

# **Resettlement Action Plan**

**For**

**TRANSPORT CONNECTIVITY AND ASSET MANAGEMENT PROJECT**

**Road Development Authority**

**Ministry of Higher Education and Highways**

**SRI LANKA**

**2016**

**Resettlement Action Plan  
FOR  
Transport Connectivity and Asset  
Management Project**

**Jaela(18+000km) to Puttalam(126+600km) Section  
Of  
Peliyagoda Puttalam Road (A03) (Corridor 1)**

**Road Development Authority**

**Ministry of Higher Education and Highways**

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**ABBREVIATIONS**

AHH	Affected House Hold
APs	Affected Persons
CBO	Community Based Organization
CDO	Community Development Officer
CEA	Central Environmental Agency
CKE	Colombo Katunayake Expressway
CSC	Construction Supervision Consultants
CV	Chief Valuer
DBMOT	Design Built Maintain Operate Transfer
DG	Director General
DS	Divisional Secretary
EM	Entitlement Matrix
GN	Grama Niladhai
GP	Government Printer
GRC	Grievance Redress Committee
HH	House Hold
HHH	House Hold Head
IEE	Initial Environmental Examination
IGP	Independent Group Panel
IR	Income Restoration
IRP	Income Restoration Programme
Km	Kilometer
LA	Local Authority
LAA	Land Acquisition Act
LARB	Land Acquisition Review Board
LARC	Land Acquisition and Resettlement Committee
LARS	Land Acquisition and Resettlement Survey
LKR	Lankan Rupees
LRC	Local Resettlement Committee
M&E	Monitoring and Evaluation
MHHIP	Ministry of Higher Education and Highways
M/PA	Ministry of Public Administration
MASL	Mahaweli Authority of Sri Lanka
MIS	Management Information System
MOL	Ministry of Lands and Land Development
NCW	National Charter of Women
NGO	Non-Governmental Organization
NIRP	National Involuntary Resettlement Policy
GOSL	Government of Sri Lanka
OCH	Outer Circular Highways Road
OP	Operational Policy
OPRC	Output and Performance Based Road Contract
PC	Provincial Council

PCPA	Public Consultation and Participation
PD	Project Director
PEA	Project Executing Agency
PIC	Public Information Centre
PMU	Project Management Unit
PP	Preliminary Plan
PPC	Parliamentary Petitions Committee
PO	Parliament Ombudsmen
PS	Pradeshiya Sabha
R&R	Resettlement and Rehabilitation
RA	Resettlement Assistant
RAP	Resettlement Action Plan
RDA	Road Development Authority
ROW	Right of Way
RSAP	Road Sector Assistance Project
RR	Resettlement and Rehabilitation
SC	Supreme Court
SD	Survey department
SDO	Social Development Officer
STDP	Southern Transport Development Project
Sec.	Section
SES	Socio Economic Survey
SIA	Social Impact Assessment
SIMO	Social Impact Monitoring Officer
SM	Samatha Mandalaya
SMF	Social Management Framework
SWOT	Strength, Weakness, Opportunity, Threats
TL	Team Leader
TOR	Terms of Reference
UC	Urban Council
UDA	Urban Development Authority
UNCEDAW	United Nations Charter on Elimination of All forms of Discrimination Against Women
US\$	United States Dollar
VD	Valuation Department

## **EXECUTIVE SUMMARY**

### **Introduction**

Government of Sri Lanka has embarked on an ambitious road development programme aimed at promoting enhanced economic development by improving mobility of goods and services through construction of new expressways, roads connecting rural hinterlands with peripheral town centres and widening and improving the important existing roads to cater to the emerging needs of the road users. Improvement and widening of the road section between Jaela and Puttalam of the Peliyagoda - Puttalam Road (A03) is one of the roads identified by the RDA under the direction of the Ministry of Highways to be implemented within the 2008-2017 road development programme. This project will be undertaken based on the universally accepted Design Build Maintain Operate and Transfer methodology (DBMOT) with the financial assistance from the World Bank.

### **Description of the Project**

The Jaela-Puttalam section of the (A03) road is in fairly good condition but needs improving and widening due to emerging needs of growing traffic and its importance as an arterial road that connects Puttalam with the capital city of Colombo. The road section from Jaela to Puttalam, a distance of 108.600 km, will be improved as a substandard 04 lane to a distance of 14.520km from the present 04 length of 12.500km, width of each lane is 3.2m and from there up to 125km as a two lane road width of each is 3.5m. Last section of the road from 125 km up to the centre of Puttalam town a distance of 1.600km will be widened to a 04 lane stretch. Total length of the 04 lanes is 16.120kms on either side of the road narrow hard or soft shoulders will be provided as pedestrian walk ways width of the shoulder is 1.5meters. Widening and improvements to bridges will be made where ever necessary by adding walk ways and effecting other structural changes. The total length of the two lanes section is 92.48Km and 04 lanes section is 16.120km. The existing width of the 02 lanes section is between 13-15 meters and 04 lanes section is between 18-23 meters (Source; RDA)

### **Project Rationale**

Puttalam is the district capital of Puttalam District and is strategically located between ancient cities of Anuradhapura and Kurunegala and the commercial capital, Colombo. It is the gateway to the north along the western sea coast via Mannar. It is within the coconut triangle. Many a commercial activities are located in this region. The Katunayake International Airport, adjoining free trade zone, tourist hotels and mix of other industries are located close to A03 road. Puttalam provide easy access to largest national park of Sri Lanka – Wilpattu - and the sacred Madhu Church venerated by the Catholics not only in Sri Lanka but oversees as well. With the construction of the coal fired power plant at Norochcholai and the planned development of Kalpitiya and areas around Puttalam lagoon and coastal belt as exotic tourist resorts, the largest cement factory and two salterns located in close proximity to Puttalam town, the construction of Colombo-Katunayake Expressway and the linking of Outer Circular Road to CKE amply justify the planned improvement to Jaela – Puttalam section of the A03 road. Traffic volume of the relevant section of A03 road ranges from 55,100 to 12,480 vehicles per day commencing from

Jaela and gradually diminishing towards Puttalam. Traffic density is another factor that favours the decision to improve the proposed road section.

## **Why Resettlement Action Plan**

According to the National Involuntary Resettlement Policy (NIRP) of Sri Lanka, if in the event that over 20 families are affected, a comprehensive Resettlement Action Plan (RAP) and if less than 20 families an abbreviated RAP should be prepared. But according to WB social safeguard polices a full RAP is required if only the affected is over 200 people, over 10 % of any holding and relocation. If the number of affected is less than 200 or over 200 but all land acquisition is minor (10 % or less if all holdings is taken) and if physical relocation is not needed an abbreviated RAP is sufficient. If the number of people affected is less than 200 but physical relocation is required an abbreviated RAP could be expanded to include a rehabilitation programme. One of the three forms of RAP should be prepared depending on the number affected and degree of impact and the approval of the WB should be obtained if the project is to receive financial assistance from the World Bank (WB). In the case of Jaela - Puttalam roads project, the extent of impact triggers the preparation of a RAP. RAP is the instrument that would guide the Project Management Unit (PMU) to implement the resettlement programme. Resettlement Action Plan for this project is for a two lane section of 92.480km and 1.6 km of 4 lanes making a total of 94.080 km based on the data collected at Land Acquisition and Resettlement Survey and Socio Economic Survey and the documents made available by the RDA.

## **Objectives**

The RAP is a planning document. The main objective of the Resettlement Plan is to use it as an instrument to address the issues confronting the affected people adequately in order to better their lives after resettlement or at least assist them to achieve the levels of lives they enjoyed prior to the project. This is the minimum but project should strive to improve Affected People (APs) beyond their pre- project living standards.

## **Survey Methodology**

Before the commencement of the Land Acquisition and Resettlement Survey (LARS) and Social Economic Survey (SES), a preliminary screening was undertaken by the members of the consultancy team to visually ascertain the degree of impact and seek the opinion of the people in the project area. The enumerators were trained by the Team leader and relevant consultants to equip them with the art of interviewing the affected and filling the questionnaires. Four questionnaires were used to gather information of the affected population. Total census was conducted to gather data for the preparation of Inventory of Losses and a sample survey of 20% of the affected population to collect data on socio economic profile of the affected. Data collected were fed into excel sheets and analyzed by using Software Package for Social Sciences (SPSS). Prior to the survey, measurements were taken from the centreline to both sides of the road, 6.5meters for two lane and 10.5meters for four lane sections, which enabled the enumerators to identify the APs and affected areas fairly accurately. The landmarks (monuments placed by the RDA to demarcate the existing road corridor) remain visible and undisturbed in most of the road length and these landmarks helped the enumerators immensely in their excise.

## Socio-Economic Profile

The project falls within the districts of Gampaha and Puttalam and DS divisions of Jaela, Katana and Negombo in Gampaha district and Nattandiya, Mundalama, Wennappuwa, Arachikattuwa, Chilaw, Madampe, Mahawewa and Puttalam in Puttalam district. The average density of the population of the concerned DS divisions of Gampaha District is 1075-2750 and in Puttalam District except in the DS divisions of Arachchikattuwa, Mundalama and Puttalam, the average density is in the range of 425-1400 persons per square kilometer, which is much higher than the national average of 323 per square kilometre (2012 Census). The total number of APs in the project area (within the acquisition boundary) is 257 belonging to 80 families. Number of males is 136 and female APs amounts to 121. The number of male and female House Hold Heads (HHH) is 68 and 12 respectively. The male population is slightly higher than that of females. APs below the age of 05 years is 07(2.7%) and 19 are senior citizens over the age of 60 years. Male to female ratio is 1:1.2, which is little different to national ratio. Average size of a family house hold is 3.22. The project area is cosmopolitan in demographic composition with fair percentage of Muslims and Tamils living in harmony with the majority Sinhalese.

The educational achievements of the affected population is not very impressive when compared with other urban areas in the country with only 80 APs with O' level (32.2%) and 25 (8.3%) with A' level qualifications. There are no graduates among the affected population within the road corridor. Access to a health facility is available within one km from most of the residences. There are 37 mobile vendors who sell their goods on a regular basis on the road side. The total population of the 37 mobile vendors is 124, out of which 65 are males and 59 are females. Most of them sell fruits and vegetables. 18 of these have passed A' levels and 04 are graduates. The educational achievements of the mobile vendor population are far more impressive than that of the resident affected people.

## Land Acquisition Impacts

A total of 64 perches is required for the planned improvements from both private holdings and the State lands occupied by encroachers. An extent of 30.75 perches from 48 private owners needs to be acquired. The State needs to take possession of 33.25 perches from 32 untitled people. This fact could only be decided at the title determination inquiries to be conducted by the Divisional Secretary under Sec.9 of the Land Acquisition Act (State and corporate land not included in the above figures which amounts to 9.27 perches and 3.4 perches respectively). Number of residential and residential/shop lots affected would be 06 covering an extent of 8.2 perches. Commercial lots affected amount to 68, comprising of 53.2 perches from both titled and untitled. No residences are fully affected. Number of shops fully affected is 15 and will need to be relocated. Total extent of structures affected, including secondary structures, is 9689 sq.ft of which 4690 sq.ft is the affected shop space. There are no trees to be removed from the affected premises. Number of vulnerable families is 19 out of which 03 are headed by very old people. 10 HHs are headed by disabled people out of which 03 are very poor. Income of 52 males and 02 female APs will be partially affected. Income of 28 males and 23 females belonging to 15 HHs will be fully affected. APs who are having a primary source of income is 120 while 20 APs have a secondary source of earning as well. Though no agricultural property is affected, 08 APs derive their income from agricultural properties they own outside the project boundaries. The



monthly income of 33(35.90%) APs is between Rs.25, 001-50,000) while APs who earn less than Rs.5000 is 03, and 11 earn more than Rs.50, 000 per month.

## **Policy and Legal Framework**

Land acquisition in Sri Lanka is governed by the Land Acquisition Act of 1950, amended periodically to meet the emerging needs of the State and the public. However, up until 2009, no attempt was made to ameliorate the anomalies in respect of compensation by an Act of parliament and only since 2001 (by a decision of the cabinet of ministers) has replacement cost for structures and market value for lands were paid. This was, of course, in addition to the other incidental losses, including loss of income to the affected in donor funded projects. The orders made by Hon Minister of Land and Land Development under Section 63 (2) (e) of the LAA N0.09 of 1950 on 22<sup>nd</sup> November, 2013 and made effective by the Government Gazette No.1837/47 of 22<sup>nd</sup> November, 2013 is planned to be applied for this project for the payment of compensation. Provisions have been made under the Acts and Ordinances of other State agencies to acquire land for their requirements but land acquisition for this project is based on the provisions of the LAA. This gazette notification currently refers specifically to 18 projects only. It is assumed that the three projects that are to be undertaken for improvement on DBMOT methodology would be included to pay compensation under the provisions of the same order.

## **Legislative Provisions and Policy Gap Analysis**

There are several mismatches between provisions of LAA, NIRP and WB policy. In respect of payment of compensation the regulations enacted in Parliament in 2013 and made effective by the Government Gazette No.1837/47 of 22<sup>nd</sup> November, 2013 had addressed the anomalies and disadvantages that existed against the affected people. When there is a conflict between the provisions of the LAA, NIRP and WB policy, the PMU will follow the policies of NIRP and WB. Both policies are more or less similar to each other when dealing with the interests of the affected.

### **Eligibility policy**

The affected with titles are entitled to replacement cost for land and structures. There are 32 encroachers within the acquisition boundary. The encroachers are also entitled to all the payments contained in the Gazette notification mentioned in the above Para, except for the land. The maximum compensation for the loss of business income is subject to provisions of the LAA, i.e. the average of 03 years net income immediately preceding the acquisition supported by documentary evidence.

### **Entitlement Matrix**

The Entitlement Matrix (EM) based on the regulations approved by parliament on compensation and the entitlements. The EM covers all possible losses that will be suffered by the affectees. The detailed EM is given in the body of the report.

## **Information, Dissemination, Consultation, Participatory Approaches and Disclosure Requirements**

Before the commencement of surveys to gather information on the loss of properties and socio-economic profile of the affected population, stakeholder meetings were held at the Divisional Secretary's offices of Putalam on 26<sup>th</sup> January, 2015 and at Mahawewa Divisional Secretary's office on 02<sup>nd</sup> March, 2015. Among the participants at Puttalam were the DS and his relevant staff, representatives of the Urban Council of Puttalam, Incumbent Chief Priest of the local temple, and Divisional Engineers for Chilaw and Puttalam of the Road Development Authority, 35 people including public officials. At Mahawewa, the attendance was even more impressive. The public servants included GNN, acquisition officer and the land use officer. The number of people in attendance was 181 members of the public and 06 officers. After a brief introduction of the project by the Team Leader, the relief available to the affected were explained to the participants by the Consultant - land Acquisition and Resettlement - a healthy discussion ensued. A leaflet prepared in both Sinhala and Tamil, duly approved by the RDA, explaining the project parameters and the acquisition and compensation process was distributed among the participants. In addition to the consultations conducted by the enumerators, consultants met three focus groups of affected people at their business premises and a group of women activists at the DS office, Puttalam with the participation of Rural Development Officer and relevant officials of the DS office. At Arachchikattuwa DS office, the consultants met the relevant public officials dealing with land and social issues.

### **Cut - off Date**

**Cut - off date** for the entitlements for title holders is the date of publication of Sec.02 notice under LAA and for non-title holders, it is the date of completion of LARS and SES, which is 12th February, 2015.

### **Grievance Redress Mechanism**

A grievance redress mechanism will be in place to allow the affected a forum, easily accessible to them, to submit their grievances. The Grievance Redress Committee (GRC) will be headed by the Provincial Director of the RDA of the respective province, the DS of the division and the Resident Engineer are among the members of the committee. Before the Grievance reach the GRC, a local Redress Committee (LRC) chaired by the Resident Engineer will examine the grievance and attempt will be made to resolve it. If AP is satisfied with the decision of the LRC the complaint will not reach the GRC. An Appellate Body, designated as an Independent Grievance Panel, chaired by a retired senior public servant may hear the appeals against the decisions of the GRC.

In addition to the other fora available for redress of grievances under prevailing laws and systems of the State, the apex institute being the Supreme Court of Sri Lanka, the Samatha Mandalaya and Human Rights Commission are two popular institutions where people seek redresses for their grievances. Appeals to the LARB against the decision of the DS on compensation is available to APs as per the LAA.



The Resettlement officer attached to the project will function as the Secretary of GRC without voting rights. Wide publicity will be given regarding, powers, composition and venue of the GRC. The affected will be encouraged to seek the assistance of the GN for issues which are not connected to compensation as he/she is the officer who is closest to the people.

## **Entitlements**

In order to comply with the provisions of the NIRP and social safeguard policies of the donors, the parliament approved (in 2009) a compensation package authorising the payment of replacement cost for land and structures and other costs associated with displacement of people economically and physically. But for this project, the plan is to apply the compensation approved by enacting orders by the Minister of Land and Land Development and published in Government Gazette No.1837/47 of 22<sup>nd</sup> November, 2013 under the Land Acquisition Act of 1950 as amended. The compensation approved by latest orders of the Minister in charge of the subject of Land appears to be more beneficial to the affected.

## **Relocation and Resettlement**

Fifteen structures are fully affected and the affected have to be relocated. The partly affected structures could be relocated in the same premises with little alterations for which compensation will be paid at replacement cost. The APs who lost part of his or her land and if the balance portion is inadequate to construct a house or commercial building due to the limits enforced by the Urban Development Authority (UDA) will be exempted from such restrictions as a favour to them since the acquisition is for a requirement of the State.

## **Income Restoration Strategy**

Fifteen businesses are fully affected. The partly affected businesses will be compensated for the temporary loss of income and livelihood as per the provisions of the EM, which is part of the RAP. The vulnerable families will continue to receive the assistance provided by the State. Those who lose their vocations and livelihood permanently due to unforeseen circumstances will be assisted with training in skills development, advice and assistance to commence an alternative business or vocation. The pavement hawkers who sell vegetables, fruits, corn, fish, etc during the day and retire to their homes in the evening with the remaining items displayed for sale are mobile in nature and no productive assets are lost. During construction, however, they will be temporarily dislodged and may suffer temporary income losses. After completion of the improvements, they would be able to continue their businesses since space is available at the edge of the road reservation.

## **Resettlement Budget and Financing**

The land acquisition and resettlement budget has been prepared taking into consideration the present market value of land and cost of materials and labour for replacement of affected portions of the structures and the rates given by CV on other expenses. The amount of compensation, including administrative costs and provisions for contingencies, is **Rs.90,867,700**, equivalent to approximately **US\$ 688,391.67**. The resettlement budget is usually financed by counterpart funds provided by GOSL.



## **Implementation Schedule**

Implementation of the RAP, including acquisition of land, will be within a period of 21 months. This is comparatively a shorter duration according to past experiences. In order to accomplish the targets indicated in the implementation schedule, a robust institutional arrangement must be in place. A senior, experienced consultant in social safeguards, land acquisition and resettlement should coordinate the implementation aspects of the RAP.

## **Institutional Framework for Resettlement**

The overall implementation responsibility rests with the Road Development Authority, under the direction of Ministry of Highways and Investment promotion. The field operations are the responsibility of the PMU with the assistance of the APs. The Divisional Secretary has a major role to play in acquiring land for the project on behalf of the Government. Ministry of Land, Survey Department, Valuation Department, Government Printer and Non Governmental Organizations are the responsible institutes. Assistance of relevant State agencies will be sought during the implementation of the income restoration programme (IRP).

## **Monitoring and Evaluation**

There are two types of monitoring, internal and external. Internal monitoring is done by the resettlement staff of PMU and the consultants attached to PMU and external monitoring and evaluation is done by an independent external agency who is not connected to the establishment. Evaluation differs from monitoring because of its broader scope in assessing resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future resettlement planning. Monitoring and evaluation may be based on three themes, i.e. process, output (content) and impact using appropriate indicators. A terms of reference (TOR) should be given to the external monitors by the PMU.

## CHAPTER 1: PROJECT DESCRIPTION

### 1.1 Introduction

1. This chapter covers the overall project; the background and importance of the widening and improving of the Jaela- Puttalam section of the Peliyagoda-Puttalam Road (A03), the details of the project, and requirements of Resettlement Action Plan (RAP).

### 1.2 The Project

2. Sri Lanka's infrastructure including the impressive road network has the potential to evolve into a system of competitive and well-linked cities, given the country's growth potential in tourism, port and shipping, information technology and education. Achieving this vision will also be facilitated by Sri Lanka's small territorial size and easy topography that will allow several cities to be within a few hours travel from Colombo Metropolitan Region. The economic sustainability of the vision rests on harnessing the growth potential of Sri Lanka's cities as a system or network by fast and safe movement of goods and services facilitated by a well-developed main road network which links the rural areas with nodal city centres through the existing and to be developed rural road network. The improvement to Jaela-Puttalam section of the A03 road is a priority road identified under the 2008-2017 road development plan of the RDA due to its importance for balance regional development.

3. Road Development Authority of Sri Lanka is the premier organization charged with, design, built, manage and maintain the principal road network of the country. At present it is engaged with an ambitious programme to build new roads, widen and improve existing roads to facilitate the faster movement of traffic and easy and safe passage for pedestrians under the direction of the Ministry of Higher Education and Highways.

4. The RDA wishes to explore the possibility of universally known Design Build Maintain Operate and Transfer methodology (DBMOT) as the basis for their asset management of the most priority road network of the nation.

5. As an initial step to adopt the novel concept of DBMOT, the RDA has selected Peliyagoda to Puttalam Road (A03) as one of the first three roads to be widen and developed with the financial assistance of the World Bank .This is one of the busiest roads in Sri Lanka where traffic volume is in the range of 55,100 vehicles per day at the section commencing from Peliyagoda and drops to around 12,480 towards the tail end of the road at present the road remains in pretty good condition and had not been subject to major rehabilitation for a considerable length of time.

