# Due Diligence Report

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Sri Lanka: Local Government Enhancement Sector Project (Additional Financing) Minneriya Water Treatment Plant Improvement Project – North Central Province

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## **CURRENCY EQUIVALENTS**

(as of 1 April 2016)

Currency unit =	Sri	Lankan Rupee/s (LKR)
LKR 1.00	=	USD 0.00687
USD 1.00	=	LKR 145.50

# ABRAVATIONS

ADB	-	Asian Development Bank
CKD	_	Chronic Kidney Disease
DDR	-	Due diligence report
GRC	-	Grievance Redress Committee
GRM	-	Grievance Redress Mechanism
LGESP	-	Local Government Enhancement Sector Project
NIRP	-	National Involuntary Resettlement Policy
PMU	-	Project Management Unit
RAP	-	Resettlement Action Plan
SPCU	-	Sub Project Coordinating Unit
SPS	-	Safeguard Policy Statement

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## EXECUTIVE SUMMARY

1. The subproject details indicate that the works involve the improvements to existing treatment plant in the land under the ownership of National Water Supply and Drainage Board (NWSDB) and there are no impacts of resettlement or indigenous people.

2. Initial screening of resettlement and indigenous people, show that the subproject is categorized as 'C" in both aspects.

3. The filed visits revealed that there are no activities on any private land and the works do not involve displacement of livelihood of any citizens in the subproject areas. The requirement of safe water on an urgent basis was ascertained by the records of Chronic Kidney Disease (CKD) and other diseases the people were suffering due to use of untreated water.

4. The public consultations revealed that the subproject would have positive social and health and economic benefits to the citizens without affecting their land or livelihoods and there were no indigenous people present in the subproject area.

5. It can be concluded that the subproject would result in provide safe drinking water to the citizens of the subproject area with affecting their land and livelihoods.

## I. BACKGROUND

## A. Introduction

1. The Local Government Enhancement Sector Project (LGESP) is a key infrastructure initiative of the Government of Sri Lanka, and aims to improve local infrastructure, and services delivered effectively by local authorities in less developed areas in Sri Lanka. Participating local authorities will implement subprojects in the areas of roads and bridges, water supply and sanitation, drainage, solid waste management, and other basic facilities including health centers and public markets. Funds for these subprojects will be obtained as grants from the Ministry of Provincial Councils and Local Government. To continue the support to the initiatives of the Government through the current project and on solving the problems in areas affected by Chronic Kidney Diseases (CKD) and further the support in service delivery improvement and capacity building in local authorities, Asian Development Bank (ADB) and government have agreed on an additional financing component which will (i) support implementation of water supply schemes in areas affected by CKD and enable the availability of safe drinking water to the vulnerable section of these areas; (ii) support infrastructure delivery in additional Pradeshiya Sabhas; and (iii) extend the support for capacity building initiatives under the project.

2. Most physical work associated with subprojects will take place within existing government-owned locations and minimize involuntary resettlement impacts (land acquisition and physical or economic displacement of people). During project preparation, assessments and field observations for identified subprojects reveal that there are remote possibilities of resettlement impacts in any of the subprojects. The filed observations in the subproject for which this due diligence report (DDR) is prepared indicate that there would be no resettlement impacts or there is no presence of Indigenous people in this subproject area.

## B. Proposed Sub-Project Component

3. This land acquisition and resettlement DDR is prepared for proposed Minneriya Water Treatment Plant Improvement subproject under the additional financing component of LGESP. The proposed water treatment plant (WTP) presently covers supply to around 64,000 people in Hingarankaduwa and Thamankaduwa Divisional Secretariat areas and additionally planned cover around 17,000 people in the these areas including Bendiwewa area which is covered under the subproject.

## II. SUB-PROJECT DESCRIPTION

4. The subproject covers improvements of capacity of the existing Minneriya WTP by introducing rapid sand filter unit. The existing Minneriya WTP extracts water from the ancient Minneriya reservoir (Tank). This is the main solution for treated water supply in the areas apart from many other water supply schemes in the vicinity. The Google map showing the subproject area and some photographs showing the plant area is shown in Annex 1.

5. The details of the works taken up under subproject area are given below in Table 1.

6. <u>Present Situation</u>: There is an existing WTP whose capacity is to be increased. The Minneriya WTP presently operates with an aerator, coagulation and flocculation unit, sedimentation, filtration, and chlorination arrangement. All the components of the plant except the filter units have been installed and constructed to produce two million gallons (MGD) production of water. Due to the insufficient filter capacity, the present production is limited to two MGD

No.	Particulars	Details
1.	Source of Water	The raw water is extracted from Minneriya Reservoir at Minneriya for Minneriya Treatment plant. The treatment plant has
		been designed to produce $13,500 \text{ m}^3/\text{day}$ at the full capacity
2.	Treatment process	Aeration, coagulation and flocculation, sedimentation, filtration, and Chlorination
3.	Pipe network	The pipe work needed to connect the new Rapid Sand Filter units to the existing system included in the project scope
4.	New Rapid Sand Filter	04 units of 3.6m x 4.7m Rapid Sand Filter units to be constructed (01 Stand by)
5.	Rate of Filtration	120 m <sup>3</sup> // m <sup>2</sup> /day
6.	Expected capacity	1MGD
7.	Design period	20 years
8.	Present Population	63,686
9.	Annual Growth Rate	1.2%
10.	Per Capita Water Demand	120 liters/Cap/day
11.	NRW	15%
12.	Water Quality	Raw water quality remains same as no change in source. The treated water quality expected will be identical to the present quality

