Other 2 (specify)

22. Properties affected within the land affected.

Properties	Total Affected Area		Area Not Affected*	Nature of Impact		
	Number	Area *		Partially Affected	Value Rs.	Fully Affected
1. House						
2. Shop						
3. Combined House Shop						
4. Shed						
5. Barbed wire fence						
6. Parapet wall and gate						
7. Factory						
8. Store						
9. Other 1 (Specify)						
10. Other 2 (Specify)						

\* Square Feet

23. Status of land ownership

Legal Title	No Title but Claims Ownership	Tenant	Squatter	Lessee in Rented Accommodation

24. If tenant, squatter or lessee, provide full name, address, and phone number (if available) of the owner.....

25. Do you have land title deeds with you?

1. Yes

2. No

26. Do you think the remaining portion of land after the land acquisition is sufficient to readjust and start your

- Commercial activities      1. Yes            2. No
- Residential life              1. Yes            2. No
- Agricultural activities      1. Yes            2. No

**D. BUILDINGS/HOUSE/STRUCTURES AFFECTED (Only affected houses/assets):**

27. Do you own this house?                      1. Yes            2. No     

28. If no, who owns this house?

Name: ..... Address: .....  
 Phone Number/s: .....

29. On what conditions are you living in this home?  
 1. As house caretaker            2. On rent            3. Other (Specify)       .....

4. Monthly rental .....

30. Did you obtain any credit to build this/these structure/s?                      1. Yes            2. No     

31. If Yes Specify\*                     

\* Use numerical code:

1. Bank	2. NGO	3. Cooperative Society	4. Money Lender
5. Relative	6. Friends	7. Other (specify).....	

32. Please give the following information about the structure(s) affected by the project

Description	Structure 1	Structure 2	Structure 3	Structure 4
Type of structure*				
Type of use**				
Storeys				
Rooms				
Total area (L x W) (in feet)				
Availability of electricity***				
Availability of telephone***				
Availability of piped born water***				
Year built				
Replacement Price Rs.				

\* Use numerical code:

1. Thatched simple hut	2. Mud/brick/tiled roof	3. Cement/brick or cement block /tiled roof or Asbestos roof
4. Cement/brick or cement block /GI sheet roof	5. Cement/ brick or cement block/concrete roof	
6. Tiled/brick or cement block /tiled roof or Asbestos roof	7. Tiled/ brick or cement block/tiled roof or asbestos roof	
8. Others (specify) .....		

\*\* Use numerical code:

1. Residential house	2. Rented house	3. Trade/business	4. Residential and Trade
5. Stores	6. Shed	7. Abandoned/not in use	8. Other (specify) .....

\*\*\* Use numerical code:

Yes	1	No	2
-----	---	----	---

33. How many nuclear/sub families are living in your house/s?                     

34. Do you have another house which is not affected by the project?

1. Yes            2. No

35. If yes, where located?

1. District.....  
 2. Divisional Secretariat Division .....  
 3. G.N. Division and Code Number .....  
 4. Village/Town.....

36. Is there any space for your family's accommodation in case this house is taken by the project?

1. Yes  2. No

37. In case this building/house is acquired by the project, what kind of loss would you face?

- 1. Loss of regular income
- 2. Loss of house/land
- 3. Access to kin/ neighbour
- 4. Too difficult to acquire/build the property
- 5. Others (specify) .....

38. Have you made up your mind about location for resettlement?

1. Yes  2. No

39. If yes, where?

1. Near this site  2. Far away

40. Place: ..... Distance (km.)  
.....

41. Could you specify the reason for selecting the above-mentioned place for resettlement?

- 1. Because relatives are there  2. Own house/Land/Business there
- 3. Better facilities available are there  4. Others (Specify)  .....

42. Movable assets available

Type	Total		If Affected *	
	No/Quantity	Value/Price	No/Quantity	Value/Price
Animal husbandry				
Poultry				
Agricultural equipment				
Household materials/utensils				
Tractor				
Three Wheeler				
Lorry				
Bus				
Car				
Boat				
Bicycle				
Motor Cycle				
Radio				
TV				
Trade and Business (equipments/material)				
Other 1 (Specify).....				
Other 2 (Specify) .....				