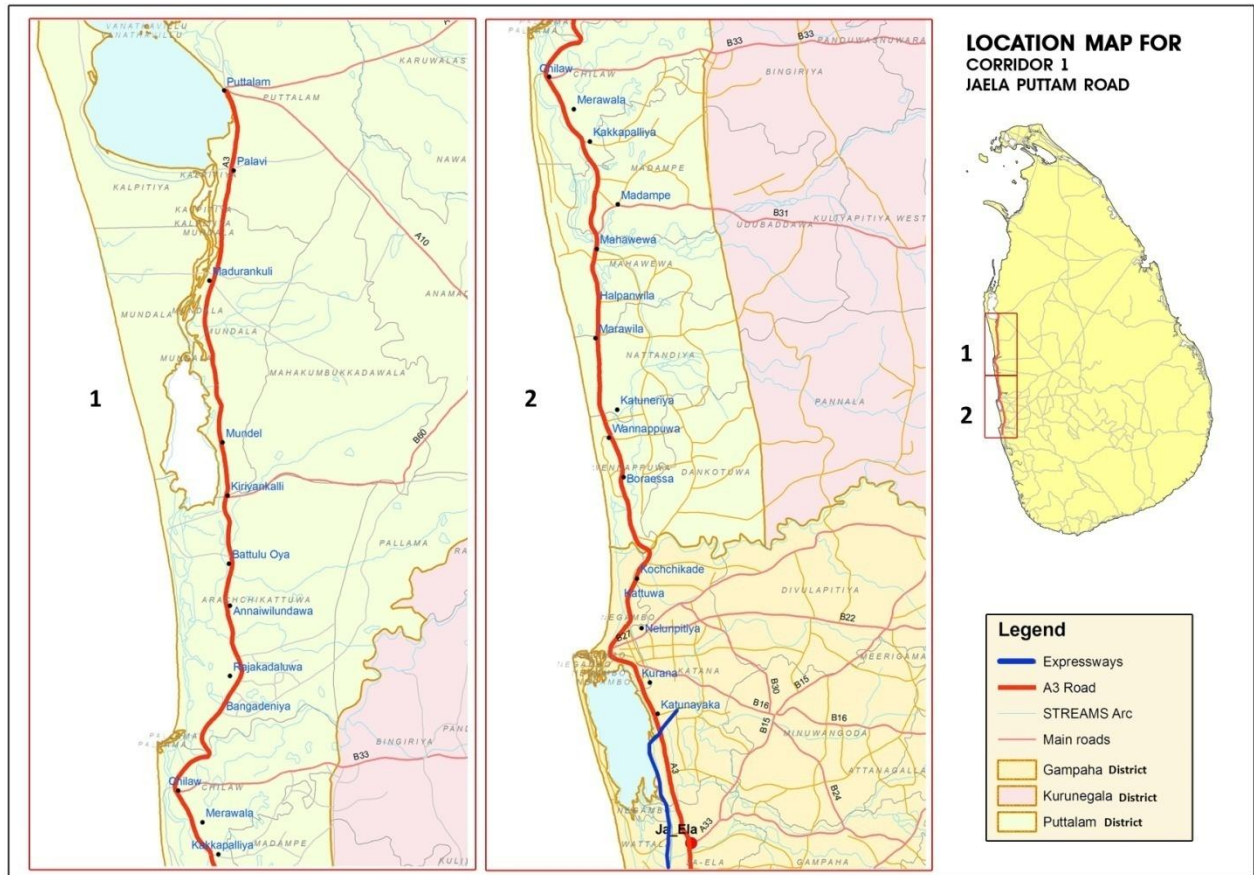
6. The widening and improving of A03 road will commence from Jaela to Puttalam ,and covers a distance of 108.6 km of which nearly 73 km traverse through urban and semi urban areas and around 36 km through rural terrain of the distance of 108.6km,16.12 km constitute 4 lanes and 92.48km of two lanes. The project traverses through two districts and 11 divisional secretary's divisions, 100 Grama Niladaris division's .See table below

**Table 1.1 Chainages and Distances According to DS Divisions**

S.No	District	DSD	No of GND	Chainage
1	Gampaha	Jaela	3	18.0 km -18.5Km
2		Katana	14	18.5Km - 29Km
3		Negombo	12	29Km - 37.5Km
4	Puttalam	Wennappuwa	17	37.5Km -48Km
5		Nattandiya	8	48Km -53.7Km
6		Mahawewa	7	53.7Km - 60.9Km
7		Madampe	8	60.9Km - 66.1Km
8		Chilaw	10	66.1Km - 77.3Km
9		Arachchikattuwa	9	77.3Km - 97Km
10		Mundalama	7	97Km - 118.1Km
11		Puttalam	5	118.1Km - 126.6Km
<b>Total</b>	<b>2</b>	<b>11</b>	<b>100</b>	<b>108.6Km</b>

Source: Resources Development Consultants/Google Maps

**Figures 1.1 Map of the Project Area**



Source: Survey Department, Sri Lanka

### 1.3 Project Parameters

7. Total length of the road to be improved from Jaela to Puttalam is 108.6 km. The project (road) commence from the northern end of the Daduganoya at Jaela to the centre of Puttalam town. It traverses through 11 DS divisions (see table 1 )The 04 lanes section of the road is extended to a distance of 14.52.km from the present 12.5km from Jaela end and 1.6 km from 125km post will be widened to a 4 lanes road up to Puttalam city centre. The total length of the 4 lanes section is 16.12 km. Each lane is 3.2 meters in width and treated as a substandard 04 lane, rest of the distance of 92.48 km is a 02 lanes stretch where the width of each lane is 3.5meters.In both sections hard and soft shoulders will be provided on either side to a width of 1.5 meters for pedestrians. Drains will be constructed where ever necessary for the free flow of storm water to prevent damages to the surface of the road. There are 56 bridges smaller, larger and longer exists throughout the length of the road as number of rivers and streams exit to the sea across the terrain where the road traverses. Some of the bridges are pretty old. These bridges too will be renovating and widened according to the needs of the locations concerned. No major change either vertical or horizontal to the present road alignment is planned except for the new bridge and its approaches at Kochchikade which is not part of this project for funding requirements. The existing width of the road corridor on the two lanes section is between 13-15 meters and on the 04 lanes section between 17-23 meters.

**Table 1.2 Chainages of 4 lanes and 2 lanes sections**

*Source: Resources Development Consultants/Google Maps*

Total length of the road section 108.6km

From		To		No of Lanes	Length KM
Location	Chainage	Location	Chainage	No of Lanes	Length KM
<b>Dandugan Oya Bridge</b>	18+000	Seeduwa Junction	20+889	4 Lane	2.889
<b>Seeduwa Junction</b>	20+889	Air Port Junction	23+730	4 Lane	2.841
<b>Airport Junction</b>	23+730	Periyamulla Junction	31+358	4 Lane	7.628
<b>Periyamulla Junction</b>	31+358	Negambo	32+520	4 Lane	1.162
<b>Negambo</b>	32+520	Puttalam	125+000	2 Lane	92.480
<b>Puttalam</b>	125+000	Puttalam Town	126+600	4 Lane	1.600

Total length of 2 lanes 92.48km

Total length of 4 lanes 16.12km

### 1.4. Rationale of the Project

8. Puttalam town is the capital of Puttalam district. Access to two ancient cities, Anuradhapura and Kurunegala originates from the town of Puttalam. It is the gateway to the north along the North West coast via Mannar. The largest wild life national park of SriLanka, Wilpattu and the sacred Madhu church revered by Catholics both local and foreign are easily accessible through Puttalam. The opening of Colombo Katunayake Expressway and the planned linking of Outer



Circular Road with Katunayake Express Way will be a plus factor for the improvement of the Jaela –Puttalam section of the A03 road. The Katunayake International Airport and adjoining industrial zone and many other factories and tourist hotels are located in the near vicinity of the A03 road. The existence of the largest cement factory and two salterns, coal fired power plant at Norochcholai, potential for wind power generation, development of Kalpitiya as exotic tourist resorts and the potential for development of tourism around the lagoon and beach frontages adjacent to Puttalam, availability of many other economic activities including shrimp farms and room for the expansion of aquaculture and dairy farming and related industries in coconut estates as the road traverses through the base of the coconut triangle of the country amply justify the investment on the improvement of the relevant road section. This is one of the busiest roads in Sri Lanka where traffic volume is in the range of 55,100 vehicles per day at the section commencing from Peliyagoda and drops to around 12,480 towards the tail end of the road. The middle class of Sri Lanka is growing steadily, and the volume of traffic is growing rapidly. This is another valid reason that supports the investment of the concerned road.

### **1.5 Project Alternatives Considered During the Design Stage**

9. At the design stage, consideration should be given to avoid marginal acquisitions of structures if space is available on the opposite side of the road devoid of valuable permanent structures without compromising the safety and engineering architecture of the road.

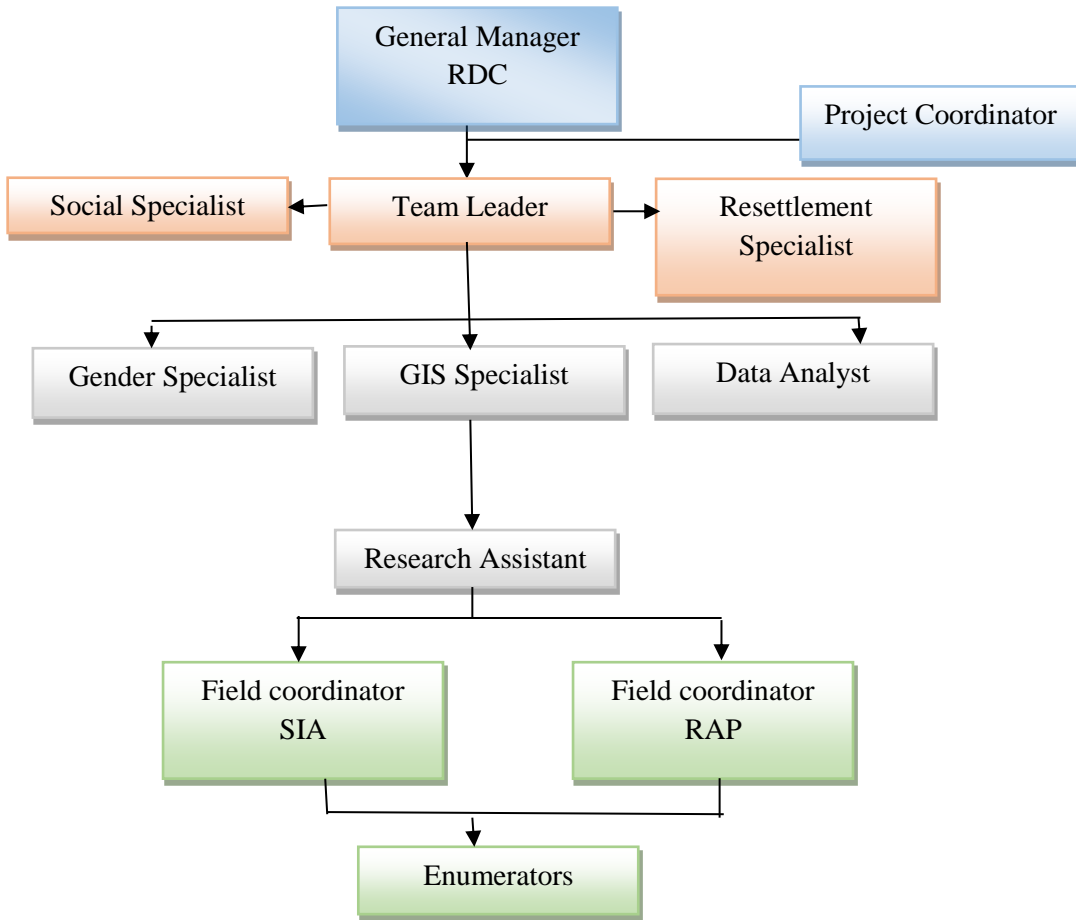
### **1.6 Requirement of Resettlement Action Plan (RAP)**

10. Project affects public as well as private land. Acquisition of private land is inevitable when state projects are implemented in areas where private properties are involved. In cases of total displacement occurs resettlement of affected in alternate premises is a major requirement. The purpose of the RAP is to identify the impacts on properties, income, social and cultural aspects would be affected due to the project activities and to propose measures to at least maintain the status quo of the affected to the pre project level in compliance with the National Policy on involuntary Resettlement which is the country safeguard system (CSS) and social safeguard policies of the WB(OP 4.12).RAP acceptable to the World Bank confirming to its social safeguard policies is a prerequisite for the commencement of project activities under WB funding

11. According to NIRP, over 20 families if affected, a comprehensive RAP and if less than 20 families an abbreviated RAP should be prepared. But according to WB social safeguard policies a full RAP is required if the affected is over 200 people, over 10 % of any holding and relocation. If the number of affected is less than 200 or over 200 but all land acquisition is minor (10 % or less if all holdings is taken) and if physical relocation is not needed an abbreviated RAP is sufficient. If the number of people affected is less than 200 but physical relocation is required an abbreviated RAP could be expanded to include a rehabilitation programme. One of the three forms of RAP should be prepared depending on the degree of impact and the number people affected and the approval of the WB should be obtained if the project is to receive financial assistance from the WB. In the case of Jaela- Puttalam project, the extent of impact triggers the preparation of a RAP. RAP is the instrument that would guide the PMU to implement the resettlement process.

The organization for preparing the RAP of this project is shown in figure below

Figure 1.2 Organization Chart for the Preparation of RAP





## CHAPTER 2: SURVEY METHODOLOGY

12. The consultants did a visit to the area for an initial screening on 30<sup>th</sup> December 2014 to gather information on geography, demography, socio economic and environmental situation of the project area .prior to the commencement of the stake holder meetings and the enumeration. A training class was conducted at the Head Office of the Resources Development Consultants (RDC) for the enumerators to explain the questionnaires, art of interviewing the affected, dissemination of information etc. The surveys to gather information of affected assets were conducted by taking measurements from the centreline to both sides of the road (6.5m for two lanes, and 10.5m for four lane sections ) as there is no design or at least a advance tracing to refer. The markings separating the lanes were visible and the existing carriage way was clearly visible on the ground. The land markings (monuments) buried by the RDA to demarcate the road corridor remain undisturbed in most of the sections of the road. These land marks facilitated to a greater extent to identify the affected plots during the survey.

13. Prior to the collection of data by filling the questionnaires, consultation was done on one to one basis with the affected by the enumerators. During the consultations an informatory pamphlet approved by the PMU/RDA, outlining the details of the project, the land acquisition procedure and the compensation payable to the affected persons depending on the nature of the losses were made available to them in both Sinhalese and Tamil languages. See annexure 1.

14. The Inventory of Losses was prepared based on the data collected by this survey which is termed as Land Acquisition and Resettlement Survey (LARS), which is also referred to as Census Survey. Information on land ownership, affected structures, and assets owned, details of businesses, income and expenditure, demography, educational standards and social networks of the community were also obtained by LARS.

15. Socio Economic Survey (SES) was done on a sample of 20% of the households (Total Households surveyed for SES is 32). Through the SES, information was gathered on household income access to health facilities, participation of women in community activities, and availability of state support for vulnerable groups.

16. After the collection of data by the enumerators, all questionnaires were vetted by the Consultants and clarifications were sought from the Coordinator of the survey team. Data was entered into Excel Sheets by a data entry operator and analysed to extract the relevant data to compile the RAP, under the supervision of the Social and Resettlement Assistant.

17. The cut-off date for an affected person with valid titles to qualify for entitlements would be the date of publication of Sec.02 notice under the LAA which is not yet published. For untitled people, the cut-off date is fixed as 12<sup>th</sup> February **2015** the date on which LARS and SES were completed.

18. The LARS and SES were conducted under the overall supervision of the Land Acquisition and Resettlement Consultant attached to the project assisted by the Coordinators. The involvement of RDA, DS' Office, Valuation Department officials occur at the stage of taking over possession of property under Sec 38 (a) of LAA normally not at the stage of data gathering.

## CHAPTER 3. OBJECTIVES

### 3.1. Objectives

19. The main objectives of the Resettlement Plan is to use it as an instrument to address the issues confronting the affected and displaced people adequately in order to better their lives after resettlement or at least assist them to achieve the levels of lives they enjoyed prior to the project. This is the minimum but project should strive to improve APs beyond their pre project living standards.

20. In order to achieve this main objective, following measures (i.e. a part of the RAP) should be implemented effectively and timely.

- All possible avenues should be explored to avoid involuntary resettlement. If it is not feasible to avoid, measures should be taken to minimize resettlement. (In this project action will be taken to minimize acquisition and impacts to buildings where ever feasible after finalization of the design).
- Since some degree of discomforts and impacts will be faced by the affected, adequate funds to be provided to compensate for the losses and temporary disruptions promptly.
- To disseminate information on compensation and entitlements.
- To maintain a continuous dialogue with the affected and to ensure they are being consulted in the process of preparing the RAP and during implementation.
- To clearly identify the different types of impacts, physical, economic and social to be incorporated in RAP.
- Ascertain rates to be paid to each and every category of impacts to reflect the current replacement costs and transactional costs.
- To develop a mechanism for the redress of grievances.
- To develop a comprehensive budget to meet the expenses involved in the resettlement plan.
- To disclose the entitlement matrix to the affected and other stakeholders.
- To monitor the implementation plan to make it stay in the correct course.
- To identify severely affected and prepare a programme to assist them
- Project to be considered as a development opportunity for the affected.

## CHAPTER.4: SOCIO ECONOMIC INFORMATION AND PROFILE

### 4.1. General Sociological Characteristics of the Affected Population

21. This chapter presents the socio-economic profile of the affected population. The project falls within two districts of Gampaha and Puttalam and eleven DS Divisions, 100GN divisions and traverses through 13 local government areas. Jaela, Katana and Negombo DS divisions within Gampaha District and Wennappuwa, Nattandiya, Mahawewa, Madampe, Chilaw, Arachchikattuwa, Mundalama, Puttalam in the Puttalam District are the DS divisions through which the road traverses where the average density of population per Km<sup>2</sup> is much higher in 09 out of 11 DS divisions in relation to the density of population in Sri Lanka according to Department of Census and Statistics is 323 (2012). Density of population in the relevant DS divisions is given in Table 4.1. The average population increase per year in Sri Lanka between the census periods of 2001 and 2012 was 0.7% which is one of the lowest in the world. The average increase during the same period in Gampaha and Puttalam Districts were 1.02 and 0.66 respectively. The reason for low population growth rate in Puttalam between the two census periods in spite of displaced people migrating to Puttalam from North during the conflict period is a matter for the researchers involved in demographic studies to examine. The total population of the DS areas through which the road alignment is located is 1,055,797. Most of the land is privately owned but most of the land on the stretch adjoining the sea coast and lagoons are owned by the state. Most of the land in the vicinity of the highway is being used for residential, commercial and industrial purposes and there is a high demand for land in the area due to its proximity to the airport and other commercial and industrial establishments located in and around the road leading to Puttalam.

**Table 4.1 Density of Population in DS Divisions through which the Road Traverse**

District	DS Division	Population Nos.	Density Range	Average/ Sq.km
<b>Gampaha</b>	Jaela	201521	1251-2250	1750.5
	Katana	235291	901-1250	1075.5
	Negombo	142136	2251-3250	2750.5
<b>Puttalam</b>	Wennappuwa	68111	1001-1800	1400.5
	Nattandiya	62145	501-1000	750.5
	Mahawewa	51078	501-1000	750.5
	Madampe	47920	501-1000	750.5
	Chilaw	62515	501-1000	750.5
	Arachchikattuwa	40999	101-300	200.5
	Mundalama	61638	101-300	200.5
	Puttalam	82443	301-550	425.5
	<b>Total</b>		<b>1055797</b>	

*Source: Population Census 2012, Dept. of Census and Statistics*

22. As the road traverses close to the sea and the Puttalam lagoon many affected people engage in fishing and tourism related activities. Informal businesses are mainly concentrated on selling fish, vegetables fruits and maize etc.

#### 4.2 Demographic Characteristics of the affected population

23. Area affected by the improvement to Jaela- Puttalam section of the Peliyagoda-Puttalam road of the A03 road, a length of 108.6 km, is characterized mainly by semi-urban and urban features. Approximately 36km of road section traverses through rural areas. There is a very heavy concentration of commercial establishments at both ends of the road and at the middle. The total affected population within the project area is 257 persons comprising 136 males and 121 females. Out of this total population, 80APs are designated as Affected Household Heads (AHHs) who are considered as chief occupants of the concerned families or of business commercial ventures. Of the 257 APs, 7 are below the age of 5 years and 19 are senior citizens over the age of 60years. Male to female ratio is 52.9 to 47.1 which is little in favour of male population. Of the total AHH, only 12 are female headed household. Educational achievements of the project affected people is not very impressive, many females have not preceded beyond the GCE O' level classes. It may be due to religious, sociological and cultural reasons.

**Table 4.2: Distribution Affected Population by Household Size**

Household Members	No Of Households	Percentage
<b>1-2</b>	24	30.0
<b>3-4</b>	37	46.3
<b>5-7</b>	19	23.7
<b>7 and above</b>	0	0
<b>Total</b>	80	100

Source –LARS and SES conducted in January February 2015

24. In the project area, the majority of the households 37 in number are having 3-4 members while 24 families are having 1-2 members, appear to be young married couples. Nearly 19 families or 22.5 % of the families are having more than 5-7 members. In the last decade, the population increase in Sri Lanka was 0.7%. Average per family in the project area is 3.22 little lower than the national average. This may be due to many small business ventures are run by young married people. Most of the old HHH did not like to divulge the particulars of their married children, this is also one of the reason for the members per household to be little lower than the national average.

25. Population of the project area is 257, 136 males (52.9%) and 121 females (47.1%). This percentage is little different to ratio of gender distribution of national population. Of the APs, seven are children below the age of 05 years constituting a population of 2.7% Thirty six or 14% are below the age group of 6-14 years and 19 people are senior citizens who are over 60 years of age bringing the total economically dependent to affected population close to 24 % Since those who are below the age of 18 and above 60 are considered as dependents in Sri Lankan context.

**Table.4.3: Distribution Population by Gender and Age.**

Age Category	No. Of Male APs	%	No. of Female APs	%	Total Number	%
<b>Below 5</b>	4	2.94	3	2.5	7	2.7
<b>6-14</b>	23	16.91	13	10.7	36	14.0
<b>15-30</b>	36	26.47	33	27.3	69	26.8
<b>31-45</b>	34	25.00	35	28.9	69	26.8
<b>46-60</b>	29	21.32	27	22.3	56	21.9
<b>Over 60</b>	10	7.35	9	7.5	19	7.4
<b>Not disclosed</b>	0	0	1	0.8	1	0.4
<b>Total</b>	136	100	121	100	257	100

Source –LARS and SES conducted in January, February 2015

26. The total number of 80 households, 12 HH is women headed representing 15 % of the HH population. 30(44.1 %) of the male household heads are in the age group of 31-45 and 26(38.2%) are in the age group of 46-60. Women HHH who are in the age group of 46-60 is 06(50%) and one female HHH did not disclose her age. Percentage wise the number female HHH in the age group of 46-60 is more than that of men. This is an indication that they would have been widowed pretty earlier than the average age. The average life expectancy of women is higher than that of men in Sri Lanka, according to latest statistics it is 79 years for women and 76 for men.

