

Resettlement Framework

May 2014

SRI: Integrated Road Investment Program

CURRENCY EQUIVALENTS

(as of 14 May 2014)

Currency unit	–	Sri Lanka rupee (SLRe/SLRs)
SLRe 1.00	=	\$ 0.007669
\$1.00	=	SLR 130.400

ABBREVIATIONS

ADB	-	Asian Development Bank
AP	-	Affected Person
API	-	Affected Property Inventory
CBO	-	Community Based Organization
CPs	-	Community Participants
CV	-	Chief Valuer
DRR	-	Due Diligence Report
DS	-	Divisional Secretariat
ESDD	-	Environmental and Social Development Division
FGD	-	Focus Group Discussion
GoSL	-	Government of Sri Lanka
GN	-	Grama Niladari
GND	-	Grama Niladari Division
GPS	-	Global Positioning System
GRC	-	Grievance Redress Committee
GRM	-	Grievance Redress Mechanism
INGO	-	International Non-Government Organizations
iROAD	-	Integrated Road Investment Program
IR	-	Involuntary Resettlement
LAA	-	Land Acquisition Act
MOHPS	-	Ministry of Highways, Ports and Shipping
MOU	-	Memorandum of Understanding
MFF	-	Multi-tranche Financing Facility
NGO	-	Non-Government Organizations
NIRP	-	National Involuntary Resettlement Policy
PCC	-	Project Coordinating Committee
PIU	-	Project Implementing Unit
PRA	-	Participatory Rural Appraisal
PS	-	Pradeshiya Sabha
RDA	-	Road Development Authority
SPS	-	Safeguards Policy Statement

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I. INTRODUCTION

A. Background

1. In Sri Lanka, about 85% of the population is living in the rural and peri-urban areas. Poverty is concentrated in areas where connectivity to towns and markets, access to electricity and average educational attainment are relatively low and agricultural labor is an important source of employment. Remote areas with lack of all-weather access to the socioeconomic centers have rendered a large portion of the rural population with poor agricultural productivity, limited employment opportunities and slow economic growth.

2. In order to address this problem and improve transport connectivity between rural communities and socioeconomic centers, the Road Development Authority (RDA) under Ministry of Highways, Ports and Shipping (MOHPS) has proposed an Integrated Road Investment Program (iRoad). The Government will select about 1,000 Grama Niladari Divisions¹ (GNDs) throughout the country as rural hubs according to the population, development potential and distance to trunk road network. As a first step for developing the rural hubs the government will enhance the connectivity by (i) improving rural access roads linking the rural hubs to trunk road network to all weather standards, and (ii) operating a sustainable trunk road network, encompassing national roads, of at least fair condition. Development of the roads to all weather standard status will improve rural access and link rural hubs to the national road network. The program will serve as a tool for poverty alleviation, allowing poor people in the area to directly access other areas of the country to engage in a number of social and economic activities. Additionally it will improve and strengthen the National Highways Network efficiency in Sri Lanka thereby establishing smooth traffic flow, reduced costs and travel time and increased lifetime of the roads through appropriate, periodic maintenance.

3. This program will be financed by the Asian Development Bank (ADB) under a Multi tranche Financing Facility (MFF). The first tranche will focus on improving roads in the Southern Province comprising of three districts, Galle, Matara and Hambantota. Access roads connecting 150 GND's have been selected for financing based on consultations with MOHPS, local authorities and parliamentarians and a screening criteria on existing road conditions and development needs. Of the 150 GNDs, 65 GNDs are in Galle, 45 in Matara and 40 in Hambantota. In all, 186 rural roads totaling about 586 km will be included in tranche I. In addition 14 national roads totaling approximately 113.8 km will also be included in tranche I. Table 1, shows a summary of the rural and national roads on a district wise basis.

¹ A Grama Niladhari Division (GND) is the smallest administrative unit in Sri Lanka

Table 1.1: Summary of Roads under Tranche I

District	Rural Roads		National Roads			
			Reconstruction		Routine and periodic maintenance	
	No. of road sections	Length (km)	Road Name	Length (km)	Road Name	Length (km)
Galle	67	197.6	B248	11.7	B454	10.2
			B249	11.0	B129	2.8
			B303	4.0	B156	6.6
			B139	4.4		
			B411	9.7		
			Sub Total	40.8	Sub Total	19.6
Matara	67	217.5	B607	9.3	B415	7.8
			Sub Total	9.3	Sub Total	7.8
Hambantota	52	172	Kirama - Warapitiya - Heegoda	14.4	B485	7.3
					B450	7.8
					B623	7.0
			Sub Total	14.4	Sub Total	22.1
Total	186	586.0		64.5		49.5
Grand Total (Rural Roads + Road Management Contract Roads)						700.0

4. **Rural Roads.** For the rural roads there will be three contract packages per district. The contractor will be responsible for construction of the road over 2 years and performance based maintenance for another 3 years. For the rural roads the improvements will be undertaken completely within the existing right of way (ROW) which is between 2.5m to 5.5m. Rehabilitation works will include improving pavements/road surface, construction of side drains and embankments, and improvement of culverts, cause ways and bridges.

5. **National Roads.** For the national roads there will be two contract packages within the three districts. The national roads will follow road management contract where the contractor will be responsible for ensuring that the road is in good riding condition for a period of 7 years including reconstruction and maintenance. For the rehabilitation of national road, the carriageway width will be from 5.5m to 6.5m and rehabilitation will be completely within the existing ROW. Rehabilitation works will include improving pavements/road surface, construction of side drains and embankments, and improvement of culverts, cause ways and bridges.

6. The investment program is planned to have four tranches that will be implemented over a period of ten years. The scope of improvement works for succeeding tranches for both rural and national roads are expected to be similar to that of tranche I. Provinces that will be covered in succeeding tranches are expected to be: Sabaragamuwa Province, Western Province, Central Province, North Central Province, and North Western Province. Table 1. 2 provides an overview of the relevant provinces.

Table 1.2: Summary of area, population, population density and poverty head count ratio

Province	District	Population (Census 2012)	Land area (km ²)	Population Density (person/km ²)	Poverty head count ratio (2009/2010)
Southern	Galle	1,058,771	1,617	655	10.3
	Hambantota	596,617	2,496	239	6.9
	Matara	809,334	1,270	637	11.2
Sabaragamuwa	Kegalle	836,603	1,685	497	10.8
	Ratnapura	1,082,277	3,236	334	10.5
Western	Colombo	2,309,809	676	3,417	3.6
	Gampaha	2,294,641	1,341	1,711	3.9
	Kalutara	1,217,260	1,576	772	6.0
North Central	Anuradhapura	856,232	6,664	128	5.7
	Pollonnaruwa	403,335	3,077	131	5.8
Central	Kandy	1,369,899	1,917	715	10.3
	Matale	482,229	1,952	247	11.5
	Nuwara Eliya	706,588	1,706	414	7.6
North Western	Kurunegala	1,611,230	4,771	338	11.7
	Puttalam	760,778	2,976	256	10.5

Source: Department of Census and Statistics

B. Purpose of the Resettlement Framework

7. The Resettlement Framework (RF) has been prepared to guide selection, screening, categorization, impact assessments, project implementation and monitoring of social safeguards according to requirements of the Government of Sri Lanka (GoSL) as well as the ADB Safeguard Policy Statement (SPS, 2009) for succeeding tranches of the investment program.

8. For national roads, the land will be acquired based on GoSL rules and regulations and ADB SPS. An entitlement matrix has been included to detail the required compensation and assistance associated with different types of losses. For rural road component, voluntary land donation will be used if additional small strips of private land is required. Eminent domain will not occur in the event negotiations for land donation fail. Full oversight of the negotiation process will be in place. Appendix 3 has been included in the RF which details the process for land donation. The Appendix includes process for carrying out transect walk and meaningful consultations along project roads before finalizing the design will ensure active community participation, designs and construction modality that best suit the community's needs and minimizes adverse social and environmental impacts. It also includes means to ensure that donation is voluntary and the negative socioeconomic impacts due to the project will be avoided or minimized.

C. An Assessment of Current Conditions

9. Rural roads to be improved under iRoad program connect villages or poorly developed rural areas with arterial roads (class A and B roads) of the country. Traffic studies have shown that volume of traffic are not high and are local in nature. Therefore, the objective of the investment program will be to improve the road surface and drains, if required, with no widening or improving the existing road horizontal alignment which in general require involuntary resettlement. Majority of vehicles which move along these roads are three wheelers, two wheel tractors, small lorries, motor cycles and bicycles. The studies and consultations with the communities have found that the existing carriageway width is sufficient.

10. National roads to be improved are expected to have no or minimal impact on land acquisition as the project scope clearly stipulates there will be only rehabilitation and improving the road surface to suit all-weather condition, and the selection of candidate roads will be based partially on the availability of minimum carriageway width.

II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

A. Policy and Legal Framework

11. For national roads, the principles adopted for addressing social issues in the component have been guided by the existing legislations and policies of GoSL and ADB. A detailed analysis on the existing legislations and policies of the country was carried out in order to describe their applicability within this framework. This chapter provides details of the national legislations, policies and ADB social safeguards policy applicable for the national component of the investment program.

1. The Land Acquisition Act of 1950 (LAA) and Subsequent Amendments and Regulations

12. The Land Acquisition Act (LAA) of 1950 is the most important legal provision which makes provisions for acquisition of the Lands and Servitudes for public purposes and provides for matters connected with or incidental to such provision. It provides that the payment of compensation at market rates for lands, structures and crops and that the modified title provided for all remaining land should be legalized. The Land Acquisition Act of 1950 was modeled mainly on the English Land Clauses Acts and has evolved through 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. LAA in force today has several amendments and the latest is the version of 1986. Revision made to LAA regulations in 2008, and announced by gazette notification No. 1585/ 7 on Tuesday, 20th January 2009 has significant impact on resettlement planning as it has reference to “reconstruction cost”.

13. The revision made by gazette notification No.1585/7 on 20th, January 2009 was firstly an attempt to have a uniform valuation system for all land acquisition matters, stopping agency-specific complementary packages like Ex-gratia package working along with LAA. Secondly it was fulfilling a task unattended for a long time within the system of LAA. As stated in the government gazette, this regulation comes under section 63 (2) (f), and this section says that basis for assessing the market value is not specified in the Act. The regulations, 2008 sees undervaluation of properties mainly occur;

- by valuing land plots after breaking them from their mother lots. For road development projects, required land from an individual plot is small, and when it is taken as a separate entity its market value become low as it doesn't suit for any meaningful purpose due to its smallness.
- by valuing structures, taking depreciation value for assessing structures and ignoring replacement cost
- by neglecting injurious and severance - damages incur to claimants

14. The sequence order of LAA (1950) procedures can be listed in the following table.

Table 2.1 Procedures for Land Acquisition

Activity	Agency in Charge
Preparation and submission of land acquisition proposal	Project executing/implementing agency
Issuance of order to survey (LAA S. 2)	Ministry of Land and Land Development
Preparation and posting of notices (S. 2)	Divisional Secretary
Preparation of advance tracing	Survey Department
Issuance of order to acquire the land (S. 4)	Ministry of Land and Land Development
Section 04 posting and publication of notices(S. 4)	Divisional Secretary, Government Press
Objection inquiries	Project executing/implementing agency
Gazette notification (S. 5)	Divisional Secretary, Department of Government Printing
Preparation of preliminary plan	Survey Department
Gazette notification (S. 7)	Divisional Secretary
Inquiries (S. 9)	Divisional Secretary
Decision (S. 10-1)	Divisional Secretary
Valuation	Valuation Department
Award (S. 17)	Divisional Secretary
Payment of compensation	Divisional Secretary
Order (S. 38a)	Ministry of Land and Land Development, Department of Government Printing
Provision (S. 38a)	Ministry of Land and Land Development, Department of Government Printing
Taking over the vacant possession	Divisional Secretary, Project executing/implementing agency
Registration of land	Divisional Secretary, Project executing/implementing agency

Source: Social Assessment and Involuntary Resettlement Compliance Manual, Road Development Authority of the Ministry of Highways and Road Development, 2009

2. Land Development Ordinance (1935)

15. 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' (victorious land).