\* Affected assets only

**E. PREFERENCES FOR COMPENSATION, RESETTLEMENT AND REHABILITATION:**

43. If your land or property is to be acquired by the project what type of compensation package do you prefer (select two in your priority and write 1 and 2)

- 1. Cash Payment
- 2. Land for land
- 3. House for house
- 4. Others (specify.....)

44. If you prefer cash compensation, please specify the reason.

- 1. To purchase land  2. To build house  3. To pay debt
- 4. To start business  5. Others (specify)  .....

45. If the project could offer you cash compensation only for the land you have lost, is it acceptable to you?

1. Yes  2. No  3. Don't Know

46. What kind of resettlement do you expect in case your house is affected by project?

1. Resettle by self  2. Resettle as Community

47. Are you aware of Government's policy on house/land acquisition by offering compensation to affected families?

1. Yes  2. No

48. Do you agree to your land/property being acquired according to the Land Acquisition Act?

1. Yes  2. No  3. Don't Know

49. Would you contribute your land for road construction?

1. Yes  2. No  3. Don't Know

**F. TYPE OF TRAINING AND SKILL DEVELOPMENT OF FAMILY MEMBERS:**

50. As a project affected household what kind of other opportunities/benefits do you expect from this project?

1. Employment  2. Skill training  3. Soft loan  Others (Specify)  .....

51. If you lose your main source of household income, would someone in your household be interested in training to learn another livelihood or improve or improve present skills?

1. Yes  2. No

52. Type of training preferred 1. Enhance existing skills  2. Learn new skills (specify)  .....

**G. SOCIAL RELATIONSHIP AND MEMBERSHIP IN LOCAL ORGANIZATIONS**

53. How many families live in the immediate vicinity of your home?  Nos.

54. Out of these families, how many families are your relatives?

55. If you or your family members have membership in local/community organizations. Please give the following information.

S. No. of family member (Refer Q. 16)	Name of Organization	Type of Membership*

\*Use numerical code:

- 1). Officer bearer 2). Active member (paid membership attend meeting) 3). General member 4). Other (specify)

56. What are the problems that you/your family might have to face as a result of the implementation of the project? (Choose 3 numbers in priority order)

Social Impact/s*	Economic Impact/s*

\*Used numerical code:

Social	Economic
1. Lose of relatives and neighbours	1. Loss of Income
2. Lose of friends	2. Increasing cost of living
3. Lose of access to religious place/s	3. Parting from business premises & work places
4. Affects children's education	4. Limitation of social infrastructure
5. No sufficient remaining land to resettle	5. Temporary disruption on transportation
6. Increase in air & noise pollution	6. Temporary disruption on tourism
7. Temporary disturbance on family life	7. Loss of goodwill
8. Other (specify)	8. Other (specify)

57. What are the advantages that you/your family would get as a result of the implementation construction of the road? (Choose 3 numbers in priority order)

Social Advantages*	Economic Advantages*

\* Use Numerical Code:

Social	Economic
1. Improve of Road Security	1. Generate additional Income
2. Improve the quality of Environmental conditions	2. Reduce cost of living
3. High demand for lands	3. Develop business premises & work places
4. Increase the land value	4. Develop social infrastructure
5. Improve tourism	5. Develop transportation facilities
6. Other (specify)	6. Other (specify)

58. What are your suggestions to minimize/losses of income and property?

.....  
 .....  
 .....

Comments of the Interviewer .....

.....  
 .....  
 .....

Enumerator's Name: .....

Date:.....

Name of the Supervisor:.....

Sketch of Land and Structures (include all permanent, semi-permanent and temporary structures):

## Annex 2: Translation of the Brochure

### Development and Improvement of A004 highway

Road Development Authority (RDA) was established in 1986. The functions performed by RDA consist mainly of construction, development, improvement and maintenance of A and B class roads in Sri Lanka. A004 section between Colombo to Homagama is a congested road as it is providing access to Colombo Metropolitan and SEW. In the future, this road will become more congested road due to accessing of the vehicles through interchanges of the SEW. Therefore RDA has proposed to develop and improve this road section to reduce the traffic congestion.