**Table.4.4: Distribution of Affected Household Heads by Gender and Age**

Age Category	Number of Males	%	Number of Females	%	Total Number	%
<b>18-30</b>	5	7.4	0	0	5	6.3
<b>31-45</b>	30	44.1	0	0	30	37.5
<b>46-60</b>	26	38.2	6	50	32	40.0
<b>&gt;60</b>	7	10.3	5	41.7	12	15.0
<b>Not disclosed</b>			1	8.3	1	1.2
<b>Total</b>	68	100	12	100	80	100

Source –LARS and SES conducted in January 2015

27. There are no affected households in Katana DS division, in Gampaha district and Wennappuwa and Nattandiya in Puttalam district. Most affected families are in Puttalam DS division numbering 35 comprising a population of 117 of which 65 are males and 52 are females. Fewer women in this area during census period may be due to the reason that they have migrated for employment especially to Middle East countries mostly being Muslims. Next highest number affected is from Arachchikattuwa DS division where number of families affected is 19 and the number of people is 52, 24 males and 28 females. The higher number of affected from the Puttalam DS division is due to the widening of road to 4 lanes from 125km up to 126.6km which is a built up area.



**Table 4.5 Distribution Affected Households According to District and DS Divisions**

District and DS Division	Chainage	No Of Households	Population		
			Male	Female	Total
<b>Gampaha District/DS Divisions</b>					
<b>Jaela</b>	18-18.5km	1	3	1	4
<b>Katana</b>	18.5-29km	8	16	13	29
<b>Negombo</b>	29-37.5km	0	0		0
<b>Puttalam District DS Divisions</b>					
<b>Wennappuwa</b>	37.5-48km	0	0	0	0
<b>Nattandiya</b>	48-53.7km	0	0	0	0
<b>Mahawewa</b>	53.7-60.9km	11	18	20	38
<b>Madampe</b>	60.9-66.1km	4	7	6	13
<b>Chilaw</b>	66.1-77.3km	1	1	0	1
<b>Arachchikattuwa</b>	77.3-97km	19	24	28	52
<b>Mundalama</b>	97-118.1km	1	2	1	3
<b>Puttalam</b>	118.1-126.6km	35	65	52	117
<b>Total</b>	108.6km	80	136	121	257

*Source -SES conducted in LARS and SES conducted in January- February 2015*

28. Majority households are Sinhalese. Having been co existing in the area for a very long time in harmony with Tamils, Sinhalese and other minority ethnic groups. People belongs to all religious group are inhabitants of the area, Buddhist been the majority followed by the Muslims, Hindus and Christians.

#### **4.2.1 Educational Information**

29. In the project area (within the road corridor) 06 children are below the school going age which is nearly 2.3 % of the total population of the 06 children only one is a female and 05 are males awaiting school enrolment. Primary level of education has been attained by 100 APs or 38.91 % of the total population. Of the total population 08 APs (3.1%) had not attended school .Of this number 4 are females and equal number males.

30. Of the total affected population 80 or 30.1% had passed O 'Level and 25(9.7%) had being successful at A 'Level .There are no graduates among the affected population. The educational achievements of the affected population is comparatively lower when compared to other areas in the country , Many Muslim children drop out of the main stream of education before reaching O, Level and enrol themselves in the religious schools "Madarasas" run by Muslim clergy. On inquiry found that Muslim parents encourage them to pursue studies relating to Islam religion. (See table 4.6)





**Table 4.6 Educational Achievements**

S. No	Educational Achievement	Male	Female	Total	Male Percentage %	Female Percentage %
1	Below school going age	5	1	6	3.7	0.8
2	Not attended School	4	4	8	2.9	3.3
3	Up to 5th Grade	24	14	38	17.6	11.6
4	Grade 6-10	47	53	100	34.6	43.8
5	Pass O Level	41	39	80	30.1	32.2
6	Pass A Level	15	10	25	11.1	8.3
7	Diploma	0	0	0	0	0
8	Degree	0	0	0	0	0
9	Post Graduate	0	0	0	0	0
10	Technical	0	0	0	0	0
	<b>Total</b>	<b>136</b>	<b>121</b>	<b>257</b>	<b>100</b>	<b>100</b>

Source –LARS and SES conducted in January/February 2015

### 4.3 Access to Health, and Educational Facilities

31. The affected population has easy access to medical facilities ,in the sample of 32 APs 20 APs could reach a medical centre within a distance of 1-2km , a child care centre is available within 100m-500m according to 08 APs and a school within 500m-1km according to 05 APs , within 1-2km according to 20 APs . The time taken to reach medical clinics varies from 30 minutes to one hour according to many AP s gathered from the informal discussions had with them

**Table 4.7 Responses of Affected People to Proximity Status to Health and, Education Facilities (Conducted in January 2015)**

Public Places	Distance to Common Places						Total
	Within 100 M	100-500M	500-1km	1-2km	>2km	No response	
<b>Hospital//Medical /Health Centre</b>	1	2	5	20	4	0	32
%	3.10	6.30	15.60	62.50	12.50		100
<b>Child Care Centre</b>	1	8	3	1	0	19*	32
%	3.10	25.0	9.40	3.10	0	59.40	100
<b>Schools</b>	0	0	5	20	6	1	32
%	0	0	15.60	62.50	18.80	3.10	100

\*The question was not relevant to them

### 4.3.1 Access to Religious, Markets and Work Places

32. There are number of religious places belonging to Buddhists, Hindus and Muslims. Affected people who responded that they could reach a religious place within 1-2Km is 18 and same number responded that they could reach a market place within the same distance and 17 could reach their working places also within a distance of 1-2 km. With the improvement to the road the time that would be taken to reach the above facilities and to their work places will be reduced. This is one of the benefits that flow to the affected from the project, one of the main objectives of the NIRP and Social safeguard policies of the WB. To the question of whether child care centre is available beyond 2km the response was not aware.

**Table 4.8 Proximity Status to Religious, Market Places and Work Places**

Name of the Places/Institutions	Distance						Total
	Within 100m	100-500mm	500m 1km	1-2km	.>2km	No response	
<b>Religious Place</b>	0	3	9	18	1	1	32
%	0	9.4	28.1	56.25	3.13	3.1	100
<b>Market place</b>	0	3	9	16	3	1	32
%	0	9.4	28.1	50.0	9.4	3.1	100
<b>Working place</b>	1	2	10	17	2	0	32
%	3.1	6.3	31.1	53.2	6.3	0	0

*Source: LARs & SES conducted in January 2015*

Note: When there are no responses to the question or no facility available within a certain distant in given in the table, the percentage is automatically become zero. For e.g. no religious place available within 100 meters.

### 4.4 Livelihoods of the Affected Persons

33. A total of 45 business activities including have been identified as economically affected as 30 lose their livelihoods temporarily and 15 fully. Partially affected could re-establish their businesses at the same location but they will lose some income during readjustment period. All those who lose their income whether partially or fully will be compensated and helped to rehabilitate by the PMU under the income restoration and rehabilitation programme. In 02 affected structures there are 02 business activities.



**Table 4.9 Livelihood Sources of the Affected Households**

Type of Livelihood	Partially Affected	Fully Affected	Total
General Store	0	1	1
Grocery	5	2	7
Garage/Tyre shop	0	1	1
Video shop	0	1	1
Meat shop	1	0	1
Pastry shop	5	1	6
Printing shop	0	1	1
Tyre Repairs /Spares	1	0	1
Laundry	0	1	1
Motor spare shop Hardware shop	1	1	2
Restaurant	0	1	1
Vegetable/fruit shop	12	4	16
Lottery tickets Seller	1	1	2
Fish stall	4	0	4
Total	30	15	45

*Source –LARS and SES conducted in January 2015*

Note: Mobile vendors are not included in this table since they have been treated separately

#### **4.5 Monthly Income of APs**

34. Table 4.10 shows the monthly income of the APs. Income of 52 male APs and 2 female APs are partly affected. Income of 28 males and 23 females are totally affected. The affected income earning premises is 45,30partly and 15 fully. APs who earn less than Rs.5000 is 03and 11 earn more than Rs.50, 000 per month. Of the 105 APs, 33 (35.9%) earns between Rs.25, 000-50,000 and 24(21.79%) earns between 10,000-.15, 000. Those APs who are economically affected will be assisted under IRP to restore their income and compensation for the loss of income during the rehabilitation period of their businesses. Though the number of households is 80, both wife and husband are affected in certain instances as both of them engage in 02 different economic activities in the same affected structure. According to Table 4.4,the number of adult population above the age group of 30 to 60 is 125 and from 15-30 is 69, the total population between 15-60 years 194 and most of them are in the employable age. There are 19 APs above the age of 60 years and in Sri Lanka the pattern is many people above 60 years are pretty active and are engage in some productive work.

**Table 4.10: Income derived from Affected Livelihoods by Affected People**

Monthly income derived by the APs from their affected livelihood in Rs.	Partially Affected		Fully Affected		Total		% (Percentage)	
	Male	Female	Male	Female	Male	Female	Male	Female
<5,000	0	0	1	2	1	2	1.28	8
5,000-7500	0	0	2	0	2	0	2.56	0
7,501-10,000	4	0	5	2	9	2	11.54	8
10,001-15,000	4	0	13	7	17	7	21.79	28
15,001-25,000	16	2	1	2	17	4	19.23	16
25,001-50,000	25	0	3	5	28	5	35.90	20
>50,000	3	0	3	5	6	5	7.70	20
<b>Total</b>	<b>52</b>	<b>2</b>	<b>28</b>	<b>23</b>	<b>80</b>	<b>25</b>	<b>100</b>	<b>100</b>

Source –LARS and SES conducted in Source –LARS and SES

#### 4.6 Sources of Income of the Affected Population

35. Although there are only 80 households, some HHs have more than one member in a family having other sources of income. 144 (87.8%) APs are having primary sources of income and 20 (12.2%) secondary sources, 16 APs are employed in the government sector but 06 of them have secondary source of income which accounts for 3.6 % of the total income sources of the affected, 80APs are engaged in commercial activities of which 08 are having secondary source of income (4.9 %).-APs employed in private sector establishments is 12 (7.32 %).. It is evident that all most all AHH has some sort of income to sustain them.

**Table 4.11 Primary and Secondary Sources of Income of APs**

Income category	Primary Source (No. of Persons)	Secondary Source (No. of persons)	Total	Percentage
<b>Commercial</b>	80	8	88	53.7
<b>Agriculture</b>	08	6	14	8.5
<b>Government</b>	16	6	22	13.4
<b>Wages</b>	23	0	23	14.1
<b>Private Sector</b>	12	0	12	7.32
<b>Other</b>	5	0	5	3.1
<b>Total</b>	<b>144</b>	<b>20</b>	<b>164</b>	<b>100.00</b>

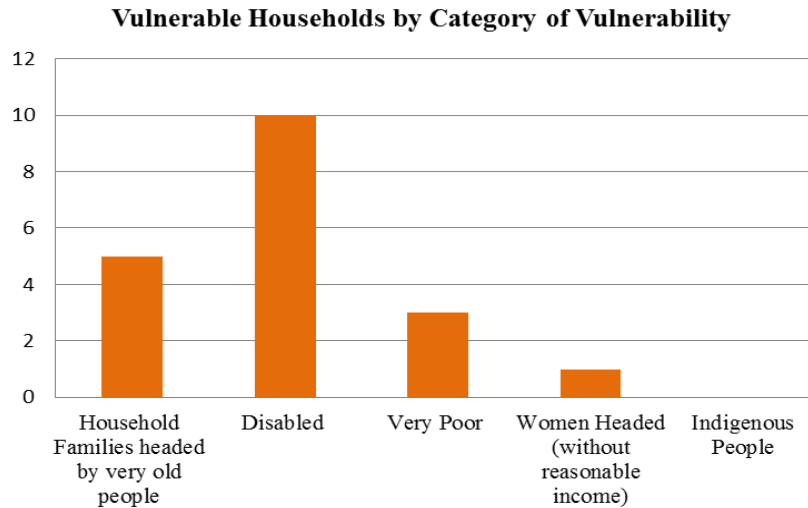
Source: LARs & SES conducted in January 2015

#### 4.7 Vulnerable Households

36. There are few categories of vulnerable families ranging from very poor to disabled people. Within the project boundaries there are no indigenous people. Vulnerability has various negative impacts on the capacity to earn incomes and satisfy basic needs and family welfare. Figure 4.1 gives information on vulnerable categories. Of the 19 vulnerable households, 05 are in the very old category, 10-are disabled, one vulnerable family with no reasonable income is woman headed. Number of very poor AHH is 03. Among the vulnerable APs, disabled people are the largest group with 10 families.

37. Vulnerable households will be provided with benefits available under the social assistance programmes such as “Samurdhi” if they have not being provided with such assistance they will be provided with benefits as per the Entitlement Matrix.

**Figure 4.1 Vulnerable Households by category of vulnerability**



*Source: LARs & SES conducted in January 2015*

#### **4.8: Reasons for the Limited Opportunities of Women to Participate in Decision Making in the Household or Community**

38. Responses to the question of limited opportunities for women to participate in decision making matters in the house hold or community were not encouraging. Only 16 responded to this question although enumerators interviewed a sample of 32 households. Some women were reluctant to respond to the question in the presence of their husbands. All women who responded to the part of the question whether time allocation to household matters, are within their discretion responded positively. The frequency was 29.41% of total responses. Only 11 accepted that they do not have the capacity or skills to take independent decisions which are a positive attitude. If adult children of the APs were interviewed the outcome would have been different since educational achievement of the children is comparatively higher than the adults. Generally the adult Muslim and Tamil women due to cultural and religious reasons take a back seat when it involves decision making in domestic matters.

**Table 4.12: Reasons for the Limited Opportunities of Women to Participate in Decision Making in the Household or Community (Multiple Responses- Allowed (N= 32 )**

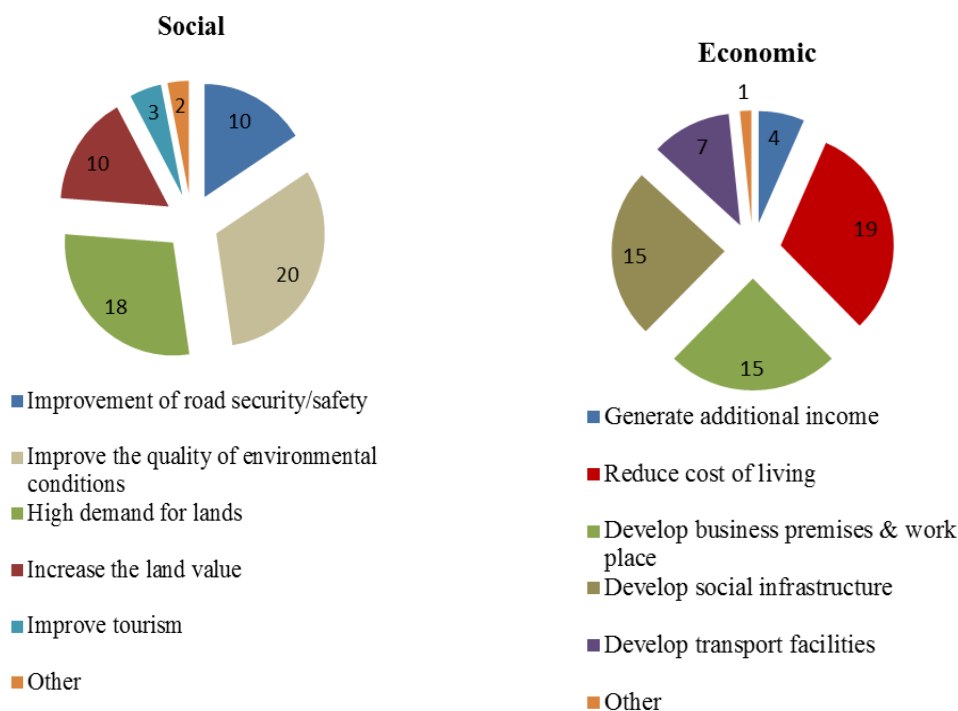
Change	Frequency
Time allocation on household matters	20
Women have been raised, to leave the decision making to men	16
Women lack capacity or skills	11
Some policies/rules in the community or government discourage women to participate	15
Not responded	6
<b>Total responses</b>	<b>68</b>

*Source: IARs & SES conducted in January/February 2015*

### 4.8.1 Perceived Positive Social and Economic Impacts of the Road Project

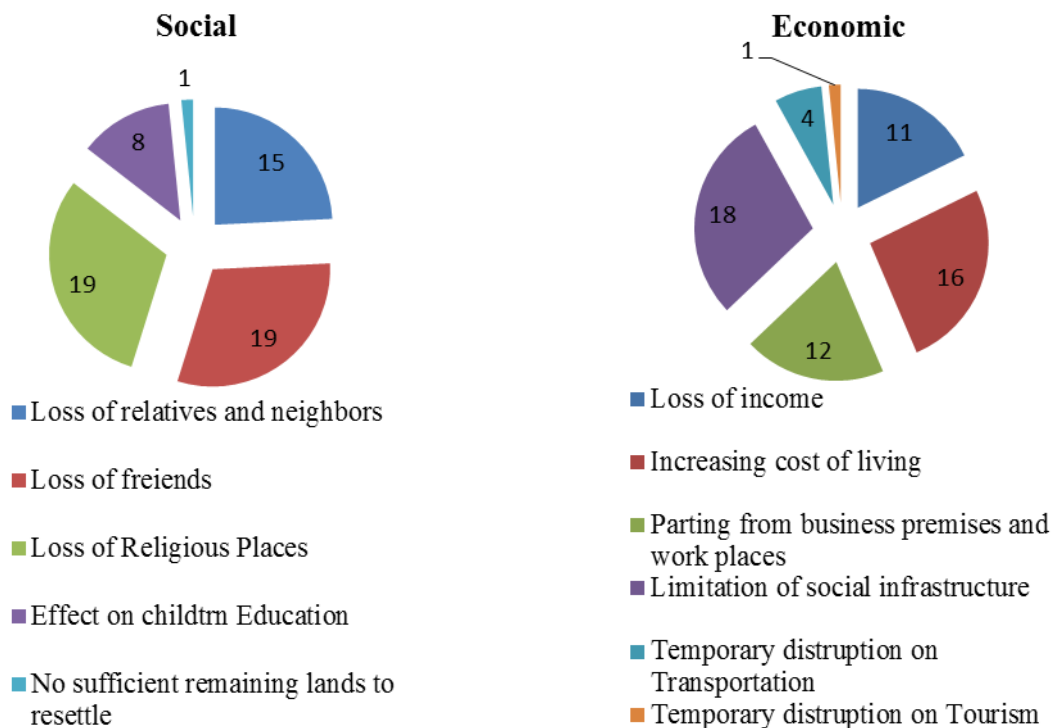
39. The study obtained responses on perceived social benefits from a sample 32 affected households. As shown in Fig.4.2, the most significant benefits perceived by the AHHs were the improvement of the quality of environmental conditions 20 responses, high demand for land in the area 18 responses and prospect of appreciating the value of land due to improvement planned for the road 10 responses. The other notable advantage in the opinion of 10 APs is the improvement of road safety. This had been the trend in the recent past. On economic advantages, 19 APs perceive that the road improvement will lead to reduce the cost of living, which is rather debatable. The other high frequencies of responses 15 in number for each were the development of business premises and work place and social infrastructure. Improvement to the road will tend to develop social infrastructure in the area. In the overall context, the responses given by the respondents were in favour of improving the road.

**Figure 4.2: Frequency Distribution Perceived Positive Social and Economic Impacts**



40. As shown in Fig 4.3, most of the responses on negative social effects from the project was that it causes loss of friends 19 response The other major response was 19 APs is of the opinion that they will lose their religious places, what they meant was if displaced the religious places will be away from their present locations. Loss of relatives and neighbours was the other highest response 15 in number. On effect of children’s education 08 responded it affects them negatively. On economic disadvantages, 18 responded that it would limit the development of the social infrastructure in the area affected by the road. 16 who responded felt that it will lead to increase cost of living. The opinion of 12 was that the project would cause them to abandon their business premises. Those who stated that the project would cause loss of income for them were 11. On the whole positive responses on vital socio economic matters outweigh the negative responses. The conclusions of majority of the enumerators were that the respondents were eager to express some opinion on negative impacts but they appeared to be not convinced in what they expressed.

**Figure 4.3: Frequency Distribution Perceived Negative Social and Economic Impacts**





## 4.9: Impact on Mobile Vendors

41. There were 66 mobile vendors spread throughout the length of the road from Jaela to Puttalam. The number of APs in the mobile vendors category affected is 124 of which 65 are females and 59 are males, belonging to 37 households. 43 of the affected are in Mahawewa, 33 in Arachikattuwa, and 22 in Wennappuwa DS Division. Of the 37 mobile vendors, 12 are from Mahawewa and 10 are from Arachchikattuwa. There are no mobile vendors seen in Chilaw and Madampe.

**Table 4.13 Distribution of Mobile Vendors According to DS Divisions**

	District and DS Division	Chainage	No Of Households	Population		
				Male	Female	Total
1	Nattandiya	37.5-48km	4	5	6	11
2	Mundalama	48-53.7km	2	2	2	4
3	Wennappuwa	53.7-60.9km	6	11	11	22
4	Puttalam	60.9-66.1km	2	2	5	7
5	Arachchikattuwa	66.1-77.3km	10	12	21	33
6	Chilaw	77.3-97km	0	0	0	0
7	Madampe	97-118.1km	0	0	0	0
8	Mahawewa	118.1-126.6km	12	24	19	43
9	Katana	108.6km	1	3	1	4
	<b>Total</b>		37	59	65	124

*Source: LARS and SES conducted in February 2015*

42. The total population of the 37 mobile vendors who sell their goods on the road side regularly is 124, of which 65 are males and 59 are females. Most of them sell fruits and vegetables. 18 of them have passed A' levels and 04 are graduates. The educational achievements of mobile vendor population are far more impressive than that of resident affected people.

**Table 4.14 Types of Business Conducted by the Mobile Vendors**

Business Type	Nu of sellers
<b>Food</b>	<b>2</b>
<b>Lottery Ticket</b>	6
<b>Fruits/Vegetables</b>	16
<b>Clothes</b>	2
<b>Other</b>	11
<b>Total</b>	37

*Source: LARS and SES Survey conducted in February*

43. The mobile vendors are engaged in different commercial activities most of them are fruits/vegetable sellers, 11 others are selling miscellaneous products and they are not fixed to a designated product.

#### 4.10: Demographic Features of the Mobile Vendors

44. Affected mobile vendors 65 are females and 59 are males among the 37 households. Fifteen are below the age group of 14 and 92 between the age group of 15-60. Number of women who did not disclose their age is 05.

