

# **Resettlement Action Plan**

## **Central Expressway Project**

### **Draft Report Volume I**

#### **Stage 3 (Pothuhera – Galagedara)**

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## Acronyms and Abbreviations

ADB	Asian Development Bank
CBO	Community Based Organization
CEA	Central Environmental Authority
DFD	Department of Forest Conservation
DOV	Department of Valuation
DS	Divisional Secretary
DSD	Divisional Secretariat Division
EA	Executive Agency
EIA	Environmental Impact Assessment
EM	Entitlement Matrix
ESDD	Environment and Social Development Department
FGD	Focus Group Discussions
GIS	Geographical Information System
GN	Grama Niladhari
GND	Grama Niladhari Division
GOSL	Government of Sri Lanka
GPS	Global Positioning System
GRC	Grievance Redress Committee
GRM	Grievance Redness Mechanism
HRC	Human Rights Commission
IRM	Income Restoration Program
JICA	Japan International Cooperation Agency
LAA	Land Acquisition Act
LAR	Land Acquisition Regulation
LARB	Land Acquisition Compensation Review Board
LARC	Land Acquisition and the Resettlement Committee
LDO	Land Development Ordinance
MoLLD	Ministry of Land and Land Development
MoHEH	Ministry of Higher Education and Highways
NEA	National Environment Act
CEP	Northern Expressway Project
NGOs	Non-Governmental Organizations
NIRP	National Policy on Involuntary Resettlement
NPSC	National Project Steering Committee
NRMP	National Road Master Plan
PAHH	Project Affected Household Head
PAP	Project Affected Persons
PD	Project Director
PIC	Public Information Centre
PMU	Project Management Unit
PPC	Parliament Petition Committee
PPs	Preliminary Plans
RC	Resettlement Card
RDA	Road Development Authority
ROW	Right of Way
RAP	Resettlement Action Plan
RAAs	Resettlement Assistants
SIA	Social Impact Assessment
SSO	Social Safeguard Officer
STDP	Southern Transport Development Project
TOR	Terms of Reference
UDA	Urban Development Authority
WB	World Bank

## GLOSSARY OF TERMS

**Business Owner:** A person who owns or conducts a business within the project-affected area, the operation of which may be disrupted by the construction work under the project. S/he can be a legal owner, non-titled structure owners, or tenant and will receive different compensation and R&R packages as per the EM.

**Compensation:** Payment in cash or in kind to replace an asset, resource or income source which has been acquired or affected by a or affected by a project for which the person affected is entitled to, and the amount of money required to keep a person in the same socio economic position that he held before acquisition.

**Cut-off date:** The cut-off date for eligibility for entitlement for the titleholders is the date of notification of section 2 notice under the LAA and for non-titleholders is the date of resettlement impact survey. Persons who encroach on the area after the cut-off-date are not entitled to claim compensation or any other form of resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and wood lots) established after the date of completion of the assets inventory, or an alternative mutually agreed upon date, will not be compensated.

**Displaced persons:** In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of involuntary acquisition of land, or involuntary restrictions on land use or on access.

**Economic Displacement:** Loss of land, assets, access to assets, income sources, or means of livelihood as a result of involuntary acquisition of land, or obstructed access to resources (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

**Eligibility:** The qualification criteria for receiving benefits under a resettlement program. These criteria serve as the basis for defining resettlement entitlements accrued to each eligibility category – affected residential or commercial property owners, renters, vendors, encroachers, squatters, and so on.

**Encroacher:** Someone who has illegally expanded, or extended the outer limit of his/her private premises beyond the approved building line or agricultural land and has occupied public space beyond his/her plot or agricultural land.

**Entitlement:** Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category. It includes a range of measures comprising compensation, income restoration, transfer assistance, income substitution and relocation which are due to affected people, depending on the nature of their losses, to restore their economic and social base.

**Host Population/Community:** People living in or around areas to which those physically displaced by a project will be resettled, who in turn may be affected by the resettlement. Special

attention must be paid to the needs and concerns of the host population/community/hosts in a resettlement program in order to minimize social risks and avoid potential social conflicts.

**Involuntary Resettlement:** Resettlement is involuntary when it occurs without the consent of the PAPs or if they give their consent without having the power to refuse resettlement.

**Implementation Schedule:** Timeframe of activities of the project

**Income Restoration:** Re-establishing productive livelihood of the displaced persons to enable income generation equal to or, if possible, better than that earned by the displaced persons before the resettlement.

**Land Owners:** Owners of land with or without trees, crops or structures affixed to the land with clear title in government records. In some exceptional cases, a person who owns land/s within the project-affected areas regardless of proof of such ownership will also be entitled, provided that such ownership is recognized under law. In such cases, special decisions will be taken by the LARC in consultation with the local authority, and the community.

**Non-Resident Land and Structure Owners:** Legal land owners who are not in possession of their land either because they have rented or leased out their said land and property affixed to it, or such land has been taken possession of by any other person.

**Physical Displacement:** Relocation, loss of residential land, or loss of shelter as a result of involuntary acquisition of land, or involuntary restrictions on land use or on access.

**Project Affected Person (PAP):** Any person who, as a result of the implementation of CEP, etc., loses the right to own, use or otherwise benefit from a built structure, land (Residential, agricultural, commercial) annual or perennial crops and trees, or any other fixed or movable assets, either in full or in part, permanently or temporarily.

**Protected Tenants:** Tenants occupying a legal property, commercial, or residential and are protected under the Rent Act of 1972 or its later amendments which prevents the land owners from evicting them or increase the rent at their own will.

**Relocation:** Rebuilding housing, and assets including productive land and public infrastructure in another location.

**Rehabilitation:** Re-establishing incomes, livelihoods, living and social system.

**Replacement Cost:** Replacement cost involves replacing an asset at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation of assets and structures should not be taken into account for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labor cost for construction, and any transaction or relocation costs.

**Resettlement Action Plan (RAP):** The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project.

**Resettlement Assistance:** Support provided to people who are physically displaced by a project. Assistance may include transportation, food, shelters, and social services that are provided to affected people during their relocation. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with resentment and defray the expenses of a transition to a new locale, such as moving expenses and lost works days.

**Resident Land and Structure Owners:** Owners of land and structures with clear title which they are currently occupying for their own use, residential or commercial purpose.

**Socioeconomic Survey:** A complete and accurate survey of the PAPs or population. Surveys focus on income-earning activities and other socioeconomic indicators. Usually, the survey is taking place at the initial stage of resettlement planning.

**Stakeholders:** Any and all individuals, groups, organizations and institutions interested in and potentially affected or benefitted by a project having the ability to influence a project.

**Squatter:** Someone who has occupied public or private land has developed structures on it and has put such land to residential, agriculture or commercial use without obtaining development permission and formal title under law.

**Tenants and Lessees:** Occupants that have legally taken any land or properties or both on rent or lease for a specific period with registered papers recording agreed terms and conditions as permitted under law.

**Vulnerable Groups:** People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. This category specifically refers to families supported by women and not having able bodied male members who can earn; families of physically or mentally challenged, very old and infirm persons, who are not able to earn sufficiently to support the family; and families that are very poor and recognized by the government as living below the poverty line.

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## Executive Summary

The Resettlement Action Plan (RAP) plays a vital role in almost all development projects where people are required to be displaced due to the implementation of project activities. It is essential that project affected persons are resettled before the commencement of the construction activity. The RAP is an essential tool in managing the resettlement process and the potential for conflict and unrest that could have a negative impact on the successful implementation of the project. It is also an important tool in engaging affected people and communities in the project.

The Central Expressway Project (CEP) has been proposed as part of the Government of Sri Lanka's (GoSL) transport network upgrade strategies. The CEP will eventually connect Colombo to Jaffna, in a long term, two phase process, commencing with a connection to the existing highway network at Kadawatha and extending up to Dambulla and Kandy under four stages of Phase 1 and later to Jaffna and Trincomalee in Phase 2. The four stages of first phase Kadawatha to Meerigama, (Stage 1), Meerigama to Kurunegala (Stage 2), Pothuhera to Galagedara – Kandy (Stage 3) and Kurunegala to Dambulla (Stage 4). In addition, there is a link road start from Ambepussa to Meerigama that comes under Stage 2.

This RAP is for the CEP Phase 1 Stage 3. This has been prepared in compliance with the National Involuntary Resettlement Policy (NIRP) adopted by the Government of Sri Lanka (GOSL), Environmental and Social Safeguards Manual of the Road Development Authority (RDA), and to address other statutory requirements of the country.

The RAP identifies all the potential aspects of the resettlement process related to CEP Stage 3 under 13 key themes; especially covering existing socio-economic status and potential project impact towards Project Affected Persons (PAPs) while suggesting measures to overcome adverse effects. The identified impact is mainly due to the land acquisition process associated with the Project.

The study process consisted of a questionnaire survey for quantitative data collection, Global Positioning System (GPS) marking and Focused Group Discussions (FGDs) and Key-informant Interviews (KIIs) for qualitative data collection.