#### Table 1: Details of the sub-project

Proposed Works under the Project - Capacity improvement at Minneriya Water Treatment Plant by Constructing Rapid Sand Filter Units

No	Item	Water Source	Supply/ Production	No of families –New
01	Construction of Rapid Sand Filters at Minneriya Treatment Plant	Minneriya Reservoir (Tank)	1MGD	1,150 new house hold water connections and 20 small scale commercial connections

m = meter;  $m^2$  = square meter;  $m^3$  = cubic meter; MGD = million gallons;

7. The technical design is done with close coordination with safeguard team of Subproject Coordinating Unit (SPCU) and Design and Supervision Consultants to avoid involuntary resettlement impacts. The due diligence process was conducted for proposed Minneriya WTP subproject and land in line with the Resettlement Framework prepared for LGESP and ADB's Safeguards Policy Statement (SPS), 2009. This report describes the findings and provides copies of meetings minutes and photographs. Upon project implementation, the safeguards Officer (Social and Gender) at Project Management Unit (PMU) and the safeguards officer at SPCU will undertake a review of this due diligence, prepare a confirmation report documenting any modifications for this subproject and submit to ADB; and receive a "no objection" confirmation from ADB prior to start of construction.

#### III. LEGAL AND POLICY FRAMEWORK:

8. The legal and policy framework through which resettlement impacts are mitigated under the project and particularly for the subproject will follow the laws and regulations of Sri Lanka and ADB's SPS, 2009. The details of the legal and policy provisions both in the national laws and ADB's SPS statements are discussed in Annex 2.

#### IV. METHODOLOGY:

9. The methodology applied in preparation of DDR for this subproject is enumerated as follows:

- (i) The safeguard specialist studied the scope of the subproject including the technical details of the project by reviewing the Detailed Design Report (DPR) prepared for the subproject by his team and had discussions with the team leader, SPCU officers, and the relevant members of his team on the scope of works in the subproject. The resettlement framework and Indigenous peoples frame work developed for the project was also studied.
- (ii) After the desk study and internal discussions, the safeguard specialist made an initial field visit to ascertain the impacts due to resettlement and indigenous peoples.
- (iii) This was followed by preparation of the screening formats for impacts of (i) Resettlement; and (ii) Indigenous people. During this screening, the subproject was categorized as "C" which required a detailed due diligence to confirm the findings of the initial observations.
- (iv) The DDR preparation work commenced with the field visits and discussion with the relevant organisations and collecting information and/or records (if any) on land ownership and approvals by various organisations to undertake the subproject works. This was followed by a detailed public consultation to inform the public and/or stakeholders on the project components and to ascertain if there are any impacts of resettlement in the subproject execution.
- (v) This DDR was then prepared by assimilating the details of the DPR, findings of the filed visits and discussions with relevant government officials and information gathered during public consultation as per the requirements.

## V. FIELD WORK - SURVEYS AND PUBLIC CONSULTATIONS

#### A. Field visits

10. <u>Initial field visits</u>: Prior to elaborate surveys and detailed public consultation, an initial filed visit was carried out and the resettlement screening and indigenous people screening was done and the said screening report is placed vide Annex 3. Since, there were no impacts of resettlement and indigenous people; the study was continued for a due diligence with further field visits and public consultations.

11. The design and supervision consultant together with Safeguard Manager of SPCU visited the areas where the proposed subproject is to be implemented to ascertain the present land ownership including the use and need for further surveys and consultations. Documents approving the implementation of the subproject were also collected from the concerned authorities. During the field work, discussions were held with all the stake holders to collect information and views on the proposed development project. Information was collected from Divisional secretariats of Hingurakgoda and Thamankaduwa. Assistant Directors – in charge planning, Development officers were helpful in the process. Relevant Grama Niladharies in charge of the villages where the project will be implemented help us to meet the community members and community-based organizations leaders and organized the community consultation meetings. Secretary and technical officer attached to Hingurakgoda and officers in charge of water towers in Bandiwewa and Minneriya gave their fullest cooperation to collect information from the current and future users of the water from the proposed improvement

Pictures of the existing structure and the location of the proposed construction. NWSDB has provided a letter confirming the ownership of the site and the same is enclosed vide Annex 4.

# B. Stakeholder / Public Consultation

12. A series of meetings and discussions were held with key stakeholders in order to collect information for this due diligence report. The officers such as Divisional Secretary, Additional Director (Planning), Technical officers of Pradeshiya Sabhas, and other stakeholder agencies were also consulted during field visits.

13. In addition to this, final public consultation meeting was held at the conference hall of the Hingurakgoda Pradeshiya Saba. It was the central place for the area covered under the Minneriya WTP. Officers from DS and PS offices were present for the final meeting. Several public consultation meetings were conducted during the preparatory stage of the project activates. The attendance of the final meeting is attached vide Annex 5.

14. <u>Main topics discussed in public consultation meetings</u>: The main topics discussed in the public consultation meetings are as listed below:

- (i) Objectives of the water supply project and contribution of LGESP and ADB.
- (ii) Services provided by the subproject especially in relation to prevention against CKD.
- (iii) Any other social issues in implementing the subproject.
- (iv) Presence of indigenous peoples in the subproject area.
- 15. The details of public consultations are provided in Table 2.