**Table 14.15 Mobile Vendor Population Disaggregated by Gender and Age**

Age Category	No. Of Male APs	%	No. of Female APs	%	Total Number of APs	%
Age 5 and Below	3	2.42	1	0.81	4	3.23
6-14	5	4.03	6	4.84	11	8.87
15-30	15	12.10	19	15.32	34	27.42
31-45	10	8.06	12	9.68	22	17.74
46-60	21	16.94	15	12.10	36	29.03
Over 60	5	4.03	7	5.65	12	9.68
Not disclosed			5	4.03	5	4.03
<b>Total</b>	59	47.58	65	52.42	124	100.00

*Source: LARS and SES Survey conducted in February*

##### 4.10.1: Educational Achievements

45. Among the population of mobile vendors, 41 had studied up to 10<sup>th</sup> standard, 34 had passed O/Level, 18 had passed A/Level, including 04 graduates. Among the 34 successful at O/Level, 27 are females (79%). All 04 graduates are females. The educational achievements of the mobile vendors are very much more impressive than that of the resident people in the project area.

**Table 4.16: Educational Achievements Disaggregated by Gender (Mobile Vendors)**

S. No	Educational	Male	Female	Total	Male	Female
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	<b>Achievement</b>				<b>%</b>	<b>%</b>
<b>1</b>	Illiterate		1	1	0.0	1.5
<b>2</b>	Can place signature		4	4	0.0	6.2
<b>3</b>	Waiting for school	2	1	3	3.4	1.5
<b>4</b>	Class 1-5	7	8	15	11.9	12.3
<b>5</b>	Grade 6-10	26	15	41	44.1	23.1
<b>6</b>	Pass O Level	7	27	34	11.9	41.5
<b>7</b>	Pass A Level	11	7	18	18.6	10.8
<b>8</b>	Degree	4		4	6.8	0.0
<b>9</b>	Post Graduate			0	0.0	0.0
<b>10</b>	Other	2		2	3.4	0.0
			2	2	0.0	3.1
	<b>Total</b>	<b>59</b>	<b>65</b>	<b>124</b>	<b>100.0</b>	<b>100.0</b>

*Source: LARS and SES Survey conducted in February*

## CHAPTER 5: IMPACT OF LAND ACQUISITION

### 5.1 Key Impacts of the Project

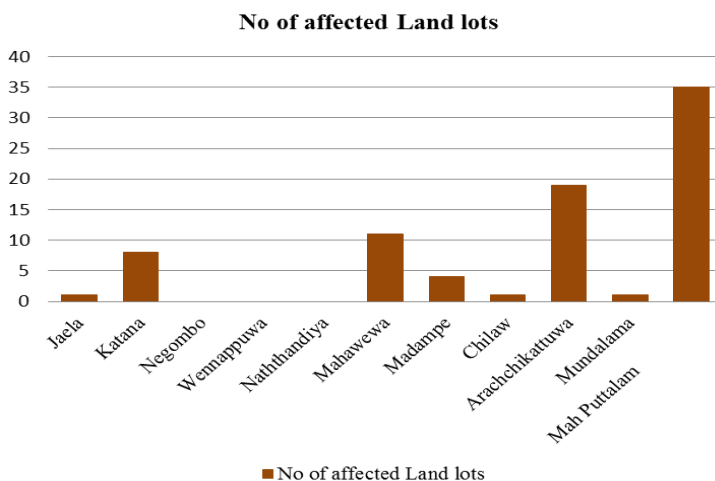
46. Impact to the land and other productive assets of the people along both sides of the A03 road from Jaela to Puttalam which is 108.6km in length is not very significant as only 16.12km of the road constitute 04 lanes and the balance 92.48 km is a two lane section. Although 16.12km from Jaela is to be a 04 lane section, no acquisition is involved. Even in the 02 lanes section present road corridor is quite adequate in most of the road length to accommodate the planned improvement of the project. Most of the impact exists in the last 1.6km since this section is in the Puttalam town area and the planned width of the road corridor is 21 meters. The improvement to the road affects a total of 30.75 perches of private land belonging to 48 families living on either side of the road section earmarked for development and 33.25 perches state land occupied by 32 people without titles. This estimate is based on the acquisition boundary identified by the enumerators during the census survey. The actual number of persons without titles and extent of private lands with titles to be acquired could be only ascertained after the preparation of Preliminary Plans under LAA, where boundaries of the final village plans will be superimposed on the PPs. State owned property will be separately addressed as no acquisition is involved but such land will be released to the project on request. The land area and ownership pattern is given in the tables that follow. After the preparation of Preliminary Plans, the RAP has to be updated.

### 5.2 Extent of Land to be acquired

47. A total area of 64 perches (0.16Hcs) covering 80 plots is affected. Number of affected people is 257. Of the total extent affected 33.25 perches are state lands occupied by 32 affected people who do not have title to the land.

48. There is no acquisition involved in case of state land but the occupants (encroachers) should be given a reasonable period to vacate with compensation for the improvements done on the land and other entitlements as per the government policy on compensation on involuntary resettlement. The number of affected lots in Puttalam DS division is 35, Arachchikattuwa come second with 19 and Mahawewa 08. There are no affected people in the DS Divisions of Negombo in Gampaha District and Wennappuwa and Nattandiya in Puttalam District.

#### 5.1 Distribution of affected land lots among DS Divisions



Source:-LARS and SES conducted in January, February 2015s. 49. Total extent of land required for the

road widening is 64 perches of which

30.75 perches is to be acquired from 48 private households of legal owners from all DS divisions and 33.25 perches to be taken possession from people without titles to the land occupied by them. The affected lands are used for various purposes as indicated in Table 5.2 below. Houses affected partly are 03 while 03 houses cum shops (combined house/shop) too are affected partly. Number of shops partly impacted is 28 and 15 fully. Except the land occupied by houses which amounts to 8.2 perches, balance land is occupied by commercial establishments. Comparatively the acquisition impacts are quite low in this project. Tables 5.1 to 5.5 show the impacts on productive assets, residences and commercial premises in the project area.

**Table 5.1: Summary of Productive Assets to be acquired and Impact**

Type of use	No. of Plots	%	No. of DHHs	%	Affected Area(perches)	%
Residential (including combine Shops and houses)	06	7.5	06	7.5	8.2	12.8
Commercial	68	85.0	68	85.0	53.2	83.1
Access Roads, Drains, secondary structures	06	7.5	06	7.5	2.6	4.1
<b>Total</b>	<b>80</b>	<b>100</b>	<b>80</b>	<b>100</b>	<b>64.0</b>	<b>100</b>

Source:-LARS and SES conducted in January, February 2015

50. Impacts on government owned properties and community and cooperate owned properties were not considered for analysis and these details were given separately in Tables 5.4 and 5.5

**Table 5.2 the Ownership and Impacts on Productive Assets, Residences and Commercial Premises**

Type of land ownership	Type of land Use and Degree of Impact										
	Residential		Trade and business		Residential and Business		Agricultural		Other		Total
	Major>10 %	Minor<10	Major>10 %	Minor<10 %	Major>10 %	Minor<10 %	Major>10 %	Minor<10 %	Major>10 %	Minor<10 %	
<b>Legal Owner</b>	0	3	4	9	0	3	0	0	2	4	25
<b>Tenant</b>	0	0	11	0	0	12	0	0	0	0	23
<b>Lessee</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Squatter</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Encroacher</b>	0	0	0	32	0	0	0	0	0	0	32
<b>Total</b>	0	3	15	41	0	15	0	0	2	4	80

Source: LARs & SES conducted in /January, February 2015

51. Out of the 80 affected plots, 25 are occupied by the legal owners themselves. Owners have rented out 23 plots and the number of encroachers occupying State land is 32.

### 5.2.1 Inventory of Losses –Trees

52. Since only narrow stretches of land is being affected (mostly in front of the structures), there are no trees that have to be removed.

### 5.2.2 Impact on Structures

53. Table 5.3 shows the affected structures. The total number of structures impacted is 56, comprising of house only, combined houses and shop, shop and store, sheds, temporary stalls and other structures. Among the affected structures, 03 houses are partially affected, Affected combined house and shops is 03. The number of shops and stores partially impacted is 28. Another 15 of these are fully affected. There are a no sheds partially affected while 04 are fully affected. The fully affected shops and stores need to be relocated. The total extent of permanent structures affected is 7509 sq.ft and extent of temporary sheds and structures affected is 2180 sq.ft.

**Table 5.3: Impacts on Residential and Commercial Structures**

Type of Structure	Impact	Could be Relocated at the same premises	Need Relocation	Total	Area Affected in Sq. ft.
<b>House Only</b>	Partially Affected	3	0	3	266
	Fully Affected	0	0	0	0
<b>Combined House and Shop</b>	Partially Affected	3	0	3	441
	Fully Affected	0	0	0	0
<b>Shop and Store only</b>	Partially Affected	28	0	28	4690
	Fully Affected	0	15	15	2112
<b>Sheds</b>	Partially Affected	0	0	0	0
	Fully Affected	0	0	0	0
<b>Temporary stalls and other secondary structures</b>	Partially Affected	3	0	3	97
	Fully Affected	4	0	4	2083
<b>Total</b>		41	15	56	9689

Source: LARS&SES conducted in January 2015

**Table 5.4: Impact on Government Owned Properties**

Name of the Property	Magnitude of Impact	Affected Area(Perches)
<b>Agriculture Centre –Puttalam</b>	Minor	5
<b>Engineers Office RDA</b>	Minor	2.44
<b>State Bank</b>	Minor	1.83
<b>Total</b>		<b>9.27</b>
<b>Electric posts</b>	26	Need to be relocated (shifted)
<b>Bus shelters</b>	03	Need to be re located

Source: LARS&SES conducted in January 2015

54. Impact on government owned properties is not very significant. An extent of 9.27 perches is affected from three government institutions. Three bus shelters have to be relocated and 26 electric posts has to be shifted to the edge of the road. There is no acquisition involved in properties belonging to the State occupied by State institutions, but any damages to the structures should be compensated by the PMU.

**Table 5.5 Impacts on Community Private / Owned Properties**

Type of property	Magnitude of Impact	Affected Extent(Perches)
<b>Real Estates</b>	Minor	1.6
<b>Garment factory</b>	Minor	1
<b>Buddhist shrine</b>	Minor	0.5
<b>Hindu Kovil</b>	Minor	0.3
<b>Total</b>		<b>3.4</b>

Source: LARS&SES conducted in January /February 2015

55. As shown in Table 5.5, there are 04 private community owned properties which are affected due to the improvements to the road. The total extent of land involved is 3.4 perches which are marginal. The Tables 5.4 and 5.5 are treated separately and not taken for tabulation with impacts suffered by other categories of APs. Damages to the structures classified as common properties will be rehabilitated by the PMU. Since these are preliminary estimates once the design is finalized many of these small impacts might be avoided. The damages to the two religious premises could be avoided since the impact zone is within the area reserved for the construction of shoulders and drains.

## CHAPTER 6: LEGAL FRAMEWORK AND POLICIES

### 6.1 Key Statutes and National Policies Pertaining to Involuntary Resettlement

56. There are large numbers of statutes pertaining to land acquisition and resettlement administration in Sri Lanka. This chapter discusses the legislative, policies and practices pertaining to land acquisition and resettlement.

#### 6.1.1 Land Acquisition Act (LAA) No.09 of 1950 as Amended

57. Land Acquisition Act No.09 of 1950 is the principal Act that is used for public purposes. The Act is based on the doctrine of Eminent Domain, though it was amended several times, last amendment being in 1986, there was no attempt to change the principles outlined in the Act on compensation. Regulations pertaining to payment of compensation passed in Parliament in 2008 and made public by the Government Gazette No. 1596/12 dated 07th April 2009, which is applicable for the acquisition where intention of acquisition has been published under Land Acquisition Act, (Sec.02 of LAA) on or after 17th March 2009. The NGOs and other pressure groups played a significant role to influence the legislators to pass these regulations though it fell short of amending the relevant clauses of the Act. Nevertheless, the regulations are a part of the Act and recognized by law.

58. The main feature of the regulations is that the provisions have been made for the payment of Market Value for the portion of the land that is acquired if the acquired land as an entity realize a value lower than the Market value of the land if it is sold as whole parcel. Replacement cost for structures is another salient feature of the approved regulations. Payment of disturbances and other expenses are categorized under 12 sub headings, (Annexure 03). The operational procedures of the LAA are laid down in detail and under it claimants are paid only the depreciated value for structures which often led to difficulties in resettling affected people. Under LAA, any aggrieved party on the valuation determined by the Department of Valuation can appeal to the Land Acquisition Review Board, and if not satisfied with that, an appeal can be made to the Supreme Court. But past experience is that the Review Board, and legal procedures are time consuming and the increase of compensation have been very much to the dissatisfaction of the affected due to procedural and other constraints. Since introduction of new compensation package contained in the government gazette N0.1596/12 dated 07th April 2009, the appeals to LARB is very limited.

59. The law discourages unnecessary acquisition and land acquired for one purpose cannot be used for another purpose and should be returned to the original owner subject to certain requirements under the Act.

#### 6.1.2 Land Development Ordinance (1935)

60. This ordinance deal with the alienation of Crown (State) land for development purposes. Land alienated to the peasants settled in colonization schemes were done under the Land Development Ordinance. Permit holders are expected to adhere to prescribed requirements in the permit. Subsequently most of these land lots were converted to almost free holds under, Swarna Bhoomi and other programmes that followed. By virtue of this ordinance and its subsequent amendments, households that occupy crown land illegally may request permission from the Divisional Secretary to be regularized their occupation on the land. Encroachers who have occupied and developed land are considered for regularization unless the land does not fall within the category of reserved land.



**6.1.3 State Land Ordinance No 8 of 1947 –**

61. Section (b) of the ordinance explains the state land grants which can be made on request and the rents to be obtained for the grants.

**6.1.4 Road Development Authority Act No. 73 of 1981-**

62. The Road Development Authority Act (1981) provides for the establishment of the RDA and specifies the powers; Section 22 deals with land acquisition for road development as a "public purpose" and provides for the acquisition by, and transfers to, the RDA of immovable or moveable property within any declared road development area.

**6.1.5 Thoroughfare Ordinance (40 of 2008)**

63. Salient features of the above Act are:

It empowers the Highways Authority to establish Road Network Development Advisory Council and District Road Development Coordinating Committees.

- Prevent unauthorized constructions within the road reservations.
- Construct new roads divert roads.
- Acquire lands vested in a local authority for widening and construction of roads.
- Make special grants under the Crown land Ordinance. Power of authority to alienate lands.
- Purchase lands for resettlement sites.
- The power to purchase land by the Highways Authority would accelerate the process of resettlement, Officers are authorized to pay compensation for the damages caused to properties.
- In totality this act promotes the construction of new roads and improvement to existing roads in a more accelerated phase due to build in mechanisms to acquisition of land, payment of compensation and resettlement speedily.

**6.1.6 Mahaweli Authority Act of 1977 –**

64. Under the Mahaweli Authority Act of 1977, with in the area declared under the Act, all matters pertaining to the administration of land, falls within the Mahaweli Authority.

**6.1.7 Forest Ordinances Amended –**

65. Land declared as forest land is administered by the Department of Forest Conservation. They have no authority to release land on long term lease. They can release land only on renewable annual permits, still land within conservation and strict reserves would not be released for other activities by the Department of Forest Conservation. Land required for public purposes should be released by the DFC when requested by the relevant PMUs, after satisfying the conditions laid down in the NEA for prescribed projects.

**6.1.8 Vihara (temple) and Devalagam Ordinance –**

66. Any construction within a land belonging to a temple or devalaya, in the event of an acquisition should be paid to the Commissioner General of Buddhist Affairs on behalf of the

temple and trustees on behalf of the devalayas even if the construction had been done by a third party..The Prescriptive Ordinance does not apply to Temple and Devalagam lands.

#### **6.1.9 Fauna and Flora Act –**

67. If the land required for public purpose fall within a wild life sanctuary, the request should be made to the Director General of Wild life to release the concerned land to the project; the road traverse should avoid the strict reserves since it is not possible to release such land for other purposes.

#### **6.1.10 Prescriptive Ordinance No 22 (1871) –**

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

#### **6.1.11 National Environmental Act No 47 of 1980 (NEA) –**

69. The act with the amendments passed by the Act No 56 of 1988,requires that an abbreviated RAP is required where less than 20 families are affected.In the case of more than 20 families a comprehensive RAP is a must other than resettlement resulting from emergency situations.In instances where the construction of a new road exceeds 10 Kms or more than one hectare of forest cover is used for non forest activities, an EIA report should be submitted and approved by the CEA/Project approving Authority before the commencement of the construction activities.

#### **6.1.12 Other Statute Laws –**

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

- Urban Development Authority Law No 41 of 1978
- National Housing Development Authority Act No.17 of 1979
- Greater Colombo Economic Commission Law No.4 of 1978
- Town and Country Planning Ordinance Of 1946
- Land Reform Law No.1 of 1972 - Land Reform Commission Act. No.26 of 1972
- Colombo District (Low Lying Areas) Reclamation and Development Board Act No.15 of 1968
- Rent Act No.7 of 1972 and amendments thereto, No.55 of 1980 and No.26 of 2002
- Co-operative Societies Law No.5 of 1972
- Ceiling on Housing Property Laws No1 of 1973
- Apartment Ownership Law No.11 of 1973
- Tourist Development Act No.14 of 1968
- Coast Conservation Act

- Agrarian services Act no.58 of 1979
- Roads and Thoroughfares Act no.45 of 1956 and Law no.37 of 1973
- Mahaweli Authority of Sri Lanka Act No.23 of 1979
- Walawe Lands Act No.11 of 1958

71. There are large numbers of statutes pertaining to land acquisition and resettlement administration in Sri Lanka. This chapter discusses the legislative, policies and practices pertaining to land acquisition and resettlement.

## 6.2 National Involuntary Resettlement Policy (NIRP)

### 6.2.1 Rationale of NIRP

72. In Sri Lanka, the LAA and subsequent regulations enacted by parliament in 2008, only provides for compensation for land and structures and loss of income for some categories. It does not require project executing agencies to address key resettlement issues such as exploring alternative project options that avoid or minimize impacts on people, compensating those who do not have title to, but are currently using and dependent on land, or implementation of income restoration measures aimed at the social and economic rehabilitation of displaced/affected persons. It does not deal adequately with the impacts on those occupiers of lands who are not legal owners but lands they have occupied being taken for development purposes.

73. To ensure that displaced /affected persons are treated in a fair and equitable manner, and to particularly ensure that people are not impoverished or suffer unduly as a result of public or private project implementation, Sri Lanka has adopted a national policy to protect the rights of all people affected by development projects. To remedy the current gaps in the LAA in addressing key resettlement issues, the Cabinet of Ministers approved on 16 May 2001, the National Policy on Involuntary Resettlement (NIRP) and enunciated its adoption to all development induced resettlement. The Ministry of Lands has the institutional responsibility for implementing the NIRP. The newly adopted policy, principled on human and ethical considerations entails the payment of resettlement value (replacement cost) and arranges for their resettlement and where necessary even their rehabilitation. Even though NIRP is not in the statute book, the policy is adopted by the GOSL for projects funded by ADB, WB and Japanese Bank for International Cooperation after its adoption in 2001. The NIRP was first implemented to address the issues of APs in STDP. Now the policy applies to all projects where private land is acquired for public purposes. The rules enacted in parliament under LAA in 2009 to pay compensation for structures and land at replacement cost and payment of other entitlements to the APs was to give legitimacy to the provisions of the NIRP. Any public official who contravene the NIRP is subject to disciplinary action by the heads of respective organizations. It is an issue that can be raised at parliamentary select committee by a member of parliament on behalf of APs or inquired by the Ombudsman of Parliament., Human Rights Commission or by courts of Law. In fact the highest courts in Sri Lanka have recognized that NIRP could be treated as an obligation of the state towards the affected. **Case of RDA vs. Mundy** is a good example. LARB which is the legal body under the LAA to review the appeals against compensation issues often referred the applicants back to LARC in the past, subsequently there were hardly any appeals directed to LARB by the APs. The practice had been in the past to follow the policies of ADB, WB and, JBIC and other relevant donors when there exists an ambiguity between donor policy and NIRP/LAA. At close examination it appears that the NIRP and donors

policies particularly that of WB and ADB are at congruent in most of the issues. Contravention of provisions of the RAP which is prepared based on NIRP and donor policies could invite sanctions from the donors too.

### **6.2.2. Objectives of the Policy**

74. To avoid, minimize and mitigate negative impacts of involuntary resettlement by facilitating the reestablishment of the affected people on a productive and self-sustaining basis. The policy should also facilitate the development of the project-affected people and the project.

- To ensure that people adversely affected by development projects are fully and promptly compensated and successfully resettled. The livelihoods of the displaced persons should be re-established and the standard of living improved.
- To ensure that no impoverishment of people shall result as a consequence of compulsory land acquisition for development purposes by the State.
- To assist adversely affected people in dealing with the psychological, cultural, social and other stresses caused by compulsory land acquisition.
- To make all affected people aware of processes available for the redress of grievances that are easily accessible and immediately responsive.
- To have in place a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the PMU and the affected people.

### **6.2.3 Scope**

75. Possession by the State.

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

### **6.2.4 Policy Principles**

76. Involuntary resettlement should be avoided or reduced as much as possible by reviewing alternatives to the project as well as alternatives within the project.

- Where involuntary resettlement is unavoidable, affected people should be assisted to re-establish themselves and improve their quality of life.
- Gender equality and equity should be ensured and adhered to throughout the policy.
- Affected persons should be fully involved in the selection of relocation sites, livelihood compensation and development options at the earliest opportunity.

- Replacement land should be an option for compensation in the case of loss of land; in the absence of replacement land cash compensation should be an option for all affected persons
- Compensation for loss of land, structures, other assets and income should be based on full replacement cost and should be paid promptly. This should include transaction costs.
- Resettlement should be planned and implemented with full participation of the provincial and local authorities.
- To assist those affected to be economically and socially integrated into the host communities; participatory measures should be designed and implemented.
- Common property resources and community and public services should be provided to affected people.
- Resettlement should be planned as a development activity for the affected people.
- Affected persons who do not have documented title to land should receive fair and just treatment.
- Vulnerable groups should be identified and given appropriate assistance to substantially improve their living standards.
- Project Executing Agencies should bear the full costs of compensation and resettlement.
- The adoption of NIRP in its entirety will make it possible to conform fully to the Bank policies. The RDA has a special unit called the Environment and Social Unit to assist it in dealing with APs and it is experienced in such work.

### **6.3 Women Charter of Sri Lanka**

77. The State policy on women in Sri Lanka is clearly spelled in the Sri Lanka Women's Charter of 1993, which is based on United Nation Convention on the Elimination of all forms of Discrimination against Women (UNCEDAW) and was a collaborative effort of the state institutions and women's NGOs. Seven areas of issues, specific to women in Sri Lanka have been addressed.