**Table ES 01: Type of Land Affected by District, No. of Owners and the Extent of Land**

District	Type of Land												Total		
	Residential			Trade/Business			Barren			Agricultural			No. of PAPs	Perches	%
	No. of PAPs	Perches	%	No. of PAPs	Perches	%	No. of PAPs	Perches	%	No. of PAPs	Perches	%			
Kandy	297	9,385	33	22	629	48	66	599	38	876	32,131	47	1,261	42,744	43
Kurunagala	391	13,008	46	11	256	20	32	230	14	693	20,488	30	1,127	33,981	34
Kegalle	151	6,067	21	7	416	32	19	763	48	321	15,665	23	498	22,911	23
Total	839	28,460	100	40	1,301	100	117	1,592	100	1,890	68,284	100	2,886	99,636	100

Source: CEP/Stage 3/RAP/Census Data

As revealed through the study, generally people interviewed have positive impacts about the proposed highway and they emphasized that the expressway will largely contribute to the economic development of the country at macro level as it is connecting active economic hubs in the middle of the country with commercial centres in coastal areas. Further they pointed out that the travel efficiency will definitely be improved thus benefitting the commuters, private and

commercial vehicle owners, accelerate the economic growth, develop tourism and industry adding value to local primary products.

As highlighted in ES Table 01, the affected categories of people as identified during the study are mainly residents living (839) in the road corridor, agricultural land owners (1,890) and business entrepreneurs (40). The majority of these groups will be permanently affected and will need to be relocated to new locations where they can fulfil their current socioeconomic and cultural needs. In addition, there are PAPs who are not adversely affected but may need to relocate for a certain period due to temporary displacements during construction. These PAPs are likely to experience a short term loss of livelihoods and disruption to daily life. Therefore, all of these PAPs expect a reasonable compensation for their assets in order to start a new life. However, most of the PAPs prefer to live in the same area with their neighbours and they have given details of such lands for resettlement during the data collection process.

Surveys undertaken during the preparation of the RAP identified that the majority of the people along the road corridor are still not properly aware of the CEP and this has created an uncertainty among the people. There is a need for more awareness programs, in particular with regard to the land acquisition and compensation process.

The business entrepreneurs (55) and their staff are (84) concerned about their job security and income during the resettlement period and they also expect a reasonable compensation for living until they recover from losses especially due to loss of customer base and the working environment. The Table ES 02 shows the entire picture of resettlement requirement of Stage 3 while indicating the impact on livelihoods of PAPs.

**Table ES 02: Impact on Resettlement and Livelihoods**

Type of Structure	Partially Affected	Fully Affected but can be Resettled on Remaining Land	Fully Affected and Needs to be Relocated Elsewhere
Residential house	42	373	181
Rented house	02	06	05
Trade/business	03	07	03
Combined House Shop	1	04	04
Stores	4	09	03
Shed	29	03	149
Abandoned/not in use	-	-	16
Other	32	46	63
<b>Total</b>	<b>113</b>	<b>448</b>	<b>424</b>

Source: CEP/Stage 3/RAP/Census Data

The total land area that will be affected in this stage concerned in this RAP is 107,975 perches (674.8 acres). Major impact will extend toward coconut cultivation and about 25,374 trees will be affected. The second highest category of crop that will be affected is paddy, 28,962 perches (162 acres). The full time and part time farmers also emphasized that they should receive alternate lands or livelihood restoration support for a certain period until normalcy is restored. However, they strongly believe that there are no alternatives for the paddy fields they lose.

There are about 463 government properties affected by the project. In addition, about 35 common social facilities and infrastructures (such as community centres, common wells, cemeteries, roads and water facilities) that will be affected by the project are the other project

impact concerned by the people. The Government and RDA have to look into this matter for restoring these facilities. The residents are also concerned about the continuity of their social, religious and cultural linkages and business linkages as a result of relocation.

It is revealed that people are keen on a compensation process as a key remedial measure for project affected properties. It is noticed that there is a trend of expecting a high valuation for their assets as in the other two expressway projects (Southern Expressway and Colombo-Katunayake Expressway) already completed. Based on all these facts and collected ideas from the community, a compensation process is formulated for a different category of property and is discussed under Chapter 5. The entitlement matrix includes all guidelines determined considering relevant factors developed for the compensation process. Therefore, compensation and resettlement activities will be identified, planned and implemented according to the Land Acquisition Act of Sri Lanka, the Extraordinary Gazette Notification (No. 1864/54 – Friday May 30, 2014) issued by the Minister of Land and Land Development under Section 63 (2) (E) of the Land Acquisition Act (Chapter 460) and approved by Parliament on 18th February 2014, and Cabinet Paper/14/0833/533/008 which includes the Northern Expressway Project under this Extraordinary Gazette Notification.

Simultaneously, the RAP has estimated the cost for all existing assets that will be affected by the project and it covers direct and indirect negative impacts that could be considered under the process of compensation. Total cost of land acquisition and resettlement purposes for Stage 3 will be Rs. 12.87 billion which is equivalent to US \$ 83 million (at an exchange rate of SLR 155 for US \$ 1).

The fund/compensation money management was also discussed during the studies and there were some concerns from women about security of funds and possible misuse of funds. Thus, there were suggestions to release funds to joint accounts of both husband and wife and or a mutually agreed account of which both are aware of. However there may be a few lands where many owners may stake claim and this also has to be taken into consideration. It was proposed to introduce several awareness programs to protect funds from unproductive investments especially from unstable private financial institutions.

The community has been requested to formulate a mechanism for receiving their grievances and taking prompt action on their issues. They prefer RDA direct involvement on this issue through a localized body as they have difficulties in travelling long distances especially during the construction period.

Further, it is recommended to formulate an effective monitoring system to monitor and evaluate the project activities. These information can be used for the project progress review and for taking remedial measures in a timely manner and in the decision making process for delivering services efficiently and effectively.

# CHAPTER I: PROJECT DESCRIPTION

## 1.1 Introduction

This Resettlement Action Plan (RAP) for the Central Expressway Project (CEP) Stage 3, has been prepared in compliance with the National Involuntary Resettlement Policy (NIRP) adopted by the Government of Sri Lanka (GOSL), the Environmental and Social Safeguards Manual of the Road Development Authority (RDA), and to address other statutory requirements of the country.

By achieving the goals of recent governments development policies, a network of expressways has been identified and some of them are constructed. Among them, Colombo – Katunayaka Expressway [E03], Outer Circular Highway [E02] (up to Kadawatha) and Colombo – Matara Expressway [E01] are already being in operation. The proposed expressway is named as Central Expressway Project (CEP) by the current government and it is designed to from Kadawatha to Kandy (Galagedara) and Pothuhera to Dambulla. Further, the Northern Expressway (Dambulla – Jaffna) and the Dambulla – Trincomalee Eastern Expressway are the future expressways to be planned and constructed. This will be a prelude to a new era of connectivity between the regions of the country. Appendix I provides the existing and proposed expressway network in Sri Lanka.

Moreover, in 2007 the RDA, then part of the Ministry of Highways and Road Development and now part of the Ministry of Higher Education and Highways (MOHEH), published the National Road Master Plan 2007 – 2017 (NRMP). The NRMP highlighted the need for the construction of an expressway network to link economic growth areas, and identified a series of proposed links that would form this expressway network. This expressway network, which will be constructed as a high-standard limited access road network linking the major population and growth centres, will assist the development of the other economically weak regions by encouraging growth in manufacturing, tourism, fisheries and agriculture (Feasibility Report Volume I, p. 20).

As identified, the priorities of expressways in the development policy of the GoSL will bring many changes to the economy, society and culture. Therefore, the MOHEH has decided to implement the CEP. It has been decided to encapsulate the Pothuhera - Dambulla Expressway into the CEP and designed as one project.

## 1.2 Description of the Overall Project

05. The proposed trace of the CEP starts at Kadawatha (248C Puwakwetiya Grama Niladhari Division - GND) of Mahara Divisional Secretariat Division (DSD), in Gampaha District where it is located at the center of the DSD. Also, the CEP connects the Outer Circular Highway (OCH) at Kadawatha and once the OCH fully completed the CEP connects all operating expressways in the country. From Colombo, it is about 16 km and it links with the existing Colombo – Kandy highway (A01) at Kadawatha.

06. The Stage 1 of the proposed expressway traverses through the Gampaha district passing Mahara, Gampaha, Attanagalle, Minuwangoda, and Meerigama DSDs. The Ambeypussa link road starts from Meerigama (system interchange) to Ambeypussa via Bothale and ends at Ambeypussa-Kurunegala-Trincomalee Road (A06). It mainly runs within

Meerigama DSD, but ending in Mangedara GND of Warakapola DSD. Stage 2 starts from Hakurukumbura GND of Meerigama DSD and runs through Kurunegala district connecting Kurunegala city through the Katugastota-Kurunegala-Puttalum highway (A 10) in Theliyagonna GND of Kurunegala DSD. Stage 2 is passes through Meerigama DSD in Gampaha District and Alawwa, Narammala, Weerabugedara, Polgahawela, and Kurunegala DSDs in Kurunegala District.