This road proposed to be developed into 2 lane status including cycle lanes and roadside drains.

As a result of the proposal of Government of Sri Lanka (GOSL) to Asian Development Bank (ADB), this project will be funded by ADB under the Loan no. 2217-SRI.

#### **Expected benefits by road development projects**

- Socio economic Development
- Reduction of Travel time
- Increasing the safety of road users
- Increasing development potential in the area

#### **Project Details**

<b>Section</b>	<b>Kirulapona to Nugegoda and Homagama</b>
Road length	12.6 km
Proposed road width	16m – 18m

The director of National Highways Sector Project (NHSP) with the support of other RDA officers and relevant Divisional Secretaries will inform the land acquisition matters, compensation payment and resettlements activities to the affected people. Then Land Acquisition and Resettlement Survey (LARS) and Socio-Economic Survey (SES) of the APs will be conducted to prepare the resettlement implementation plan. Then this plan will be implemented.

#### **Compensation for the affected people**

Compensation for the affected land and other properties will be provided based on the National Involuntary Resettlement Policy (NIRP) and ADB Social Safeguard policy. The compensation will include the statutory compensation and Ex-gratia payments also.

#### **For more information, please contact**

<b>Address</b>	<b>T.P</b>	<b>Email</b>
National Highway Sector Project 818 A, Sinhapura, Pelawatta, Battaramulla	011-2787737 011-2786209 011-2786210	nhspdp@rda.gov.lk

Environmental and Social Development Division Road Development Authority Sethsiripaya Battaramulla	011-2862443 011-2862801	Esd-rda@yahoo.com
---	----------------------------	-------------------

## **Ex gratia Payment for the people affected by land acquisition for the Highway Projects**

### **LAND**

#### **1.1. E X -GRATIA PACKAGE APPLICABLE TO 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**

1.2.1 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**

1.3.1 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

1.4.2 *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

1.5.1 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

1.6.1 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 taxpayer)	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 taxpayer) If business is completely lost, a minimum of Rs. 15,000.00 or up to 3 years net average adjusted profit of the years immediately preceding acquisition supported by tax declaration documents.
- If temporarily disrupted, Chief Valuer to decide the amount 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. VULNERABLE GROUP 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 3 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 to 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	Municipal Council (MC) Area Rs.	Urban Council (UC) Area Rs.	Pradeshia Sabha (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. ALTERNATIVE LANDS FOR RELOCATION

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 RELOCATION

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

Municipality areas	Rs.500,000.00
Urban /Council areas and	Rs.300,000.00
Pradeshiya Sabha areas in metropolitan & Greater Colombo areas	
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. OTHER BENEFITS

LARC has the authority to decide the ex gratia payments.

Trees and crops of the affected lands can be removed by the owners free of charge. The

materials of affected buildings can be removed by the owners free of charge.

**ANNEX 3: National Involuntary Resettlement Policy (NIRP)**  
(Reviewed and approved by the Steering Committee on March 5, 2001)<sup>2</sup>

**1. Rationale**

Public and private sector development projects increasingly involve acquisition of land. People whose homes and lands are acquired then have to move elsewhere and resettle in locations that may be unfamiliar. In general, resettlement has not been very successful and there are several recent examples in Sri Lanka where people have shown resistance to projects that cause displacement. Among the significant consequences of poor resettlement has been impoverishment of affected people due to landlessness, homelessness, joblessness, relatively higher mortality and morbidity, food insecurity, lack of access to common property and public services, and disruption of the existing social organization. International, regional and national experience with resettlement has generated considerable knowledge on the planning and implementation of involuntary resettlement and this experience if used effectively can ensure that adverse impacts on affected people are fully addressed in terms of established policy objectives.

In Sri Lanka the Land Acquisition Act of 1950 as amended from time to time only provides for compensation for land, structures and crops. It does not require project executing agencies (PEA) to address key resettlement issues such as (a) exploring alternative project options that avoid or minimize impacts on people; (b) compensating those who do not have title to land; (c) consulting affected people and hosts on resettlement options; (d) providing for successful social and economic integration of the affected people and their hosts, and (e) full social and economic rehabilitation of the affected people.