- Civil and political rights,
- Right to education and training,
- Right to economic activity and benefits,
- Right to healthcare and nutrition,
- Right within the family,
- Right to protection from social discrimination
- Right to protection from gender based violence

78. The Charter provides for the establishment of the National Committee on Women (NCW) which comprises experts from fourteen sectors and a Chairperson, who are appointed by the Executive President. The NCW is mandated to monitor and ensure the implementation of the provisions of the Charter. Above policies will be adhered to by the project in dealing with women's issues.

## 6.4 Gender Action Plan

### 6.4.1 Gender Profile

79. Number of women among the affected population is 121. There is 48 of them within the age group of 15-45. Number above 60 years is 10 and they are considered as senior citizens. Number of women heads of households is 12 and 06 of them is in the age group of 46-60 and 05 are above the age of 60. Of the total women, 53 (43.8%) of the total of 121 has studied up to 10<sup>th</sup> standard and 39 (33.9%) has passed O' level. Only 10 (8.3%) has studied beyond O' level. There are no graduates or diploma holders among the affected women. On one to one interviews conducted by the consultant with the fathers of Muslim girls said that they preferred to send their daughters to Muslim religious schools known as "Madrasas" on the request of the Heads of relevant mosques in the area. As a result, many Muslim girls have given up their normal studies before reaching the O' level classes. Two women are among the income earners in the partially affected structures and 23 in the fully affected structures. Only one family headed by a female is without a reasonable income.

80. Of the 32 women interviewed, 16 answered that the women have been raised to allow the men take decisions on behalf of the family. Women who expressed that they have the time to allocate for the family is 20. Perception of 15 women was that some rules and policies of the community and government regulations discourage them to participate in common and household activities.

### 6.4.2 Gender Impacts

81. Except the effect on women who are in occupation of affected structures, there appears to be no other major impact on their day to life as most of them have facilities at close proximity to their dwellings for health, education and preschools for children. The impact on houses and shops cum houses is only 06, which is very small. The impact on daily routine of families will remain unchanged if the PMU together with the UDA and UC Puttalam could provide the APs who lose their business premises permanently with alternate accommodation. Pre -project status of their lives could be restored. The issues of women selling fish in temporary cajan huts should be looked into. If the authorities could provide them with small hygienic stalls where they could keep the fish it will help both sellers and consumers since it add some pleasantness to the environment. Wayside fruit, vegetable and corn sellers are mostly women, except the probable income loss that they may suffer during construction they would not face any other economic disadvantages as a result of the planned improvement to the road section from Peliyagoda to Puttalam since they retire to their homes in the evening. Most of them have wooden structures supplied by the state to exhibit their products.

### 6.4.3 Legal Framework

82. Under the national Women's Charter every form of discrimination against women has been removed. The national charter is in conformity with the UN convention against any form of discrimination against women. Women in Sri Lanka were entitled to voting rights before their



counterparts in Great Britain. Child labour is prohibited in the country, primary education is compulsory for all children and there are number of ordinances passed by the parliament to prevent abuse and discrimination against women. There are dedicated Government agencies to oversee the problems pertaining to children named as National Child Protection Authority and Department of Probation and Child Care. In every police station there is a division to look into offences against women and children. This division is normally headed by a female inspector.

#### **6.4.4 Awareness Creation**

83. Since there would be an influx of construction labor from outside to the project area, the women who sell their products along the reservations of the road may be vulnerable to violence and sexual advances by them. Assistance of the local NGOs and relevant District Medical Officers and their staff too could be obtained to conduct awareness meetings on sexually transmitted diseases. In fact, the District Medical Officer of Puttalam was a keen participant of the stakeholder meeting at Puttalam DS Office.

84. This education programme could be opened to other affected women and construction labour in consultation with the contractor and consultant. The police personnel in the respective areas should have a special programme during the construction period to arrest incidents of violence and sexual harassments to women during this period. PMU should apprise the police on such apprehensions

#### **6.4.5 Role of PMU**

85. PMU should have an officer qualified and experience in gender issues. It is advisable to have a qualified, experienced senior officer on Gender Issues stationed at the head office of the RDA .The respective PMUs could seek the advice of this officer on complex gender matters when such issues have to be addressed during construction of new roads or improvements to existing roads since it is a priority continuing programme of the government.

86. Women could benefit from the micro credit programmes of the state, Cooperative Credit Societies and NGOs. The assistance of the existing government machinery with dedicated officers for women affairs also could be sought by the PMU when gender issues surfaces during construction phase. At every DS office there is a Womens' Affairs Officer to attend to the gender issues. During monitoring and evaluation the gender issues should be monitored, evaluated and well documented. Such informtion is useful when formulating gender action plans for future projects.

### **6.5 World Bank Safeguard Policies**

87. In order to eliminate or reduce the adverse effects of developmental projects, the WB has three Social safeguard policies as listed below.

- OP/BP 4.10: Indigenous Peoples
- OP/BP 4.11 Physical Cultural Resources
- OP/BP 4.12: Involuntary Resettlement

88. The WB operational policies seek to avoid where feasible or minimize involuntary resettlement, exploring all viable alternative project designs. Resettlement planning has the objectives of providing displaced persons with a standard of living equal to, if not better than, their pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. The required measures to address the impacts resulting from involuntary taking of land a RAP is required to ensure that the displaced persons are informed about their options and rights pertaining to resettlement; consulted on and provided with technically and economically feasible resettlement alternatives and provided compensation at full replacement cost. Where the impacts include physical relocation, the RAP includes measures to ensure that the displaced persons are provided moving allowances and provided with residential housing.

89. Are displaced, an abbreviated resettlement plan may be agreed with the borrower. Impacts are considered “minor” if the affected people are not physically displaced and less than 10 per cent of their productive assets are lost.

90. WB policies also require that if cultural assets are affected, cultural assets restoration plan should be prepared and if indigenous people are affected Indigenous People Development Plan is required.

91. Bank policies and those of NIRP are more or less congruent and the latter is, in fact inspired by the former. The adoption of NIRP in its entirety will make it possible to conform fully to the Bank policies. The RDA has a special unit called the Environment and Social Division to assist it in dealing with APs and it is experienced in such work.

92. RAP and IEE/EIA are instruments to translate WB social safeguard policies into action. Preparation of an IEE or EIA is not within the ambit of NIRP. Of the above policies only OP/BP 4.12 will trigger in this project. This project does not fall within the meaning of a prescribed project.

## 6.5. Legislative and Policy GAP Analysis

93. There are gaps between LAA, NIRP and RAP which is an instrument World Bank policies .The action taken to reconcile such gaps in keeping with the WB policies is given in the table 6.1 below

**Table 6.1 Actions taken to reconcile such gaps**

Item(Aspect)	LAA	NIRP	New Orders made under the LAA by Minister of Land and land Development on 2.11.2013	World Bank policies	Action by PMU for reconciliation.
<b>Compensation for lands</b>	Willing buyer, willing seller concept	Replacement cost	Replacement cost+ ex gratia	Replacement cost	Payment of replacement cost



			payment		
<b>Compensation for structures</b>	Depreciated value	Replacement cost	Replacement cost+ ex-gratia payment	Replacement cost	Payment of replacement cost
<b>Compensation for non-title holders</b>	Compensation not allowed	Compensation for improvements and other losses as per the EM	For improvement made on the land for those in occupation prior to the publication of Sec.02 notice under LAA.	No discrimination between title holders and non-title holders	Compensation for structures and other entitlements as per the EM

**Table 6.1 The Actions Taken to Reconcile such Gaps**

<b>Item(Aspect)</b>	<b>LAA</b>	<b>NIRP</b>	<b>New Orders made under the LAA by Minister of Land and land Development on 2.11.2013</b>	<b>World Bank policies</b>	<b>Action by PMU for reconciliation.</b>
<b>Compensation for lands</b>	Willing buyer, willing seller conceptual market value.	Replacement cost	Replacement cost+ ex gratia payment	Replacement cost	Payment of replacement cost
<b>Compensation for structures</b>	Depreciated value	Replacement cost	Replacement cost+ ex-gratia payment	Replacement cost	Payment of replacement cost
<b>Compensation for non-title holders</b>	Compensation not allowed	Compensation for improvements and other losses as per the EM	For improvement made on the land for those in occupation prior to the publication of Sec.02 notice under LAA.	No discrimination between title holders and non-title holders	Compensation for structures and other entitlements as per the EM
<b>Compensation for crops and trees</b>	No separate payments included in the land value	Payment for all losses, not specifically mentioned	Not mentioned	Should be paid for the losses	Compensation will be paid for loss of crops and trees
<b>Entitlement to salvage materials</b>	not entitled	Not specifically mentioned	Not mentioned	Not mentioned	Salvage material will be given to the

					APs
<b>Loss of Income</b>	Only for those with documentary evidence	Should be paid with other evidence	Relief available	All losses should be paid	Will be paid for loss of income for those with and without documentary evidence but amount differs
<b>Other expenses</b>	Not available, except when expenses incurred due to change of residence as a result of acquisition.	Not specifically mentioned	Available	All expenses should be paid	Will be paid
<b>Livelihood Restoration</b>	Not available	Affected people will be assisted to re-establish themselves and improve their quality of life.	Available	All losses should be paid	Income restoration programme by the PMU
<b>Grievance Redress Mechanism</b>	Not available	Provided	LARC and Super LARC for grievances regarding compensation.	Should be provided	PMU will set up a system to address grievances
<b>Compensation payable in instalments</b>	Allowed under LAA in 10 equal instalments after initial payment of Rs.25,000.00	Not allowed	Silent	Not allowed, full compensation should be paid before property is taken over.	Will be paid in lump sum
<b>Construction related damages</b>	Does not provide in the LAA	All losses should be paid	Silent.	All losses should be paid	PMU will get the contractor to pay
<b>Requirement of a RAP</b>	Not required	Comprehensive RAP requires if the number of families affected is over 20, if less abbreviated	Not mentioned	If the number of affected people is over 200 ,affection over 10% and relocation comprehensive	PMU will follow the WB guide lines

		RAP should be prepared.		RAP, if less abbreviated RAP ,if relocation is involved even if the number is less than 200,,to expand it with a rehabilitation programme	
<b>Public disclosure</b>	Not required to have public meetings under the LAA but the affected will be informed by Government gazette at different stages of the acquisition process and by paper notices at Sec 07 stage and when compensation deposited in a bank on the orders of a Court of law	It is a requirement. .	Deals only with compensation	It is a requirement	PMU will follow he the NIRP and WB policies. RAP will be translated into Sinhala and Tamil (local Languages) and made available to the public for information. It will be disclosed in the WEB site of the PMU.
<b>Taking physical possession after publication of Sec 38(a) of the LAA</b>	Provision available under LAA ,interest at 7% per annum available till the compensation is fully settled	Not allowed without paying full compensation at replacement cost and reasonable notice	Not mentioned	Does not allow	PMU Possession will not be taken without payment of compensation.
<b>Assistance for vulnerable people</b>	LAA is silent on this aspect	NIRP requires special treatment for	Vulnerable payment available	WB policy require special assistance for	Provided in the RA to comply with NIRP and WB

*Source: LAA as amended NIRP, Government Gazette No 1596/12 dated 07th April 2009, W.B safe guard policy document. This project does not fall within the meaning of a prescribed project. WB policies on Indigenous people, Forestry and Physical Assets do not trigger in this project*



Table 6.2 Entitlement Matrix Payment for Disturbances and Other Expenses

Type of Impacts/Entitlements	Compensation recommended	Eligibility	Responsibility
<p><b>Loss of land</b></p> <p><b>1.1 Non agricultural land (e.g. residential lands, barren lands)</b></p>	<p>A) All (cash) payments for acquisition of land will be at replacement value at current market prices. The compensation will be decided by a Committee termed Land Acquisition and Resettlement Committee ( LARC) (see below for details)The compensation should be the amount equal to the difference between statutory value and replacement cost (ex-gratia) decided by the CV plus Replacement value and statutory value decided by the CV.</p> <p>B) If the portion remaining after the acquisition cannot be used as a separate plot, and if the AP desires to keep the remaining portion with him/her, LARC could pay him an allowance for same.</p>	<p>Land owner or affected persons losing assets on production of documentary proof of entitlement.</p>	<p>Chief Valuer, Divisional Secretary Social staff of RDA and PMU.</p> <p>Provincial Director/RDA, LARC and Super LARC.</p>
<p><b>1.2 Agricultural lands</b></p>	<p>A) For the agricultural lands compensation will be paid as item 1.1 above.</p> <p>B) If the remaining portion after acquisition could not be used physically for cultivation, the LARC could decide whether to acquire same or pay compensation .If the compensation for the remaining portion is not based on market value a reasonable period should be given to harvest the annual crops.</p>	<p>Land owner or affected persons losing assets on production of documentary proof of entitlement.</p>	<p>CV,DS</p> <p>Social staff of RDA and PMU.</p> <p>Provincial Director/RDA.</p> <p>Agrarian Service Department, LARC/Super LARC</p>
<p><b>1.3 Paddy Lands</b></p>	<p>Statutory value plus 10% of the difference between statutory valuation and replacement cost decided by the CV as an ex-gratia payment.</p>	<p>Land owner or affected persons losing assets on production of documentary proof of entitlement.</p>	<p>CV,DS</p> <p>Social staff of RDA and PMU.</p> <p>Provincial Director/RDA, RE</p> <p>Agrarian Services</p>

			Department LARC/Super LARC															
<p><b>2. Lost Assets (Buildings and Structures)</b></p> <ul style="list-style-type: none"> <li>• <b>Parts of structures</b></li> <li>• <b>Access of business and residential places/concrete steps</b></li> <li>• <b>Remaining portion of the structure after acquisition if unusable.</b></li> </ul>	<p>Pay replacement cost for the affected portion based on the extent (volume) of the structure constructed without depreciation</p> <p>Compensation should be paid for the unusable portion too at replacement cost.</p>	Occupants of structures on production of proof of ownership	<p>CV,DS, Social staff of RDA and PMU. Provincial Director/RDA, RE LARC and Super LARC</p>															
<p><b>3. Ex gratia payment for the residential and Commercial buildings subject to provisions of Rent Control Act.</b></p>	<p>Equal to difference of Statutory value and, replacement cost and to be distributed as per the following table:</p> <table border="1"> <thead> <tr> <th>Period Of occupation (years)</th> <th>Owner (%)</th> <th>Occupant (%)</th> </tr> </thead> <tbody> <tr> <td>&gt;20</td> <td>25</td> <td>75</td> </tr> <tr> <td>10-20</td> <td>50</td> <td>50</td> </tr> <tr> <td>5-10</td> <td>75</td> <td>25</td> </tr> <tr> <td>&gt;10</td> <td>90</td> <td>10</td> </tr> </tbody> </table>	Period Of occupation (years)	Owner (%)	Occupant (%)	>20	25	75	10-20	50	50	5-10	75	25	>10	90	10	Owner and occupants of buildings fall within the provisions of the Rent Control Act.	<p>CV,DS Social staff of RDA and PMU.GN ,Local Authority Provincial Director/RDA, RE, LARC and Super LARC</p>
Period Of occupation (years)	Owner (%)	Occupant (%)																
>20	25	75																
10-20	50	50																
5-10	75	25																
>10	90	10																

<p><b>4. Loss of Business</b></p> <p><b>4.1. Informal (nontax payers)</b></p> <p><b>4.2. Formal (tax payers)</b></p>	<p>If income could be proved by supporting documents, Rs.15, 000.00 or net income of 03 months whichever is higher.</p> <p>Adjusted average net profit of 03 years preceding the publication of Sec.07 notice under LAA. *</p>	<p>All Business owners who are affected</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RDA, RE LARC and Super LARC.</p>
<p><b>3. Temporary Disruption of business</b></p>	<p>Compensation to be decided by the LARC</p>	<p>All Business owners who are affected</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RDA, RE, LARC./Super LARC</p>
<p><b>4.4. Loss of livelihood</b></p>	<p>Compensation to be decided by the LARC</p>	<p>All Business owners who are affected Self-employed and those who are temporarily affected due to loss of livelihood</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RDA, RE , LARC and Super LARC</p>

<b>4.5.Vulnerable Households</b>	Compensation to be decided by the LARC	All household that fall within the category of vulnerable households for e.g. Very old, women headed households without a reasonable income very poor, disabled, indigenous people	CV,DS Social staff of RDA and PMU. Provincial Director/RDA, RE  LARC and Super LARC
<b>4.6.Loss of Employment</b>	Compensation to be decided by the LARC	Those who lost their wage earning employment due to acquisition of the business premises they were employed.	CV,DS Social staff of RDA and PMU. Provincial Director/RDA, RE, LARC and Super LARC
<b>4.7 Ex-Gratia payment for the handing over possession within the prescribed period.</b>	Ex-gratia payment to be decided by the LARC.	The owners of residential houses and/or cultivated lands	CV,DS Social staff of RDA and PMU. Provincial Director/RDA, RE, LARC and Super LARC.



<p><b>4.8. Temporary Residential facilities</b></p>	<p>Compensation Applicable</p> <table border="1" data-bbox="475 318 1008 757"> <thead> <tr> <th>Area</th> <th>MC</th> <th>UC</th> <th>PS</th> </tr> </thead> <tbody> <tr> <td>&lt;500</td> <td>50000</td> <td>4000 0</td> <td>2000 0</td> </tr> <tr> <td>500-700</td> <td>60000</td> <td>5000 0</td> <td>5000 0</td> </tr> <tr> <td>700-1000</td> <td>75000</td> <td>6000 0</td> <td>4000 0</td> </tr> <tr> <td>&gt;1000</td> <td>100000</td> <td>7500 0</td> <td>5000 0</td> </tr> </tbody> </table>	Area	MC	UC	PS	<500	50000	4000 0	2000 0	500-700	60000	5000 0	5000 0	700-1000	75000	6000 0	4000 0	>1000	100000	7500 0	5000 0	<p>Affected occupants at the date of publication of Sec.02 notice under LAA who are expected to hand over possession before the prescribed date. Rate depends on the floor area occupied by the affected prior to the above date.</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RDA, RE, LARC and Super LARC</p>
Area	MC	UC	PS																				
<500	50000	4000 0	2000 0																				
500-700	60000	5000 0	5000 0																				
700-1000	75000	6000 0	4000 0																				
>1000	100000	7500 0	5000 0																				
<p><b>4.9. Change of residence Entitlement</b></p>	<p>Type of House Payment (Rs.) Floor Area (Sq.ft)</p> <table border="1" data-bbox="475 1200 970 1469"> <thead> <tr> <th>Floor Area (Sq.Ft)</th> <th>Amount (Rs)</th> </tr> </thead> <tbody> <tr> <td>&lt;500</td> <td>50,000</td> </tr> <tr> <td>500-750</td> <td>75,000</td> </tr> <tr> <td>750-1000</td> <td>1,00,000</td> </tr> <tr> <td>&gt;1000</td> <td>1,500,000</td> </tr> </tbody> </table>	Floor Area (Sq.Ft)	Amount (Rs)	<500	50,000	500-750	75,000	750-1000	1,00,000	>1000	1,500,000	<p>If the acquisition officer need to get the possession of the property before the prescribed date the floor area occupied by the affected prior to the date of publication of Sec 02 notice under LAA. is entitled to compensation shown under 4.9 column 2</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RDA, RE, LARC and Super LARC.</p>										
Floor Area (Sq.Ft)	Amount (Rs)																						
<500	50,000																						
500-750	75,000																						
750-1000	1,00,000																						
>1000	1,500,000																						

<p><b>4.10. Resettlement Entitlement</b></p>	<p>A plot of land up to 20 perches equivalent to undeveloped value of land acquired from the affected from a resettlement site with all service facilities. LARC to decide on the extent. Or if affected desires to be self-relocated. The following cash payments are payable by the PMU. The land could only be offered subject to the land available in relevant area.</p> <p><b>The local area Amount(Rs)</b></p> <table border="1" data-bbox="475 705 1018 835"> <thead> <tr> <th>MC</th> <th>UC</th> <th>PS</th> </tr> </thead> <tbody> <tr> <td>5,00,000</td> <td>3,00,000</td> <td>1,50,000</td> </tr> </tbody> </table>	MC	UC	PS	5,00,000	3,00,000	1,50,000	<p>Minimum of 03 years residence in the same premises with the principal occupant prior to the date of publication of Sec02 notice under same electoral list or separate electoral list</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RDA, RE, LARC and Super LARC</p>
MC	UC	PS							
5,00,000	3,00,000	1,50,000							
<p><b>4.11. Resettlement Entitlement for Sub families</b></p>	<p><b>The local area Amount (Rs.)</b></p> <table border="1" data-bbox="475 981 1018 1120"> <thead> <tr> <th>MC</th> <th>UC</th> <th>PS</th> </tr> </thead> <tbody> <tr> <td>250,000</td> <td>150,000</td> <td>75,000</td> </tr> </tbody> </table>	MC	UC	PS	250,000	150,000	75,000	<p>For those encroachers who were in occupation of such land prior to the date of publication of Sec.02 notice</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RDA, RE, LARC and Super LARC.</p>
MC	UC	PS							
250,000	150,000	75,000							
<p><b>5.0. Compensation for Encroachers</b></p> <p><b>5.1. Improvements done on the land</b></p> <p><b>5.2. Resettlement Entitlement</b></p>	<p>At replacement value for structures and other improvements</p> <p>Plot of land up to 10 perches from a resettlement site or the compensation applicable to title holders for self-relocation as item 4.11, if the LARC is of the opinion that such assistance is reasonable and justifiable. The land could only be offered depending on the availability of land in the relevant area.</p>	<p>Those untitled people who were in occupation prior to the publication of Sec.02 notice under LAA.</p> <p>Same as above</p>							

*Above table is based on the provisions contained in the Government Gazette No. 1837/47 dated 22<sup>nd</sup> November 2013. There appears to be a printing error, the relevant section should be Se.07 not Sec.02. Sec.46 of the LAA is very clear on this and the regulations framed in 2008 also refers to compensation within the limits of the LAA, which is adjusted net average profit for 03 years prior to the publication of Sec.07 notice.*

94. The above matrix is based on the provisions made on compensation by the Government gazette N0.1837/47 dated 22<sup>nd</sup> November 2013 in consultation with the RDA assuming that the project will be included for compensation based on the relevant gazette

95. All ex-gratia compensation will be decided by the LARC, as per the guidance provided in the above gazette. Statutory value and replacement cost is decided by the Chief Valuer.

96. According to the Government Gazette No.1837/47 of the above date, the members of the LARC will be appointed by the Hon minister of land and Land Development will be composed of following officers

1. Divisional Secretary or Assistant Secretary
2. Surveyor General or his representative
3. Chief valuer or his representative
4. An officer not below the rank of an Assistant Secretary nominated by the Minister in charge of the ministry that implements the project.

97. Every affected person should be provided with opportunity to come before the LARC and submit reasons to support his/her case.