Date	Location	Number Of Participant	Participants	Topics Discussed	Issues discussed
27 February 2016	DS Office- Hingurankgoda	8	AD Planning and Development officers	Creating awareness among relevant groups on implementation of new construction.	Issuing water to all CKD prone areas.
3 March 2016	DE Office- Minneriya. Water Board.	6	Officers In charge of water towers.	Creating awareness among the community.	Supplying water to new areas
8 March 2016	Pradeshiya Saba Hall- Hingurakgoda.	39 (25 Male - 14 Female)	Relevant government officers and community members.	Plan and the benefits of the proposed improvement	Supplying safe drinking water to all CKD prone areas.

# Table 2: Summary of Public Consultations

16. The community consultations confirmed that there are no impacts of resettlement and no presence of indigenous people in the subproject site. A community committee was formed to coordinate smooth implementation of the subproject.

17. The minutes of the community and public consultation meeting is attached vide Annex 6 and the photographs of the meeting are attached vide Annex 7.

## VI. RESETTLEMENT IMPACTS

### A. Scope of Land requirements

18. The subproject component which is the capacity improvements to Minneriya WTP will be implemented in the land that belongs to NWSDB. Therefore there will be no any resettlement impacts or impacts on structures or livelihoods of the people. The resettlement screening and categorization form is annexed as Annex 3. The subproject will be executed in the available land and there will be no requirement of additional land.

19. It is also found out that there are no indigenous people living in the area and hence no impacts due to this.

20. The letter confirming the ownership is attached vide Annex 4

## VII. SOCIO-ECONOMIC PROFILE

21. Head work improvement of Minneriya WTP will help to improve and increase the volume of purified water supply. The project impact will cover the whole Hingurakgoda PS area. The total population is around 68,759. Majority of them are farmers and considerable number of members are working in the government and private sector. 97% of the community is singhala and Buddhists. Balance 3% is belonged to Tamil and Muslim communities. All community members live and work collectively and no signs of ethnic or religious discrimination. They equally enjoy the benefits of all development activities of the Government.

22. According to the information available at the Divisional secretaries office, the Hingurakgoda DS area covers about 53 Grama Niladharies (GN) Divisions expanded in about 709.4 km<sup>2</sup>. Following table gives a clear picture of the land area and population of the area comes under the preview of the Hingurakgoda Divisional Secretaries area, according to the survey conducted in 2014.

Number of GN Division.	Land Area in km <sup>2</sup>	Number of Families.	Population.
53	709.4	18,658	68,759

23. However, the Water Board has calculated a forecasted population of 85,776 and future demand for water in the supply as follows.

- (i) Industrial Demand- 823.
- (ii) Commercial Demand- 823
- (iii) Institutional Demand 1,029
- (iv) Total forecasted demand- 12,969.
- (v) Total required treatment capacity. Cu./day-14,915.

24. Information for the project description was taken from the Sampath Pathikada available at the Divisional Secretariat Hingurakgoda. As this information has been collected in 2014, the present population can be estimated to be close to 75,000. Following table shows age-wise distribution of the population. This information proves that there are large number of members in the vulnerable group (small children and elderly people.). According to the information available at Water Board about 1,030 CKD patients have been identified in this area. According to the

information revealed by Doctors and Public Health Inspectors in Hingurakgoda and Thamankaduwa, when they screen about 200 community members, about seven community members are being referred medical clinic for further investigations. Information on availability of drinking water shows that majority of community members have been compelled to take drinking water from unprotected sources. At present, with the danger of getting CKD, almost all the community members have been accustomed to buy purified water from RO plants. Further considerable numbers of people are using bottled drinking water. Under these circumstances, it is justifiable to make immediate arrangements to provide safe and pure drinking water to these areas.

25. **Health Status:** It was observed that the health facilities of the community living in the project influenced area are satisfactory. There are regular health clinics conducting by the officers from Medical Officer of Health office for child and maternal care. For other ailments, community members go to government hospitals in Jayanthipura, Hingurakgoda, and Polonnaruwa. In addition, there are about three health centers where the doctors come for private practice in the evening. However, attention has been drawn to the CKD issue and health authorities play an active role in creating awareness on CKD and referring positive cases for further investigation.

## VIII. INFORMATION DISSEMINATION

26. The DDR will be made available for reference in the office of the PMU at Colombo and the SPCU at Anuradhapura. It will be also placed in placed in Uththupitiya GN office in local language for reference. The DDR will also be published in the project website www.puraneguma.lk. The report would be made available on request of any stakeholder in question.

#### IX. GRIEVANCE RE-DRESSAL MECHANISM

27. The Project will pursue a participatory approach in all stages of planning and implementation, as it is expected to ensure that the affected parties have nothing or little to complain about. It is of prime importance to timely redress of grievances in order to complete the Project satisfactorily. Grievances arise due to inadequate understanding of project policies and procedures which can be resolved by timely and properly explaining the situation to the complainants. The Project will have a three tier Grievance Redressing Mechanism (GRM) for redressing the grievances of the affected persons, with emphasis on vulnerable communities including indigenous peoples.

28. A project-specific GRM has been established to receive, evaluate, and facilitate the resolution of affected person's concerns, complaints and grievances about the social and environmental performance of LGESP. The GRM of the project has been prepared and accepted by ADB and disclosed in the project website The GRM chart providing information on receipt of complaints and levels of redressal is displayed in all subproject sites, local authorities' offices, SPCU offices, and other important places. The SPCU records all grievances received and address them on priority. To date, all grievances are addressed at the stage of first tier.

29. The GRM aims to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The GRM is project specific and not intended to bypass the government's own redress process; rather it is intended to address affected people's concerns and complaints promptly, making it readily accessible to all segments of the affected people and is scaled to the risks and impacts of the project.