07. Stage 3 of the project starts from Hiripathwella GND of Polgahawela DSD and ends at Palu Kapiwatta GND of Tumpane (Galagedara) DSD. Again, Stage 4 of the project starts at Theliyagonna GND of Kurunegala DSD and it runs through DSDs Mallawapitiya, Ibbagamuwa, Mawathagama, Rideegama, Melsiripura, Galewela, and ends at Mirisgoniya Junction of Dambulla DSD (crossing A06). More details provided in Table 01 and Map 01 below.

**Table 01: Stages and Length of each Stretches in Proposed CEP**

S.N.	Stage	From	To	Length Km
1	Stage 1	Kadawatha	Meerigama	37.9
2	Stage 2A	Meerigama	Ambepussa	09.8
3	Stage 2	Meerigama	Kurunegala	39.2
4	Stage 3	Pothuhera	Galagedara	32.9
5	Stage 4	Kurunegala	Dambulla	61.1
	Total			180.9

Source: RDA and SMEC International, Project Details

### 1.3 Profile of the Project: Stage 3

As highlighted above, Stage 3 runs from Pothuhera to Galagedara in Kandy district. Pothuhera is a small township situated between Kurunegala and Polgahawela and it is in the Kurunegala district which is the provincial city of the North-Western Province and it's also a district. Kandy city is a one of the historic cities in Sri Lanka and it is the last Kingdom of the country. Kandy is an internationally acclaimed UNESCO World Heritage site where one of the most important Buddhist temples in South Asia is situated. Kandy is the city in Central Province of Sri Lanka. It is also a prioritized regional city as identified by the Urban Development Authority. Therefore, the expressway will make connectivity with other regional cities and also will make significant contribution to the agricultural sector in this region. As indicated above, the expressway crosses three DSDs and 44 GNDs. More details provided in Appendix II.

The road corridor is fairly less populated up to the end point at Galagedara (32.9 km). Especially, this small stretch is fairly urbanized and commercially active. Apart from this stretch, most of the lands in other areas are cultivated. Highland lands are higher than Paddy lands. Some areas crossed by the proposed road are covered by hills and natural habitats.

The Stage 3 has a further stretch that goes up to Gannoruwa and it has not been finalized yet. However, it plans to link with the Kandy outer circular road.

Moreover, the road that crosses the corridor has the following features as listed in Table 02. There are many bridges and viaducts proposed to avoid environmental and social impacts. The number of drainage box culverts too is high in this stage due to natural water bodies.

**Map 01: Proposed CEP and Stages**



Source: SMEC International, Stage 3: Locality Plan

**Table 02: Specific Project Details**

S. N.	Design detail		Number/Description
1	Length of trace (km)		32.9
2	Width of ROW (m) Approximately		120
3	No. of lanes	Initial (First round of construction)	4
		Ultimate (Possible maximum lanes in future)	6
4	No. of interchanges	System	1
		Service	3
5	No. of bridges and viaduct		59
6	No. of underpasses		17
7	No. of over bridges		16
8	Drainage box culverts		54

Source: SMEC International, Feasibility Report, Stage 3

The nature of linkages with these cities is further elaborated in Table 03 below.

**Table 03: Proposed Interchanges – Locations and other Information**

Location of interchange	Chainage	Distance from Nearest Existing Town	Type of interchange
Pothuhera	00+000	5.2 km	System
polgahawela	05+150	6.7 km	Service
Rambukkana	13+900	4.1 km	Service
Galagedara	31+800	0.4 km	Service

Source: SMEC International, Feasibility Report, Stage 3

Furthermore, the proposed road has Three service interchanges connecting two regional cities (Polgahawela, Rambukkana and Galagedara). Map 01 provides more details about the Stage 3 and its interchanges locations. Many sections of the ROW are covered with hilly terrain while the ROW is crossing low lands of these sections. Thus, there are several paddy fields affected by the project. In addition, there are rubber plantations and home gardens affected by the project.

#### **1.4 Objective of the Resettlement Plan (RAP)**

The main objective of this RAP is to set out the process by which support will be provided to PAPs to overcome adverse effects of the proposed CEP Stage 3, primarily in relation to the land acquisition process. This RAP aims to improve PAPs' own capacity to rehabilitate themselves by paying their due entitlements appropriately and in a timely manner and by assisting them in identifying options and opportunities for livelihood restoration.

The first draft version of the RAP has been made in 2014 with the use of information from preliminary feasibility studies and alignment drawings based on available corridor boundaries identified by the Department of Surveys. The present draft of RAP is prepared after the commencement of the land acquisition process, Advanced Traces and Preliminary Plans (PPs) with more accurate information on land plots and their owners. In this stage, the RAP is prepared and updated to reflect more accurate information.

This draft RAP has been prepared as a framework or guideline for resettlement, outlining the official commitment of the RDA to mitigate adverse effects, and rehabilitate/improve the lives of PAPs, taking all fundamental principles related to involuntary resettlement into consideration. The provisions made here for mitigating negative impact of the project is not limited to the impact identified for this exercise only. As a framework or guideline, it provides guidance for future actions to deal with any future case of negative impacts arising from any new land acquisition that can take place due to changes of project designs or surfacing of any negative impact arising from this land acquisition too, in addition to the incidents discussed here.

The actual number of PAPs and the quantity of land and assets is identified after establishing the demarcating marks on the actual boundaries (centre, left and right side boundaries). At the time of updating the information related to the PAPs, the Advance Traces and Preliminary Plans were produced by the EA it helped to filter the affected and non-affected land owners in the ROW where that identified and listed in the first draft of RAP prepared in 2014.

## **1.5 Methodology of the RAP Preparation**

The RAP has been adopted through multiple approach of data collection using secondary and primary data. It encompasses secondary data collection from Urban Councils, Divisional Engineer's Offices, Divisional Secretariat Offices in respective divisions, Pradeshiya Sabas, Government Hospitals, and Government Department of Census and Statistics. It also contains primary data collected from various stakeholders using quantitative and qualitative techniques. Both primary and secondary data have been collected on the basis of given TOR for the assignment by the EA.

The planning task of the data collection was mainly based on the Environmental and Social Safeguard Manual of the Environment and Social Development Department (ESDD), RDA. The questionnaires (Socioeconomic and Assets Verification Survey Questionnaire and Questionnaire for Affected Common Properties, Government Offices and Utilities) have been developed through following the ESDD Manual and their approval. The research assistants have been carefully selected on their academic backgrounds and through an interview. Group leaders were selected from the research assistants who have displayed some leadership qualities and organizational capacity. Field coordinator is a postgraduate scholar in Sociology. All of them have undergone a one day institutional training and two days field training at the beginning. After the training, they have been deployed in data collection with a continuous monitoring process. In addition, they have been given an interim training on specific technical matters.

The data collection for the first draft was commenced on 21 April to 16 May 2014. Before the data collection, relevant officers such as the District Secretary, District Commissioner of Agriculture, DS, Divisional Officer of Agriculture, GN, and Agricultural Research and Production Assistants have been consulted and their direct involvement solicited at the village or GND levels. In addition, some knowledgeable villagers too spontaneously came forward to support the field team. All team members were equipped with necessary technical details such as area maps with road corridor, detailed maps with the road centre line, interchange drawings, etc. Furthermore, all Global Positioning System (GPS) coordinates have been collected on each and every plot of lands which come under private use, common use, or government use. The GPS equipment used have 3-5 meters accuracy level.

Stakeholder consultation is very important since different types of stakeholders can contribute their constructive ideas, suggestions in their capacity, which will be able to support the success of the project tasks. It focuses on different stakeholders (primary and secondary) adopting a specific methodology. The techniques that come under the methodology are scientific and methodical. All information collected from the PAPs have been recorded and retained until the project tasks are completed. The techniques utilized in this whole effort can be listed as follows:

### **1.5.1 Observation on the Corridor of Expressway and Other Important Issues:**

The investigation team comprised a Sociologist (Consultant), one field coordinator, two group leaders, and thirty (30) Research Assistants. The team has done a preliminary observation on different issues related to the project. It included identifying links (interchanges) for national road network, topographical features, nature of settlements and livelihood patterns of PAPs, their assets, possible other infrastructural developments, resettlement issues, direct and indirect impact on non-affected persons, etc.

### **1.5.2 Socio-Economic and Assets Verification Survey of Households/Land Owners:**

The methodology used for the first draft preparation comprised a highly technical verified questionnaire (See Appendix III A and B) that was used to gather information from all potential PAPs in the road corridor. The centre line was established at the time of survey. In addition, technical details (1: 10000 and 1: 2000 satellite images) of road corridor have been used to identify different locations of the stretch. All enumerators and the field coordinator worked under direct observation of the consultant throughout the period of data collection. The team of data collection including the consultant walked the entire stretch of the corridor.

Many respondents were having very complicated perceptions about the road corridor and ROW due to lack of sufficient information. All respondents were given project description (brochure developed by the RDA and consultant's request letter with details of the RAP. For details see Appendix IV and V). Moreover, satellite images were shown when requested by the respondents.