The National Environmental Act (NEA), No. 47 of 1980, amended by Act, No. 56 of 1988 has some provisions relevant to involuntary settlement. The Minister has by gazette notification No. 859/14 of 23.2.1995 determined the projects and undertakings for which Central Environmental Authority (CEA) approval is needed in terms of Part IV C of the NEA. The schedule includes item 12, which refers to *involuntary resettlement exceeding 100 families*, other than resettlement resulting from emergency situations. However these provisions do not adequately address key resettlement issues mentioned in paragraph 2 above.

To ensure that people affected by development projects are treated in a fair and equitable manner, and that they are not impoverished in the process, it is necessary that Sri Lanka adopts a NIRP. Such a policy would establish the framework for project planning and implementation. Subsequently, it will be necessary to prepare guidelines on resettlement planning and implementation to be used by PEAs.

People have moved voluntarily, mainly to the dry zone, starting from colonial days. These were state sponsored settlement programmes aimed at developing and exploiting land resources in that region, while relieving pressure on land in the wet zone. There are many commonalities in the objectives and implementation of voluntary and involuntary settlement and re-settlement programmes.

Nonetheless, the policy proposed here refers only to development-induced involuntary resettlement, where the option to stay behind does not exist. It does, however, also apply to cases where people do not have to be physically relocated.

## **2. Objectives of the Policy**

- ▮ avoid, minimize and mitigate negative impacts of involuntary resettlement by facilitating the reestablishment of the affected people on a productive and self-sustaining basis. The policy should also facilitate the development of the project-affected people and the project.
- ▮ ensure that people adversely affected by development projects are fully and promptly compensated and successfully resettled. The livelihoods of the displaced persons should be reestablished and the standard of living improved.
- ▮ ensure that no impoverishment of people shall result as a consequence of compulsory land acquisition for development purposes by the State.
- ▮ assist adversely affected people in dealing with the psychological, cultural, social and other stresses caused by compulsory land acquisition.
- ▮ make all affected people aware of processes available for the redress of grievances that are easily accessible and immediately responsive.
- ▮ have in place a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the PEA and the affected people.

## **3. Scope**

- ▮ The policy will apply to all development-induced land acquisition or recovery of possession by the State.
- ▮ A comprehensive Resettlement Action Plan will be required where 20 or more families are affected.
- ▮ If less than 20 families are affected the policy still applies but a plan can be prepared to a lesser level of detail.
- ▮ The policy will apply to all projects regardless of source of funding.
- ▮ The policy will apply to all projects in the planning phase on the date this policy comes into effect, and all future projects.

## **4. Policy Principles**

- ▮ Involuntary resettlement should be avoided or reduced as much as possible by reviewing alternatives to the project as well as alternatives within the project.
- ▮ Where involuntary resettlement is unavoidable, affected people should be assisted to re-establish themselves and improve their quality of life.
- ▮ Gender equality and equity should be ensured and adhered to throughout the policy.
- ▮ Affected persons should be fully involved in the selection of relocation sites, livelihood compensation and development options at the earliest opportunity.
- ▮ Replacement land should be an option for compensation in the case of loss of land; in the absence of replacement land cash compensation should be an option for all affected persons
- ▮ Compensation for loss of land, structures, other assets and income should be based on full replacement cost and should be paid promptly. This should include transaction costs.
- ▮ Resettlement should be planned and implemented with full participation of the provincial and local authorities.
- ▮ To assist those affected to be economically and socially integrated into the host communities, participatory measures should be designed and implemented.
- ▮ Common property resources and community and public services should be provided to affected people.

- ▮ Resettlement should be planned as a development activity for the affected people.
- ▮ Affected persons who do not have documented title to land should receive fair and just treatment.
- ▮ Vulnerable groups should be identified and given appropriate assistance to substantially improve their living standards.
- ▮ Project Executing Agencies should bear the full costs of compensation and resettlement.