30. The PMU and SPCUs will make the public aware of the GRM through public awareness campaigns. Grievances can be filed in writing using the Complaint Register and Complaint Forms or by phone with any member of the PMU or SPCU. The contact details of the respective SPCUs will serve as a main avenue for complaints and will be publicized through display on notice boards outside their offices and at construction sites. The safeguard documents made available to the public in an accessible version will include information on the GRM and will be widely disseminated throughout the corridor by the safeguards officers in the PMU and SPCUs.

## A. First tier of GRM

31. The SPCU is the first tier of GRM which offers the fastest and most accessible mechanism for resolution of grievances. The Safeguards Manager – Social and Gender in the SPCU will be designated as the key officer for grievance redress. Resolution of complaints will be done at the earliest. Investigation of grievances will involve site visits and consultations with relevant parties (e.g., affected persons, contractors, traffic police, etc.). The Community Development Officer of the local authority or in the absence of Community Development Officer any officer who is given the responsibility of this, would coordinate with the safeguards and gender manager of SPCU in redressing the grievances. Grievances will be documented and personal details (name, address, date of complaint, etc.) will be included unless anonymity is requested. A tracking number will be assigned for each grievance, including the following elements:

- (i) Complaint Register and Complaint Forms (including the description of the grievance) with an acknowledgement of receipt given to the complainant when the complaint is registered;
- (ii) Grievance monitoring sheet with actions taken (investigation, corrective measures); and
- (iii) Closure sheet (Result of Grievance Redressal), one copy of which will be handed to the complainant after he/she has agreed to the resolution and signed-off.

32. The updated register of grievances and complaints will be available to the public at the SPCU office, construction sites, and other key public offices. Shall the grievance remain unresolved it will be escalated to the second tier.

## B. Second Tier of GRM

33. The Social Safeguards and Gender Manager of SPCU will activate the second tier of GRM<sup>1</sup> by referring the unresolved issue (with written documentation). The Grievance Redress Committee (GRC) will be established before commencement of site works. A hearing will be called with the GRC, if necessary, where the affected person can present his/her concern/issues. The process will facilitate resolution through mediation. This local GRC will meet as necessary when there are grievances to be addressed. The local GRC will suggest

<sup>&</sup>lt;sup>1</sup> The GRC will consist of the following persons (i) Commissioner of Local Government of the Province as Chairman, (ii) Divisional Secretary of the area; (iii) Chairman of the respective pradeshiya sabha; (iv) representative of nongovernment organization/community-based organizations working in the area as nominated by CLG; (v) Member of clergy of pradeshesiya area; (vi) Chairman of Samatha mandal; (vii) Grama Niladhari of the area; and (viii) nongovernment organization/ representative of the affected persons (ix) Social Safeguard and gender Manager - as Member Secretary of the GRC. The functions of the local GRC are as follows: (i) resolve problems quickly and provide support to affected persons arising from various issues including environmental and social issues.

corrective measures at the field level and assign clear responsibilities for implementing its decision at the earliest. The contractor will have observer status on GRC. In case of resettlement issues, the representative of the affected persons will also be invited to the GRC for all meetings to be a part of the decision.

34. The safeguards and gender manager of SPCUs will be responsible for processing and placing all papers before the GRC, maintaining database of complaints, recording decisions, issuing minutes of the meetings and monitoring to see that formal orders are issued and the decisions carried out.

# C. Third tier of GRM

35. In the event that a grievance cannot be resolved directly by the SPCUs (first tier) or GRC (second tier), the affected person can seek redress through third tier at the central level. The third tier - Central Grievance Redressal Committee (CGRC) consists of (i) Project Director as Chairman; (ii) Legal Officer of Ministry of Provincial Councils as member and Social Safeguard and Gender Officer of PMU as Member Secretary. In case the grievance is not solved at this level, then the complainant can refer the same to the court of law.

36. The report on project's GRM is hosted in the project website www.puraneguma.lk . The graphical representation of the GRM is provided in Annex 8

37. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism.<sup>2</sup> The affected person may directly contact (in writing) the Complaint Receiving Officer at ADB headquarters or the ADB Sri Lanka Residence Mission . The complaint can be submitted in any of the official languages of ADB's developing member countries. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

## X. CONCLUSIONS:

38. The site visits, study of government records and the public consultation have in all shown that there are no impacts due to resettlement and indigenous people due to this subproject.

39. The proposed water supply project will have a great positive impact over the lives of people live in the project area. The project will give relief to people who are in a state pathetic condition due to the CKD issue. The proposed project will not have any negative impact over the people or physical structures in the area.

40. The subproject has no impacts on private lands and livelihood of people. It doesn't require dislocating any private and public structures. Therefore compensation cost is not required for the implementation of this sub project. It doesn't require dislocating any private and public structures and hence falls under the 'C' category of ADB guidelines and this DDR is prepared.

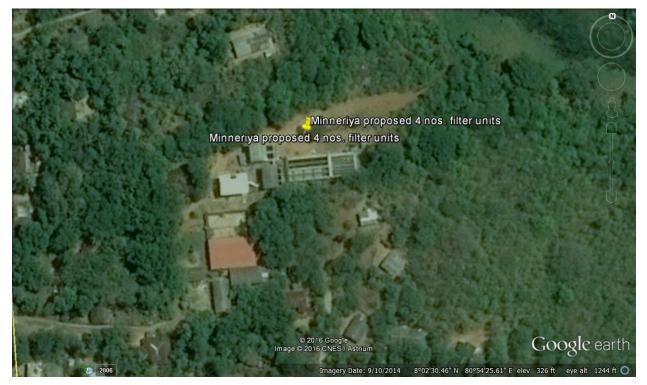
41. The subproject will also primarily render direct social and health benefits and secondarily render economic benefits to the people of the area.