The methodology used for the present draft is mainly depended on the methodology used to collect data for preparation of first draft. The list of PAPs identified in initial survey checked with the PAPs appeared in the Advance Traces and categorically identified affected and non-affected PAPs. Then, all non-affected PAPs who were enumerated within the 120 meters corridor survey in 2014 omitted from the data base. Again, the remaining PAPs have been further verified with their personal profiles available at the project office. These personal profiles are having latest contact details and other information. Thus, research team used their contact details to connect them through telephones in most cases. When it was difficult to contact them, strategically utilized neighbouring PAPs phone contact to conveyed the message to the target PAPs. Finally, the research team able to grasp all PAPs enlisted in the Advance Traces. In addition, the group of research team members and team leader and consultants visited some sample GNDs for further verification of information gathered in PAPs personal profiles. These personal profiles have been generated by resettlement assistants of the project. Once the entire list of PAPs identified the research team was discussed some matters identified with project consultants who are having thorough experience on land acquisition procedures and problem solving. These consultants are former Sri Lanka Administrative Service officers having long term service at divisional administration.

Among the identified problem, a key issue was several land lots belongs to one PAP as a result of ROW boundaries or local roads and other boundaries. In addition, there are some land fragmentation due to Surveyors measurements of land type and values. Therefore, one PAP may have several lots of lands indicated in the Advance Traces. This issue made a significant impact against the verification of data towards the research team.

Though the project land acquisition process is progressing well reaching higher stage there are several land lots that cannot identify clear ownership yet. When it further observed, it can be assumed that some lots are belongs to private ownership. Under the private land there are 24 lots still attempting to establish accurate information while there are 45 lots no owners appeared yet. Under the government and common land, there are 463 and 35 lots of land identified respectively. Furthermore, there are 34 land lots to be decided on acquisition due to design issues of the ROW. Altogether, there are 3,497 lots of land identified under the survey.

### **1.5.3 Affected Common Properties, Government Offices and Utilities Survey:**

The expressway crosses through certain government lands and structures. In addition, there are some community owned land and structures, especially these properties are developed by community organizations. Relatively, the number of government institutions, lands and properties are less when compared with private properties. A separate questionnaire has been prepared for this purpose. See Appendix VI A and B for details. These lots of land also further verified through the Advance Traces as described above.

#### **1.5.4 Focus Group Discussion:**

A focus group discussion (FGD) is a carefully planned discussion, with the objectives such as studying the perception, feeling, attitudes, and ideas of the group participants in the discussion with respect to a defined area of interest (for details see Appendix VII). Focus groups can be selected from a homogenous community such as female-headed households, truck drivers, bus drivers, residents of deprived clusters, wage labourers, traders or members of Chamber of Commerce and Traders' Associations, petty businessmen, youths, students, farmers, women (housewives), politicians (parliamentary, provincial and local councils), Grama Niladharis, Agricultural Research and Production Assistants, etc. Before conducting a FGD, the study team had developed checklists unique to the participants. The number of participants in a FGD was between 6–12 members from the concerned group, and consideration had been given to utilize visual techniques on many occasions using drawing plan and actual demonstration by the consultant along with the road stretch. Altogether, there were 44 FGDs conducted in this stretch.

The consultant conducting the FGDs has paid more attention to identify negative and positive impacts of the project. All these facts are written and subsequently these reports will be submitted to the project director of the EA. All discussions conducted in local language (Sinhala) and in some cases English medium was used on the basis of the participants (for instance Chamber of Commerce, heads of institutions, large scale business owners, etc.).

#### **1.5.5 Key-Informant Interviews and Stakeholder Analysis:**

Key-informants are important since most of them are the people who represent various government and private institutions. Others are civil society leaders/representatives such as Buddhist monks, Catholic priests, CBO leaders/members. The person concerned is usually responsible for an area or division of administration. For example, the DS fits into this description, as s/he is the person who is responsible for all administrative matters of the DSD and of handling land acquisition on behalf of the RDA. In-depth discussions with DSs have helped to clarify several issues related to social impacts. As in the case of FGDs, a unique checklist for each key-informant is used (For details see Appendix VIII). Completed key-informants were DS, Mayor of Urban Council and Chairman, Chairman of Pradeshiya Saba, heads of police stations and traffic divisions, School Principals, owners of industrial establishments, land officers, MOH/Superintends of Hospital, religious leaders, leaders of CBOs/NGOs, agricultural officer, etc. A summary of facts elicited at the discussions have been submitted to the project director of the EA. The total number of KIIs conducted is 20 in both stretches.

#### **1.5.6 Review of Legal Framework and Policies:**

The consultant has further examined the laws and regulations of Sri Lanka, which will be applied to the project along with the national social safeguards policies. Furthermore, the review assists in identifying social operational policies that will be triggered during the project along with suggested mitigation measures to respond to these policies.

### **1.5.7 Analysis of Data**

Among the collected set of data, quantitative data was huge and not easy to manage. Therefore, a particular interfaced program was developed in association with MS Access and SPSS. The main purpose of this interlinked program was to minimize the data entry errors and maintain the high accuracy level of the findings. Before starting the data entry, each questionnaire has been checked by trained persons and if there are any gaps of data or doubt, they had a telephone discussion to fill the gaps and verify the data collected by research assistants. The telephone numbers of PAPs are collected in most cases. All analyzed quantitative and qualitative data have been used to develop the report while focusing on expected social issues of the project activity.

All qualitative data has been analyzed using Atlas.ti, a qualitative data analysis (tool) software. The analysis is essential to identify most critical factors related to respondents' livelihood, risk level, attitudes, perceptions, resettlement issues, etc. Especially, the program helped to filter such social facts from a mass set of data. Especially, the software helped to understand the network view of these critical factors as well as co-occurrences. Such analyses are important to gauge the gravity of social and cultural matters that can erupt as a result of the project impact.

### **1.6 Dimensions of Social Safeguard Requirements**

As highlighted above, the main objective of a RAP is to avoid or minimize adverse impact towards the people or the community as a result of the designed project implementation. If not, the EA of the project should address all of the identified and unforeseen incidents within the country's legal and policy framework. However, planning of these activities is not a simple task for the EA and it also depends on the gravity of the development project. Usually, all these activities are socioeconomic and cultural in general. Thus, social dimensions of developing a RAP are vital. Therefore, such dimensions considered in this RAP can be listed as follows. They are:

1. Type of lands
2. GPS information of land plots including private, government and common
3. General information of the property owner or user (name, address, village, GND, DSD, District, national identity card number, ethnicity, etc.)
4. Family information
5. Business information (if the occupant is involved in any business activity)
6. Land ownership details
7. Crops and cultivation details
8. Types and details of affected property
9. Legal or individual issues related to land ownership if relevant
10. Current income and expenditure patterns of the land owner and family
11. Bank account and loan facilities taken
12. Resettlement options of the house and structure affected
13. Social network information

14. PAP's opinion on environment and social impact (positive and negative) of the project
15. PAP's understanding of existing laws and policies related to land acquisition and resettlement; and
16. Rough sketch of the land affected

## Chapter II: Legislative and Policy Framework

This chapter discusses the legislative and regulatory framework for land acquisition and resettlement relevant to the project. These set out the processes and procedures that must be followed.

### 2.1. Legislative Framework

#### 2.1.1 Land Acquisition Act:

In Sri Lanka there are two broad types of land; private land and state land. Private land is governed by traditional systems of land ownership on which operative legal systems have been superimposed as and when any question of conveyance or dispute surfaces. State land is governed by the principal enactments dealing with alienation, transfer of development rights, and disposal (primarily in the Crown Land Ordinance, Land Development Ordinance, Sale of State Land Law, Grants Act, Agrarian Development Act, and Land Acquisition Act). Within both private and state land there are several categories of tenure which provide the basis of eligibility for compensation if relevant to this project (for more details see Table 52: Entitlement Matrix).

The Land Acquisition Act of 1950 (LAA) and Subsequent Amendments and Regulations. The Land Acquisition Act (LAA) of 1950 is the most important legal provision which makes provisions for acquisition of the Lands and Servitudes for public purposes and provides for matters connected with or incidental to such provision'. It provides the payment of compensation at market rates for lands, structures and crops. The LAA of 1950 was modeled mainly on the English Land Clauses Acts and has evolved through the Acquisition of Land Act 1919 and the Acquisition of Land Authorization Procedure Act 1946 and the LAA amended by Act 28 of 1964.

LAA in force today has several amendments and the latest is the version of 1986. Revisions made to LAA regulations in 2008, and announced by gazette notification No. 1585/7 on Tuesday, 20th January 2009, have a significant impact on resettlement planning as it has reference to "reconstruction cost".

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

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

The sequence order of LAA procedures can be listed in the following Table.

**Table 4: Procedures for Land Acquisition**

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

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

### **2.1.2 Land Acquisition Resettlement Committee (LARC, Divisional Level) and Super LARC (Ministerial Compensation Appeal Board) Process**

With the introduction of the 2008 regulation revision by gazette notification No.1585/7 on 20th January 2009 to LAA, LARC, review systems have to be terminated as areas covered by LARC could be addressed by this revision. Further, Ministry of Land has issued clear instructions to cease the use of LARC and similar systems used by different institutions to decide compensation values for the land acquired under LAA, as it wishes to see uniformity in valuation of lands. LARC was linked to former Ex-gratia package implemented by the then Ministry of Highways and Road Development. Ex-gratia package was used to compliment undervalued properties through a consultative process with the participation of affected persons at community level and at national level, if the concerned affected person is not satisfied with the decision at community level LARC.