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

3. State Land Ordinance No. 8 of 1947

17. 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.

4. Prescriptive Ordinance No. 22 (1871)

18. 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.

5. National Environmental Act No. 47 of 1980 (NEA)

19. These are some provisions in the NEA Act No.47 of 1980, with the amended Act No.56 of 1988 with reference 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.

20. 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”.

6. National Involuntary Resettlement Policy (NIRP) 2001

21. 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.

22. 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.

23. The Objectives of the NIRP are as follows:

- 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.

7. ADB's Policy on Resettlement, Safeguard Policy Statement, 2009

24. The three important elements of ADB's Safeguard Policy Statement 2009 to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; 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.²

25. 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.

26. For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following basic principles:

- a) 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.
- b) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous 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 affected 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.
- c) Improve, or at least restore, the livelihoods of all displaced persons through: (i) land-based resettlement strategies when affected 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.

² In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

- d) 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.
- e) 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.
- f) 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.³
- g) 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.
- h) 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.
- i) 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 affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- j) 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.
- k) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- l) 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

³ ADB SPS 2009 (Safeguards Requirements 2) does not apply to negotiated settlements. The policy encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, an independent external party will be engaged to document then negotiation and settlement processes. Failure to reach a negotiated settlement that would result in expropriation or other compulsory procedures and the ADB's involuntary resettlement requirements and resettlement framework would apply.

results of resettlement monitoring. Disclose monitoring reports.

B. Comparison of National Policy with ADB's SPS 2009 Policy

27. The Land Acquisition Act (LAA and its regulations) of 1950 (as amended in 1986) gives directives for the acquisition of land in the public interest and provides benefits only to titleholders. The LAA and its regulations do not guarantee compensation at replacement cost for the loss of land and assets. The National Involuntary Resettlement Policy (NIRP) 2001 represents a significant milestone in the development of a systematic approach to addressing resettlement issues in Sri Lanka, and closes significantly the gap between Sri Lankan national policies and those of ADB.

28. The NIRP is a significant move towards addressing involuntary resettlement issues in Sri Lanka. The gaps identified between the Government policies and the ADB's Safeguard Policy Statement 2009 have been addressed in the RP generally and the entitlement matrix particularly. Even though the LAA and its regulations is not subordinate to the NIRP, for the payment of compensation the NIRP and SPS are being followed. The gaps between the LAA and its regulations, the NIRP, and the SPS are analyzed in the table below:

Table 2.2: Comparison between the Borrower and ADB's Safeguard Policy Statement

	Aspect	GOSL Laws /Policies	ADB's SPS	Measures to Bridge the GAP
1	Screen the project	Required under LAA and NIRP	Screen the project to identify past, present, and future involuntary resettlement impacts and risks. Conduct survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement	No gap.
2	Consultation with stake holders and establish grievance redress mechanism	Does not require under LAA as amended. It is a requirement under NIRP. For grievance redressal, no provision in the LAA, but a requirement under the NIRP	Carry out meaningful consultations with stakeholders. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention vulnerable groups. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns.	No gap.
3.	Improve, or at least restore, the livelihoods of all displaced, and payment at replacement cost	LAA does not have provisions. But NIRP stipulates the necessity of income restoration and improving the standard of living. Provided in the NIRP, replacement cost according	Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine	No gap.

	Aspect	GOSL Laws /Policies	ADB's SPS	Measures to Bridge the GAP
		to regulation gazette on 20, January 2009.	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.	
4.	Assistance for displaced persons	LAA does not have provisions. But NIRP requires assistance	Provide physically and economically displaced persons with needed assistance	No gap.
5.	Improve standard of living of displaced vulnerable groups	LAA is silent on this Aspect. NIRP requires special treatment for the vulnerable groups.	Improve the standards of living of the displaced poor and other vulnerable groups.	No gap.
6.	Negotiated Settlement	Although LAA has provisions for obtaining the opinion of AP on the intended LA the process has not been clearly practiced by most PEAs (Project Executing Agencies) hence ADB SPS will prevail if there is Involuntary Resettlement	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	RDA follows ADB SPS
7.	Compensation For non-title holders	Provided in the NIRP, LAA refers to any "Interested Party" to the land to be acquired	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 nonland assets.	RDA follows ADB SPS. Provision is available in the entitlement package approved by the Cabinet of Ministers for STDP and subsequent projects. Entitlement matrix is a part of RP
8.	Requirement of RP	Does not require under the LAA as amended, NIRP requires that a comprehensive RP for projects exceeding displacement of more than 20 HHs and a RP of lesser	Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting	No gap.

	Aspect	GOSL Laws /Policies	ADB's SPS	Measures to Bridge the GAP
		detail if the number of HHS displaced is less than 20. A project affecting 100 HHS are considered as a prescribed project under the NEA; such project requires the approval of the CEA before implementation but does not address the resettlement issues.	framework, budget, and time-bound implementation schedule. Required for Category A and B projects.	
9.	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.	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 affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	No gap.
10.	Cost of resettlement	Budget to be allocated by government for relevant project.	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.	No gap.
11.	Taking over possession before Payment of compensation	NIRP does not allow, LAA provides statutory compensation to be paid in installments, but NIRP does not agree For emergency acquisition, under 38(a) of LAA, acquisition is allowed after 48hrs, even without paying compensation. But according to NIRP, not without paying replacement cost and reasonable notice NIRP does not supersede the LAA since it is a statutory act. But in order to provide relief to the displaced people, NIRP is being implemented on a directive by the Cabinet of Ministers of the GOSL.	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	RDA to follow the normal procedure in LA if required and NOT to use emergency provision and payment of the full quantum of compensation as single payment at replacement cost. Ensure the payment is completed before taking the possession of land
12.	Monitoring	Required under NIRP	Monitor and assess resettlement outcomes, their	RDA will follow schedule per SPS

	Aspect	GOSL Laws /Policies	ADB's SPS	Measures to Bridge the GAP
			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.	

C. Involuntary Resettlement Safeguard Principles for the Project

29. Based on the above analysis of government provisions and ADB policy, the following resettlement principles are adopted for this investment program:

- (i) Screen the projects 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. Measures to avoid and minimize involuntary resettlement impacts include the following: (i) explore alternative alignments or locations which are less impacting, (ii) ensure the appropriate technology is used to reduce land requirements, (iii) modify the designs, cross sections, and geometrics of components to maximize the ROW and ensure involuntary resettlement is avoided or minimized.
- (ii) Carry out meaningful consultations with displaced persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and indigenous 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 concerns of displaced persons. 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.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through; (i) land-based resettlement strategies when affected livelihoods are land based where possible or for the national road component cash compensation at replacement cost 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.
- (iv) 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.

- (v) 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.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement⁴ to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) 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.
- (viii) In case a national road requires involuntary resettlement, prepare a resettlement plan elaborating on the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. This resettlement plan will be approved by ADB prior to contract award.
- (ix) 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.
- (x) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xi) Monitor and assess resettlement outcomes, their impacts on the standard 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.

⁴ ADB SPS 2009 (Safeguards Requirements 2) does not apply to negotiated settlements. The policy encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, an independent external party will be engaged to document the negotiation and settlement processes. In cases where the failure of negotiations would result in expropriation through eminent domain or the buyer could acquire the property regardless of its owner's decision to sell it or not, will trigger ADB's involuntary resettlement policy. The Safeguard Requirements 2 will apply in such cases, including preparing a resettlement plan.

- (xii) Modified land title will be restored and updated at project cost prior to project closure.

D. Mitigation Measures and Entitlements

30. 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 restoration and/or enhancement of livelihoods for all categories of displaced people, whether displaced directly, indirectly, permanently or temporarily, with or without title, 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. The investment program will adhere by GoSL policies and regulations and ADB's SPS.

31. 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 laborers. 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.

32. **Replacement Cost.** 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.

33. **Loss of Buildings.** Replacement cost will be paid for all buildings irrespective of the age of the building. DPs are entitled to retain the 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 (temporary) is entitled to a cash grant of Rs.300, 000/- for the loss of the house in addition to other compensation available for them.

34. **Loss of Agricultural Land.** 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 10% or more of their productive income generating assets and / or remaining portion is economically not viable for continued use as determined by Chief Valuator.

35. **Temporary Loss of Private Land.** 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.

36. **Determination of Rates for Properties Acquired.** 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. The rate of

compensation for acquired land, structures, and other assets will be calculated at full replacement cost. That is, based on (i) fair market rate, (ii) transaction costs, (iii) interest accrued, (iv) transitional and reiteration costs, and (v) other payments, if any. For land acquisition the Chief Valuator will decide the compensation for acquired land as per the legal provisions.

37. Special Needs of Vulnerable Households. Vulnerable households have been identified are entitled to a special grant of Rs.15,000 per household in addition to the compensation and assistance 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. RDA shall ensure that vulnerable households will have their livelihood restored to at least national minimum standards which would include income, water and sanitation, and security of tenure.

38. Entitlements for Tenant Cultivators (Under Paddy Lands Act). The Paddy Lands Act of 1958 recognizes the tenant rights for cultivation paying a prescribed share of harvest to the landowner. As per the provisions of the Paddy Lands Act, part of the compensation of the acquired property is allocated to the tenant. Agricultural tenants will receive assistance to cover lost crops and ensure restoration of livelihood.

39. Land Owned by state Corporations. 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 2.4: Entitlement Matrix

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
A. AGRICULTURAL LAND				
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 CV, these options will be available: 1) If opted by DP, the remainder land will be acquired or injury will be paid at 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	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 CV. Compensation will be at replacement cost.	RDA, CV, DS

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
		portion of land as per the land acquisition Act or as determined by the CV.		
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
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,
B. RESIDENTIAL LAND AND STRUCTURES				
Loss of Residential land and structure	Owner with title deed or registration certificate	<p>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:</p> <ol style="list-style-type: none"> 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 CV to locate alternative plot for relocation; OR 3. Rehabilitation package G2. Shifting allowance G1. 4. Displaced persons who lose their residence completely he/she is entitled to extra allowance between Rs.150,000 to Rs.500,000. Rate calculated based on square meter of residence and distance to new location. 5. Rent allowance varying from Rs. 20,000 to Rs.100,000 will be paid according to the location (Local 	<p>Payment for lost assets, assistance to reorganize on existing land or relocate on alternate land and support for transition period. Compensation will be at replacement cost.</p> <p>DPs have the option of determining if their residence remains viable or not.</p> <p>Cash allowance determined by RDA with assistance from DS to ensure rehabilitation to pre-project level or better.</p>	RDA, CV, DS

Type of loss	Entitled Persons	Entitlements			Intent/ Requirement	Responsibility
		Authority Area). Minimum payment for a house (Hut) irrespective of the title will be Rs.300,000.				
Shops and Houses under the Rent Act	Owner/Rentor/Lessee	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.			Equitable distribution of compensation depending on the period of occupation.	D.S, Valuation Department, RDA
		Period of occupation	% of payment			
			Occupant	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	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 finding new affordable rental accommodation.			Cash payment for rental allowance or cash value of remaining lease, assistance for finding alternate rental accommodation and support during transition period.	RDA, CV, DS
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,			Payment for lost assets, assistance to reorganize on land or provision of alternate site if choosing to relocate and support for transition period. Security of tenure is ensured for non-titleholders or squatters. DPs have the option of determining if their residence remains	RDA, CV, DS

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
		<p>the area to be considered for payment will be calculated up to the structural support point.</p> <p>For non-title holder the allowance for alternative land varies from the Rs.100,000 to Rs.250,000 depending on size of residential structure.</p> <p>RDA will provide assistance for finding alternate rental accommodation, including linkage to existing government rural development programs for housing.</p>	<p>viable or not.</p> <p>Cash allowance determined by RDA with assistance from DS to ensure rehabilitation to pre-project level or better.</p>	
C. COMMERCIAL LAND AND STRUCTURES (INCLUDES CORPORATES)				
Loss of commercial land and structure	Owner / operator of registered business	<p>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:</p> <p>1. All (cash) payments for structures lost at full replacement cost (for materials and labor) cash, WITHOUT deduction for depreciation or salvageable material. Determined by Chief Valuator.</p> <p>2. Assistance from RDA 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.</p> <p>3. For income losses cash payment of 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</p>	<p>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 income restoration.</p> <p>DPs have the option of determining if their structure remains viable or not</p>	RDA, CV, DS