<sup>&</sup>lt;sup>2</sup> For further information see: <u>http://compliance.adb.org/</u>.

## **MAP AND PHOTOGRAPHS**

## SUBPROJECT AREA – MINNERIYA WATER TREATMENT PLANT

# THE GOOGLE MAP OF MINNERIYA WATER TREATMENT PLANT SUB PROJECT AREA







Photographs of existing plant

Place for proposed rapid sand filters

## LEGAL AND POLICY FRAMEWORK – INVOLUNTARY RESETTLEMENT (NATIONAL AND ADB)

1. **Policy Framework**. This resettlement framework of the project follows all applicable laws and regulations of Sri Lanka and Asian Development Bank's (ADB's) SPS, 2009. A summary of laws and regulations is in following paragraphs.

## A. National Laws and Regulations

2. The Land Acquisition Act (LAA) of 1950 and Subsequent Amendments and Regulations. The LAA of 1950 is the most important legal provision which spell out the land acquisition process in Sri Lanka. It has several amendments, the latest being the version of 1986 and the regulations 2008 gazetted as No 1585/7 on 20 January 2009.

3. The procedure for land acquisition and payments of compensation for acquired lands by the government for public purposes are laid down in the LAA. It provided the payment of compensations at market rates for lands, structures and crops. In Chapter 460 of the LAA, the procedure is explained in the following manner:

- (i) Preparation of acquisition proposal by the requesting agency and submission to the Ministry of Lands and Land Development.
- (ii) Registration of the proposal by Ministry of Lands and Land Development, posting of notices by the relevant secretaries and conduct of advanced training by the Survey Superintendent (Sections 2, 248 and 249.)
- (iii) Investigation and calling for objections. (Sections 4, 4.3, 38a, 250, 251, 252.)
- (iv) Deciding to acquire the land. (Sections 5, 6, 253, 254, 255).
- (v) Inquiry into claims and payment of compensation (Sections 7, 7.2, 9, 10.la, 17, 255, 256, 257, 259, 261).
- (vi) Taking over of possession after the acquisition (Sections 38 in case of emergency acquisition and 262).
- (vii) Vesting of certificates (Sections 44.1 and 267).

4. The most important steps of the land acquisition process described in the LAA can be summarized below:

- (i) A notice to be issued explaining the purpose of acquiring the land.
- (ii) Declaration also has to be issued specifying the purpose of acquisition and describing the land and requiring the parties to notify the acquiring officer to make their claims in writing including the expected amount of compensation.
- (iii) Acquiring officer (Divisional Secretary of the area) holds an inquiry into the market value of the land, the claims for compensation and the legality of claimants (advised by valuation officers).
- (iv) Acquiring officer either makes the decision on the claims or refers the claims to be District Courts of Primary Courts.
- (v) Following the decision (either by the acquiring officer or the Courts) the acquiring officer makes an award after determining the persons who are entitled to compensation deemed to be allowed for the acquisition and apportionment of the compensation among the persons with interest and;
- (vi) In the event of a dispute over the determination it may be appealed to either the Compensation Review Board or Court of Appeal within 21 days of the receipt of the notification of the award. If there are no appeals the compensation will be paid.
- (vii) After making the awards, the Land Minister publishes of gazettes a "Vesting

Order" for the possession of the land and the occupants have to vacate the land.

5. The Land Acquisition Regulations, 2008, gazetted on 20 January 2009 stipulates the basis of assessing the market value of any land or the compensation caused by the acquisition of any land under LAA. Market value should be assessed:

- (i) In the case of land where part of the land is acquired and when its value is a value proportionately lower than the market value of the main land, the compensation should be made proportionate to the value of the main land.
- (ii) Where the date of intention to acquire was published, the building is used for occupation and or business purposes or is intended to be used for occupation and or business purposes, the difference between the cost of reconstruction and the value of building, based on determination of market value under section 1.1 should be paid as additional compensation.
- (iii) Value based on development potential could be considered for paddy lands acquired where permission to fill such lands have been granted by the Agrarian Services Commissioner General.
- (iv) When an acquired building is occupied by a tenant or statutory tenant protected under the provisions of the Rent Act No.7 of 1072 (as amended thereafter) the compensation should be ascertained in proportion, having regard to the provision of Rent (Amendment) Act No. 26 of 2006.

6. Injuries affection and severance is to be determined as damages caused by any severance and injuries affection should be allowed full payment of disturbances and other expenses.

7. To fulfill the requirement of the definition of compensation, in addition to the compensation under Sections 1 and 2 above which are based on "market value" compensation for disturbances based on "value to owner" should be paid under the following subheadings, after taking into consideration written claims made.

- (i) Expenses incurred for appearing for the section 9 inquiry;
- (ii) Expenses for finding alternative expenses;
- (iii) Cost incurred in change of residence;
- (iv) Cost of advertising;
- (v) Re-fixing cost of fixtures and fittings;
- (vi) Expenses incurred for transport;
- (vii) Loss of earning from business (within limits given in Prevailing Act);
- (viii) Increased overhead expenses;
- (ix) Double payments;
- (x) All other expenses to the owner due to the acquisition;
- (xi) Any other additional expenses for disturbance or compensation not connected under any other subsection of LAA which is not directly connected to market value of the land; and
- (xii) When an owner of a house or of an investment property is displaced, an additional 10% payment based on market value.