98. Any AP who is not satisfied with the decision of the LARC has the right to appeal to the Super LARC for redress.

#### **Composition of Super LARC appointed by the Hon Minister of Land and Land Development**

1. Secretary of the ministry or his representative that implements the project.
2. Secretary or his representative of the ministry of Land and land Development
3. Secretary or his representative of the Ministry of Finance
4. Chief Valuer or his representative
5. Surveyor General or his representative
6. The Chairman, Chief Executive Officer or an officer nominated by him of the organization that implements the project.

99. After considering all the facts relating to the appeal carefully the Super LARC will confirm the decision of the LARC, increase or decrease the compensation awarded by the LARC and the decision of the Super LARC should be conveyed to the affected person.

## CHAPTER 7: PARTICIPATION AND CONSULTATION

### 7.1 General

100. Consultation with the affected parties should be the beginning of a Participatory Process for designing and implementing projects. Providing accurate information about the project to people from the planning stage prevents misconception and builds trust between the affected population and the project and enhances transparency. Consultation has several objectives which include: sharing information, listening to feedback, engaging in decision making discussions, and involving people in participation in the implementation process.

101. Consultations enable the project team to hold joint discussions with the affected people, share ideas about planning and implementation and benefit from local knowledge and take more informed decisions. Consultation can be in different forms, such as organizing public meetings, holding focus group discussions, or carrying out household surveys or even having direct one to one consultations.

102. This chapter presents the major findings of consultations carried out during the RAP preparation and suggests the consultation to be carried out during the implementation of RAP.

### 7.2 Consultations Carried out During RAP Preparation

103. In order to introduce the project to the stakeholders, a meeting was held at the auditorium of the Divisional Secretary's office at Puttalam chaired by the Divisional Secretary on 27th January 2015. Thirty six participants were present including the secretary, urban council Puttalam, Chief incumbent priest of the Puttalam Buddhist centre, the divisional engineers of Chilaw and Puttalam of RDA. The divisional secretary introduced the consultants to the participants. Consultants team comprised of team leader, resettlement expert, social impact assessment consultant and coordinator. divisional secretary reexplained the purpose of the meeting. Team leader made a brief speech and the resettlement expert explained the project parameters, land acquisition process, compensation and other assistance available to the affected people and the participatory approach followed by the project management in preparing and implementing the RAP. After the meeting a healthy discussion followed. Prior to the commencement of the meeting a hand out was distributed among the participants explaining the salient features of the project, land acquisition and compensation process in both Sinhala and Tamil languages.



**Figure 7.1 Stakeholders Meeting at Puttalam**



**Figure 7.2 Focus group Meeting in Puttalam**

104. Table 7.1 provides the details of the completed consultations and Table 7.2 provide summary of key views expressed by APs and stakeholders.



**Figure 7.3 With road users at Negombo**



**Figure 7.4 With Chief priest of Buddhist center of Puttalam**

**Table 7.1 – Completed Consultations and Disclosure of Information**

Activity and number attended	Place and Stake holders attended	Objective	Timing	Responsible Unit	Feedback /Issues / Concerns /Raised	Action Taken
<b>Stakeholder meeting Number attended 35</b>	Auditorium, Divisional Secretary's Office ,Puttalam 1.Incumbent Chief Priest of Puttalam Buddhist Centre 2.Divisional Secretary 3.Divisional Engineers Chilaw and Puttalam ,RDA Secretary ,Urban Council Puttalam District Medical Officer - Puttalam Agricultural Production Officer	1.To explain to the participants ,the description of the project 2.Importance of widening and improving the Jaela section of the Peliyagoda-Puttalam Road 3.The land acquisition processs and compensation available 4.The participatory approach the management is adopting in the preparation and	Simultaneously with the enumeration on 27 <sup>th</sup> January 2015	PMU of RDA and Consultants	1.Fate of encroachers close to the sea beach  2.Alternate land in case of displacement  3.Compensation for encroachers	1. Many of them would not be displaced according to the 2.preliminary assessment. Possibility of alienating state land or construction of a common building to accommodate the displaced would be considered  3. Encroachers are entitled to all the compensation available to title holders except for the land.



		implementati on of RAP.			<p>4. Loss of business during the construction period.</p> <p>5. Damage to religious properties</p> <p>6. Damage to common properties</p> <p>7. Fate of mobile hawkers</p>	<p>4. Compensation as per the entitlement matrix.</p> <p>5. Consultation And Action will be taken to avoid such damages. The .Buddhist centre at Puttalam will not be affected.</p> <p>6. Either compensation paid to the concerned state organization or structure will be reconstructed by PMU.</p> <p>7. RDA in consultation with the local authority will offer solutions to mobile vendors.</p>
<b>Distribut ion of informat ory litrature and one to one consultat ions</b>	Atthe residencies of the affected	5.To educate them on the purpose of te project and how they are treated	After educating the affected from 25th to 31st January.	RDA and Consultant s employed by the RDA,	<p>8.Amount of compensation, land to land option, loss of employment,inc onvenience during construction,</p> <p>9. Timing of compensation. They had requested reasonable</p>	<p>8. They were informed by the interviewers that their concerns will be discussed and solutions offered.</p> <p>9. No land will be taken by the RDA for construction</p>

					<p>compensation for their loss assets and compensation before taking over the lands since there had been long delays in the past.</p> <p>10. Compensation some of them received for acquisition of properties of theirs at other locations in the past was inadequate. Land to land option was preferred</p> <p>11. Whether untitled people could stay in the same place after acquisition</p>	<p>purposes without paying full compensation . According to the policy explained to you at the meeting</p> <p>10. Under the new compensation policy replacement cost for structures ,and land and all other expenses connected due to acquisition of properties Will be paid</p> <p>11. If the space is available and does not affect the environment they would be able to stay at the same place</p>
<p><b>Meeting of Women Group ,21 attended</b></p>	<p>30.01.2015 Auditorium of DS office Puttalam Members of womens' Society, Female buddhist priest(non) Rural evelopment officer,Puttalam, Land Officer , Womens Affairs officer ,Puttalam</p>	<p>6.Desimination of information on parameters of the road land acquisition procedure, discuss issues concerning women ,and children</p>	<p>After one to one consultation and census and SES survey.</p>	<p>RDA,DS, GNN,Consultants</p>	<p>12.They were anxious to know the new width of the road and how the design affects their properties,acquisition procedure,compensation procedure,whether land will be offered for the loss of land,compensation for old buldings, loss of access,mobile shops,timing of</p>	<p>12. They were informed there are no plans to increase the width from 6.5 meters for two lanes section and 10.5 meters for 04 lanes section from the centre of the road in the near future.</p> <p>.Compensation package covers all the losses that</p>

					compensation, construction related damages, inadequate land space to rebuild according to regulations.	they have raised. and compensation will be paid before taking over the possession  Land to land will be offered if suitable state land available Mobile hawkers will not be displaced.
<b>Vegetable, fruits mobile hawkers</b>  <b>6 people</b>	60 <sup>th</sup> Km post on the road	7.To learn their concerns	During enumeration	Consultants/RDA	13.The fate of mobile vendors after the improvement to the road  14..Loss of income  15.Whether it is possible to continue with the business during construction	13.RDA to make arrangements in consultation with the local authority to allow them to stay at the same location after moving on to the edge of the road reservation Temporary  14.loss of income will be paid  15.It has to be decided once the construction commence
<b>Fish vendors</b> <b>05</b>	Close to Puttalam town between 125-126 km	8.To understand their concerns	During enumeration	RDA/Consultants	16.Whether it is possible to stay where they are after construction  17.Loss of income due to stoppage of business because of dust	16.The width of the road section is adequate to accommodate them  17.Temporary loss of income will be paid Compensation



<p><b>Fish vendors 03</b></p>	<p>125km, On the Road reservation</p>	<p>9.To understand the issues confronted by them</p>	<p>During enumeration</p>	<p>RDA/Consultants</p>	<p>pollution 18.Damages to their temporary/semi permanent stalls  .Whether business premises affected  19.Possibility of getting freeholds to the encroached lands  20.Income loss during Construction</p>	<p>available  18.The small temporary structures occupying by them could be saved as they are not within the road corridor  19.Since encroached land is between railway and road reservation ,it is not possible  20.Income losses will be paid</p>
<p><b>Stake holders meeting</b>  <b>No attended 181 people and 06 officials</b></p>	<p>Auditorium of the DS office Mahawewa Affected people officials of DS office including land Use officer and land acquisition officer people of the area</p>	<p>1.To explain to the participants ,the description of the project 2.Importance of widening and improving the Jaela section of the Peliyagoda-Puttalam Road 3.The land acquisition process and compensation available 4.The participatory approach the management is adopting in the preparation and implementation of RAP the</p>	<p>02<sup>nd</sup>March 2015 Before finalising the RAP</p>	<p>PMU/RDA, consultants</p>	<p>21.How the compensation paid ,whether there is a change in valuation  22. When they could expect the compensation.  23.What is the position of compensation for previous acquisitions  24.Village tank is located on the boundary of the road whether</p>	<p>21. Explained the new system and the rules approved by parliament on new compensation method.  22. Before the taking over physical possession.  23. This matter will be brought to the notice of the RDA and included in the RAP for the knowledge of the WB.  24. Normally disturbance to such assets</p>

		<p>participants ,the description of the project</p> <p>2.Importance of widening and improving the Jaela section of the Peliyagoda- Puttalam Road</p> <p>3.The land acquisition processs and compensation available</p> <p>4.The participator y approach the management is adopting in the prepartion and implementati on of RAP</p>			<p>the widening would affect the tank</p> <p>25. Only few people are affected in DS division Mahawewa, why did you invite such a large number?</p> <p>26.What is the value you pay for a perch</p> <p>27.What is the total width of the road will there be further widening</p>	<p>are avoided as the road is a two lane section at the stretch where the tank is located it may not affect the tank .In any case the designers will consider the importance of a cultural asset at the design stage.</p> <p>25. The road benefits all those resident in the area. .Our policy is a participatory approach .We needs your input for the preparation of RAP. Invitation was done by the DS on the request of the RDA. Higher participation is very much appreciated</p> <p>26.Valuation is done by the department of valuation but according to the new policy you will be offered the current market value</p> <p>27. The two lanes section is 13 meters and four lanes section is 21 meters. It is mentioned in</p>
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						the leaflet that we gave to you Further widening of the road may not take place in the near future.
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**Table 7.2- A Summary of Key Views Expressed by APs and Stakeholders**

<b>Issues discussed</b>	<b>Principal views of the participants</b>	<b>How the project addressed the issue</b>
<b>Land acquisition process</b>	Delays in land acquisition process	Documents should be prepared in all three languages (Sinhala, Tamil and English) for the issue of relevant gazette notifications under LAA. Name and address of each AP, the boundaries of each lot and extent to be acquired and other details should be mentioned .As the Divisional Secretary is burdened with many other functions, if the PMU assist him to prepare these documents the process of issue of gazette could be expedited.
<b>Payment of compensation</b>	Payments to be made at replacement prices	Informed APs that compensation will be paid at current market prices (replacement) as per the regulations passed in parliament in 2009.
<b>Remaining land area of a lot</b>	Possibility of utilizing the remaining land for construction	UDA has allowed in the past to construct buildings in the remaining land even if the extent is less than the prescribed extent for construction in cases of acquisition of part of the land .PMU could negotiate this issue with UDA.
<b>Closure of business properties</b>	Temporary loss of income due to closure of businesses(especially small scale commercial ventures)	APs were explained about the compensation item in the entitlement matrix for temporary loss of income and they were informed about the entitlement for payment.
<b>Possibility of saving buildings where very small widths are scheduled to acquire</b>	Change the acquisition boundaries to save the structures	RDA agreed to visit the respective locations and revisit the designs once the designs are ready..
<b>Construction related damages</b>	Every precaution will be taken by the contractor on the instructions of PMU to avoid damages to the	If any damage occurs as a result of construction activities,contractor will be directed to restore the building to its original state

	structures	
<b>Extension of the road by another few hundred meters from the centre of the city (a proposal by the 'UC)</b>		
<b>Mobile Vendors</b>	Situation of mobile vendors	Local authority in consultation with RDA will consider them to continue with business provided they do not obstruct pedestrian paths.
<b>Restrictions/obstructions to access to houses</b>	APs expressed their concerns regarding obstructions /restrictions to access to houses	PMU will construct road access to houses
<b>Compensation for previous acquisition</b>	The APs expressed doubts about the new scheme which we explained to them due to past experience.	PMU will not take over the possession without payment of full compensation. The issue of non payment of compensation for previous acquisition will be brought to the notice of the higher authorities. This project will be implemented with the funds of WB .WB will not release funds if the policy is contravened.

**Table 7.3 Planned Consultations**

<b>Activity</b>	<b>Objective</b>	<b>Timing</b>	<b>Responsible</b>
<b>Visit to APs Residences</b>	Distribute the Section 02 Notice under LAA	With the publication of the SEC 02 notices	DS, GNN, PMU/and Consultants if employed.
<b>Distribution of the Sinhala and Tamil version of the RAP to DSS, Pradeshiya Sabahs, GNN and Public libraries.</b>	To maintain the policy of transparency and information dissemination	Simultaneous with the process of land acquisition.	PMU, RDA Executive Engineers Offices Office and Consultants if employed
<b>Consultation with APs</b>	Explain the process leading to the taking over possession of the land	Before publication of the Sec 38 (a)	PMU, GNN, Resettlement Staff RDA and Consultants if employed
<b>Meeting APs in groups GN Division wise</b>	Prepare them to face the title determination inquiries Sec.9 (1)and brief them on the inquiries	Before Sec.9(1)	PMU, GNN, Resettlement Staff RDA and Consultants if employed.

<b>Meeting APs, CBOs, NGOS on required support especially for vulnerable groups</b>	Protect all APs including vulnerable populations from negative impact and bring them up	Before the publication of the section 38 a) Notice	PMU, Resettlement Staff RDA and Consultants if employed.
<b>Meeting with APs who need to readjust and redesign their houses and commercial buildings at the same location</b>	Discuss if any help need to readjust their buildings.	Before demolition of affected parts.	GNN, PMU, Resettlement Staff RDA and Consultants if employed.
<b>Meeting with APs, state agencies providing utility services and service deliveries</b>	To assure continuation of undisturbed public services, utilities common amenities and socio-cultural structures	Before taking over physical possession of land	PMU, DSs and state agencies responsible for services and public utilities NGOs, CBOs and Consultants if employed
<b>Meeting with the APs</b>	Post acquisition issues	After acquisition	DS, GNN, PMU, Resettlement Staff RDA and Consultants if employed.
<b>Detailed land and property measurement survey (preparation of condition Reports for valuation )</b>	To ensure transparency and apprise the AP what his losses are	When valuation officers visit the APs residence with RDA officials	Valuation Officer ,RA of RDA , GN and AP concerned
<b>Compensation Rates formulation and agreement on compensation</b>	To make the AP aware that the types of entitlements he /she would receive .and the quantum of compensation he/she receives	At the time of preparation of the condition report with the participation of the AP and when the DS inform of his amount of compensation by the notice under SEC 17 of the LAA, if he is not agreeable he could appeal to the LARB within 03 weeks	Valuation Officer, DS,RA of RDA and the concerned AP
<b>Disbursement</b>	To ensure that AP gets	Before signing the	DS, RA or CDO and

<b>of compensation funds</b>	his compensation by cheque and without delay, to persuade him to receive the cheque in to a joint account with his wife or with a member of his family and to inform the AP regarding the interest he is entitled to .The interest will be calculated by DS for the period between the date of the Sec 38 (a) notice and the date of the compensation cheque at 7% annual interest.	vouchers	Accountant of /RDA
<b>Income and Livelihood Restoration Planning</b>	To actively involve AP in the process and discuss APs preference.	When income restoration plans are formulated	AP, CDO, Consultant Income Restoration Officer
<b>Information Dissemination through Public Information Centres</b>	To allow the APs access to information and update them on project activities. .Copies of informatory pamphlets’, entitlement matrix and salient points of the RAP will be available at the information centre.	Before the land acquisition process commence	PMU



### 7.2.1 Conducting HIV/AIDS Awareness Programmes

105. Although the number of people affected with HIV in Sri Lanka according to available statistics is low, with the movement of migratory labour across the national boundaries and influx of contractors labour in most instances having lack of knowledge on the severity of the disease could spread the disease without their knowledge, It is important to specify in the contract that the contractors shall conduct awareness programmes via an “approved Service Provider” and shall undertake such other measures as are specified herein to reduce the risk of the transfer of HIV virus



between contractors' personnel and the local community, to promote early diagnosis and assist affected individuals. The ratio of HIV positive men to women at present in Sri Lanka is 1.4:1 although in reality, there are probably far more men infected than women as in most early phase HIV epidemic. There are unreported cases due to cultural and social factors or unawareness that he or she had contacted the virus.

106. The current estimated HIV prevalence ( the ratio of the number cases of a disease present in a statistical population at a specified time and the number of individuals in the population at that specified time) in the sexually active age group ( between 15-49 year olds) is less than 0.1% which categorizes the status of HIV in Sri Lanka as “low prevalence “when compared to many a developed and developing countries in the world New Zealand has a very low rate of HIV infected people similar to Sri Lanka.

107. The main aim of the proposed programme by contractors would be to raise awareness and generate behavioral change amongst all persons involved in commercial sex transaction at the temporary camp sites for construction workers and the communities in the near vicinity of roads construction sites. This includes working with all levels of employees including construction workers (skilled and unskilled), migrant as well as those from the locality and management personnel. The programme will also intend to work with members of host communities who are considered highly vulnerable to risky sex-behavior, particularly the commercial sex activity because of poverty and inexperience of the people living in the project areas.

### **7.3 Non Payment of Compensation for Previous Acquisition**

108. There were complaints from the people affected by present acquisition and also from others though they are not affected by the current project whose land had been taken earlier by the government but still compensation is to be paid to them. This is an issue that has an effect on the credibility of the organizations concerned and the consultants had to make a great effort to convince the people that it will not be repeated by the project under consideration and no property will be taken for construction work without the payment of compensation in full to the affected. The would be donor the WB will not condone such actions and if it happens invariably it will not as the government as well as donor policies are very clear and firm on this issue will have a very serious impact on the continuation of the project with WB assistance .The consultants assured the people concerned that their grievance on this matter will be specifically included in the RAP.

109. We recommend that RDA with the assistance of the respective DSS should gather information regarding the nonpayment of compensation for previous acquisitions and solve this issue with the cooperation of other key players to reestablish the confidence of people in the respective organizations.

## CHAPTER 8: INCOME RESTORATION AND REHABILITATION

### 8.1 Trade and Business

110. Since only two strips of land on either side of the right of way( ROW) are being required for the widening of the road, the extent of land required to be acquired is very minimal .The section of the road where improvement is planned is heavily populated .Fifteen business premises is fully affected and 41 partially. Partially affected are willing to rehabilitate their buildings and continue business in the same location. As the area is urban in nature, there is hardly any agricultural activity. There is no impact on home gardens with trees.

111. The fifteen businesses that are to be relocated need assistance from the PMU. There is a dearth of commercial land in Puttalam town and areas adjoining road frontages. Since many of those who lose business establishments are not very affluent, it is recommended that PMU in collaboration with UDA, UC and DS find a small state land close to the road and construct a building to accommodate those who get displaced. In fact Secretary UC agreed to look into the feasibility of construction of the building to house the displaced businesses if funds could be provided by the PMU and land by the DS.

112. A two to three storied building depending on the size of the land available should be constructed to give on rent to the displaced. A unit of 200 sq ft would be the ideal floor space .The total floor space that would be required to accommodate the displaced would be 3000 sq ft with provision for sanitary facilities and corridors; the total extent could be in the region of 4000 sq.ft of floor space. If the building to be two floors, a small plot of land an extent of 10 perches would be sufficient for this purpose. During the construction stage there would be temporary loss of employment that would be suffered by the business establishments .They should be compensated for the loss of income during the interim period. The impact on mobile vendors during construction phase is significant. In case of mobile vendors who could not restore their businesses on the pavements and road reservations should be assisted to find alternative places or they should be trained for other skills where there is a great demand locally and internationally. There is a high demand for mechanics,heavy vehicle drivers and earthmoving machine operators,welders and air .conditioning mechanics etcYoung mobile vendors if given the opportunity may opt to get trained for a vocation. There are large numbers of local young men without academic qualifications (even without O, Level) who are employed in foreign countries as technicians and heavy vehicle drivers /operators for lucrative salaries.

113. A very large mix of business activities are taking place in the project area,ranging from small grocery shops to large whole sale establishments.There are number of industries and services of various categories either managed by the land owners or by tenants or lessees.

### 8.2. Project as a Development Opportunity

114. Resettlement programme should be considered as adevelopment opportunity for the APs and Project benefits should flow to them through institutional interventions such as adequate and timely compensation, income restoration programmes, rehabilitation of vulnerable groups, employment opportunities in construction related activities.



### 8.3. SWOT Analysis

107. Before commencement of designing a plan for the IRP, a Strength, Weakness, Opportunity and Threats. (SWOT) analysis will be undertaken to assess the

1. Strength of the APs
2. Weaknesses of the APs
3. Opportunities available
4. Threats that may be faced in the course of income rehabilitation

#### 8.3.1 Strengths

108. Some of the strengths that are already visible is the size and diversity of businesses and the ability to adjust to the changing scenario. Satisfactory level of business acumen of the entrepreneurs and exposure to the business environment and ability to raise capital. These desirable features emerged during one to one discussions with many of the business owners.

#### 8.3.2 Weaknesses

109. Some of the weaknesses that were observed were the unwillingness to move away from the area that are familiar to them and diversify to other trades and skills, especially among the less educated fishermen. This amount to reluctance to take entrepreneurial risks associated with business. Most of them lack capital and run their businesses on state land.

#### 8.3.3 Opportunities

110. The environs of the Jaela-Puttalam road traverse through a fast developing industrial and tourist area. The international airport and tourist hotels provide opportunities for the people to improve their businesses and find employment according to their skills and education.

#### 8.3.4 Threats

111. Influx of new businesses due to improvements of roads, restrictions imposed by banks for business credits, and very limited availability of alternate land and premises. Inability of most of the encroachers to increase the extents encroached due to legal barriers and environmental reasons.

### 8.4. Strategies for Income Restoration Programmes

112. After gathering required information by the process of SWOT analysis, following activities are planned to be carried out with the target groups before income restoration plan is implemented. Most of the affected would suffer only temporary loss of business. The following losses are anticipated:

- Income from affected businesses
- Income from wage earnings
- Income from rent/lease

The IRP strategy would be based on multiple approaches as detailed below.