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
		books of accounts cash payment equivalent to 6 months net income OR Livelihood assistance grant, Rs.15,000 whichever is the higher. 4. Rehabilitation Package – G2 and G2 ii if required.		
Loss of commercial Structure	Tenant / operator of registered business	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 of Rs.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. If part of the structure is acquired the area to be considered for payment will be calculated for portion to be acquired. If remaining portion of structure is deemed unviable, the entire structure will be acquired and compensated.	Cash payment for livelihood restoration, assistance for finding alternate rental accommodation and support for income losses and during transition period.	RDA, CV, DS
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 DPs have the option of determining if their structure remains viable or not.	RDA, CV, DS
D. OTHER PRIVATE PROPERTIES OR SECONDARY STRUCTURES				
Partial or complete loss of other property or	Owners of structures (regardless of	All (cash) payments for affected structure at replacement cost; AND Cost of repair of structure to	Payment for loss and relocation if required	RDA, CV, DS

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
secondary structure (i.e. shed, outdoor latrine, rice store, animal pen etc.).	if the land is owned or not)	original or better condition; OR Cash assistance for relocation of structure.		
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
E. LOSS OF INCOME OF EMPLOYEES OR HIRED LABOR				
E.1 Temporarily Affected				
While business re-establishes (i.e. reorganizing on remaining land or relocating in the same area)	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.	Businesses will be encouraged to retain existing employees. Payment for lost income during business re-establishment	RDA, CV
E.2 Permanently Affected				
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
F. TREES & STANDING CROPS (already included under A)				
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. Compensation for trees will be based on the current market value of timber for timber trees, the annual net product market value	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

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
		<p>multiplied by remaining productive years for perennial and fruit trees as finalized by the Forest Department.</p> <p>Compensation for crops will be based on average crop yields for past three years. Valuation will be assisted by Department of Agriculture or relevant body.</p>		
G. LIVELIHOOD RESTORATION & REHABILITATION ASSISTANCE				
G.1 Materials Transport Allowance				
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
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 the house in occupation before relocation.	Allowance to cover transport of household or commercial effects, salvaged and new building materials	RDA, CV
G.2 Livelihood Restoration (Grants & Training)				
i. Permanent effects on livelihood.	DPs/ household	Livelihood restoration grant as cash assistance of Rs.15,000/ per household. RDA to monitor and ensure reestablishment of livelihood. If necessary, 1) supplement professional assistance and advice, 2) assist in invest funds or obtain access to credit, or 3) identify and assist in re-establishing 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
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	RDA, CV

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
			Authority, Agrarian Services Department, Coconut Development Board, and Rubber Control Department.	
G.4 Special Assistance				
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. Provide utility connection to DP/household including potable water and electricity, if not already connected.	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 marginalization.	RDA, CV
H. COMMUNITY ASSETS				
Loss of buildings and other structures (schools, temples, clinics, walls etc.), infrastructure (local roads,	Divisional Secretary of the division, urban ward, village, local community or local	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 consultation	Full restoration of buildings, structures, infrastructure, services or other community resources by	RDA, CV

Type of loss	Entitled Persons	Entitlements	Intent/ Requirement	Responsibility
footpaths, bridges, irrigation, water points or communal hand pumps etc.), common resources (such as water supply, community forests).	authority owning or benefiting from community property, infrastructure or resources.	with affected communities and relevant authorities; OR (Cash) Payment at full replacement cost; AND restoration of buildings, structures, infrastructure, services or other community resources.	contractor (costs to be borne by project) or payment for such if agreement is reached for local authority or community to undertake the restoration works. All relocation and restoration done per ADB SPS.	
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, PIU
I. UNANTICIPATED IMPACT				
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.			

40. 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.

1. Cut-off Date

41. In case the trench/subproject road requires involuntary resettlement, then a cut-off date for the eligibility to entitlements will be published. For title holders the cut-off date will be the date where section 2 of LAA is noticed and for non-title holders the date will be the first date of the census survey.

E. Screening Criteria of Subsequent Projects

42. The PIU will be responsible for involuntary resettlement planning and implementation. The following checklist will be used to screen projects to be financed under subsequent tranches of the investment program. The checklist includes the following:

- (i) Will the subproject require land? What is the quantity of land required?
- (ii) What will be the estimated total number of persons displaced?
- (iii) Will the impact be permanent or temporary (during construction)?
- (iv) Who owns the land? How is land currently used?
- (v) If private land, how many landowners/tenants/sharecroppers will be displaced?
- (vi) If state land, is it subject to traditional claim?
- (vii) If state land, are there any squatters or informal settlers?
- (viii) What will be the estimated number of squatters?
- (ix) Are there any houses, structures, trees and crops that will be affected (whether

- state or private land)?
- (x) How many households will be physically displaced?
- (xi) Is there any public or community infrastructure?
- (xii) Will tribal communities be displaced?
- (xiii) What percent of product assets (income generating) will people lose?
- (xiv) For rural roads, are affected households willing to voluntarily donate land?

43. In case impacts are unavoidable, the impacts will be minimized through design modifications by reduction of land width, alignment shifts, and modifications in cross-sections to the extent required from safety considerations.

44. The PIU will be responsible for clearly documenting the answers to these questions in a table format. In addition, the PIU will submit to ADB the Involuntary Resettlement Impact Categorization Checklist in Appendix 1 for each subsequent tranche. Based on the screening, the tranche will be assigned to one of the following categories depending on the significance of probable involuntary resettlement impacts:

- (i) **Category A** – A proposed tranche is classified as Category A if it is likely to have significant involuntary resettlement impacts. A resettlement plan, including an assessment of social impacts, is required.
- (ii) **Category B** – A proposed tranche is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.
- (iii) **Category C** – A proposed tranche is classified as Category C if it has no involuntary resettlement impacts. No further action is required.

45. The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as; (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks.

1. Resettlement Plans

46. The resettlement plan will be prepared at either the tranche or road level based on the results of the census and from information drawn from the baseline socio-economic sample survey the database on affected persons should be completed before resettlement plan preparation. It will include the results and findings of the census of affected persons, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and results monitoring mechanisms. The resettlement plan should be structured as per the outline in Appendix 2. Resettlement Plans will comply with the principles outlined in this agreed RF. These will be approved by ADB prior to contract award. Disbursement of compensation payments and entitlements will be made prior to displacement.

47. The specific resettlement-related activities to be performed such as social impact assessment, census and socio-economic survey, resettlement planning, public consultation, grievance redress, development of mitigation measures and income restoration measures, implementation of resettlement plan, monitoring and evaluation, and their subproject implementation schedule will all be detailed in the resettlement planning document.

2. Land Acquisition Due Diligence Reports

48. If no acquisition and resettlement impacts were identified during screening, the government will be required to prepare a due diligence report providing support and evidence that there is no impact on land and structures. The due diligence report should confirm whether there are outstanding grievances or issues from previous acquisition of land. The information in the report should be supplemented with findings and analysis from the socioeconomic survey comprising of 20% of households in the project affected area.

3. Due Diligence Report for ongoing Tranche

49. During preparation of subsequent tranche, a due diligence for existing ongoing projects will be carried out by the PIC. The PIC report on all roads with land acquisition and donation and 10% sample of remaining roads.

III. SOCIOECONOMIC INFORMATION

50. Each proposed road (rural and national) will be screened for its land acquisition and resettlement impacts (screening form attached as Appendix 1). The screening will reflect if there will be any such impacts. The screening form will be completed after site visits, and, as relevant, in consultations with potential DPs to understand land use/ownership arrangements. The screening will be conducted as a first step to see wherever resettlement impacts can be avoided, mitigated or minimized as much as possible. Where the screening identifies that a subproject will require land acquisition/resettlement, a Census for Resettlement Plan need to be undertaken to prepare the RP.

51. Census for Resettlement Plan of the affected persons will be undertaken in each road section so as to determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a rehabilitation program for implementation. The purpose of the Census for Resettlement Plan is to: (i) register who the potentially affected persons are; (ii) assess their income and livelihoods; and (iii) inventory of their assets affected due to the project; (iv) gender-disaggregated information pertaining to the economic and socio-cultural conditions of displaced persons. The census will cover 100% of displaced persons.

52. On completion of the detailed engineering designs, an updated resettlement plan shall be prepared based on a Census for Resettlement Plan. Census for Resettlement Plan involves staking out of the affected land on the ground based on the engineering design of a project and forms the basis for carrying out the census and assets inventory of losses of the displaced persons.

A. Impacts on Vulnerable Persons and Mitigation Measures

53. In Sri Lanka, Poverty Line is one of the widely used indicators to measure poverty. The purpose of estimating poverty line is to capture the basic needs necessary to meet minimum living standards. This is captured by defining a consumption bundle which includes food and non-food items, that are adequate to meet the nutritional requirements, and estimates the cost of purchasing that consumption bundle. Since 1990, the Household Income and Expenditure survey (HIES) was adopted to collect data required for estimating the indices related to poverty and food consumption patterns. HIES is conducted once every five years. The HIES is the main data source for compiling following indices. From 2010 onwards, the District poverty lines are

calculated using the spatial price index values calculated at district level using latest HIES data, in this case, the 2009/10 data.⁵ For the investment program, vulnerable are identified as (i) female-headed household, (ii) elderly-headed household (above 61 years of age), (iii) household with disabled member, and (iv) household living below official district level poverty line as recorded by GN and verified by socioeconomic survey. Both titleholder and non-titleholders are to be included.

54. Vulnerable people are those APs who might suffer disproportionately or face the risk of being marginalized or impoverished from the effects of resettlement. Vulnerable households shall be given priority for employment as civil works laborers and maintenance laborers. There will be equal pay for equal work for men and women for all unskilled laborer under the project.

55. Any negative impacts of a proposed intervention on vulnerable households will be given priority. The resettlement plan will formulate measures to ensure that socioeconomic conditions, needs and priorities of vulnerable APs are identified, and that the process of land acquisition and resettlement does not disadvantage women. Focus groups discussions with women and other vulnerable groups will be conducted to address their specific issues and concerns. During disbursement of compensation and provision of assistance, priority will be given to vulnerable households.

B. Gender Impacts and Mitigation Measures

56. Female-headed households are considered a vulnerable group as per this RF. Any negative impacts of a subproject on female-headed households will be treated on a priority basis. The social safeguard planning document will formulate measures to ensure that socioeconomic conditions, needs and priorities of women are identified and the process of land acquisition and resettlement does not disadvantage women. It will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. During disbursement of compensation and provision of assistance, priority will be given to female-headed households. A gender action plan has been prepared for the project.

IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE

A. Consultation

57. In order to engage with the community and enhance public understanding on the Project and address the issues pertaining to resettlement, various sections of DPs and other stakeholders were consulted through focus group discussions (FGD), meetings and individual interviews. The opinions of the stakeholders and their perceptions were obtained during these consultations. This approach adopted towards the formulation of the framework would be continued during the program implementation.

58. Continued consultations with DPs will be organized to ensure DPs understand and support the project, and actively participate so that conflicts are avoided during implementation. A key requirement for this is that DPs concerns are adequately taken into account. The following guidelines will be adopted:

- a) Involve local authorities and communities and through them all APs, in planning and decision making. The PIU will maintain continuous dialogue with relevant

⁵ The latest official poverty lines per district can be found at:
http://www.statistics.gov.lk/poverty/monthly_poverty/index.htm

officials, community leaders, NGOs and DPs, including women, starting with sub-project planning and right through to implementation;

- b) Disadvantaged and vulnerable groups such as the elderly, the poor, the landless and women headed households and indigenous people will be included in the consultations;
- c) Record all proceedings of consultation and other meetings with stakeholders;
- d) Prepare and distribute a project information brochure in relevant local language(s) outlining a brief description of the project and its impacts, eligibility for entitlements, responsible agencies, cutoff date/s for compensation eligibility, and grievance redress procedure.
- e) Maintain transparency in all actions and documentation related to resettlement

59. The key stakeholders to be consulted during project preparation and implementation include:

- a) affected persons and beneficiaries
- b) elected representatives, community leaders, and representatives of community based organizations.
- c) relevant government agencies; and
- d) representatives, including authorities responsible for land acquisition, protection and conservation of forests and environment, archaeological sites, religious sites, tourism authorities and other relevant government departments such as health and education; residents, shopkeepers and business persons who live and work alongside the proposed roads.