### **2.1.3 Land Development Ordinance (1935)**

By virtue of this ordinance and its subsequent amendments, households that are occupying crown land may request permission from the Divisional Secretary to be regularized on the Land in question. The Acquiring officer (Divisional Secretary) makes an investigation and may recommend giving a one-year permit initially, if the land is not reserved land or not required for any other government purpose. Subsequently, the person may be given a long lease which

constitutes a legal title without right to disposal. The term for such titles is '*Swarna Boomi*' (golden land) or '*Jaya Boomi*' (victorious land).

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

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

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

The functions and duties of the RDA include, inter alia, carrying out integrated road planning and development, submitting such plans for government approval, and following approval, implementing the road development plans, works and activities.

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

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

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

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

#### **2.1.6 Prescriptive Ordinance No. 22 (1871)**

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

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

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

Therefore, this Ordinance is important for encroachers to claim for land rights (only for developments done to the plot of land). Usually, there are several encroachers that can be identified in many development projects and it is assumed that there will be a substantial number in this project too.

#### **2.1.7 Buddhist Temporalities Ordinance No. 19 of 1931 (Temple and Dewalagam Act)**

The original act was introduced by the British in 1886 and again amended in 1931. This act deals with lands donated to the temples and *devalas* (Lands of shrines of the deities or worship places) by rulers under a deed of dedication, sometimes by "*Sannasas*" (Order) by the Monarchies in the past. The Buddhist Temporalities Ordinance No. 19 of 1931 for example vests the management of temple property coming within the scope of the Ordinance with trustees appointed in terms thereof. A significant portion of such temple properties have not been 'developed' and remain forested with minimum disturbance. They remain under the management of the trustees. Especially, the rights of the custodian of temples and *devalas* for the receipt of compensation in the event of acquisition for public purposes are spelled out in this Act in addition to the other provisions.

#### **2.1.8 Forest Ordinance**

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

in the National Environment Act (NEA) for prescribed projects. A construction of new road over 10 Km in length or conversion of more than one hectare of land for non-forest activity is considered as a prescribed project. If the development is taking place within a kilometer distance from a reserved forest then an Environment Impact Assessment (EIA) report should be prepared by the Project Management Unit (PMU) and the approval of the Central Environment Authority obtained. Therefore, the CEP is traversing several forest reserves in the region and it is essential to refer to this Ordinance.

### **2.1.9 National Environmental Act No. 47 of 1980**

The entire role of CEA is based on the NEA No. 47 of 1980. These are some provisions in the NEA, with the amended Act No. 56 of 1988 with reference to Involuntary Resettlement. The Hon. Minister in charge of the subject of environment has prescribed projects and undertakings which approval shall be necessary under the provisions of the NEA.

The Minister by gazette notification No. 858/14 of 23<sup>rd</sup> February 1995 has determined the types of projects and undertakings which need approval under the terms of the NEA. The schedule includes item 12 which refers to "involuntary resettlement exceeding 100 families, other than resettlement resulting from emergency situations". Thus, the CEP is coming under the preview of the NEA and it is essential to develop EIA and RAP for each stages of the project.

### **2.1.10 Poor Law Ordinance**

The Poor Law Ordinance No. 30 of 1939 was introduced initially in the municipalities of Colombo, Kandy and Galle, and was further strengthened by the Social Service Commission in 1947 by extending the social safety net to the other parts of the country. Most of those social safety nets enacted for the sake of the poor have been based on this. For example, all poverty eradication programs such as '*Janasaviya*' and '*Samurdhi*' (the current program) have been developed on the basis of this ordinance. The aim of these programs is to improve the quality of life of the people identified as poor.

### **2.1.11 Ordinances on Protecting Women and Children**

Legal provisions for employing children and young persons are very complex, and a number of Ordinances address these issues.<sup>1</sup> The aim of these Ordinances or Acts is to protect children and to provide a peaceful environment for their education and leisure.

The GOSL in its 'Women's Charter', which was established in March 1993, reflects the same thinking just described. In addition, revisions to the Penal Code of Sri Lanka in 1995 and 1998 defined more clearly the offences of sexual harassment, abuse, and trafficking of women, while enhancing punishments for these offences. Furthermore, 'Prevention of Domestic Violence Act No. 34 of 2005' provides legal cover against women in prevention of sexual harassment, abuses and trafficking of women and children. The proposed project will make a direct impact on the livelihoods of affected families and they will undergo several changes in their property ownership, relocation and resettlement process. Therefore, these acts and charters will

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<sup>1</sup> There are five ordinances directly addressing the employment of children and young persons in Sri Lanka: (1) Employment of Women, Young Persons, and Children's Act No. 47 of 1956 (amended in 1973, and 1984), (2) Shop and Office Employees Act No. 19 of 1954, (3) Factories Ordinance No. 45 of 1942, (4) Ordinance No. 28 of 1871 and No. 18 of 1936 relating to Domestic Servants, and (5) The Compulsory Attendance of Children at Schools Regulations No. 01 of 1997. Apart from these legal provisions, there is a Children's Charter that defines a child as any person under the age of 18.

legitimize the rights of women and children if they face any issue related to the project tasks. Under their vulnerability, women and children may be considered as a category as per the issue.

### **2.1.12 Labour Law**

Labour legislation in Sri Lanka consists of 25 ordinances and all of them are administered by the Commissioner of the Department of Labour. However, the following are considered as the most important:

- 1) Wages Board Ordinance No. 21 of 1941
- 2) Workmen's Compensation Ordinance No. 19 of 1934
- 3) Trade Union Ordinance No. 14 of 1935
- 4) Shops Ordinance No. 19 of 1954
- 5) Service Contract Ordinance No. 11 of 1865
- 6) Payment of Gratuities Act No. 12 of 1983
- 7) Employment of Women, Young Persons, and Children Act No. 47 of 1956
- 8) National Child Protection Authority Act No. 50 of 1998
- 9) Employees' Trust Fund Act No. 46 of 1980
- 10) Employees' Provident Fund Act No. 15 of 1958

As stipulated in the Employment of Women, Young Persons, and Children Act and National Child Protection Authority Act, child labour is prohibited. Those conditions have to be adhered to in any road sector assistance project, and all employees must be above the age of 18.

Women's rights are also covered by these Acts and clearly states that women should be treated in equal manner. Hence, it is very clear that this project should adhere to these national laws in all contract documents. Therefore, it is necessary to have a clause as stated below in all contract or subcontract documents.

*"The Contractor and Subcontractors shall provide equal opportunity of employment for women and identify appropriate activities associated with the implementation of the works. Women staff and labour shall be employed under conditions of wage parity and equal pay for equal work and the Contractor shall ensure a suitable working environment and provide all appropriate facilities such that the participation of women in the workforce is encouraged."*

All road sector assistance projects are encouraged to have men and women participate in the work while paying attention to the labour legislation of Sri Lanka.

### **2.1.13 Paddy Land Act**

53. In certain land acquisition cases a distinct category of land user called *ande* farmers can be identified. These are farmers who contribute their labours as share croppers to cultivate land belonging to a landlord. In 1959, the GOSL passed the Paddy Land Act No. 1 to register *ande* tenancies, grant security of tenure, limit rents to a small fraction of the crop, and above all to establish special institutions to enforce these measures. Then, in 1979, the GOSL approved the Agrarian Services Act as part of a comprehensive revision of agrarian law. Under this act all lands – paddy and high lands – should be registered with the respective Agrarian Services Centres, together with all tenants. In addition, there is a requirement that when paddy land is to

be used for any purpose other than paddy cultivation, the person or authority should obtain permission from the Agrarian Services Department, to that effect.

## **2.2 Policy Framework**

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

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

### **2.2.1 National Involuntary Resettlement Policy**

The Government has adopted NIRP in order to address the adverse social and economic impacts on people who are affected by the acquisition of land by the state for development purposes. The hardships encountered by displaced persons due to involuntary land acquisition often caused social unrests and miseries adding turmoil to various disruptions. Among these miseries, impoverishment of displaced families due to loss of land and livelihood opportunities, food insecurity, lack of access to common property and public services, issues with host communities, and disruption to existing social organizations were very noticeable. The development taking place without due consideration to resettlement issues of the displaced persons caused loss of public interest and confidence on development. This led to growing public resistance for development which has very negative implications in the process of development.

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

NIRP took these dysfunctions of land acquisition into consideration with the aim of ensuring *'that all efforts are made to minimize involuntary resettlement in projects and where it is unavoidable, affected people are assisted to re-establish their livelihoods'* (NIRP Forward). NIRP assign responsibility of implementing a Resettlement Plan addressing key resettlement

issues such as (i) exploring alternative project options which avoid or minimize adverse impact on people; (ii) compensate those who do not have title to land; (iii) consulting displaced persons and host community on resettlement options, (iv) providing for successful social and economic integration of the displaced persons and their hosts; and; (v) full social and economic rehabilitation of the displaced persons.