8. The acquisition process is a complex and laborious process with discrete steps, and no government agency or department can deviate from the stipulated process in the LAA of 1950 and subsequent amendments, revisions and regulations.

9. Land Development Ordinance (1935). 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. 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 legal title without right to disposal. The term for such titles is *Swarna Boomi* or *Jaya Boomi*.

10. There are two categories of encroachers into crown land: (i) middle income category, the households that have other agricultural land, and (ii) lower income category and landless households. By virtue of this ordinance landless households will be given special consideration for allocation of Crown land that is not reserved land.

11. **State Land Ordinance No. 8 of 1947.** This Ordinance is known as the State Land Ordinance No. 8 of 1947, Section (b) of the ordinance explains that land grants which can be made, and rents to be obtained for the grants. It is mentioned in Section 22 that the period is up to 50 years only and the prescribed form given in the ordinance should be filled and signed. A person seeking crown land has be 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 have also been provided to officers such as General Manager Railways and Chairman of the Colombo Port to rent out lands under their purview, under special circumstances.

12. **Prescriptive Ordinance No. 22 (1871).** 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.

13. **National Environment Act (NEA) No. 47 of 1980.** There are some provisions in the NEA Act No. 47 of 1980, with the amended Act No. 56 of 1988 which refers to Involuntary Resettlement. The Minister in charge of the subject of environment has prescribed projects and undertakings for which approval is necessary under the Provisions of the NEA.

14. The Minister by gazette notification No. 858/14 of 23 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".

15. The LAA 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, nontitled people and other dependents on land cannot be assisted under the LAA.

16. To address the gaps in the LAA in addressing the key resettlement issues such as exploring alternative project options that avoids or minimize impacts on people, the government (through the Cabinet of Ministers) adapted the National Involuntary Resettlement Policy (NIRP) on 24 May 2001. The NIRP which is prepared with the objective of avoiding, minimizing and mitigating negative impacts of involuntary resettlement by facilitating the reestablishment of the affected persons on a productive and self-sustaining basis, highlights the need for consultation of affected persons and their participation in the resettlement process actively and on preparation of resettlement plan. The NIRP also mentions that the Central Environmental Authority will review and approve resettlement plans prepared by the project executing agencies and the plans will be publicly available.

17. In addition, to NIRP the multilateral financing institutions such as ADB and World Bank have similar safeguard policies on issues regarding land acquisition and resettlement. The World Bank's policy on Involuntary Resettlement is reflected in operational policy/bank procedure (op/BP) 4.12, December 2001. ADBs policy is in SPS 2009.

18. **National Involuntary Resettlement Policy (NIRP) 2001.** Various public and private sector development projects causes acquisition of lands for their development. Affected persons who are relocated have to deal with unfamiliar locations and various other hardships. These developments take place without satisfactory consideration to resettlement. Accordingly, people have shown resistance to the process and where displacement is involved, the projects are being delayed. In order to address the above mentioned issues the Steering Committee appointed, reviewed and approved the NIRP on 5 March 2001 and the Government of Sri Lanka adopted (through its Cabinet of Ministers) as a National Policy on 24 May 2001. In line with the Resettlement guidelines of ADB, the NIRP also mentions of fair and just treatment to affected persons who do not have documented title to their land and also mentions that all the effects to be mitigated and compensated.

19. The NIRP aims to mitigate social impacts of involuntary resettlement under any programs and/or projects funded by the government or donor agencies by (i) exploring alternative project options which avoid or minimize impacts on people; (ii) compensating those who do not have title to land; (iii) consulting affected people and hosts on resettlement options; (v) providing for successful social and economic integration of affected people and their hosts; and (v) full social and economic rehabilitation of affected people. NIRP lists the following policy principles which are applicable to all development projects:

- (i) Involuntary resettlement should be avoided or reduced as much as possible by reviewing alternatives to the Project as well as alternatives within the Project.
- (ii) Where involuntary resettlement is unavoidable, affected people should be assisted to reestablish themselves and improve their quality of life.
- (iii) Gender equality and equity should be ensured and adhered to throughout the policy application.
- (iv) Displaced persons should be fully involved in the selection of relocation sites, livelihood compensation, and development options as early as possible.
- (v) Replacement land should be an option for compensation in the case of loss of land; in the absence of replacement land cash compensation should be an option for all displaced persons.
- (vi) Compensation for loss of land, structures, other assets and income should be based on full replacement cost and should be paid promptly. This should include transaction costs.
- (vii) Resettlement should be planned and implemented with full participation of the provincial and local authorities.
- (viii) To assist those affected to be economically and socially integrated into the host
- (ix) communities, participatory measures should designed and implemented.
- (x) Common property resources and community and public services should be provided to project-affected people.
- (xi) Resettlement should be planned as a development activity for the benefit of the project affected people.
- (xii) Displaced persons who do not have documented title to land should receive fair and just compensation and assistance.
- (xiii) Vulnerable groups should be identified and be given appropriate assistance to substantially improve their income and living standards.
- (xiv) Project Executing Agencies should bear the full costs of compensation and

#### resettlement.

20. Adhering to the above objectives the scope of the NIRP includes all development induced land acquisition or recovery of possession by the State. NIRP requires that a comprehensive Resettlement Action Plan (RAP) be prepared. Where 20 families are affected the NIRP still requires a RAP with lesser level of detail. NIRP applies to all projects irrespective of source of funding.