B. Information Disclosure

60. DPs will receive brochure clearly explaining entitlements. The social safeguard planning documents will be made available in relevant government agencies in each DS, PS and RDA offices. The documents will be disclosed in ADB's website and the RDA website. Information dissemination and consultation will continue throughout project implementation.

61. Information will be disseminated to Displaced Persons at various stages. In the initial stage, the PIU will be responsible for issuing public notices to provide Project information. The project information summary will be translated into the local language and made available at offices of the: (i) GN; (ii) relevant local government line agencies; and (iii) PIU.

V. COMPENSATION AND INCOME RESTORATION AND RELOCATION

A. Valuation of Lost and Affected Assets

62. For national roads, land acquisition and resettlement impacts will be compensated in accordance with the entitlement matrix. As per the policy adopted for the component, all compensation for loss of land structures and other assets will be based on full replacement cost.

63. Replacement cost for land or affected structures or income losses will be determined by the Department of Valuation. The valuation of immovable properties, including structures and assets, shall be determined by the Department of Valuation applying acceptable regulations.

64. **Land and other assets.** Land/other assets will be acquired at replacement cost. The Department of Valuation will be engaged in the process of valuing the affected assets at full replacement cost. In applying this method of valuation, depreciation of assets should not be taken into account, as per ADB Safeguards Policy, 2009 as well as National Policy.

65. **Residential, commercial and institutional structures.** The full replacement cost of damaged structures and other immovable properties/assets will be determined on the basis on market cost of materials to build a replacement structure with an area similar or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site plus any labor and contractor's fee. All costs to be current for the period of actual replacement. Depreciation for structures should not be taken into account as per ADB SPS 2009 as well as National Policy. In case of permanent impacts due to demolition of structures, replacement/rebuilding of structures if land available; shifting allowance and accommodation/office/work space for affected persons, as applicable.

66. **Common resources, structures and facilities.** In case of loss of common resources, structures and facilities as defined in the Entitlement Matrix, the same will be restored or re-installed or access to lost facilities provided at a new place in consultation with the community or appropriate authority. The relocation and rehabilitation of common resources will adhere to ADB SPS.

67. **Trees.** Compensation for trees will also be based on the current market value of timber for timber trees, the annual net product market value multiplied by remaining productive years for perennial and fruit trees as finalized by the Department of Valuation.

68. For temporary impacts, cash compensation and other entitlements prescribed in the entitlement matrix will be provided to each entitled affected person before taking possession of the land or properties. Affected persons will be provided with an advance notice of 30 days prior to possession being taken of the land or properties (temporary structures in right of way), followed by reminders 1 week and 24 hours in advance. After payment of compensation at replacement cost, APs will be allowed to take away the materials salvaged from their dismantled houses and shops, and no charges will be levied upon them for the same. A notice will be issued clarifying that APs can salvage the materials. All compensation and assistance will be paid to them prior to displacement or commencement of construction activities in sections ready for construction. The executing agency will provide satisfactory evidence to ADB of payment of compensation and assistance prior to commencement of civil works in the respective sections of a project.

B. Income Restoration

69. Income restoration measures will be applicable to all affected persons for the investment program.

70. **Loss of livelihood.** Each affected person whose income or livelihood is affected will be assisted to improve or at least restore his/her income to pre-project level. Income restoration schemes will be designed in consultation with affected persons, and considering their resource base and existing skills. The ESDD of RDA and the RS will identify the number of eligible affected persons based on the LARS survey, and will conduct a training needs assessment in consultation with the affected persons so as to develop appropriate income restoration schemes. The ESDD of RDA and the RS will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be

identified by the NGO in consultation with local training institutes. Vulnerable households will get special assistance. The resettlement plan budget will reflect the cost of providing training, and costs for training will be paid directly to the training institution. The PMU will also facilitate affected persons' access to government schemes that could help them restore income and livelihood.

71. Compensation for loss of primary source of income, in the case of employees of business or wage laborers, will be as indicated in the entitlement matrix.

72. Temporary income loss. Businesses experiencing significant income impacts will be compensated for lost income on fully/partially closed streets where customer access is disrupted. Once a contractor confirms a road is likely to experience disruption to customer access, the concerned RS will conduct an income survey of businesses along the relevant sections. The LARS survey will serve as the cut-off date. All businesses identified in the project-impacted areas (sections ready for construction) on the cut-off date will be entitled to compensation for their lost income based on the tax record or, in their absence, comparable rates from registered businesses of the same type with tax records. For shops not qualifying under these categories (hawkers, vendors, etc.), there will be the option of using the actual income based on survey, followed by a verification of the income data based on comparable incomes in the project area. Preferential employment in project-related work will be offered to local people, with priority to vulnerable persons.

VI. GRIEVANCE REDRESS MECHANISMS

73. Grievances from the affected people on social and environmental issues during project implementation will be addressed mainly through the existing local administrative system. Depending on the nature and significance of the grievances or complaints, grievances will be addressed at two levels. Some grievances will be handled at the grass roots level before the GN level. Simple and easily manageable grievances will be addressed at the Grama Niladhari (GN) level and more complex grievances will be addressed at the Divisional Secretariat (DS) level. There will be a Grievance Redress Committee (GRC) at both levels comprising.

74. At the GN level the GRC members will be:

i)	Grama Niladhari of the area	Chairman
ii)	Representative of PIU	Secretary
iii)	Representative of Supervision Consultant	Member
iv)	Representative of Contractor	Member
v)	A community member/religious leader	Member
vi)	Woman representative from the local community	Member

75. At the DS Level GRC members will be:

i)	Divisional Secretary of the area	Chairman
ii)	Representative of PMU	Secretary
iii)	Grama Niladhari	Member
iv)	Representative of Supervision Consultant	Member
v)	Representative of Contractor	Member
vi)	Representative of a social organization (NGO/CBO) of the area	Member
vii)	A community member/religious leader	Member
viii)	Woman representative from the local community	Member

76. To make the GRM process gender responsive the GRC will include one woman member to represent the local community women. Further when grievances or complaints are submitted to the GRC, both women and men complainants will be treated equally and necessary measures will be taken to address the grievance in the best way possible.

77. Recommended steps with timeline on the operation of the GRM is provided in figure 1. Adjustments may be made to the GRM during processing of succeeding tranches if necessary and accordingly described in the respective RP. In addition a complaints contact person will be designated within the PIU to help address all concerns and grievances of the local communities and affected parties. Contact details of this person will be provided in the project information display board that will be placed in the project site.

78. All complaints and resolution are recorded and reported at each level of the GRC. In addition there will be an information center established by the contractor for road management contract roads. Contractor will take complaints grievances and forward them to the PIU and PIC as necessary.

VII. INSTITUTIONAL ARRANGEMENTS

A. Implementation Arrangement

79. The Ministry of Highways, Ports and Shipping (MOHPS) is the Executing Agency (EA) and the Secretary will be responsible for decisions on overall approvals and operational policies of the project. RDA will be the Implementing Agency (IA) and a Project Implementation Unit (PIU) will be established and responsible for implementing the project and managing detailed design and supervision of the construction works and ensuring that all social safeguard requirements in accordance with this RF are met. The PIU will be headed by a full time Project Director (PD) and supported by a team of engineers from RDA. The PIU will have an Environment and Social Unit (ESU) with one social safeguards and one environment safeguards officer per province. The ESU will also be supported by 4 safeguard assistants. The PIU, with support of the Environment and Social Development Division (ESDD) of RDA and consultants will be responsible for conducting studies including social safeguard planning and socioeconomic assessment for all future tranches. ⁶The Project Implementation Consultants (PIC) will support the PIU for supervision of the design and construction works by the civil works contractor. The PIC team will include a team of social safeguards consultants for conduction of regular monitoring of safeguards implementation.

80. A detailed safeguards training workshop will be conducted for the PIU, ESU, PIC and other relevant consultants to clarify the roles and responsibilities of each party, method of consultation and record keeping and reporting requirements before the conduction of assessment studies and due diligence for each tranche. After the award of civil works contract and before the start of physical works another training workshop will be conducted for the PIU, ESU, PIC and contractor on roles and responsibilities of each party for implementation and

⁶ The Environment and Social Development Division (ESDD) was established in response to capacity building needs identified in earlier ADB projects such as the Southern Transport Development Project (STDP). This division comprises of approximately 7 environment safeguard officers and 9 social safeguard officers who are well experienced in implementing ADB projects. The division is responsible for developing manuals and guidelines, providing assistance in conduction of proper safeguard assessments, and implementation and monitoring of environment and social safeguards in accordance with environmental policies of GoSL and donor agencies.

monitoring methods, record keeping and reporting requirements. Thereafter other subject specific or on the job training may be organized by the PIU on a need basis.

Table 7.1 Key Responsibilities

Key Agency	Responsibility
Ministry of Highways, Ports and Shipping (EA)	<ul style="list-style-type: none"> • Make final decision on roads to be included under the investment program • Overall responsibility for project design, feasibility, construction and operation and guide RDA to play its role as the IA • Ensure that sufficient funds are available to properly implement all agreed social safeguards measures • Ensure that all subprojects and tranches, regardless of financing source, complies with the provisions of ADB's SPS 2009 and GoSL's policies and regulations • Submit semi-annual safeguards monitoring reports to ADB
Road Development Authority (Provincial Director's office, Chief Engineer's office and Executive Engineer's office)	<p>(a) District Level</p> <ul style="list-style-type: none"> • Display of Core Network at the District Secretariat Office. • Disseminate project information to the project affected community in coordination with the PIU. • Ensure establishment of Grievance Redress Committee at the district level for grievance redress. <p>(b) Field Level</p> <ul style="list-style-type: none"> • Display of Core Network at the DS and PS offices. • Disseminate project information to the community in coordination with PIU. • Facilitate finalization of alignment during PRA with assistance from relevant stakeholders and the community. • Encourage community participation during PRA process and consultations. • Organize consultations involving community and DPs to disclose PRA outputs. • Encourage community/ DPs to voluntarily participate during the implementation. • Facilitate the socioeconomic survey. • Facilitate identifying vulnerable DPs and their verification • Facilitate consultation by the civil works contractor with community prior to mobilization of machinery. • Supervise the mitigation measures during implementation and its progress in coordination with PIU.
Project Implementation Unit	<p>The PIU will play the key role of coordinating with other concerned agencies and facilitating the entire process. The PIU will facilitate and coordinate the enrollment of vulnerable DPs in project and delivery of entitlements as described in the agreed mitigation measures matrix and entitlement matrix.</p> <ul style="list-style-type: none"> • Oversee land availability for taking up proposed roads. • Ensure that survey and consultation activities are properly conducted. • Provide support to survey team in making records/information and maps available before the PRA activities. • For negotiated settlement process. Ensure that MOUs are signed and support/assistance provided on time. • Ensure GRCs have been formed and complaints are being addressed in a timely manner.