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

The objectives of the NIRP are:

- Avoid, minimize and mitigate negative impacts of involuntary resettlement by facilitating the reestablishment of the PAPs on a productive and self-sustaining basis. The policy also facilitates the development of the PAPs and the project by
- Ensuring that PAPs are fully and promptly compensated and satisfactorily resettled.
- The livelihoods of all displaced persons should be re-established and their standard of living improved;
- Ensuring that no impoverishment of people shall result as a consequence of compulsory land acquisition for development purposes by the state;
- Assisting PAPs in dealing with the psychological, cultural, social and other stresses caused by land acquisition;
- Making all PAPs aware of processes available for redress of grievances, which are easily accessible and immediately responsive; and
- Having in place a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the project executing agency and PAPs.

NIRP applies *'to all development induced land acquisition and a Resettlement Action Plan must be prepared where there are 20 or more families'* (NIRP Forward). NIRP requires that a comprehensive RAP be prepared where 20 or more families are displaced. In case where less than 20 families are displaced, the NIRP still requires a RAP with a lesser level of detail. NIRP applies to all projects irrespective of source of funding. For details see *'Guidelines for the Preparation of a Resettlement Action Plan. 2003, Ministry of Lands, Appendix F: Process Manual for Implementation of the NIRP. 2003, Ministry of Land, Appendix G: Guidelines for a Participatory Resettlement Process. 2003, Ministry of Lands'*.

## **2.3 Involuntary Resettlement Guidelines**

The concept of 'Involuntary Resettlement' was formulated in Sri Lanka during the Accelerated Mahaweli Development Project. However, the concept has evolved gradually as a result of intervention of development donor agencies such as the World Bank (WB) and the Asian Development Bank (ADB) during the last two decades and attention paid to the issue has made a significant positive impact in the sphere of social safeguards in development projects.

As there is no identified donor agency for this project yet, time is premature to discuss policy instruments of such an agency. However, most external donor agencies have recognized

'Operational Policy of WB on Involuntary Resettlement (OP.4.12)' as fundamental set of guidelines on resettlement planning. For an example, the Japan International Cooperation Agency (JICA) guidelines on resettlement [JICA guidelines for Confirmation of Environmental and Social Considerations (April 2010)] suggest to consider elements laid down in the WB Safeguard Policy, OP 4.12. The JICA requests that the borrower follows the OP.4.12 of WB for addressing individual issues on involuntary resettlement.

## **2.4. Key Project Policy Principles**

The following key policy principles have been identified to guide the land acquisition and resettlement process through the construction of Stage 1 and 2 of the CEP.

### **2.4.1 Replacement Cost**

Replacement cost is defined as the compensation required to replace a similar land in a similar location and a building of similar floor area and construction.

### **2.4.2 Loss of Buildings**

Replacement cost will be paid for all buildings irrespective of the age of the building. PAPs are entitled to retain the salvaged materials. In order to translate the concept of helping the PAPs to achieve a higher level of living standard than what they experienced prior to the implementation of the project, a PAP who was in occupation of even a wattle and daub house or cadjan hut is entitled to a cash grant for the loss of the house in addition to other compensation available for them.

### **2.4.3 Temporary Loss of Private Land**

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

### **2.4.4 Determination of Rates for Properties Acquired**

The rates that will be used for the calculation of compensation for the acquired properties will be based on the prevailing market rates in order to reflect the cost of replacement of the properties acquired. NIRP and WB IRP mandate that the compensation payable to PAPs should be adequate to replace their loss of assets. The project has taken into consideration these policy guidelines in determining the relevant rates.

### **2.4.5 Special Needs of Vulnerable Households**

Vulnerable households have been identified during the census and socio-economic surveys. Women headed households, families with very elderly persons, differently abled persons, people below the poverty line (national) and non-title holders have been included into this category. They are entitled to a special grant of Rs.15,000/- per household in addition to the compensation available for other losses. PMU will support them during the construction of their houses.

#### **2.4.6 Special Preparation for the Vulnerable Groups**

PMU undertakes to develop specific plans for the vulnerable groups as they would feel the effect of resettlement more seriously than the others. The identified group of vulnerable people will be helped by community organizers who will identify their needs and interests in consultation with them, prior to resettlement. These community workers are in a position to help the vulnerable PAPs to build their skills, identify opportunities, and review constraints that hinder improvement to their socio economic status with the support of PMU. The small groups of vulnerable people depending on the category and degree of vulnerability may be linked to national institutions at DSD level that provide assistance and interventions to such groups.

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

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

#### **2.4.8 Land Owned by State Corporations**

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

#### **2.4.9 National Poverty Line**

The PAPs represent different social strata and the lower stratum is vulnerable economically as well as socially and culturally. However, the national (official) poverty line is the government indicator of poverty that is defined by the Department of Census and Statistics by using multi-dimensional calculations. Usually, it helps for objective analysis in socioeconomic analysis on peoples' livelihoods. It is revised monthly and also calculated on district basis. Therefore, it can be used for different requirements in resettlement planning, especially in relation to vulnerable groups. Therefore, the national/official poverty line is an indicator that can be used in this project resettlement planning.

## Chapter III: Scope of Land Acquisition and Resettlement

### 3.1 Introduction

The CEP Stage 3 starts at Hiripathwela GND (near Lihiniyagla hill) situated in Pothuhera within the Polgahawela DSD. It ends at Haddhapitiya (305) GND of Thumapane DSD connecting national road A 010 at Bambarakotuwa Junction in Galagedara. The total length is 32.9 km. and it mainly traverses through coconut, paddy, and rubber fields.

### 3.2 Impact on Lands

The total number of project affected lots of land is 3,497. Among them, total number of privately owned lots of land is 2,886. Within the number of privately owned lots of lands there are 1,654 Project Affected Households (PAHHs). The total extent of project affected private lands is 99,636 perches. In addition, there are 463 affected lots of land under government. The total extent of government land is 6,466 perches. In addition, there are 35 lots of land identified as common property. The total extent of common land lots is 1,873 perches. Altogether, there are 107,975 perches (674.8 acres) affected by the stage 3 project. The list of private land owners is given in Appendix IX with primary details. The list of government lands and commonly use land given in Appendix X and XI.

#### 3.2.1 Impact on Private Lands and Use

The highest impact of land acquisition in CEP Stage 3 is on private land plots (99,636.34 perches) and it represents 92.3 % of the total lands to be acquired. The rest 9.5 % is government land and common/public lands. The private lands identified in the survey can be classified into four major categories as shown in Table 05. According to the Table 65% are agricultural lands while 29% represents residential lands. The least category is trade and business lands. In the meantime, there are some barren lands represent 4% that imply the low level of land use in these DSDs.

**Table 05: Private Lands as per the Type of Lands (perch)**

Type of Lands	Number	%	Total Area	Affected Area
Residential	839	29.07	62,402.58	28,459.59
Trade/Business	40	1.39	1,945.95	1,300.5
Barren land	117	4.05	1,9365.4	1591.86
Agricultural	1,890	65.49	207,376.89	68,284.39
Total	2,886	100.00	291,090.82	99,636.34

Source: CEP/Stage 3/RAP/Census Data

Most of these affected private lands are situated in rural areas. The second highest is peri-urban areas which are having direct links with certain small urban setups, namely Polgahawela, and Galagedara. These peri-urban clusters are having links with two regional urban centres; namely Kurunegala and Kandy. Details are furnished in Table 06.

**Table 06: Location of Private Land Lots Affected**

Type of Land	Number			Total
	Urban	Peri-urban	Rural	
Residential	2	367	470	839
Trade/Business	0	22	18	40

Agricultural	0	91	26	117
Non-agricultural	4	1,078	808	1,890
Total	6	1,558	1,322	2,886

Source: CEP/Stage 3/RAP/Census Data

There are three districts linked with Stage 3 and relatively higher portion (42%) of lands belongs to Kurunegala district. The remaining (34%) belongs to Kegalle district and the rest (23%) belongs to Kandy district. There are two DSDs (Polgahawela and Mawathagama) crossing the expressway in the Kurunegala district. Meanwhile, Kegalle is having one DSD (Rambukkana) and Kandy is having one DSD (Thumpane).

**Table 07: District Level Distribution of Affected Private Lands (perch)**

District	Residential	Trade/Business	Non-agricultural	Agricultural	Total	%
Kurunegala	9,384.69	629.01	599	32,131.46	42,744.16	42.90
Kegalle	13,008.2	255.68	230.01	20,487.56	33,981.45	34.11
Kandy	6,066.7	415.81	762.85	15,665.37	22,910.73	22.99
Total	28,459.59	1,300.5	1,591.86	68,284.39	99,636.34	100.00

Source: CEP/Stage 3/RAP/Census Data

As highlighted above, there are five DSDs in these three districts connect with Stage 3. The land area (perch) identified by type of lands in DSD basis is given in Table 08. According to the Table Rambukkana is having the highest number of PAPs (34%) in Kegalle district. Thumpane is having second highest acreage of lands which is 23%. Polgahawela is the highest (22%) in Kurunegala. Third highest is Mawathagama (20%). Details are given in Table 08.