## B. ADB's Safeguard Policy Statement

21. The ADB policy on involuntary resettlement (SPS 2009) aims to avoid or minimize the impacts on people affected by a project and to safeguard the affected parties who lose their land and property and whose livelihood is affected as a result of land acquisition or temporary construction activities. The main objective of resettlement planning is to provide RAP's with standard of living equal to, if not better than their standard of original living. There are three components to the policy. They are (i) compensation for the lost assets, livelihood, and income; (ii) assistance for relocation; and (iii) assistance for rehabilitation to achieve at least the pre project level of well-being. This is considered as a development opportunity and turns displaced and affected people as project beneficiaries. The objectives and principles of ADB's SPS on involuntary resettlement principles are summarized as given below:

22. **Objectives.** 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.

23. **Scope and Triggers.** The involuntary resettlement safeguards covers physical **displacement** (relocation, loss of residential land, or loss of shelter) and economic displacement (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. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

#### 24. **Policy Principles.**

- (i) 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.
- (ii) 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.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (a)

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; (b) prompt replacement of assets with access to assets of equal or higher value; (c) prompt compensation at full replacement cost for assets that cannot be restored; and (d) additional revenues and services through benefit sharing schemes where possible.

- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (a) 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; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) civic infrastructure and 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 settlement 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 nonland assets.
- (viii) 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.
- (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 affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) 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.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

#### RESETTLEMENT AND INDIGENOUS PEOPLE IMPACT SCREENING (MINNERIYA WATER TREATMENT PLANT IMPROVEMENTS)

## 1. Minneriya Water Treatment Plant (WTP) - Improvements

#### A. Introduction

1. This screening determines resettlement requirements of water supply scheme - Minneriya WTP.

#### B. Information on project/subproject/component:

- a. Administrative Name: Minneriya, Anuradhapura, District
- b. Location: North Central Province, Sri Lanka
- c. Civil work dates (proposed): Improvements to WTP.
- d. Technical Description: This works improvements to WTP.

### C. Screening Questions for Involuntary Resettlement Impact

2. Below is the initial screening for involuntary resettlement impacts and due diligence exercise. Both <u>permanent and temporary impacts</u> must be considered and reported in the screening process.

Involuntary Resettlement Impacts	Yes	No	Not known	Remarks
Will the project include any physical construction work?	$\checkmark$			Upgrading the existing WTP
Does the proposed activity include upgrading or rehabilitation of existing physical facilities?	✓			
Will it require permanent and/or temporary land acquisition?		~		
Is the ownership status and current usage of the land known?				Not applicable - No land acquisition
Are there any non-titled people who live or earn their livelihood at the site or within the corridor of impact (COI) / Right of Way (ROW)?		~		
Will there be loss of housing?		✓		
Will there be loss of agricultural plots?		✓		
Will there be losses of crops, trees, and fixed assets (i.e. fences, pumps, etc.)?		~		
Will there be loss of businesses or enterprises?		~		
Will there be loss of incomes and livelihoods?		~		
Will people lose access to facilities, services, or natural resources?		~		
Will any social or economic activities be affected by land use-related changes?		~		
Are any of the affected persons (AP) from indigenous or ethnic minority groups?		~		

# D. Involuntary Resettlement Impact

3. After reviewing the answers above, Executing Agency/ Safeguard Team confirms that the proposed subsection/ subproject/component (tick as appropriate):

[] Has involuntary resettlement impact, a resettlement plan (or corrective action plan) is required

[✓] Has No involuntary resettlement impact, no resettlement plan is required.

# E. Screening Questions for Indigenous People Impact

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, schedules tribes, tribal peoples),), or "indigenous communities" in the project area?		✓ 		
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?				No Indigenous people – Not applicable
3. Do such groups self-identify as being part of a distinct social and cultural group?				Not Applicable
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?				Not Applicable
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?				Not Applicable
6. Do such groups speak a distinct language or dialect?				Not Applicable
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?				Not Applicable
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision- making bodies at the national or local levels?				Not Applicable
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?		✓		
10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)		✓		

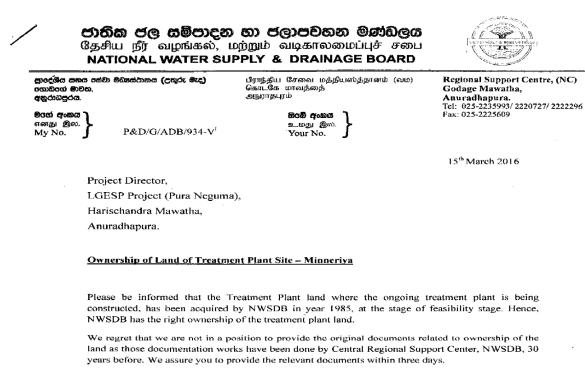
KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)		~		
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?		~		
C. Identification of Special Requirements Will the project activities include:				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?		~		If the answer is "ves" the
14. Physical displacement from traditional or customary lands?		$\checkmark$		subproject will be categorized
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?		~		as "A" and ineligible for Project financing
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples ?		✓		
17. Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?		✓ 		

## F. Indigenous People Impact

4. After reviewing the answers above, Project Management Unit and Subproject Coordination Unit safeguard manager and/or officer confirms that the proposed subsection/ section/ subproject/component (tick as appropriate):

- [] Has significant Indigenous People impact, the subproject is ineligible for Project financing
- [] Has limited Indigenous People impact, an indigenous people plan (or specific indigenous people action plan) is required
- [ Has No indigenous people impact, no indigenous peoples plan/specific action plan is required.