Key Agency	Responsibility
	<ul style="list-style-type: none"> Conduct internal monitoring and prepare reports
Project Implementation Consultants (PIC)	<ul style="list-style-type: none"> Review Level 1 design to ensure community suggestions have been integrated where feasible. Provide technical support and advise for addressing complaints and grievances and participate in resolving issues as a member of the GRC Provide technical advice and on the job training to the contractors as necessary Preparation of semi-annual monitoring reports based on the monitoring checklists and submission to RDA for further submission to ADB Preparation of due diligence reports on the social safeguard performance of the earlier tranche before the approval of the next tranche
Contractor	<ul style="list-style-type: none"> Ensure outcomes/suggestions from community consultation/transect walk are integrated into Level 1 design Commence construction only when alignment is free of encumbrance. Respond in a timely fashion to recommendations from GRCs
Divisional Secretariat and Pradeshiya Sabha	<ul style="list-style-type: none"> Assist PIU to develop selection criteria for roads with relevant parties and conduct consultations to select suitable GNDs and roads. Make arrangement to establish strong linkage between PIU and communities. Assist the PIU in identifying the candidate roads at field level. Provide any existing socioeconomic information, maps and other related information to project team prior to the field data/information collection activities (PRA). Ensure the RF is effectively executed and assist PIU to take remedial measures. Act as the local focal point of information dissemination. Assist with land acquisition process.
Valuation Department	<ul style="list-style-type: none"> Preparation of condition reports of the properties to be acquired, preparation of valuation reports,
Community Based Organizations	<ul style="list-style-type: none"> Assist the project team to identify the suitable GNDs and important roads. Ensure the community participation at various stages of the project. Coordination with stakeholder organizations. Assist in Monitoring of the project. Providing indigenous knowledge as required.
Village key persons	<ul style="list-style-type: none"> Provide correct and accurate data and information from project formulation stage. Assist the project team to implement the project smoothly. Arrange proper community participation.
ADB	<ul style="list-style-type: none"> Review RF and due diligence/RF and endorse or modify the project classification Review planning documents and disclose the draft and final reports on the ADB's website as required Issue tranche approval based on reports Monitor implementation through review missions Provide assistance to the EA and IA of subprojects, if required, in carrying out its responsibilities and for building capacity for safeguard compliance Monitor overall compliance of the subprojects to this RF

B. Implementation Schedule

81. The Program will be implemented for a 10-year period from 2015 to 2024. In line with the principles laid down in this RF, the government will ensure that project activities are

synchronized between the social safeguard implementation activities as well as the subproject implementation. The government will ensure that no physical or economic displacement of displaced households will occur until: (i) MOU for land/asset donation has been completed; (ii) entitlements are provided to the displaced persons; and (iii) income and livelihood rehabilitation program, supported by adequate budget, is in place to help displaced persons, improve, or at least restore, their incomes and livelihoods. The implementation plan for the investment program and indicative implementation schedule if land acquisition takes place can be found in Appendix 5.

VIII. BUDGET AND FINANCING

82. Detailed budget estimates for each resettlement planning document will be prepared by the PIU, which will be included in the overall project estimate. The budget shall include: (i) detailed costs associated with relocation, livelihood and income restoration and improvement, administration and management and a contingency; and (ii) arrangements for approval, and the flow of funds and contingency arrangements.

83. All land acquisition funds will be provided by the government. All land acquisition, compensation, relocation and rehabilitation of income and livelihood, consultations and grievance redress will be considered as an integral component of project costs.

84. In the case of assistance and other rehabilitation measures, the PIU will directly pay the money or any other assistance to displaced persons by means of a cheque payment into their individual accounts. The PIU will be involved in facilitating the disbursement process and rehabilitation program and will facilitate opening of bank accounts for the displaced persons who do not have bank accounts.

IX. MONITORING AND REPORTING

85. Monitoring will track the following: (i) the delivery of the planned social safeguard activities to the displaced people and (ii) whether the planned activities are producing the desired outcomes. The investment program is envisioned to have no or minimal impact, however a robust monitoring system has been established. Monitoring templates are included as Appendix 6.

A. Internal Monitoring

86. **Aims and Objectives.** Internal monitoring will be done by the PIU established by RDA. PIU will be assisted from the Environmental and Social Development Division (ESDD) of RDA on matters arising from internal monitoring. Internal monitoring should be carried out against the activities, time frames and budget set out in the iROAD program with respect to each tranche.

87. In addition to recording the progress in social safeguards activities, the PIU will prepare monitoring report to ensure that implementation has produced the desired outcome. Information gathered from the monitoring exercise will be subjected to review at the Project Coordinating Committee (PCC) at ministry level and other relevant stake holders in view of taking remedial measures to mitigate or solve the problems that need institutional interventions.

88. **Reporting Requirements.** Field office/s of the PIU will submit monthly progress reports on the following activities to the PIU. As indicated the PIU will submit a consolidate progress report to the PCC or Project Steering Committee on a quarterly basis.

- Information on any affected persons category wise (especially during construction period)
- Information on any structure affected
- Number of vulnerable households assisted by the PIU
- Number of gender issues reported by the APs
- Number of gender issues resolved
- Number of APs who need income and livelihood restoration assistance
- Number of GRC meetings held
- Number of complaints received by the GRC
- Number of grievances solved by the GRC

B. External Monitoring

89. If a subsequent tranche is categorized as “A” with significant impact, an external monitor will be engaged. An important function of the external monitoring expert is to advise the RDA on safeguard compliance issues. If significant non-compliance issues are identified, the EA is required to prepare a corrective action plan to address such issues. RDA will document monitoring results, identify the necessary corrective actions, and reflect them in a corrective action plan. RDA, in each quarter, will study the compliance with the action plan developed in the previous quarter. Compliance with loan covenants will be screened by RDA.

90. External monitors will prepare semi-annual monitoring reports that describe the progress of implementation of resettlement planning document and any compliance issues and corrective actions. The semi-annual reports will be submitted to PIU, ESDD and Director General's office RDA before submission to ADB for review and disclosure.

APPENDIX 1: INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project? [] No [] Yes If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? [] No [] Yes				
Are any displaced persons from indigenous or ethnic minority groups? [] No [] Yes				

Note: The project team may attach additional information on the project, as necessary.

APPENDIX 2: OUTLINE OF A RESETTLEMENT PLAN

This outline is part of the ADB SPS Safeguard Requirements 2. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

A. Executive Summary

This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Introduction and Project Description

This section:

- a. provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area.
- b. describes the objectives of the RP; and
- c. describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

This section:

- (i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- (ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- (iii) summarizes the key effects in terms of assets acquired and displaced persons; and
- (iv) provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be displaced;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities displaced taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

This section:

- (i) identifies project stakeholders, especially primary stakeholders;
- (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (iv) summarizes the results of consultations with displaced persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- (v) confirms disclosure of the draft resettlement plan to displaced persons and includes arrangements to disclose any subsequent plans; and
- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with displaced persons during project implementation.

F. Grievance Redress Mechanisms

This section describes mechanisms to receive and facilitate the resolution of displaced persons' concerns and grievances. It explains how the procedures are accessible to displaced persons and gender sensitive.

G. Legal Framework

This section:

- (i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed.
- (ii) describes the legal and policy commitments from the EA for all types of displaced persons;
- (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided.
- (iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits

This section:

- (i) defines entitlements and eligibility of displaced persons, and describes all resettlement assistance measures (includes an entitlement matrix);
- (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and.
- (iii) outlines opportunities for displaced persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements

This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);

- (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

This section:

- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (e.g. project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
- (iv) describes special measures to support vulnerable groups;
- (v) explains gender considerations; and
- (vi) describes training programs.

K. Resettlement Budget and Financing Plan

This section:

- (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation.
- (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items)
- (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs.
- (iv) includes information about the source of funding for the resettlement plan budget.

L. Institutional Arrangements

This section:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building program, including technical assistance, if required;
- (iii) describes role of NGOs, if involved, and organizations of displaced persons in resettlement planning and management; and
- (iv) describes how women's groups will be involved in resettlement planning and management,

M. Implementation Schedule

This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

N. Monitoring and Reporting

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of displaced persons in the monitoring process. This section will also describe reporting procedures.

Appendix 3: Land Donation Procedural Framework and Templates for Preparation and Monitoring

Procedural Framework

1. For rural road component, voluntary land donation will be method if private land is required for the investment program. Voluntary donation of land involves the contribution by individuals of land for a project that has community benefits including rural roads that are part of the community driven development. The basic principles are the following:

- i. that the project benefits will realistically offset the size of the donated land;
- ii. in case negotiations for voluntary land donation fail, eminent domain or other powers of the state will not be used;
- iii. a maximum of 5% of land can be donated, particularly for the vulnerable households; and
- iv. for households donating land, no physical displacement will take place.

2. Voluntary land donation is not within the scope of the SPS. However, to ensure that land donation is carried out on a voluntary basis and that persons donating are not adversely impacted, proper due diligence and meaningful consultation will be conducted. The due diligence and consultation will (i) verify that the donation is in fact voluntary and did not result from coercion, using verbal and written records and confirmation through an independent third party or legal authority; and (ii) ensure that voluntary donations do not severely affect the living standards of affected persons and benefit them directly.

3. This system of voluntary land donation for rural community infrastructure has been used in Sri Lanka. Especially during *Shramadana* campaigns⁷ people donate small sections of their land for the betterment of the entire community. Keeping this in mind, the entire process of land donation emphasizes on the spirit of “free will”, minus any element of coercion. For this, individual verification to ensure that people are “volunteering” for donation of their land toward the project is mandatory.

4. The steps for voluntary land donation are as follows:

- i. Disseminate information to all relevant agency on project information and land donation concept;
- ii. Identification and verification of land to be donated through screening and survey;
- iii. Raising awareness and undertake meaningful consultation and negotiation with displaced persons;
- iv. Obtaining signed agreement for land donation; and
- v. Transfer of title for donated portion of land
- vi. Verification and monitoring by external monitor (ongoing)

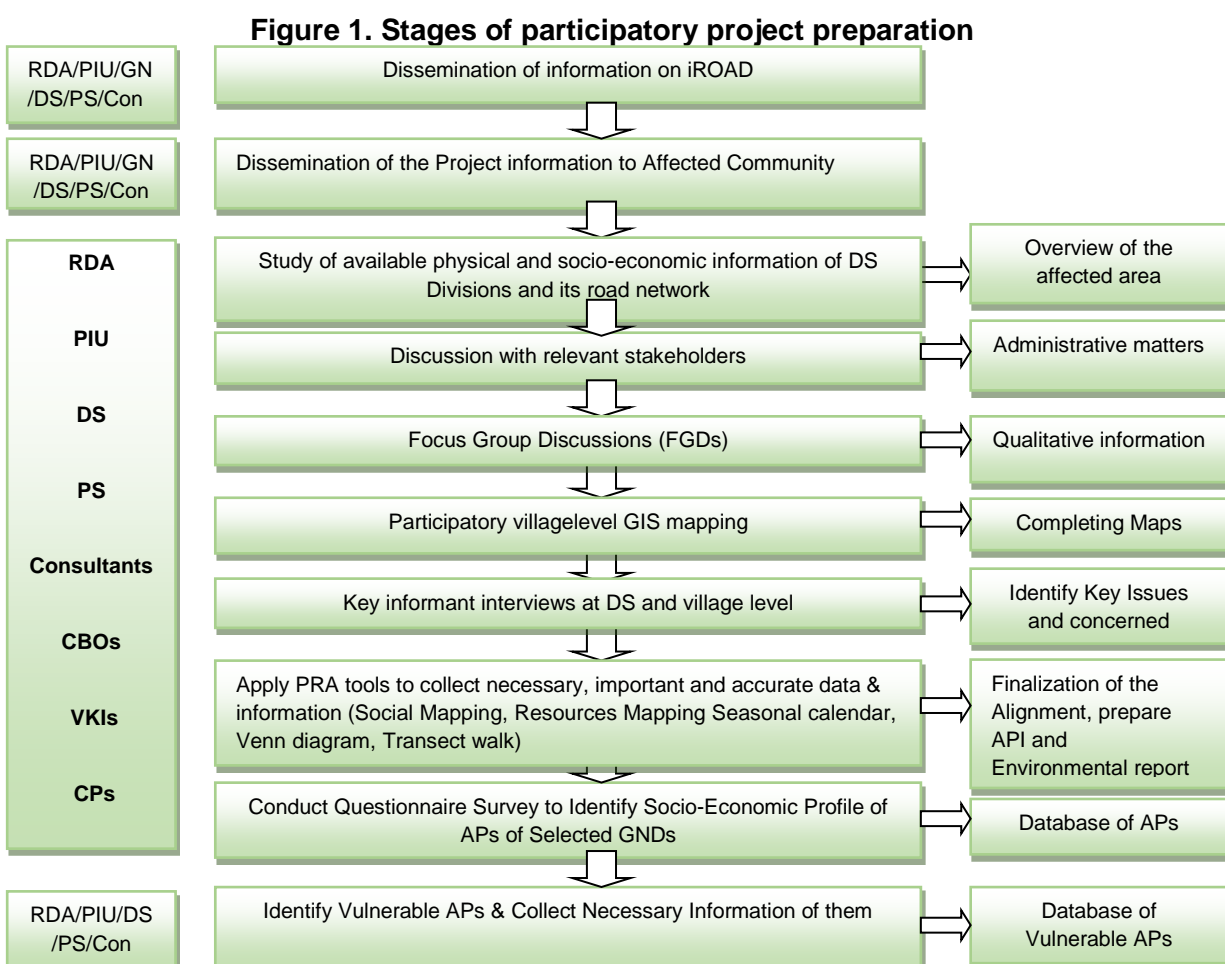
5. To ensure transparency, written confirmation of voluntary donation will be submitted by the owners of land/asset affected by the Project. The confirmation will be in the form of a Memorandum of Understanding (MOU), which will be done between the landowner(s) and the acquiring government agency, and will be verified by an independent third party.