**Table 08: Distribution of Affected Lands in DSD Basis**

DSD	Residential	Trade/Business	Non-agricultural	Agricultural	Total	%
Thumpane	6,066.7	415.81	762.85	15,665.37	22,910.73	22.99
Polgahawela	3,360.82	439.38	450.86	17,910.3	22,161.36	22.24
Mawathagama	6,023.87	189.63	148.14	14,221.16	20,582.8	20.66
Rambukkana	13,008.2	255.68	230.01	20,487.56	33,981.45	34.11
Total	28,459.59	1,300.5	1,591.86	68,284.39	99,636.34	100.00

Source: CEP/Stage 3/RAP/Census Data

The pattern of ownerships in these affected lands has been identified. As usual, the patterns are very complex and very critical when these informations are collected. Table 09 illustrates the nature of land holding status of PAPs in this Stage 3. It shows that the highest number of land holding is owned and operated (86%). However, there are other patterns such as shared, mortgaged, leased, and rented. Among these patterns, shared and leased lands are higher than the other type of holding. Especially, there are Temple and Devalegam lands manage under a few temples in certain locations of the expressway. As highlighted in other sections of the report, these lands holdings are having very complicated matters. The complexity of the status of land holding is reflected through the 'other' category and it is relatively large than a few main categories.

**Table 09: Land Holding Status and Total Number of Area Affected**

Land Holding Status	Area (Perch)	
	Total	Affected
Owned and operated	261,328.28	85,725.20
Shared in	24,362.75	10,374.01
Shared out	844.39	460.34

Mortgaged out	110.05	1.31
Mortgaged in	1,507.75	1,479.05
Leased in	1,064.45	840.87
Leased out	0	0
Rented in	358.22	348.26
Rented out	16.21	16.21
Other	1,498.72	391.09
<b>Total land holding (perch)</b>	<b>291,090.82</b>	<b>99,636.34</b>

Source: CEP/Stage 3/RAP/Census Data

The ownership of land is a prestigious status in the rural society of Sri Lanka. Whether the land is cultivated or not, the ownership indicates the social rank within the locality. Therefore, many of them are keeping their ownership irrespective of the nature of land. Table 10 highlights that the majority of them are having individual deeds (*Sinnakkara*) and the acreage is 1,359. From this total acreage, 484.7 acres are affected. When observed carefully, there are lands under the control of parents. Therefore, children who are living with them as a sub/nuclear family may face some issues in dividing the compensation and also in the resettlement process. Furthermore, shared land as a group of family members also show a high representation. The other categories such as Jayaboomi/Swarnaboomi and permits are also having a substantially high representation.

**Table 10: The Type of Ownership and Acreage**

Type of Ownership	Area (Perch)		Affected	
	Total	%	Total	%
Individual deed	217,483.42	74.71	77,562.47	77.85
Gifted/under control	2,520.19	0.87	1,026.05	1.03
Unfragmented shared use	60,188.13	20.68	15,242.33	15.30
Jayaboomi/Swarnaboomi	1,710.47	0.59	894.51	0.90
Permit issued	886.54	0.30	544.94	0.55
Permit pending	1,669.58	0.57	760.91	0.76
Leasing deed	2,750.26	0.94	2,103.13	2.11
Rental	143.73	0.05	115.24	0.12
No deed or permit	2,806.05	0.96	1,113.58	1.12
Other	932.45	0.32	273.18	0.27
<b>Total land holding (perch)</b>	<b>291,090.82</b>	<b>100.00</b>	<b>99,636.34</b>	<b>100.00</b>

Source: CEP/Stage 3/RAP/Census Data

Among the total PAPs, there are 2,646 who are having a legal title to prove their ownership. The second highest category of ownership and type of land (142) is tenants belongs to agricultural lands. In addition, there are 40 encroachers and 30 squatters. Rented and lessee users of land and property are very less. Details are given in Table 11.

**Table 11: Type of Land Ownership by Legal Clarity**

Type of Land	Category						Total
	Legal Title	No Title but Claims Ownership	Tenant	Squatter	Lessee	Rented	
Residential	774	17	29	8	2	9	839
Trade/Business	33	0	2	4	1	0	40
Non-agricultural	110	0	7	0	9	0	126
Agricultural	1,729	23	104	18	0	7	1,881
<b>Total</b>	<b>2,646</b>	<b>40</b>	<b>142</b>	<b>30</b>	<b>12</b>	<b>16</b>	<b>2,886</b>

Source: CEP/Stage 3/RAP/Census Data

The majority of land owners are those who do not have issues related to land holding or ownerships. However, a tiny number is identified who are having different issues. According to Table 12, there are 6 legal cases already progressing in courts. In addition, there are some family and individual matters pertaining to the land ownership.

**Table 12: Land Related Matters Identified**

Type of Land	Matter of Issue					
	Legal Inquiry		Family Dispute		Individual Dispute	
		%		%		%
Individual Deed	4	66.67	4	66.67	4	66.67
Unpartitioned Shared Use	2	33.33	2	33.33	2	33.33
<b>Total</b>	<b>6</b>	<b>100.00</b>	<b>6</b>	<b>100.00</b>	<b>6</b>	<b>100.00</b>

Source: CEP/Stage 3/RAP/Census Data

The land acquisition process will affect the crops cultivated on these lands. When compared to the affected quantity, it will make direct impact to PAPs livelihood as well as some indirect impact to regional and national economy. Especially, two spices – clove and nutmeg – are very common on many lands in Rambukkana, Mawathagama, and Thumpane DSDs. These crops are categorized under perennial crops. Table 13 illustrates the number of quantity and affected land areas in perches. However, the extent of land used for each crop unit is duplicated when there are inter-cropping systems. It is common in many home gardens.

**Table 13: Crops Cultivated, Affected Quantity and Affected Area**

Crop	Affected Quantity	Total Area (perch)	Affected Area (perch)
Home Garden (Flower Plants)	1,007	11,127.79	10,534.88
Paddy (Kg.)	789,454	64,085.46	28,962.41
Tea (Bushes)	3,008	1,173.97	1,099.54
Rubber (Trees)	7,426	29,420.44	8,585.36
Cinnamon (Bushes)	1,609	383.47	270.42
Banana (Bushes)	9,949	32,913.82	69,660.81
Coconut/ King coconut (Trees)	25,374	169,259.63	56,332.17
Mango (Trees)	1,068	50,042.04	15,977.13
Bread Fruit (Trees)	262	12,126	5,898.91
Jak (Trees)	2,738	94,208.02	69,677.54
Lemon/Lime (Trees)	118	2,705.3	1,229.49
Orange (Trees)	58	3,318.4	1,614.3
Fire Wood (Trees)	531	1,784.73	803.29
Timber (Trees)	1,995	29,306.78	9,447.76
Other 1 (perennial crops)	34,615	163,587.88	79,532.33
Other 2 (fruits - other)	7,066	55,836.63	26,951.61

Source: CEP/Stage 3/RAP/Census Data

The most adverse impact is on coconut cultivation and there are about 34,615 trees affected within the corridor. The next important category of crop is paddy and the expected quantity of losing is 789,454 kg per season. The number of jak trees is 2,738 which is a higher number and it can make a negative impact on food security in these village clusters. The number of timber trees affected is 1,995.

In addition to the land, cultivation and crops that are affected by the project. Especially, Lalan Rubber Manufacture is having a high impact due to the project. The total number of perches affected is 2,192. Furthermore, the company is losing 805 rubber trees in addition to other trees.

There are some business establishments as well being affected by the project. There are business owners as well as workers who are currently engaged in active and productive tasks. Table 14 provides the types of business activities.

**Table 14: Type of Business Establishments Affected by the Project**

Type of Business	No. of Businesses
Retail shop (Essential items)	5
Small shop (Services)	4
Store	1
Hotel /restaurant/bar	2
Tea shop	1
Small scale factory	8
Large scale factory	2
Other	4
<b>Total</b>	<b>27</b>

Source: CEP/Stage 3/RAP/Census Data

There are about 84 workers including the business owner. Among them, there are 66 male workers and 18 female workers. The majority of them (80.9 %) are getting a decent monthly income over Rs. 100,000. About 90.5 % of them are losing their business places as a result of the project intervention. It seems that all of them are losing their employments and gainful income as a result of the project impact.

### 3.2.2 Impact on Government Lands and Common (Public Purpose) Lands and Use

As highlighted above, there are approximately 6,465 perches (40.4 acres) affected by the project. The total number of government entities is 463. Table 15 gives more details about the impact on these properties as a result of the project. All these properties are partially damaging, but need alternative measures to establish proper connection to have smooth floor or move of roads and water floor. According to the Table, there is a low representation in the 'Other' category.

**Table 15: Project Impact on Government and Common Properties**

	Description	No. of Lots	Perches
<b>Roads</b>	RDA	2	138.4
	PRDA	12	214.1
	P. Saba	104	2,236.8
	Foot Path	23	53.02
	Unknown	86	975.48
	Bridge	18	179.9
<b>Streams</b>	Government	144	1,919.1
	Unknown	43	477.28
<b>Others</b>	SLRD	1	1.06
	Water body	11	26.7
	Abandoned land	1	33.1
	Marshy	15	179.8
	Estate	3	31.27
<b>Total</b>		<b>463</b>	<b>6,465.8</b>

Source: CEP/Stage 3/RAP/Census Data

Appendix X provides more details as per the chainage and quantities of each affected government property.