### 8.5. Empowerment of Affected People

113. Empowerment will focus on following areas:

- Increase the awareness of the APs
- Development of skills, vocational, managerial and entrepreneurial
- Improve and promote leadership qualities
- Formation of societies by members to address common issues
- Training in human resources development
- Training in occupational skills development
- Members of target groups open savings accounts and contribute to savings
- Feed back information to the PMU to facilitate the implementation process

## **8.6. Organization to Implement the Income Restoration Plan**

114. Income restoration will be undertaken by the PMU preferably with the assistance of a Consultant. The PMU will act as the facilitator and the coordinator for the APs to obtain the services and inputs available from the respective State and private institutions for poverty alleviation and entrepreneur development programmes. Logistical support and funds required to implement the IRP will be provided by the PMU. The Resettlement Officer attached to the PMU with the assistance of RAs will be in charge of the IRP under the supervision of the Team Leader/Consultant Resettlement. Wherever possible assistance of CBOs will be solicited.

115. The Institutions that would directly involve in the IRP would be:

- Banks and other financial institutions
- Cooperative Credit Societies (SANASA)
- Rural Development Banks
- Community Based Micro Financing Organizations
- Assistance of the NGOs such as Chamber of Commerce
- All income restoration programmes will be undertaken in consultation with individual APs and their association
- Categories of APs entitled to Income Restoration benefits
  - Losing reasonable income during the construction period
  - Very poor who need institutional support to improve their incomes
  - Other vulnerable categories

## **8.7. Potential Income Restoration Programs**

116. There are provisions available in the Entitlement Matrix to assist, tenants, business units and others who lose their income as a result of this project. In Sri Lanka, vendors prefer to stay close to the roads and remain on lands with reduced space in order to have direct road frontages. As such, APs will be given the option to remain on the existing plot if the road widening allows it. All APs whose livelihoods are displaced under the project will be provided with livelihood restoration measures which will include the following;

- A livelihood restoration allowance to assist as seed money to re-establish a business
- Allowance and interventions for poor and vulnerable families

- Vocational or skilled training
- Project related employment

117. When identifying potential income generating opportunities for needy people, emphasis will be paid to raw materials, availability of required infrastructure and market potentials.

### **8.7.1 Training in Skills Development**

118. One person from each family losing livelihood income will be selected for skills development. Youth of the households losing dwellings and commercial premises will be given priority in the selection of trainees.

### **8.7.2. Proposed Institutions for Vocational Training**

119. Vocational Training Authority

- National Apprentice and Industrial Training Authority
- German Technical Institute
- Institute of Construction Training and Development
- Driver Training Schools
- Heavy and Earth Moving Machinery Training Institutes

### **8.7.3. Training in Entrepreneur Development**

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

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

121. It is envisaged that the following contractual work opportunities will be available to APs during the construction phase of the project:

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

122. The PMU will liaise with the contractor to find employment opportunities in the construction related activities for affected APs. The possibility of including a clause to give preference to APs when recruiting employees by the contractor should be considered. Preferably a mandatory clause should be included if it is within the contract law to bind the contractor to give preference to local labour as a measure of corporate responsibility of the contractor.

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

#### **8.7.5 Interim Measures**

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

#### **8.7.6 Environmental risks and how these will be managed and monitored**

125. An environmental specialist will study the environmental impacts and risks and they will be managed by the project. Already RDA has mobilized a Consultancy team to study and prepare an IEE (Initial Environmental Examination)

## **CHAPTER 09: INSTITUTIONAL ARRANGEMENTS FOR RESETTLEMENT IMPLEMENTATION**

126. The lead role in implementing the resettlement action plan rests with the Road Development Authority. A project management unit has been established at RDA headed by a senior engineer who is designated as the Director Output And Performance Based Road Contract Project (OPRC) The Social and Environmental Division of the RDA, act as a facilitator and a consultant to the PMU in implementing the resettlement action plan, The PMU has its own Social Environmental Specialist to direct the implementation of RAP. Authority to The PMU derives from the Director General of RDA who is reporting to the Secretary, Ministry of Highways through the Chairman of RDA.

127. PMU will be supported by relevant experts in technical, social, land administration, and financial disciplines. In the implementation of the RAP the Social Environmental Specialist has a major role to play.

### **9.1 Organizational Arrangement for the Implementation of RAP**

128. The PMU will be responsible for the implementation of the RAP .The eligible APs will be decided by the Acquiring Officer (Divisional Secretary) after the completion of the inquiries under the Sec.09 of the LAA and submit the list to the PMU for the payment of compensation which was awarded by him/her based on the report on compensation calculated by the valuation Department on eligible entitlements of each AP. The valuation report will be prepared based on replacement cost and the compensation package approved by parliament and published by the government gazette no. 1596/12 dated 07th April 2009. The Legal procedure is for the PMU to prepare the cheques for individual APs and submit them to relevant DS to hand over them to APs after completing documentations and obtaining their signatures on the payment vouchers but to make the procedure expedited, DSs consent to allow the PMU to pay the APs direct and submit a report for his records. Under the LAA the DS is the Acquiring Officer and the Paying officer.

129. Since this is a road improvement project, the implementation responsibility falls on RDA which acts as the PMU. The PMU should be staffed with the following officers before the implementation process commence.

- Head of the PMU (An Experienced Engineer)
- Land Officer attached to Provincial Directors' Office,
- CDOs (one for 150 APS)
- Civil Engineer
- Technical Officers
- Administrative Staff
- Accounts Staff

130. A field office of the PMU should be established within the project at a central location for facilitating the land acquisition and resettlement process. A Resettlement Assistant should be stationed at this office with supportive staff to attend to the problems of APs and take necessary actions to solve them under the guidance of Head of PMU/ Social Environmental Specialist.

131. The implementation schedule carries the time frame of accomplishment of each and every activity of the plan. Resettlement activities will commence, with the recruitment of team leader/consultants, resettlement assistants and supporting staff.

## **9.2 Review of mandate and capacity of resettlement agencies**

### **9.1.1 Review of mandate and capacity of resettlement**

132. In implementing the RAP the collaboration of several related agencies are vital for achieving the outcomes. Statutory powers for land acquisition are vested in the Divisional Secretary and he is responsible for the entire process with the collaboration of the Departments of Valuation, Government Printer, the CEA and the M/HHIP, M/LLD and M/PHs. In particular the PMU assists the DS with technical assistance when required.

133. The following are the key state agencies that will have direct involvement with resettlement interventions:

1. Ministry of Road Development ,Higher Education and Invest Promotion
2. Ministry of Land and Land Development
3. Divisional Secretaries and their staff including Grama Niladaris/other community level officers.
4. Consultants on land acquisition and resettlement
5. Survey Department
6. Valuation Department
7. Government Printer
8. Central Environmental Authority
9. Local Government Institutions of the project area.
10. Ceylon Electricity Board
11. Water Supply and Drainage Board
12. Sri Lanka Telecom Ltd.

134. The PMU carries out the following activities in implementing the RAP:

- Conduct awareness meetings with stake holders to disseminate and update information and also receive feedback from stakeholders.
- Establish Public Information Centres (PIC) and develop and distribute informative bulletins and relevant materials to ensure transparency.
- Conduct Land Acquisition and Resettlement (LARS) and Social and Economic (SES) surveys to collect necessary data for resettlement planning.
- Coordinate and assist the land acquisition process with the DS, Survey and Valuation departments and other relevant government agencies and APs.
- Formulate project cells
- Prepare Resettlement Plans and implement them with the aim of restoring/improving the lives of the APs at least to the pre project level or beyond.
- Ensure the execution of the entitled compensation package and realize the objectives of the NIRP and expedite payment of compensation by assisting the DS and the APs.

- Assist/ and coordinate with relevant agencies to restore/improve the income of the APs.
- Identify resettlement sites in consultation with the APs and host communities when necessary and develop them with all services and assist APs to resettle.
- Coordinate with community based organizations to assist the APs in resettlement.
- Coordinate/monitor the activities of GRCs.
- Assist vulnerable groups including women and the poor.
- Develop a plan to address gender concerns.
- Implement the construction program through contractors and supervision consultants and monitor the construction program.
- Prepare/submit required periodic reports to the relevant stakeholders including WB.
- Ensure flow of funds to maintain a healthy cash flow.
- Maintain MIS for the project through networking with relevant agencies...
- Monitor the resettlement plan with measurable indicators internally and externally. Issue a certificate to each household head indicating the list of compensation paid.

### **9.1.2. Divisional Secretary**

135. Divisional Secretary is responsible for civil administration of the division and hence empowered with statutory provisions to acquire land within the division and vest them with the agencies that required land under LAA. DS have coordinating responsibility of all development work, in addition to planning and implementation of its own development projects/ programs in the division. Although, formally all land acquisition work has to be done by the DS office, for accelerating the process, PMU assists DS for various activities of the acquisition process, including arranging meetings with APs and other stakeholders, preparation of paper work and gazette notifications for the signature of the DS and distribution of notices from DS office to public. This arrangement help DS to expedite the land acquisition process as they generally have resource constraints with regard to land acquisition.

136. Contractors and consultants employed by the PMU, Community Based Organizations of APs, NGOs and other civic organizations also play a significant role in the implementation process of the RP. The involved government agencies have sufficient capacity and experience to efficiently and effectively contribute to the implementation of the RAP. Their contribution is well within their respective mandates. The PMU coordinates the efforts and whenever required supports them with technical assistance.

137. The PMU/ provides for capacity building, including technical assistance, when required or when new types of interventions and procedures are called for like in the case of the Southern Expressway.

### **9.3 The role of NGOs involved, and organizations of APs in resettlement planning and management**

138. Civil Society Organizations, including religious leaders have lent their cooperation in the past in the implementation of the RAP and are found to be effective in representing the affected



people as they have confidence in them. Their main role has been advocacy on behalf of the affected and has also contributed at times to business development efforts of the APs.

#### **9.4 Responsibility of RDA for Payment of Compensation**

139. For acceleration of acquisition process and ensuring justice for APs, PMU support APs with following services:

1. Advise the APs regarding the list of documents to be submitted at the title determination inquiries conducted under Section 9 of the LAA
2. Ensure timely cash flows to assist DSs to pay the statutory payments as they are due
3. Prepare individual cheques and hand them over to DS to effect payments
4. Assist DS to inform the APs in advance regarding the payment of compensation
5. Prepare the list of APs with categories of compensation they are entitled to
6. Document grievances if any made by the APs
7. Make arrangement to pay the interest due on the statutory payment through the DS
8. Arrange to distribute a certificate with details of the compensation paid to each
9. Allow a period of 4-6 weeks after the payment of statutory compensation and other assistance for the AP to hand over vacant possession of the property
10. PMU should pay the incentive payment due to the APs immediately after the handover of the vacant possession within the prescribed period to the DS/PMU
11. Store all data in respect of compensation in a pre-prepared database.
12. Maintain a file for each AP, this file should contain, data on each AP collected at LARS and SES survey and the details of payments made and other correspondence with the APs.
13. Provide a card for each AP to record the compensation paid, since all compensation is not paid by one payment, the visits of resettlement staff to meet APs could be marked in the card kept with the AP.

#### **9.4 Responsibilities of APs for Compensation Payment**

- Produce all relevant documents at the Section 9 inquiries to establish the rights and ownership of the APs, including title deeds, government grant certificates, lease permits, rental agreements, documents on tenancy rights, registration extracts etc. which is relevant to each AP.
- Ensure AP present personally to receive compensation as far as possible, if due to an unavoidable reason is unable to collect the payment cheque personally, a proxy could collect the payment upon written authorization by the AP.
- It is the responsibility of the AP to request the DS within 14 days after the receipt of the determination to refer the matter to the appropriate court of law, if he is not satisfied with the determination of the DS. DS is expected to issue the order under Sec17 of LAA, as soon as possible indicating



1. Persons who are entitled to receive compensation for the land or servitude which is to be acquired.
2. The interest that the persons possess on the land or servitude to be acquired.
3. Total compensation entitled for the land or servitude to be acquired.

AP could appeal to the LARB within 21 days from the date of the order if he /she are not satisfied on the quantum of compensation.

- AP should hand over the property in vacant position within the prescribed period

### **9.5. Institutional Arrangement to Attend to Gender Concerns**

140. PMU will recruit resettlement staff including female officers to address gender concerns. Recruitment of an experienced consultant would help the PMU to coordinate the land acquisition, resettlement and rehabilitation programme with relevant state agencies and NGOs. One female resettlement assistant, a graduate with a degree in Social Sciences should be stationed at the project to attend to resettlement matters including gender concerns... This arrangement will permit a closer interface between the resettlement staff and female APs.

**Table 9.1 Matrix of Roles and Responsibilities of Government Agencies and Other Organizations involved in Resettlement Planning and Implementation**

<b>Agency / Unit</b>	<b>Roles and Responsibilities</b>
PMU/M/Highways and Investment Promotion	Preparation of land acquisition proposals, staffing, coordination with other relevant agencies, consultation with stake holders, dissemination of information, secure funds, identify lands for resettlement with APs, procure land for resettlement sites when necessary, develop infrastructure at resettlement sites, arrange to construct auxiliary structures , arrange IRP. implement the Gender Action Plan, attend to internal monitoring, progress review, Project MIS and documentation.
Ministry of Highways and Investment Promotion	Provide necessary policy guidelines, provide funds, coordinate with the WB and give directions to the PMU on implementation issues.
Ministry of Highways and Investment Promotion	Submit proposals forwarded by the PMU of RDA to MOL, arrange for funds including reimbursement responsibility.
Ministry of Land and Land Development	Approvals of the publications of relevant orders under LAA. Monitor the progress of land acquisition and liaise with the DSS at different stages of acquisition process.

Divisional Secretaries	Acquisition of land, payment of statutory compensation, payment of interest, consultation, information dissemination, GRC, and vesting of acquired land with the RDA. PMU provide technical assistance on request. Support implementation of RAP when necessary on PMUs' request. Support rehabilitation and improvement of public utilities disturbed by land acquisition and construction program.
Grama Niladari	Delivery of notices under LAA to the APs, consultation, facilitation of acquisition of alternate lands, during preparation of advance tracing and final plan by assisting the surveyors to identify the claimants.
Valuation Department	Preparation of properties to be acquired, preparation of valuation reports.
Government Printer	Publication of gazette notifications relevant to land acquisition.
Local Authority	Approval of resettlement sites, housing plans if required.
NGO	Consultations, dissemination of information, assist APs at the title determination inquiries (Sec.09), GRC, secure alternate land, eternal monitoring.
Affected People	Help in planning of resettlement sites if sites are required ,IR, Monitoring
Construction Supervision Consultants	Plan and monitor construction of resettlement sites if site are required.
Contractor	Construct resettlement sites with infrastructure facilities if required; construct auxiliary structures of the affected on the instructions of the PMU/CSC.
WB	Review Missions (external monitoring)

## CHAPTER 10: GRIEVANCE REDRESS MECHANISMS

### 10.1 Institutions Accessible for Grievance Redress

141. Well formulated mechanisms for the resolutions of grievances of APs are a must in development induced involuntary resettlement projects. They are institutions, instruments, methods and processes by which a resolution to a grievance could be sought and provided. Project implementing authorities should take adequate care to minimize grievances through careful designs and good participatory management. Problems and grievances are inevitable even under extremely efficient planning and expert management due to unforeseen circumstances. A built in mechanism in the form of an institutionalized grievance redress system will allow aggrieved APs to submit their grievances for a resolution. A forum of this nature helps to alleviate suspicions and misunderstanding between the APs and the project management. It provides easy access to the APs without incurring expenses and timely solutions. It helps to achieve the project objectives without much hiccups.

142. The RAP identifies the potential social and economic and an impact of construction of roads selected for rehabilitation and illustrates the measures and procedures needed to redress or mitigate grievances. Some of the economic impacts would be the loss of income, loss of employment, loss of property, some of the inadequacy of compensation, delay in payment of compensation. Significant social impacts would be severance or disruption of relationship, marginalization, disruption of children's education and access to facilities within easy reach. Increase in violence and sexually transmitted diseases due to influx of construction labor from areas outside the project whose tenure is temporary and not subject to peer pressure and not very often concerned to observe the accepted social norms.

143. The main purpose of the measures of redresses recommended in RAP is to avoid economic and social hardships to people resulting from the construction effects of the project. On the basis of the RAP, the note below provides a draft for the grievance redress measures, steps and procedures to be adopted by the RDA for the project.

### 10.2 Proposed Grievance Redress Steps and Procedures

#### 10.2.1 Maintaining of complaint register

144. Care will always be taken to prevent grievances rather than going through redresses system. Grievance can be minimized through careful project design and implementation by ensuring active participation and consultation with APs, establishing rapport between the community and RDA through frequent interactions, transparency and monitoring. As a first step of the grievance redress steps a complaint register will be maintained in each REs office. On receiving a complaint, it will be registered at the RE's office and complaint will be given a reference number. Then RE will review the complaint received and its documentation and also make arrangements to redress it. If the issue cannot be handled / settled by the RE himself / herself the complaint will be referred to the Local Resettlement Committee chaired by the RE to assist him /her to solve the grievance before submitting the case to the GRC, if the AP is not satisfied with the decision of the LRC. The proposed members to the LRC. LRC should deliver its decision within one week of receipt of the complaint and if the AP is not satisfied with the LRC decision, it should refer the complaint to the GRC headed by the Provincial Director

- The proposed members to the LRC
- Resident Engineer(Project Engineer) (Chairman)
- Two Affected People)
- A religious leader depending on the local community
- NGO
- Representative of Women’s Organization
- Community Development Officer (Secretary)

### 10.2.2 Establishment of a Grievance Redress Mechanism Committee (GRC)

145. Grievance Redress Committees (GRCs) will be formed by the RDA in each Pradeshiya Sabha or other appropriate project locations consisting of the following members as given in table 10.1.

**Table 10.1 Positions and Duties of the GRC Members**

<b>Designation/Official Position</b>	<b>Function in Committee</b>	<b>Task Assigned</b>	<b>Remarks</b>
<b>Provincial Director (RDA)</b>	Convener- (Chairman)	Chairing the GRC Meetings, making recommendations and sending for action	Grievance notice should be headed within a week
<b>Officer representing RDA - at the project area</b>	Secretary- CE or EE of the RDA can act as the Secretary of the GRC	Maintaining minutes, Correspondence on Decisions by the GRC	
<b>Chairman of the Pradeshiya Sabha</b>	Member	To represent local Authority and its Concerns	
<b>Member of local community organization</b>	Member	To represent the local community	
<b>A representative of concerned PAP/Stakeholder</b>	Member	To represent of PAP/ Stakeholder	

*Source: RAP of RSAP*

- **Resident Engineer (RE) –**

146. He /She could also attend as a non-member to offer his observations if requested and clarify the matters related to the claims based on the field investigation of applications and indicate w the implication that may emerge in project implementation.

- **Contractors Representative –**

147. He /She could also attend as a non-member. If requested and clarify the matters and provide answers and present his make comments regarding the related issue.

### **10.2.3 Creation of Awareness of the Grievance Redress Mechanism**

148. Wide publicity should be given by the RDA regarding the establishment of GRCs to the APs and closely related officials to the GRC mechanism for e.g. Grama Niladharis, Local Samurdhi Officers and Social Development officers of the Divisional Secretariats and Pradeshiya Sabhas of the areas concerned.

- RDA should prepare flyers indicating
- Project brief including the benefits of the rehabilitated road for the public
- Procedures for registering a complaint
- Categories of persons, institutions and property/assets affected that can claim compensation

149. Explanation of those who would not be considered as an affected person, property etc. The address of the authority to receive and register the application with the name of the officer in-charge, address, and telephone/fax numbers to contact.

### **10.2.4 Receiving Application for Redress**

150. The applications regarding grievances for redresses can be submitted to the Resident Engineer (RE) on week days during office hours. These applications are registered in the RE's office with all details such as names of the person, type of grievances etc. The RE who is the head of the LRC will attempt to solve the grievance at the local level, if successful, he submit a copy of the decision and the complaint to the PD for information. There should be proof of APs consent to the acceptance of solution given by LRC. The LRC should send promptly to Secretary/GRC the complaint of the AP and the decision of the LRC with the observation of the refusal of the AP to accept the decision of the LRC.

## **10.3 Grievance Redress Committee Meetings (RCMs), Hearings, Proceedings and Recommendations**

151. Depending on the applications to be considered, Redress Committee Meetings will be held in the Office of the Resident Engineer on the Thursday of every second week of the month at 2.00 p.m. If this day falls on a holiday, the meeting will be held on the following day at 2.00 p.m. In some cases, a need will arise to hold more than one sitting. In such instances, Provincial Director (PD) of RDA will schedule additional meetings and inform the applicant early in writing. Schedule must be strictly adhered to. If a member cannot attend a scheduled sitting, a representative should be sent. Minutes of the meetings, including the decisions taken regarding redress or otherwise, will be recorded by the GRC Secretary.

152. Minutes should be signed by all members of GRC. Applications, investigation reports, minutes of meetings and the decisions of the GRC on each of the application for redress should be maintained in the office of the PD/RDA for future reference.

### **10.3.1 Implementation of decisions of GRC**

153. The minutes of the GRC signed by the GRC members are maintained at the office of the Provincial Director of RDA. The recommendations along with other issues will be sent to the Project Director within a week after the GRC meeting. The same information will also be sent to the relevant applicants for his information. The recommendations will be implemented before the construction work is started in the sections of the road where affected persons have claimed for redress.

### **10.3.2 Appeals against the decisions of the GRC headed by the Project Director**

154. It is very unlikely that every AP will be satisfied with the decision of the GRC headed by the PD in respect of his/her grievance, in such instances there should be an appellate body for the APs to refer the decision of the GRC for a revision. The appellate body may reverse the decision or uphold it, in case if the decision of the GRC is upheld by the Appellate body, and the AP is not satisfied with the decision he/she has other avenues to pursue which are elaborated below. The proposed composition of the Appellate Body designated as Independent Grievance Panel is given below.