⁷ *Shramadana* campaigns are community based systems where villagers provide their resources and labor for free in order to improve their community infrastructure.

6. To ensure legal possession of the land under consideration, a copy of the proof of the ownership, as applicable, shall be obtained by the PIU. In case the land owner has unclear titles or is unable to provide proof of ownership, a committee comprising of the Grama Niladari of the respective GND, a reputed senior citizen of the village, a member from the PIU will be assigned to verify the ownership of the concerned land owner on the land parcel or asset in question. The land donation will not be accepted if this verification is not successful.

Consultation and Participation

7. Community participation and consultation are especially important for the rural roads component. The participation of communities starts at the very initial stage of the project. Community should play a decisive role in the finalization of the alignment. To ensure fuller community participation, transect walk and consultations will be undertaken on each of the rural road alignment. Transect walks will be organized in close coordination with the Grama Niladari concerned at village level and Divisional Secretary at divisional secretariat level. Figure 1 below details the stages of participatory project preparation for rural roads.



8. Consultations should be carried out in a meaningful manner to obtain the fullest support of the communities in ensuring sustainability. Consultation methods used are both formal and informal, individual and grouped. Table below summarizes consultation methods to be used during preparation. It is equally important to record each discussion and report any suggestions, complaints made by the community to relevant staff of PIU, consultant or

contractor in order to take decisions for the betterment of the project. Appendix 3 includes detailed instructions, formats and template to be used during consultation stage.

Table 1: Tools which could be used for consultations, timing and expected results

No.	Tools	Description	Frequency and timing of consultations	Expected results
01	Study of available physical and socio-economic information on DS Division and its road network	Review of reports, evaluations and project reviews, special studies and research studies of key partners, national and district data and of other International Non-Government Organizations (INGOs) and Non-Government Organizations (NGOs).	Once before finalizing the road list for each DS division	Pattern of economic development in the district, pattern of migration especially among young people, key issues with respect to road, market, transport condition, vegetation, soil and agricultural systems, land use pattern, land availability for future development, economic development potentials.
02	Discussion with relevant stakeholders	Preliminary investigation reports, proposals and basic data from RDA, Pradeshia Sabha and Divisional Secretaries.	Two to three meetings before finalizing the road list for each DS division	Current status of road network, rehabilitation needs and development needs socioeconomic conditions and poverty.
03	Participatory village level GIS mapping (PGIS)	Physical features and locations are identified in the field with GPS points through participation of the villagers. Details are transferred to the map by a GIS specialist	Once before finalizing final design	Land use map, map with strategic locations and the proposed conservation and development map.
04	Transect Walk	Transect walk will be carried out in all rural roads. The project team and key informants conduct a walk along the road, to listen, to identify issues, and conditions, and to ask questions to identify possible solutions. Participants should include: <ul style="list-style-type: none"> Field level PIU staff GN Official Forest Officials Social Team member from ESD/consultant Environment Team member from ESD/consultant Community representatives including DPs and non-DPs School teacher 	A minimum of three transect walks to each selected road before and during construction	Issues to be discussed include: <ul style="list-style-type: none"> A joint on-site inventory, cross-checking and verification of the alignment Land requirement - Identification of DPs and vulnerable groups among them Technical design features Construction arrangement Road safety Environment features Identification of grievances on ground and redressal of the same Acceptance of the Project and alignment by the community

No.	Tools	Description	Frequency and timing of consultations	Expected results
		<ul style="list-style-type: none"> • Women representatives • Vulnerable groups • Elderly people of the village 		
05	Key informant interviews at DS and village level	Interviews with DS, PS Chairman, GNs, Project Officers, CBO leaders, Religious leaders and Samurdhi Officers etc.	A minimum of two key informant interviews for each DS	Pattern of economic development in the area, key issues with respect to the road, market availability for agriculture products, transport condition, agricultural systems, land use pattern, land availability for future development, economic development potentials etc.
06	Focus Group Discussions(FGDs)	Structured discussions with purposely selected groups from GNDs stakeholder organizations.	A minimum of two FGD for each District	Key issues of rural roads. opinion, collect indigenous knowledge, identification of current situation, consultation, proposal to success the rehabilitation activities, availability of community participation, role of community and stakeholders Development needs and environmental impacts
07	Socio-economic questionnaire survey using purposive sampling method	Specifically prepared and field tested questionnaire is used. Purposive Sampling is a method of selecting a sample with a purpose in mind. In a situation where a specific issue/ aspect or group of people is to be studied especially within a short period with limited resources, purposive sample method is applied. Special emphasis is made to focus the households along the road.	After finalizing the candidate road list in each DS division	Family status, farming activities, income from different sources, land ownership, use of technology, productivity and production, access to communication and communication patterns, access to information, services and transport, accessibility and affordability

9. For monitoring land donation, an external monitor will be engaged to ensure that land donation is conducted in a transparent manner without coercion. For portions of land that have been donated, land title will be modified and transferred to the acquiring agency. The procedure can be found in Page 67.

10. A set of documents for preparing and document the land donation process has been included. They are i) Information to be disclosed; ii) Format for Recording of the Transect Walk; iii) Sample of Census Questionnaire; iv) Format for Documenting & displaying the

details of APs; v) Format for Reporting Impact Overview; vi) Memorandum of Understanding for Land Donation; vii) Land donation process and transfer of title

INFORMATION TO BE DISCLOSED TO COMMUNITY

(To be translated into local languages)

- A. What is Integrated Road Operation and Development Investment Program (*iRoad*)?**
- B. Who will improve the road?**
- D. The Project & Asian Development Bank**
- E. How are the Project roads selected?**
- F. How will the Community participate in the Project?**
- G. Definition of Vulnerable Affected Persons (APs)**
- H. Support/Assistance Provisions for APs**
- I. Grievance Redressal Mechanism**
- J. Information about Implementing Agencies and Contact Persons**

RDA

Address: _____ Tel: _____ E-mail: _____

Contact Person & Designation _____

GND

Address: _____ Tel: _____ E-mail: _____

Contact Person & Designation _____

PS

Address: _____ Tel: _____ E-mail: _____

Contact Person & Designation _____

SUGGESTED GUIDELINES FOR TRANSECT WALK

A) Transect Walk

- A formal notice to be displayed at the prominent place in the village about a week ahead of the scheduled transect walk informing the date and time for the transect walk and inviting the community for their participation in the transect walk.
- Sometimes the length of the road is too long to be covered by walk by all the participants. Under such cases, the walk must cover those portions of the road where negative impacts are likely and the rest distance may be covered by vehicle.
- It is a must that the representative official of RDA and GND participate in the transect walk and members from vulnerable community are encouraged to participate in it.

B) Formal Consultation Session

The meeting duration shall be for about 1 to 2 hours and shall cover the following.

The details of the consultation shall be recorded in the format.

I: The session shall start with a description of the project by the RDA officials to the community. The following information shall be covered:

- Overview of iRoad and criteria for selection
- Involvement of GND & communities in project planning, design and implementation
- Expectations of the project from the beneficiaries, the communities
- Outputs of the transect walk and how the concerns of the communities have been incorporated into the design, if not, why they have not been incorporated
- Procedure to be adopted for accretion of land assets (MOU)
- Environmental issues in the project and how the issues will be resolved
- Schedule of census survey, and method and criteria for identifying vulnerable APs
- Options for support/assistance to APs identified as vulnerable
- Mechanisms for grievance redressal
- Likely construction schedule

II: After the description of the project, suggestions from the community on the project and issues will be obtained.

III: Responses to the issues raised will be provided by the RDA, GND during the meeting.

IV: The PIU summarizes the issues and record willingness of the participants to donate land.

V: Conclusion by the GND representatives.

FORMAT FOR RECORDING TRANSECT WALK & CONSULTATIONS WITH THE AFFECTED PERSONS

- 1) Name of Road:
- 2) Villages:
- 3) GND:
- 4) District:
- 5) Date; Time:
- 6) Total Number of Participants in the Transect walk:
- 7) Numbers of Participants falling in the following categories:
 - Indigenous Person
 - Disabled:
 - Households losing structure:
 - Women
- 8) Name & Designation of the Key Participants:
 - From RDA/PIU
 - From GND
- 9) Issues and suggestions raised by the Participants
 - i. Road alignment and design in general (RDA to consult prompt list in Annex 2(b):
 - ii. Road width and land availability:
 - iii. Land owned/used by vulnerable groups of people:
 - iv. Sensitive locations (forests, cultural properties, etc.):
 - v. Water-related issues (drainage lines, rivers and water crossings, irrigation water courses, other water bodies, etc.):
 - vi. Suggestion on location of Contractor's camp site
 - vii. Suggestions on alternate routes during construction
 - viii. Road safety-related issues (major junctions, curves, bends, hospitals, schools etc.):
 - ix. Other suggestions (such as regarding cattle crossing, borrow pits, etc.):
- 10) Major Outcomes of the Transect Walk (Summary):
 - i. Changes/inputs to be incorporated in the design (Alignment, road safety, Drains, CDs, irrigation water crossing etc.
 - ii. Extent of land take and willingness/unwillingness of land owner/users for donation:
 - iii. Environmental issues to be resolved (Ponds, water logging etc.):
 - iv. Other issues:
- 11) Brief Summary of consultation held during transect walk:
 - Major Issues discussed during the Consultation:
 - Recommendations of the Social Safeguard Specialist:

The road alignment will be finalized with the best efforts to address the above issues.

Countersigned

(Signature & name)

From GND (Name)

(Signature & name)

AE/JE of RDA (Name)

CONSULTATIONS WITH THE AFFECTED PERSONS

Separate Consultation with Affected Persons should be held after the meeting with the community and also before finalization of DPR

Major Issues to be discussed during the Consultation:

- (i) *Concerns raised during transect walk addressed in DPR;*
- (ii) *Why concerns raised could not be addressed in DPR;*
- (iii) *land width requirements;*
- (iv) *procedure for land transfer (MoU);*
- (v) *Impacts and support/assistance provisions for vulnerable APs;*
- (vi) *Procedure of support/assistance; (vii) mechanism of grievance redressal)*

Willingness to donate land

Yes (No. of APs)

No (No. of APs), if no then

why?.....

.....

Summary of Discussion:

.....

.....

.....

.....

**Prompt List on Community Consultation on Road Alignment and Design Issues
(for the use by RDA for review of design)**

Question	Yes	No	N/a
1. Are there any flood prone areas on the road?			
If yes:			
1.1 Are locations specified and inspected?			
1.2. Is high flood level specified for each stretch?			
1.3 Are locations specified and inspected?			
2. Are there any locations on the road where irrigations ducts need to be provided?			
If yes:			
2.1 Are locations specified and inspected?			
3. Can the road be used as a shortcut by through traffic?			
4. Does the road lead to any quarries, mining areas, brick kilns, logging areas, tourist attractions etc.?			
5. Are there plans to build new schools, hospitals, temples etc			
6. Is there potential for double connectivity?			
If yes on any of 3-6:			
6.1 Is information on location, size and nature of additional traffic generators and specific routes obtained?			
7. Is there a need for deviations from existing track?			
If yes:			
7.1 Were the proposals for deviation shown on site and explained to the community?			
7.2 Is the land availability checked?			
7.3 If there is a need for donation, were the owners consulted regarding their agreement to donate the land?			
8. Is there a need for speed breakers?			
If yes:			
8.1 Is location and rational for speed breakers identified?			
8.2 Is rationale verified and checked on site?			
8.3 Are alternative or additional locations discussed?			
9. Are all existing intersections checked with the community on site?			
9.1 Is the use of intersecting roads identified (e.g. school children, farm machinery, etc)?			
10. Are proposed culvert locations verified with the community?			
10.1 Is there a need for additional culverts?			
10.2 If yes, are locations identified?			