#### **OWNERSHIP CONFIRMATION LETTER OF THE NWSDB**



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Deputy General Manager (NC)

MINISTRY OF WATER SUPPLY & DRAINAGE "Water is a Human Right - Sanitation is a Privilege"

#### PUBLIC CONSULTATION ON SUB-PROJECT

#### **RESETTLEMENT AND INDIGENOUS PEOPLE IMPACTS**

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## MINUTES AND ATTENDANCE OF PUBLIC CONSULTATION MEETING

Date Conducted.	March 8, 2016
Time	2.00pm
Venue	Pradeshiya Sabha Conference Hall - Hingurakgoda.

#### Participants from Government Side:

- U.G.Sagarika Kumari- Development Officer- DS Office- Thamankaduwa.
- H.M.D.B. Herath.- Engineer Assistant- Bandiwewa Water tower.
- A.M.Abeyratne.- Safe Guard Consultant.- RDC.( Puranaguma Project office.)
- L.D.T.S. Liyanage.- Technical Officer- Hingurakgoda PS.
- M.P.R.N. Ananda.- Technical Officer. Hingurakgoda PS.
- M.G.S. Chandrasena. Technical Assistant. Minneriya Irrigation Office.
- E.G.Karunaratne.- Grama Niladhari- Rotawewa GN Division.
- Samurdhi Officer- Thambalawewa.
- L.L.Kusumalatha- Pre- Chhool Teacher-Thambalawewa.
- Ashoka Priyadharshani- Secretary- Water committee.
- P.U.Chaminda.- Chairman- Water Committee.
- Community Members- Attendance sheets attached.

The community consultation meeting was organized with the assistance of District engineer-Water Board, Officer In Charge of water supply schemes at Bandiwewa, Hingurakgoda and Minneriya and the technical officer at Pradeshiya Saba at Hingurakgoda. Divisional secretary's offices at thamankaduwa and Hingurakgoda also assisted to organize the meeting.

#### Main topics discussed

- Objectives of the water supply project and contribution of LGESP and ADB
- Design and the process of WTP.
- Services provided by the sub project especially in relation to CKD
- GRM mechanism

#### Minutes of the meeting

Meeting was started with the welcome address by the technical officer of the Hingurakgoda Pradeshiya saba. Safe guard consultant explained the objectives of the meeting and the social aspect of the water supply scheme. Officer In charge of the Bandiwewa water supply scheme explained the design and the technical aspect of the proposed construction.

Ideas came from the community level was limited because the proposed project did not have direct contact with the community as it will be an internal construction at the Minneriya WTP.

However chairman of the water committee at Minneriya expressed the gratitude of the community to the ADB and the officers at puranaguma project office for taking initiative to increase the volume of water being distributed by the water board from 3MGD from existing 2MGD level with the expectation of providing safe drinking water to all community members. Another lady came from Singha Udagam mentioned that their villagers are very happy because they are going to get safe and pure drinking water with the line expansion at Thamblawewa water supply scheme. Further she mentioned that this project will help to increase the number of people who get safe drinking water in remote villages such as Rotawewa.

Ms. Asoka Priyadarshani mentioned that the proposed project will help to avoid and irradiate the CKD issue which has been developed in to threatening epidemic to the people live in these areas.

Finally the Safe guard consultant explained the GRM process that has been developed by the project. However the OIC from Water Board mentioned that there will not be incidences of grievances as the project will be implemented at a secluded place belonged to the water board.

Community committee was formed with the participation of community members to help the smooth implementation of the project and maintained better coordination between the community and the water board during the construction and implementation stages.

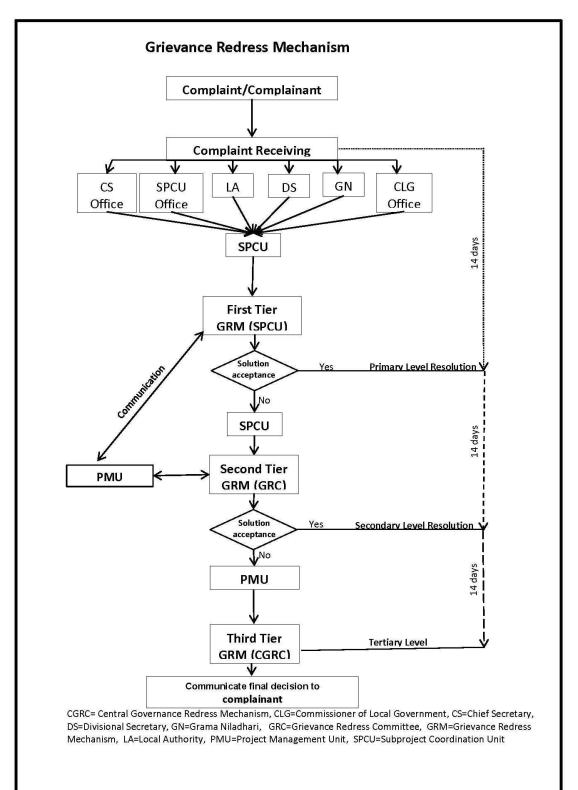
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- L.L.Kusumalatha- Pre- Chhool Teacher-Thambalawewa.
- P.U.Chaminda.- Chairman- Water Committee
- H.M.D.B. Herath.- Engineer Assistant- Bandiwewa Water tower.
- L.L.Kusumalatha- Pre- School Teacher-Thambalawewa



PICTURES OF COMMUNITY CONSULTATION MEETINGS







#### **GRIEVANCE REDRESS MECHANISM**