### **10.3.4 Independent Grievance Panel**

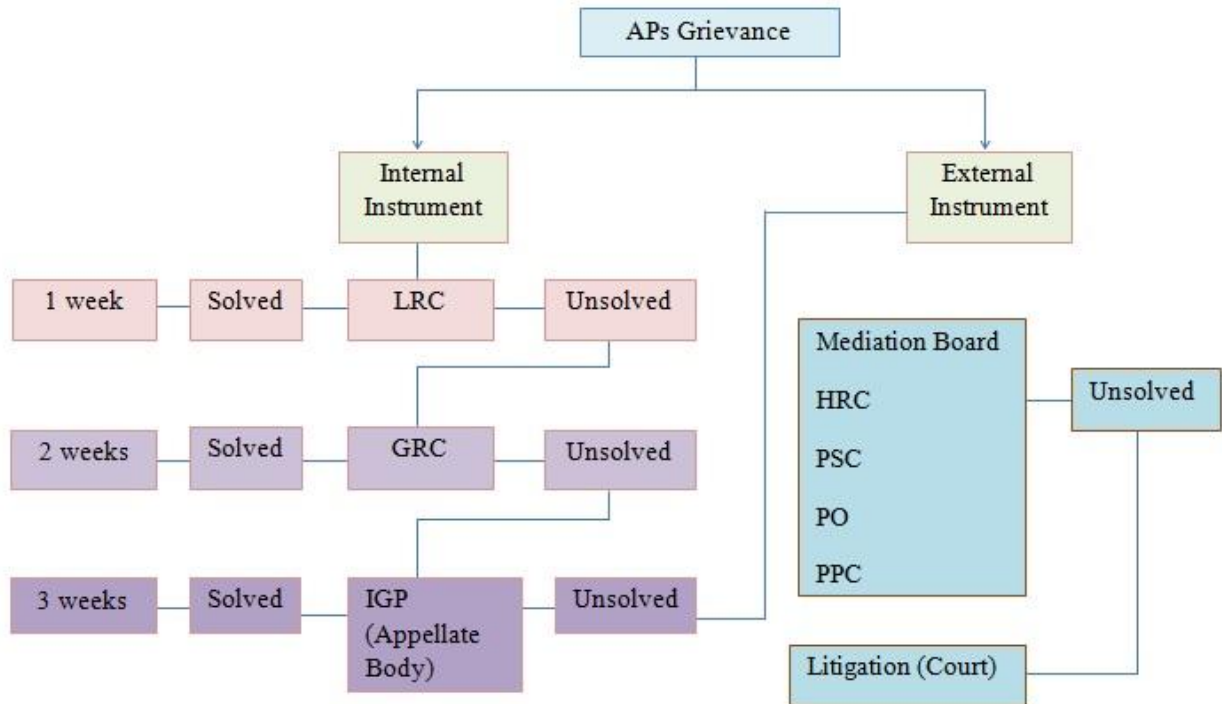
- Representative from Ministry of lands
- Representative from Ministry of Women Affairs
- Representative from Department of Valuation
- Eminent NGO
- A lawyer
- A retired civil servant (government officer) in the rank of a Secretary on the recommendation of the IGP Secretary M/HIP will take the decision on the grievance of the AP.

155. This forum comprises of high officials and knowledgeable people. According to SMF of WB, the IGP should deliver its verdict within 21days. If the AP is still not satisfied he could seek judicial interventions by taking his grievance to Court of Appeal. If not satisfied with the decision of the CA, AP could appeal to the Supreme Court (SC). SC first review his submissions and if satisfied will allow leave to appeal. The decision of SC is final as his problem has been adjudicated by a competent, knowledgeable apex legal body of the country. An AP has the right to submit his grievance to the ,Mediation Board, HRC, Parliamentary Ombudsman, Parliamentary Select Committee of Ministry of Highways, and Investment Promotion for redresses.

Grievance redress mechanism should be monitored closely during the monitoring phase of the RAP with measurable indicators for e.g. Number of complaints received, number solved at RE's level, number referred to GRC, headed by PD and number solved etc.



Figure 10.1 Organizational Chart for Grievance Redress Mechanism





## CHAPTER 11: COSTING AND BUDGETING

156. This tentative cost estimate as shown in Table 11.1 for the implementation of RAP is based on the provisions laid out in the new government gazette of 2009 regarding payment of compensation for land acquired by the government for public purposes. Estimates are based on the rates given by the CV on the prevailing Acts, regulations and policies. Actual impacts could only be assessed only after finalization of the road design and preparation of preliminary plan by the Survey department.

**Table 11.1 Estimated cost (budget) of Land Acquisition and Resettlement**

Item	Quantity. Perches/Sq.ft	Unit	Rs./unit (Ag)	Total Rs.	Total US\$
Commercial Lands - 1	22	PERCH	700,000.00	15,400,000.00	116,666.67
Residential Lands - 1	9		500,000.00	4,500,000.00	34,090.91
Commercial Lands - 2	13		600,000.00	7,800,000.00	59,090.91
Houses	266	Sq.ft	3000	798,000.00	6,045.45
Combined House/shop	4412		3500	15,442,000.00	116,984.85
Shops/stores(partially)	4690	Sq.ft	2500	11,725,000.00	88,825.76
Shop Stores (fully)	2112		2750	5,808,000.00	44,000.00
Sheds	1800		1000	1,800,000.00	13,636.36
Secondary Structures	283		500	141,500.00	1,071.97
Loss of Business Income	45	AHH	30,000.00	1,350,000.00	10,227.27
Expenses for GRC		Lump Sum	2,000,000	2,000,000.00	15,151.52
Loss of income of mobile vendors	66	AP	15,000.00	990,000.00	7,500.00
Loss of Employment	23	AP	15,000.00	345,000.00	2,613.64
Change of Residence	6	AHH	150,000.00	900,000.00	6818.18
Alternate Accommodation	6	AHH	60,000.00	360,000.00	2727.27
Vocational Training Fund	15	AP	7500	112,500.00	852.27
Income restoration Other activities		Lump sum	2,000,000.00	2,000,000.00	15,151.52
Assistance for Vulnerable Families	19	AHH	15,000.00*	285,000.00	2,159.09

Implementation of Gender Action Plan		AHH	1,000,000	1,000,000	7,575.75
Incentive for handing over residences prior to the date notified by the DS.	6	AHH	100,000.00	600,000.00	4545.45
Internal monitoring	243	Months	0	0	0
External Monitoring	21	Months	250,000.00	5,250,000.00	39,772.73
Admin Expenses	7	-	Lump Sum	5,000,000.00	37,878.79
Sub Total	-	-	-	83,607,000.00	633,386.36
Exigencies 10%	-	-	-	8,360,700.00	62581.061
Total USD ==Rs.132.00	-	-	-	91,967,700.00	696,725

157. The above Budget is based on the Rules made by Minister of Land and Land Development on 22<sup>nd</sup> November, 2013 and made effective by Government Gazette No.1837/47 dated 22<sup>nd</sup> November 2013.

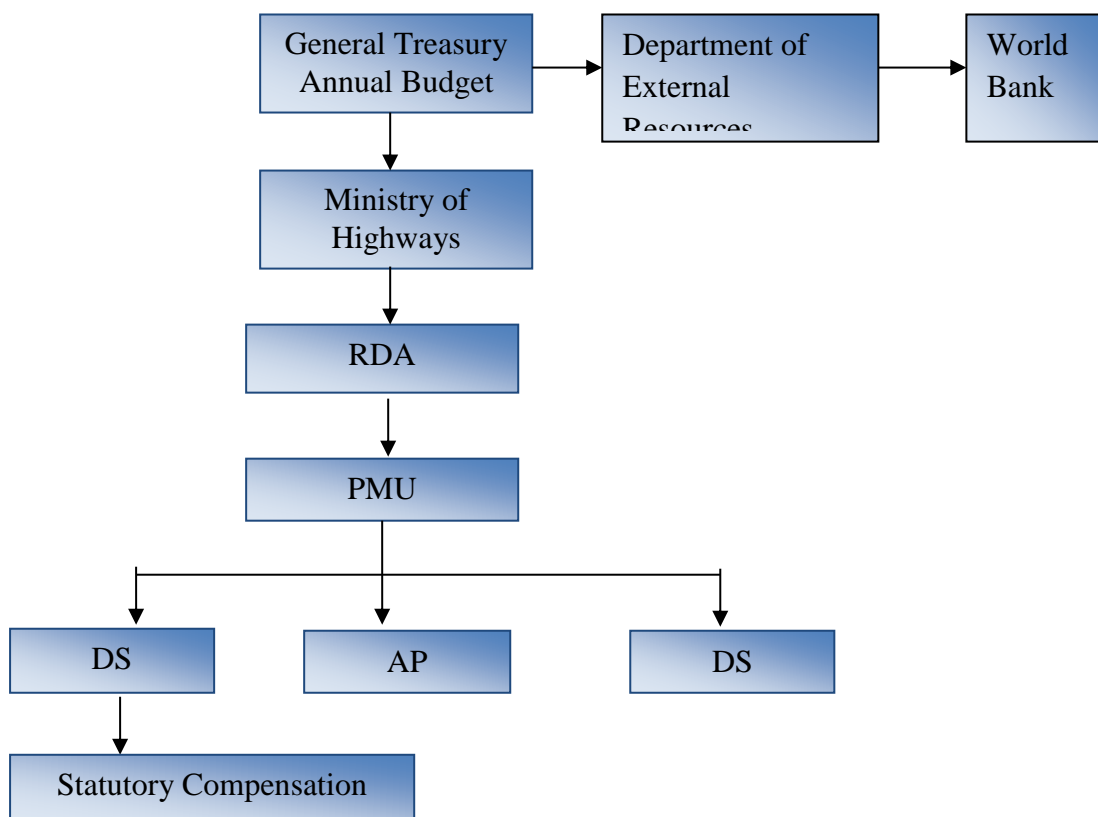
158. Impacts given in perches rounded to avoid fractions.

1. Land belonging to state and corporate owners
  2. Residences cum shops included
  3. Sixty six (66) mobile vendors were identified during the first enumeration but most of them were absent during our second visit but provision was made for 66 mobile vendors though some of them do not operate on a Regular basis. Only 37 mobile vendors identified at the second visit
  4. Internal monitoring will be done by the in house staff of the PMU.
- For implementation duties except for few SDOs, the staff will be drawn from the human resources available with the RDA. Normally they do not apportion cost of employee's time for attending to project activities. If a separate office is established for the project, it will then function as a separate cost centre. A lump sum of Rs, 5,000.000.00 has been provided if funds are needed for administrative matters
  - The estimate for replacement cost for land and structures were based on values that were obtained during the investigations and surveys carried out by the enumerators during LARS and SES. In this report relevant parties such as Notaries, housing estate dealers and knowledgeable residents of the area were consulted. Their general view was that during the

past 3 – 4 years land / property prices have not significantly changed and around 5 – 10% increase would be considered a reasonable variation.

159. Only estimates since LARC will decide on the quantum of compensation. Any shortfall could be met from exigencies fund and the balances from provision made for Administration expenses. Funds should be obtained by RDA monthly from the beginning of the implementation of RAP for the payment of compensation and interest and thereafter for other expenses

**Figure 11.1 Flowchart: Flow of funds showing source of financing and timing, particularly in the context of legal requirement**



## CHAPTER 12: IMPLEMENTATION SCHEDULE

**Table 12.1: The Time Schedule for Major Resettlement Tasks**

<b>Activity</b>	<b>Period</b>	<b>Responsible Agency/Unit</b>
If the in house capacity is limited it is advisable to outsource the preparation of RAP and SIA after finalization of the design and completion of the preliminary plan.	Month 1	M/HHIP/ PMU
Conduct Census & SES and input of data & analysis	Month 2	PMU,/Consultants
Preparation of RP and submission to M/LLD&WB	Month 2	PMU, M/LLD, Consultants if appointed ,WB
Land Acquisition Process	Month 3-12	PMU,MHHIP/PMU, DS, SD, VD, GP, RDA, M/PH, M/LLD, Consultants if appointed
Payment of compensation	Month 9-13	PMU,MHHIP/PMU, SD, VD, M/PH, M/HHIP,DS, NGO, Consultants if appointed
Rehabilitate ,houses, shops, businesses(within the same location)	Month 09-14	PMU, NGO Consultants if appointed
Clear the ROW	Month 09-15	PMU Consultants if appointed
Issue notice on commencement of civil work	Month 09	MHHIP/PMU,M/PH, WB
Income Restoration	Month 10 - 15	,PMU, NGO,Consultants
Management Information system	Month 1-ongoing	PMU, Consultants
Grievance Redressing	Month 5 - ongoing	PMU,,GRC, Samatha Mandala, Other state institutions
Consultations with APs	Throughout project cycle	PMU, DSs, GNs, Consultants
Internal Monitoring	Month 03 - ongoing	PMU,,Consultants
External Monitoring	Month 09-21	External monitor, PMU, WB

160. Table 12.1 indicates the time frame for major resettlement activities. Resettlement activities should be commenced from the date of appointment of the consultants (if needed) to prepare the SIA and RAP. It is advisable to allow a period of 21 months for the implementation of the RAP, as the experience in Sri Lanka indicates that land acquisition of a plot of land takes an average of 52 weeks.

161. Before demolition of structures, APs will be again consulted, paid compensation in full, time given and agreed upon for those who could rebuild on their own premises. For others reasonable time should be given to vacate.

**Table 12.2: Implementation Time Frame**

Implementation Schedule Bar Chart																					
No	Activity	Time from Commencement	Year 1												Year 2						
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1	Recruitment of Consultants to prepare Social Assessment Report and RAP	Month 1	█																		
2	Conduct Census & SES and input of data & analysis	Month 2		█																	
3	Preparation of RP and submission to M/LLD & WB	Month 2		█																	
4	Land Acquisition - Process	Month 3-12			█	█	█	█	█	█	█	█	█	█							
5	Payment of Compensation	Month 9-13								█	█	█	█	█							
6	Relocate houses, shops, businesses	Month 9-14								█	█	█	█	█	█						
7	Clear the ROW	Month 09- 15								█	█	█	█	█	█	█					
8	Issue notice for commencement of civil workers	Month 09								█											
9	Income Restoration	Month 10 – 15									█	█	█	█	█	█					
10	Management Information system	Month 1- ongoing	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
11	Grievance Redressing	Month 5 – ongoing	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
12	Consultations with APs	Throughout project cycle	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
13	Internal Monitoring	Month 03 – ongoing			█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
14	External Monitoring	Month 09-21																			

## CHAPTER 13: MONITORING, EVALUATION AND REPORTING

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

### 13.1 Internal Monitoring

163. Internal monitoring will be done by the PMU. The Social Development Specialist will play a key role at the PMU level. Internal monitoring will be focused on timely execution of safeguard activities in line with the RAP including RAP implementation, scheduling with civil works, monitoring the role of contractors, managing and monitoring safeguards, expected from consultants and their outputs, documentation of progress with regard to eligibility list preparation, disclosure and consultation, grievance registration and resolution, disbursement of entitlements, day-to-day relocation support, etc. Internal Monitoring will pay special attention to the following:

- Efficiency and effectiveness of the day to day planning and implementation of the RAP;
- Efficient and transparency in disbursement of compensation and R&R benefits;
- Data collection, feedback information, identification of bottlenecks and troubleshooting;
- Documentation for informed decision making, and efficient response to implementation issues;
- Maintenance of each APs entitlement updated file;
- Management of baseline information on socio economic conditions of the APs, to access whether the socio economic conditions improve and income and living standard improve/ restored;
- Preparation of progress reports; and
- Coordination within the implementing organization as well as with outside agencies.

#### 13.1.1 Tools for internal monitoring include:

- Document review
- Surveys of APs
- Key informant interviews
- In-depth case studies
- Focus group meetings
- Public, community meetings, and
- Observations.

164. Visit card (a visit card will be kept with every affected household and the officers who visit such household to meet the APs they should enter the particulars of the visit on the card kept with the APs (See Annex).

### **13.2 External Monitoring**

165. The PMU will engage an external monitoring and review agency for independent review of the safeguard implementation program to determine whether intended goals are being achieved, and if not, what corrective actions are needed. External monitoring will have two objectives.

- Verify if the safeguard program is being implemented in accordance with the approved framework; and
- Verify whether APs, households and communities are able to address negative impacts and either improved or at least restore their livelihoods and living standards.

#### **External Monitoring is intended to:**

- Verify that the RAP has been implemented according to approved plans and procedures;
- Assess that the objectives of the RAP has been achieved;
- Determine that APs livelihood and living standards have been restored or improved and if not suggesting ways and means of improving performance;
- Obtain views of the APs on their relocation, entitlements and Grievance Redress committee's performance;
- Evaluate the performance of the all implementing Agencies including PMU, NGOs, CBOs and other Government Agencies associated with the implementation of the project;
- All social development goals have been met; and
- Review of all reports by the internal monitoring agencies.

166. The external monitoring agency will carry out a baseline survey prior to implementation and carry out periodic updates as agreed. The findings of external monitoring will be submitted to the PMU and considered at the Project Steering Committee. A TOR for hiring such a consultant should be is provided.

167. The design of the monitoring system will also involve the delineation of the monitoring roles and responsibilities and mechanisms for coordination of monitoring. The monitoring system will provide for both internal and external monitoring and reporting. Social audits on the progress of the safeguard program will be conducted as an integral part of external monitoring.



### 13.3 Monitoring Indicators

The main monitoring indicators for the project are given in Table 13.1 below:

**Table 13.1: Monitoring and Indicators**

Type	Indicator	Examples of Variables
Process Indicators	Staffing	<ul style="list-style-type: none"> <li>No. of RDA/PMU staff deployed functionally</li> <li>No. of surveyors &amp; valuation officers, resettlement officers available for training programs held for the project staff</li> <li>No of unit/field offices established</li> </ul>
	Consultation	<ul style="list-style-type: none"> <li>No. of awareness meetings held with the stake holders and participation</li> <li>No. of flyers/handbills distributed</li> </ul>
	Participation	<ul style="list-style-type: none"> <li>No of training programs held for the, officers</li> <li>No. of informative bulletins distributed</li> </ul>
	Grievance Resolution	<ul style="list-style-type: none"> <li>No. of GRC established</li> <li>No. of complaints received and resolved</li> </ul>
Output Indicators	Acquisition of Land	<ul style="list-style-type: none"> <li>Type and extent of private land acquired</li> <li>Type and extent of state land acquired</li> </ul>
	Structures	<ul style="list-style-type: none"> <li>No. type and area of private structures acquired</li> <li>No. type and area of state structures acquired</li> <li>No. type and area of community structures acquired</li> </ul>
	Trees & Crops	<ul style="list-style-type: none"> <li>No. and type of trees/crops owned by private people acquired</li> <li>No. and type of trees/crops owned by state agencies Acquired</li> </ul>
	Compensation & Rehabilitation	<ul style="list-style-type: none"> <li>No. of households displaced according to type of losses</li> <li>Ag .compensation paid for a perch of land</li> <li>Ag. compensation paid for a sq. ft of buildings</li> <li>Type, number and total of allowances paid</li> <li>No. of structures restored by APs</li> <li>No. of auxillary structures restored hy PMU.</li> <li>No.of auxillary structures restored by APs</li> </ul>
Impact Indicators	Household Earning Capacity	<ul style="list-style-type: none"> <li>No. of s who lost employment</li> <li>No. of s suffered loss of income from</li> <li>Agriculture</li> <li>Business</li> <li>No. obtained loans from bank and other sources</li> <li>No. assisted by IRP</li> </ul>

		No. employed by the project
	Restoration of Livelihood standards of PAPs	No of project affected persons (PAP) restored income to pre project level Number of PAPs living standard has improved beyond pre project levels
		•
	Changes to Status of Women	<ul style="list-style-type: none"> <li>• Participation in Community Based activities</li> <li>• Loss of employment</li> <li>• Empowerment /facilitation of gender issues</li> </ul> Participation in project activities
	Changes to status of Children	<ul style="list-style-type: none"> <li>• Changes in school attendance by gender</li> </ul> No. attending new schools, gender wise
	New Settlement &Population	<ul style="list-style-type: none"> <li>• Generation of new businesses, Influx of population</li> </ul> Outsiders buying land in the vicinity of the road project, Increase in value of land in the project area, increase in encroachers /squatters on state lands  Due to increased migrant workers for construction work, increase in violence, sexually transmitted diseases. compare pre and post project data available in the respective health offices
		<ul style="list-style-type: none"> <li>• Do a sample survey of people in the near vicinity of the project to ascertain the impact on their socio economic status as a result of the project for a comparison with the APS.</li> </ul>

### 13.4 Evaluation Plan

168. Resettlement evaluation takes place during and after implementation. It assesses whether the resettlement objectives were appropriate and whether they were met, specifically, whether livelihoods and living standards have been restored or enhanced. Evaluation assesses resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future resettlement planning. Evaluation differs from monitoring because of its broader scope, its less frequent timing and its involvement of independent specialists". Evaluation will be based on the following objectives:

- Efficiency; the economical use of resources in producing the outputs.
- Effectiveness; the degree to which objectives have been achieved.
- Impact; positive/negative, planned or unplanned consequences of the project
- Relevance; the degree to which the project can still be justified in relation to local and national development priorities.
- Sustainability; the extent to which the positive effects of the project will continue to benefit APs after the conclusion of the project (external funding).

169. The evaluation will be carried out by an external agency and will cover all aspects of the project. It will also be participatory and will be used in policy advocacy, if relevant.

Participation for affected people in M&E – The external evaluation will be participatory in the sense that inputs will be obtained from all stakeholders, particularly the affected people through the use of participatory tools.

#### **13.4.1 Reporting Requirements**

170. The key output of Monitoring will consist of various types of written and oral reporting including:

- Periodic Reports (Monthly; Internal, Quarterly, and Annual);
- Ad hoc Reports, especially on particular subject at the request of the management; and
- Internal notes or oral presentation for informal management review sessions.

The reports will be on a standardized format so that information received could be easily compared with previous reports. It should be precise and concise; timely and highlight exceptions and departure from plans and schedules.

#### **13.4.2 Reporting responsibilities**

- 171. Reporting to the APs will constitute an important element of the accountability arrangements. The reporting mechanisms at this level would be simple and be accessible to all. Reporting will consist of briefing material, notices in regard to safeguard measures, and leaflets that can be distributed to persons and households. The monthly progress review meetings of the Project will also constitute the reporting mechanism.
  - Reporting to the PMU and Steering Committee and The Stakeholder Forum
  - The Monitoring and Evaluation Cell will report to the PD who will in turn report monthly to the Project Steering Community.

#### **13.4.3 Reporting contents**

172. Reporting will focus on the following:

- Number of Affected persons (APs) by specific categories
- Land acquisition with details of the process, e.g. number of Section 2 notices issued etc.
- Number of APs prepared and number of Section 38 (a) issued etc.
- Number of APs paid statutory and extra compensation
- Number of Buildings/structures taken over by PMU
- Number of self-relocated people
- Number of people of vulnerable groups assisted by the PMU by category
- Number of gender issues/practical issues of female APs reported by the APs
- Number of gender issues/ practical issues of female APs resolved
- Number of APs that require income and livelihood restoration assistance
- Number of APs assisted under IRP – training; self - employment; engaged in project etc.
- Number of APs facing losses due to contractors' storage, accommodation, parking etc.

- Number of GRC meetings held
- Number of complaints received by the GRC
- Number of grievances resolved by the GRC
- A base- line taking into account all the foregoing.

## **ANNEXURES**

The following annexure will be included submitted separately in a CD with the Final Report.

1. Advisory Bulletin
2. Gazette notification on entitlements
3. Questionnaires
4. Minutes of the stakeholder meetings
5. Minutes of the Focus Group Discussions
6. Copy of the AP card
7. List of Affected people
8. Soft copy of the photos