INSTRUCTION ON ROAD SAFETY AWARENESS CAMPAIGN

I. Road Safety Awareness sessions will be conducted:

- on the roads proposed to be constructed (during transect walk)
- during construction (by PIC as a part of road safety inspections and RDA) on existing roads

The sessions will concentrate on the most vulnerable groups: pedestrians, Two wheeler drivers and bicyclists.

II. Procedure to be followed:

- Announce road safety awareness session in advance. Invite teachers, PRI representatives, and police to participate.
- If this is a follow up session, ask participants what was done following earlier session.
- Distribute leaflets at the outset of the session
- Start with explaining road risks. Use key statistics, e.g.
 - More than XXXXX people die in road accidents in Sri Lanka every year
 - The number of severe injuries is much higher.
 - There are XXX% more road fatalities in rural areas than in urban areas
 - Many road accidents happen on new roads due to higher speeds, traffic, and ignorance of traffic rules by the communities
 - Many of these fatal and severe injury accidents are preventable by following simple traffic rules

Follow the leaflets when leading the session. Explain each bullet point, ask for questions and answer them. Invite police to share real life stories and lessons learned

- Start with the leaflet for parents and adults in general
- Follow by the leaflet for teachers

Conclude by:

- Asking what information of the session was most interesting and important

Inform that there will be follow up sessions.

ROAD SAFETY SESSION LEAFLETS

I. ROAD SAFETY AWARENESS LEAFLET FOR PARENTS - CHILDREN

CHILDREN SHOULD BE TAUGHT TO OBEY ROAD SAFETY RULES

Parents, remember – you are responsible!

- Children should be taught road safety rules
- Children learn by example, so follow the rules yourself
- Practice road safety rules with your children on roads
- Children should not be allowed on the road alone until they can understand and follow rules properly.
- When going out with small children, always walk on the traffic side and hold their hands firmly.
- You need always enforce the rules: every time you see children not following the rules – make them follow the rules.
- Teach older children in the family to take care of younger ones on road.

Parents, remember – new roads can be dangerous!

- Vehicles will drive with much higher speeds on completed roads.
- Many accidents happen shortly after road is completed, as road users are not used to high speeds

KEY RULES OF THE ROAD

1. Walk on pedestrian footpaths. In the absence, walk on the extreme right hand side of road, on the right shoulder - facing the oncoming traffic.
2. When walking at night, avoid wearing dark clothing. Clothes having retro-reflective inserts will make you even more visible. Remember: you can see headlights very far away, but drivers may not see you even at close distances
3. When walking on road, avoid sudden movements, e.g., running, turning etc.
4. Before road crossing, look for the traffic in both directions and cross when it is safe.
5. Cross only at places where you can see approaching cars in both directions, and where the drivers can see you. Use zebra crossings where available
6. Do not run across the road trying to cross in front of approaching cars - you may slip and fall. Always remember that life is more precious than a saved minute.
7. Stand in a queue off the roadway when boarding cars & busses.
8. Do not keep the limbs out of the vehicle window.
9. Do not jump in or out of the running bus or any vehicle or hold on to a moving vehicle.
10. When walking on road in a group be alert and give heads up to others in case of danger
11. Do not ride on back of trucks, tractor trolleys, or other transport unsuitable for passengers
12. Do not ride as a second or third pillion rider on two wheelers
13. When riding a bike on road: ride on the left of the road (with traffic), be predictable (no abrupt turns etc), never overtake a vehicle, when passing a parked vehicle beware of doors which may suddenly open, obey stop signs like the rest of traffic, use reflectors, and never play tricks on road.
14. Wear motorcycle helmets when riding even as a passenger– it will reduce the risk of fatality by more than 40% and of severe brain injury by almost 70%.

II. ROAD SAFETY AWARENESS LEAFLET FOR TEACHERS - CHILDREN STUDENTS SHOULD BE TAUGHT TO OBEY ROAD SAFETY RULES

Teachers, remember – you are responsible!

- Students should be taught road safety rules
- Dedicate at least one lesson at the beginning of school year to teach road safety rules. Invite police representative to the road safety lessons so that they could give real world examples and share lessons learned
- Dedicate one meeting with parents at the beginning of school year to teach road safety rules and explain responsibilities of parents
- Practice these rules with your students every time you are with them on roads
- Students learn by example, so follow the rules yourself
- Students should not be allowed on the road alone until they can understand and follow rules properly.
- You need always enforce the rules: every time you see students not following the rules – make them follow the rules.

Teachers, remember – new roads can be dangerous!

- Vehicles will drive with much higher speeds on completed roads.
- Many accidents happen shortly after road is completed, as they road users are not used to high speeds

Teachers, check if the ways to school are safe

- At least one time every year: Walk with children coming from different places to school and from school
- Observe the compliance of students with road safety rules, enforce and practice the rules
- Identify locations which are dangerous and propose new routes for students. Discuss with the road authorities and police in charge of the locations so that they could help develop countermeasures and implement them
- Discuss the new “safe way to schools” with parents, police and students
- Ensure that the mode of transport used by students is safe.
- Teach how to negotiate risky locations, such as railway crossings etc

KEY RULES OF THE ROAD

1. Walk on pedestrian footpaths. In the absence, walk on the extreme right hand side of road, on the right shoulder - facing the oncoming traffic.
2. When walking at night, avoid wearing dark clothing. Clothes having retro-reflective inserts will make you even more visible. Remember: you can see headlights very far away, but drivers may not see you even at close distances
3. When walking on road, avoid sudden movements, e.g., running, turning etc.
4. Before road crossing, look for the traffic in both directions and cross when it is safe.
5. Cross only at places where you can see approaching cars in both directions, and where the drivers can see you. Use zebra crossings where available.
6. Do not run across the road trying to cross in front of approaching cars - you may slip and fall. Always remember that life is more precious than a saved minute.
7. Stand in a queue off the roadway when boarding cars & busses.
8. Do not keep the limbs out of the vehicle window.

9. Do not jump in or out of the running bus or any vehicle or hold on to a moving vehicle.
10. When walking on road in a group be alert and give heads up to others in case of danger
11. Do not ride on back of trucks, tractor trolleys, or other transport unsuitable for passengers
12. Do not ride as a second or third pillion rider on two wheelers
13. When riding a bike on road: ride on the left of the road (with traffic), be predictable (no abrupt turns etc), never overtake a vehicle, when passing a parked vehicle beware of doors which may suddenly open, obey stop signs like the rest of traffic, use reflectors, and never play tricks on road.
14. Wear motorcycle helmets when riding even as a passenger– it will reduce the risk of fatality by more than 40% and of severe brain injury by almost 70%.

FORMAT OF CENSUS SURVEY QUESTIONNAIRE

1. Project Road :
2. Household Identification Number :
3. Plot No :
4. Name of the Head of the Household:.....
5. Vulnerability : Tick here if belong to any of the following:
 - ☐ Elderly headed household (more than 70)
 - ☐ Households losing structure
 - ☐ Female headed household
 - ☐ Indigenous household
 - ☐ Household with disabled person
 - ☐ Family with monthly income > SLR 5,000
6. Household Size :
7. No. of Adult earning members :
8. No. of Dependents :
9. Annual Income (prior to donation) -
10. Nature of Impact :
 - ☐ Loss of Agriculture land
 - ☐ loss of Residence
 - ☐ Loss of Commercial Structure
 - ☐ Any Other (Specify)
11. Type of land: 1. Irrigated 2. Un-irrigated 3. Barren 4. Govt land
12. Type of structure: 1. Permanent 2. Semi-Permanent 3/ Temporary
13. Category of AP: 1. Titleholder 2. Squatter 3. Encroacher 4. Tenant 5. Others (specify)
14. Agriculture
 - 14.1 Size of Total Land holding (in acres):
 - 14.2 Marginal farmer⁸ : a) Yes b) No
 - 14.3 Extent of impact (% of total land holding including any other land parcels owned elsewhere by the APs). Specify extent of Loss in the following:

Less than 5%	More than 5% - less than 10%	More than 10% - less than 15%	More than 15% - less than 20%	More than 20% - less than 25%	More than 25%.....
- 14.4 Size of the residual holding (in acres) :
15. Residence
 - 15.1 Plot size (in sq mts) :
 - 15.2 Extent of impact (Full/partial) :
 - 15.3 Impacted Area (in sq. mts) :
 - 15.4 Residual Plot viable : a) Yes b) No
 - 15.5 If No, Alternate house site (if relocation required):

Yes	No	If yes, specify
16. Commercial establishment
 - 16.1 Plot size (in sq mts) :
 - 16.2 Extent of impact (Full/partial) :
 - 16.3 Impacted Area (in sq. mts) :
 - 16.4 Commercial Plot viable : a) Yes b) No
 - 16.5 If No, Alternate commercial site (if relocation required):

⁸ Marginal Farmer is defined as any landowner whose landholding size is less than the district average land holding size.

Yes	No	If yes, specify

17. Asset Loss

17.1 Inventory assets lost (Trees, Wells, hand pump, CPRs etc):

18. Livelihood Loss due to donation of asset (Rs / year) -----

18.1 Alternate livelihood sources, other than mentioned above:

Yes	No	If yes, specify

18.2 If yes, annual income from alternate source? -----

18.3 Annual Income after donation of asset? -----

FORMAT DOCUMENTING PROFILES OF ALL AFFECTED PERSONS (APs)

District:

GND:

Name of Road:

Road No.:

Total length (in km):

Details of APs

S.No.	Village name	Name of the AP	Vulnerable Category						Type of Impact/Loss				Extent of Loss	Ownership	
			HHs with elderly household head (age > 70 years)	HHs with monthly income > SLR 5,000	Female headed	HHs with disabled members	Indigenous HHs	HHs losing structure(R, C, R+C, boundary / Fence)	holding size) with type of land (irrigated / un-irrigated)	Livelihood	Structure (partial / total and type of structure (sqm)	CPR, trees, crops (specify)			Land (sqm) (size of residual holding)
Total															

Responsible agency/Person: RDA (AE/JE)....., GND

FORMAT DISPLAYING INFORMATION OF VULNERABLE APs**District:****Village:****Name of Road:****Road No.:****Village-wise Details of Eligible APs**

S.No.	Name of the AP	Type of Loss	Vulnerability Category	Support/ Assistance Options

Note: The following category of APs shall be entitled for support and assistance as Vulnerable APs:

1. Elderly headed household (70+ age)
2. Households with monthly income of less than 5,000
3. Female-headed household
4. Households with disabled members
- 5.

The mitigation proposed for the Project impacts on these vulnerable households will be as per the Mitigation Measures Matrix in the Project brochure.

The PIU will facilitate and coordinate the enrollment of vulnerable APs in the existing Rural Development (RD) schemes as per his/her vulnerability and delivery of entitlements as described in the agreed mitigation matrix. The date and location for enrollment as well as procedure of support/assistance shall be disclosed by the PIU in advance to the Vulnerable APs.

Further details available at:

Agency Name:

Address:

Contact Person Name:

Phone No.:

FORMAT FOR REPORTING IMPACT OVERVIEW

Province:

District:

Village:

Name of Road:

Road No.:

Date of Transect Walk: (day, month, year)Date of Consultation with Affected Persons: (day, month, year)Date of Census Survey: (day, month, year)List of Vulnerable Affected Persons Publicly Displayed on: (day, month, year)

Types of Impacts	As per the field verification	Remarks
Impacts on Land (sq m)		
Private land		
Village/Community Land include <i>Grazing land</i> /Open land etc.		
Government/Departmental Land include Forest Land,		
TOTAL		
Category of Impact		
Loss of Land (No. of APs) Loss of land (no. of Vulnerable APs)		
Loss of Structure (No. of APs)		
Loss of Common Property Resources (No. of Structures)		
Non-titleholders (No. of APs losing land, no of APs losing structure)		
TOTAL APs		

MEMORANDUM OF UNDERSTANDING
(in case signing is done individually)

This memorandum of understanding is made on _____ day of _____ 2014 between _____ resident of _____ (hereinafter referred to as "the First Party") and the RDA through _____ (designation) _____ (hereinafter referred to as "the Second Party").