## **5. Institutional Responsibilities**

- ▮ The Ministry of Land Development (MLD) will be responsible for the implementation of the NIRP.
- ▮ The Project Executing Agencies (PEAs) will be responsible for complying with all the requirements for planning and implementing resettlement according to the NIRP.
- ▮ The PEAs (like the Road Development Authority) that have significant resettlement in their projects will establish Resettlement Units with adequately trained staff.
- ▮ The CEA will be responsible for the review of impacts and mitigating measures of projects involving involuntary resettlement.
- ▮ The CEA's capacity will be strengthened so that it could provide the necessary guidance to public and private sector agencies undertaking projects that have involuntary resettlement impacts.
- ▮ The MLD will prepare regulations and guidelines on involuntary resettlement planning, implementation and monitoring.
- ▮ The MLD and the CEA will conduct training courses in resettlement planning, implementation, monitoring.
- ▮ The CEA will review and approve the Resettlement Action Plans prepared by PEAs, and make plans publicly available.
- ▮ The MLD will draft amendments to the Land Acquisition Act in order to bring the law in line with NIRP
- ▮ Following consultations with stakeholders, MLD will submit a final draft of the amended Land Acquisition Act for government approval
- ▮ MLD will prepare the necessary implementation guidelines based on the amended LAA
- ▮ A Steering Committee will be formed comprising the MLD, CEA, PEAs and other relevant agencies to exchange experience on resettlement, and coordinate and oversee the implementation of the policy

## **6. Monitoring and Evaluation**

- ▮ A system of internal monitoring should be established by PEAs to monitor implementation of Resettlement Action Plans, including budget, schedule, and delivery of entitlements, consultation, grievances and benefits.
- ▮ PEAs should make adequate resources available for monitoring and evaluation.
- ▮ A further system of external monitoring and evaluation by an independent party should be established to assess the overall outcome of resettlement activities.
- ▮ Monitoring and evaluation reports should be reviewed by the PEA, CEA and MLD and action taken to make improvements where indicated.
- ▮ Affected persons and other stakeholders should be consulted in monitoring and evaluation.
- ▮ Lessons thus learned from resettlement experiences should be used to improve resettlement policy and practice.

### **Summary of Institutional Responsibilities for Involuntary Resettlement**

<b>Function</b>	<b>Responsibility</b>
Overall Policy Implementation	MLD
Preparation (Planning)	Project Proponent (can be contracted to consultants, Universities, NGOs)
Review of Resettlement Plans	Project Approving Agency (PAA) and CEA
Approval of RAPs	PAA and CEA
Implementation	(PEA), Divisional Administration, Provincial Administration, Local Government
Monitoring	PEA, with review by CEA and MLD
Evaluation	Independent organization on behalf of MLD, PEA and CEA

## **7. Definitions of Terms Used**

**Affected Person** – person affected by changes to use of land, water or other Resources caused by development projects

**Compensation** – Cash or payment in kind made to affected persons to r e p l a c e Assets, resources or income.

**Emergency Situation** – Natural disasters, civil and political conflict situations.

**Expropriation** – Government taking possession of property or changing p r o p e r t y rights in order to execute or facilitate development projects.

**Entitlements** – A variety of measures including compensation, income restoration and interim support, transfer assistance, relocation and other benefits that are due to affected people, depending on the nature of their losses, to improve their economic and social base.

**Gender Equity** – Recognition of both genders in the provision of entitlements, Treatment and other measures under the Resettlement Action Plan.

**Host Population** – households and communities residing in or near the area to which affected people are to be relocated.

**Income Restoration** – re-establishing income sources and livelihoods of people affected.

**Involuntary Resettlement** – unavoidable displacement of people arising from development projects that creates the need for rebuilding their livelihoods, incomes and asset bases in another location.

**Rehabilitation** – re-establishing and improving incomes, livelihoods, living, and social systems.

**Relocation** - moving affected persons and their moveable assets and rebuilding housing, structures, improvements to land, and public infrastructure in another location.