THESE PRESENTS WITNESS AS FOLLOW:

1. That the First Party is landowners with transferable right of _____ acres of land bearing plot Nos _____ in village _____ district _____.
2. That the First Party has taken part in the transect walk conducted under the requirements of the Integrated Road Investment Program (iRoad) and has been made to understand the benefits of obtaining a rural road for the village under iRoad.
3. That the First Party hereby grants to the Second Party, out of its free will, above said land for the construction and development of rural road under iRoad in the village _____ for the benefit of the villagers and the public at large.
4. That the First Party would not claim any compensation against the above said grant of land.
5. That the Second Party agrees to accept the above grant of land for the purposes mentioned in Clause 3.
6. That the Second Party shall construct and develop the road under iRoad and take all possible precautions to avoid damage to land adjacent to road under iRoad.
7. That the First Party also assures the Second Party that the first party will not indulge in any willful act of damaging the road under iRoad or obstructing the movement of public and vehicles on the road under iRoad.
8. That both the Parties hereto agree that the road under iRoad so constructed/developed shall be public premises.
9. That the provisions of the MEMORANDUM OF UNDERSTANDING will come into force and effect from the date of signing of this deed.

IN WITNESS WHEREOF the Parties hereto have signed this deed on the day and the year first above written.

Signatures of the First Party

Signature for and on behalf of the Second Party

Witnesses:

Witnesses:

1. _____

1. _____

2. _____

(Signature, name and address)

2. _____

(Signature, name and address)

Note: The witnesses will include the GND representative and the RDA Engineer conducting the transect walk. More witnesses can be added – including NGOs, village elders etc.

MEMORANDUM OF UNDERSTANDING

(in case signing is done community-wise)

This memorandum of understanding is made on _____ day of _____ 2014 between the persons listed below on the one part (hereinafter collectively referred to as “the First Party”), and RDA through _____ (designation) _____ (hereinafter referred to as “the Second Party”).

THESE PRESENTS WITNESS AS FOLLOW:

1. That the First Party is the landowners with transferable right of the respective acres (**OR OTHER UNITS AS APPLICABLE**) of land bearing plot Nos as listed below in village _____, district _____.

2. That the First Party has taken part in the transect walk conducted under the requirements of the Integrated Road Investment Program (iRoad) and has been made to understand the benefits of obtaining a rural road for the village under IROAD.

3. That the First Party hereby grants to the Second Party, out of their free will, above said land as detailed in the list below for the construction and development of IROAD rural road in the village _____ for the benefit of the villagers and the public at large.

4. That the First Party would not claim any compensation against the above said grant of land.

5. That the Second Party agrees to accept the above grant of land for the purposes mentioned in Clause 3.

6. That the Second Party shall construct and develop the road under iRoad and take all possible precautions to avoid damage to land adjacent to road under iRoad.

7. That the First Party also assures the Second Party that the first party will not indulge in any willful act of damaging the road under iRoad or obstructing the movement of public and vehicles on the road under iRoad.

8. That both the Parties hereto agree that the road under iRoad so constructed/developed shall be public premises.

9. That the provisions of the MEMORANDUM OF UNDERSTANDING will come into force and effect from the date of signing of this deed.

S.No:	Name	Description of land owned	Description of land granted for rural road under iRoad

(add as many more who are granting their land)

IN WITNESS WHEREOF the Parties hereto have signed this deed on the day and the year first above written.

Signatures of the First Party

Signature for and on behalf of the Second Party

1. _____

2. _____

3. _____

...

(all the signatures of the First Party should be obtained)

Witnesses:

Witnesses:

1. _____

1. _____

2. _____

2. _____

(Signature, name and address)

(Signature, name and address)

Note: The witnesses will include the GND representative and the RDA Engineer conducting the transect walk. More witnesses can be added – including NGOs, village elders etc.

LAND DONATION PROCESS AND TRANSFER OF TITLE

Proper transfer of title for the portion of donated land needs to be undertaken and monitored. Title transferred to the relevant government agency in order to avoid the titleholder paying relevant duties and taxes on the donated portion of the land in the future. Transfer can take place via two methods: i) through the Land acquisition Act (LAA) or ii) through writing a title deed after selling the land by the land owner to the relevant agency (in this case the RDA or PS).

A thorough consultation and discussion must first take place. A signed MOU must be completed to initiate the process. In any case it is important to do an advance tracing (survey) along the proposed road. This will help to identify all road sections that need additional land from neighboring land lots. Discussions with the design teams should be done to check any possibility of avoiding such additional requirement of land. Only if it appears to be really needed then RDA or PS should follow the below procedure.

There are three cardinal points which should be satisfied under both methods and they are outlined in the LAA, they are;

Item concerned	Section/s of LAA
Survey of land portion that needs to be taken	2, 6
Carry out a title search and verification	9, 10
Value the asset and pay the value to the owner	17

Note that survey of land will be carried out by the Survey Department, title search and verification done by the Divisional Secretariat or the acquisition officer and valuation by Valuation Department. Finally the transfer of land will be undertaken per Section 38 of NIRP.

In case of second method the survey could be done through a private licensed surveyor, but this survey plan should be approved by the land registrar in the area. Therefore, this process starts with first carrying out a title search (usually done through a lawyer). Then only if the titles are acceptable carry out the survey. Then a separate title deed will be prepared by the lawyer and after paying the owner the agreed amount of money the land title will be transferred to RDA or PS. It should be noted that in this process the buyer or seller will have to bear the land registration cost also.

The following steps should be followed for the title transfer:

Step 1	Consultation, discussion and signing of the MOU
Step 2	Submit an acquisition proposal to Ministry of Land including details of land sections that need to be acquired.
Step 3	Invoke land acquisition process. Acquiring body use the MOU to bypass Sections 4 (calling for objections) as the owner has already agreed to give the land. The title search will be done automatically under section 9 and 10.1 inquiries. Valuation department will officially value the asset (will be based on regulations 2008). But again as there is a MOU the valuation will ONLY include any other asset other than the
Step 4	The land portion will be transferred to RDA or PS through section 38 notification.

MONITORING FORMATS

Form Title	Preparation
Summary Monitoring Sheet (Form M-1)	PIU
Verification of Ownership of Land and Assets (Form M-2)	PIU
MOU Collection and Grievance Redressal (Form M-3)	PIU
Progress of Distribution of Support/Assistance (Form M-4)	PIU
External Monitoring and Evaluation (Form M-5)	-

Form M-1: Summary Monitoring Sheet (monthly)
(as of end (month, year))

State:	District:	GND:
Name of Road:		Road No.:

Project stage	Task	Completed (Date)	Outstanding tasks	Time frame for completion
Road Selection stage	Selection of Roads			
Project Planning & Design Stage	Dissemination of Project Information			
	Sensitization of community			
	Finalization of alignment (Transect Walk, alignment shifts & incorporation of community suggestion)			
	Consultations with Community/APs			
	Survey for Profile of APs			
	Identification of vulnerable APs			
	Dissemination of process of voluntary donation, support/assistance options & grievance procedures			
	Finalization of support/assistance			
	Marking of Alignment			
	Incorporating impact mitigation measures in DPR			
	Scrutiny and approval of Design			
Site Preparation Stage	Collection of MoU			
	Advance notice to farmers with standing crops			
	Relocation/Shifting of structures / Common Property Resources			
	Provision of support/assistance			
	Enrollment into rural development program			
	Physical possession of land by PIU			
Construction stage	Redressal of grievances			
	Unforeseen impacts			
	Tree Plantation			

Note: This form will be prepared monthly by the PIU for each village till issues related to voluntary donation of land are addressed .

(as on (date, month, year))

Province:

District:

GND:

Name of Subproject Road:

Road No.:

[illegible]

Form M-4: Progress of Distribution of Support/Assistance (monthly)
(as of end (month, year))

Province:

District:

GND:

Name of Subproject Road:

Road No.:

[illegible]

Form M-5: External Monitoring and Evaluation (bi-annually)
(for the period covering the six months from (month, year) to (month, year))

Province:	District:	Number and Name of Sample Villages:
Name of Road	Road No.:	Total Number of Sample Households (APs and Non-AP households):

Monitoring and Evaluation Indicators	Description
A. Adequacy of Budget (i) enrollment of APs in RD schemes (ii) Funds allocated for cash assistance, relocation, legal process of land transfer and other support costs	
B. Severity of Impacts (i) % of APs losing less than 5% and more land, % of vulnerable APs losing less than 5% and more (ii) % of APs having residual land below district average (iii) No. of structures and CPRs affected. (iv) No. of affected structures and CPRs relocated. (v) Variations in the number of APs	
C. Social Infrastructure Development Indicators (i) Increased ownership of production assets (agricultural implements, tractors etc) (ii) Increased asset ownership such as two-wheelers, bicycle etc (iii) Reduction in travel time and cost to basic services such as educational, medical facility etc (iv) Frequency of bus services (v) Enrollment in schools; (vii) Improved road safety; (viii) Role of Women in decision-making	
D. Economic Indicators (i) Source of income, (ii) Number of earners per household; (iii) Average number of days of employment in month/year; (iv) Increase in wage rates (Rs/day); (v) Alteration in agricultural practices (Method and intensity of cropping etc); (vi) Number & frequency of migration of work	
E. Adequacy Of Mitigation Measures (i) percentage of APs actually enrolled in RD and government housing schemes; (ii) percentage of AP continuing with schemes; (iii) Percentage of APs who perceive to have benefited from the schemes; (iv) percentage of APs receiving alternate land and assistance for relocating and rebuilding structure or assistance for land and structure; (v) percentage of APs receiving assistance for rebuilding structure on existing land not requiring relocation; (vi) others	
F. Adequacy Of Land Transfer Documentation (i) percentage of plots identified for land donation ; (ii) percentage of cases where deeds/mutation has been done	
G. Grievance Redressal (i) No. of grievances per APs in each corridor; (ii) Percentage of grievances redressed; (iii) any time for redressal of grievance existence and effectiveness of GR mechanism	

APPENDIX 4: INDICATIVE IMPLEMENTATION SCHEDULE

Activity		MFF Availability Period				2014		2015		2016		2017		2018		2019		2020		2021		2022		2023		2024		
						Year 1		Year 2		Year 3		Year 4		Year 5		Year 6		Year 7		Year 8		Year 9		Year 10				
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3
A	Project Preparation																											
1	Preparation of Tranche 1																											
2	Preparation of Tranche 2, 3 and 4																											
B	Project Management																											
1	Establishment of PIU																											
2	Recruitment of PIC and Individual Consultants																											
3	Recruitment of SAPE																											
4	Procurement of civil works under Tranche 1																											
5	Procurement of civil works under Tranche 2, 3 and 4																											
6	Contract Administration																											
C	Civil Works																											
1	Implementation of civil works under Tranche 1																											
2	Implementation of civil works under Tranche 2																											
3	Implementation of civil works under Tranche 3																											
4	Implementation of civil works under Tranche 4																											
D	Capacity Building																											
1	Capacity Building Program																											

PIC = Project Implementation Consultants, PIU = Project Implementation Unit, SAPE = Survey and Preliminary Engineering Consultants

Source: Road Development Authority

Indicative Implementation Schedule for Each Tranche

	Activity	Year 1				Year 2				Year 3				Year 4			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
1	Establishment of PIU for Province																
2	Recruitment and confirmation of resettlement staff and initial training																
3	Identifications of project roads																
4	Project preparation (conduct due diligence, census, preparation of documents)																
5	ADB and Government approval of Resettlement Planning Document																
6	Procurement of civil works																
7	Land Acquisition																
8	Payment of Compensation																
9	Relocate houses, shops, businesses																
10	Clear the ROW																
11	Issue notice for commencement of civil workers																
12	Civil works																
13	Income Restoration																
14	Management Information System																
15	Grievance Redressing																
16	Consultations with DPs																
17	Internal Monitoring																
18	External Monitoring																