**Replacement Cost** – the level of valuation for expropriated property sufficient to actually replace lost assets, or to acquire substitutes of equal value or comparable productivity or use; transaction costs are to be included

**Resettlement Action Plan** – a time-bound action plan with budget setting out resettlement strategy, objectives, options, entitlements, actions, approvals, responsibilities, monitoring and evaluation.

**Resettlement Budget** – A detailed breakdown of all the costs of a resettlement action plan phased over the implementation period

**Resettlement Effect** – loss o f p h y s i c a l a n d n o n -p h y s i c a l a s s e t s i n c l u d i n g h o m e s , communities, productive land, income earning assets and sources, subsistence, resources, cultural sites, social structures, networks and ties, cultural identity and mutual help mechanisms.

**Settlement** – voluntary movement of people to a new site where they re-establish their livelihoods as in the case of the Mahaweli Scheme

**Social Preparation** – process of consultation with affected people undertaken before key resettlement decisions are made; measures to build their capacity to deal with resettlement, taking into account existing social and cultural institutions.

**Vulnerable Groups** – distinct groups of people who might suffer disproportionately from resettlement effects such as the old, the young, the handicapped, the poor, isolated groups and single parent households

## Annex 4: TOR for the External Monitor

### Introduction

1. Land acquisition and resettlement process will be monitored both internally by RDA through PMU, ESD, CSC and with the assistance of NGOs and externally by an independent agency with the objective of obtaining feedback to the management. This will facilitate the management to identify problems in the implementation and successes as early as possible and to take timely adjustments to the implementation arrangements. RDA / PMU with the approval of the ADB will appoint an experienced monitoring agency for the entire road project to carryout external monitoring.

#### A. Scope of work – General

2. This aspect will include the following activities (for example, in a road project):

- a) To review and verify the progress in resettlement plan implementation as outline in the resettlement plan through the monitoring information internally generated.
- b) To monitor the effectiveness and efficiency of the EA s monitoring reports.
- c) To assess whether the involuntary resettlement objectives, particularly the livelihoods of the displaced persons and the living standards of the displaced poor and vulnerable affected persons have been restored or enhanced.
- d) To assess the significant involuntary resettlement issues and drawing on the policy and practices to advise on a corrective action plan if required.

#### B. Scope of Work - Specific

##### The major tasks expected from the external monitor

3. For the purpose of preparing a monitoring report the consultant will visit each road section when payment of compensation and resettlement and social program are being implemented and completed and review the results of the internal monitoring.

- ▮ To identify the strengths and weaknesses of the land acquisition and the involuntary resettlement objectives and approaches as well as the implementation strategies.
- ▮ To review and verify progress in resettlement plan implementation of each of the sub project road and prepare semi annual report which will be submitted to ADB.
- ▮ To assess the effectiveness and results achieved for livelihood restoration program and the relocation sites.

4. The key tasks of the External Monitoring Agency

- ▮ Review and verification of internal monitoring reports prepared by the project.
- ▮ Review and examine the socio – economic baseline census and detailed measurement survey information of DPs to be relocated.
- ▮ Identify and select impact indicators.
- ▮ Assessment of impacts through formal and informal surveys with the Displaced persons.
- ▮ Consultation with DPs, Officials, Community Leaders for preparing review reports.
- ▮ Assess the resettlement efficiency, effectiveness impact and sustainability, drawing lessons for future resettlement policy formulation and planning.

- ▮ Prepare any corrective action plans if required.
- ▮ Guide and advise the EA suitable on the resettlement implementation efficiency.
- ▮ Review the functioning and efficiency of the Management Information System
- ▮ Assessment of DPs satisfaction on the valuation of assets and entitlements, timing of payments, fund availability and disbursements.

5. The agency will carry out a baseline survey of the road project, prior to implementation of the resettlement plan enabling to collect adequate pre project data for monitoring. The outcome of the external monitoring reports will be communicated to PMU and ESD through a meeting and necessary remedial actions need to be taken will be documented. These external monitoring reports will be submitted directly to the ADB and PMU / RDA for necessary action.

### **C. Qualification**

6. The external experts will have significant experience in monitoring and reporting. Work experience and familiarity with all aspects of involuntary resettlement operations would be desirable. Persons with background in social sciences will be preferred.