In addition to the government properties, there are several common properties belongs to the community. Thus, these common properties Table 16 below. Many common properties are partially affected and there is no severe impact towards the community. The total number of acreage is 11.7.

**Table 16: Further Details of Affected Government and Common Properties**

Description	No. of Lots	Perches
Telephone	1	0.04
Common well	4	6.71
School	4	309.33
Temples	8	307.53
Church	5	104.94
Jungle	3	437.43
Community hall	5	31.65
Cemetery	4	631.45
Play ground	1	43.08
Total	35	1,872.16

Source: CEP/Stage 3/RAP/Census Data

Appendix XI highlights more details of common properties affected with the chainage and the size of the common property.

### 3.3 Impact on Private Land and Structures

Many affected lands are having different structures constructed by PAPs for social and cultural requirements. As illustrated in Table 18, there are 1,011 structures identified and among them are 596 houses identified which is the highest figure among the different structures. The second highest type of structure is shed 181. When it get together, there are 51 trade, business places and shops already identified within the ROW. In addition, there are 13 rented houses affected by the project. About 653 structures are made using cements for floor, bricks or cement blocks for walls, and tile roof or asbestos. Among them, there are 476 residential houses including rented houses. For details see Table 17 below.

**Table 17: The Type of Structures and Type of Constructions**

Type of Materials Used for Floor/Wall/Roof	Type of Structures								
	Residential House	Rented House	Trade/Business	Residential and Trade	Store	Shed	Abandoned/ Not in Use	Other	Total
Thatched simple hut	11	0	9	1	0	26	1	3	51
Mud/brick/tiled roof	10	2	3	0	0	3	0	2	20
Cement/brick or cement block /tiled roof or asbestos roof	468	8	19	7	9	67	10	65	653

Cement/brick or cement block /GI sheet roof	46	1	4	1	3	78	3	15	151
Cement/brick or cement block/concrete roof	14	2	2	0	0	0	1	18	37
Tiled/brick or cement block /tiled roof or asbestos roof	29	0	0	0	1	1	0	4	35
Tiled/ brick or cement block/concrete roof	8	0	0	0	0	0	0	4	12
Others	10	0	5	0	0	6	1	30	52
Total	596	13	42	9	13	181	16	141	1,011

Source: CEP/Stage 3/RAP/Census Data

The size of the structure is very vital for compensation and resettlement purposes. Among the affected structures, the majority of structures (468) are having less than 500 Sq. F space and among them there are 112 residential houses. The second highest (194) structures is having 501 – 1000 Sq. F and among them the majority of structures are residential houses (165). Third highest number is 271 having over 1001 - 2000 Sq. F. Again 244 residential structures are affected. Furthermore, there are 56 houses between 2001 – 3000 category. In addition, there are 16 abandoned structures/not in use and the majority of them relatively small. The category 'Other' mainly represents parapet walls and gates. Details are given in Table 18.

**Table 18: The Type of Structures and Size**

Size (Space) of Structure (Sq. F)	Type of Structures								
	Residential House	Rented House	Trade/Business	Residential and Trade	Store	Shed	Abandoned/ Not in Use	Other	Total
Less than 500	112	4	32	7	13	169	7	124	468
501 – 1000	165	3	4	2	0	6	5	9	194
1001 – 2000	244	6	6	0	0	5	4	6	271
2001 – 3000	56	0	0	0	0	0	0	1	55
3001 – 4000	15	0	0	0	0	0	0	0	15
4001 – 5000	5	0	0	0	0	1	0	0	6
5001 – 10,000	1	0	0	0	0	0	0	1	2
10,000 and above	0	0	0	0	0	0	0	0	0
Total	596	13	42	9	13	181	16	141	1,011

Source: CEP/Stage 3/RAP/Census Data

The available utilities in these structures are given in Table 19. The availability of telephone facilities is in a satisfactory level. However, it represents the available mobile phone connections too. It reveals that about 8.4% of houses do not have electricity supply. In contrast to the SIA findings this condition is satisfactory level. Especially, availability of pipe borne water facilities is in a unsatisfactory level among these affected houses.

**Table 19: Available Facilities to Affected Structures**

Utility	Availability	Type of Use
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		Residential House	Rented House	Shop	Combined House	Shon	Store	Shed	Abandoned/ Not in Use	Other	Total
Electricity	Yes	546	12	31	1	3	16	6	36	651	
	No	50	1	12	8	10	165	10	105	361	
Telephone	Yes	230	6	7	0	0	2	0	3	248	
	No	361	7	36	9	13	179	16	138	759	
Pipe borne water	Yes	275	6	16	0	2	5	1	23	328	
	No	320	7	27	9	11	175	15	118	682	

Source: CEP/Stage 3/RAP/Census Data

The affected structures are in different forms as per the construction materials used. Therefore, the affected quantity in Sq. F. is identified for the purpose of cost estimation. Table 20 shows the total figures on type of structures. As highlighted above mostly affected type of structure is residential houses and the number of Sq. F. too is high under this category. On the other hand, most of the structures are constructed using cement for floor, bricks or cement blocks for walls, and tile or asbestos for roofs.

**Table 20: The Type of Structures and Affected Quantity Sq. F.**

Type of Materials Used for Floor/Wall/Roof	Type of Structure								Total
	Residential House	Rented House	Trade/Business	Residential and Trade	Store	Shed	Abandoned/ Not in Use	Other	
Thatched simple hut	8,216	0	5,781	80	0	7,946	600	9,032	31,655
Mud/brick/tiled roof	10,661	1,880	1,664	0	0	0	0	172	14,377
Cement/brick or cement block /tiled roof or asbestos roof	589,069	6,733	9,122	1,864	2,625	624	8,953	1,341	620,331
Cement/brick or cement block /GI sheet roof	34,165	80	1,440	80	456	12,686	1,104	1,056	51,067
Cement/ brick or cement block/concrete roof	14,192	2,520	1,672	0	0	0	675	2,969	22,028
Tiled/brick or cement block /tiled roof or asbestos roof	33,452	0	0	0	312	0	0	27,062	60,826
Tiled/ brick or cement block/concrete roof	19,150	0	0	0	0	120	0	1,500	20,770
Others	3,612	0	1,122	0	0	692	1,302	738	7,466
<b>Total</b>	<b>712,517</b>	<b>11,213</b>	<b>20,801</b>	<b>2,024</b>	<b>3,393</b>	<b>22,068</b>	<b>12,634</b>	<b>43,870</b>	<b>82,8520</b>

Source: CEP/Stage 3/RAP/Census Data

The replacement cost has been identified on the basis of PAPs perspective. It reveals that the majority of them are not having a very clear idea about the replacement cost. Thus, they have

given relatively low estimates for their structures. Among the residential houses, the majority of them (162) believe that they need 5-10 million to replace their housing structures. Many others have given lower amounts as the replacement cost for their houses. More details are given in Table 21.

**Table 21: Replacement Cost Estimated by PAPs for their Structures**

Replacement Cost	Type of Use								
	Residential House	Rented House	Shop	Combined House	Shop	Store	Shed	Abandoned/ Not in Use	Other
Less than 50,000	23	1	3	5	2	95	0	47	176
50,001 – 100,000	23	2	4	2	2	31	0	44	108
100,001 – 200,000	14	0	0	1	4	20	0	19	58
200,001 – 500,000	31	1	9	1	3	21	5	12	83
500,001 – 1,000,000	79	0	9	0	2	9	7	10	116
1,000,001 – 2,000,000	84	5	11	0	0	2	0	5	107
2,000,001 – 3,000,000	38	0	1	0	0	0	1	2	42
3,000,001 – 4,000,000	31	0	1	0	0	1	0	0	33
4,000,001 – 5,000,000	57	0	2	0	0	0	1	0	60
5,000,001 – 10,000,000	162	3	0	0	0	2	2	0	169
10,000,001 – 20,000,000	34	0	1	0	0	0	0	2	37
20,000,001 and above	20	1	1	0	0	0	0	0	22
<b>Total</b>	<b>596</b>	<b>13</b>	<b>42</b>	<b>9</b>	<b>13</b>	<b>181</b>	<b>16</b>	<b>141</b>	<b>1,011</b>

Source: CEP/Stage 3/RAP/Census Data

### 3.4 Impact on Government Properties and Common Properties and Structures

The government and common properties and structures affected by the project are highly complicated and difficult to get cost estimates in term of replacement costs. It is a highly technical matter and needs expertise in quantity surveying as well as engineering. There are some government and common properties such as forests, canals, streams, with no structures available. In other cases, it is difficult to do estimates on properties like sacred trees, religious statues, cemeteries, etc. Therefore, replacement cost estimation has not been done on government and common properties. For details see Tables 16 and 17 above.

## Chapter IV: Socioeconomic Information and Profile of Project Affected Persons (PAPs)

### 4.1 Overview of Regional, District and Divisional Socioeconomic Status

Sri Lanka is a country which is having a High Human Development level (Human Development Report, 2013. UNDP). It implies that the majority of them are well off and having an affordable livelihood. However, it can vary according to the region, and the location where the targeted group is living.

Within the trace, there are three peri-urban settlement areas; namely, Polgahawela, Rambukkana, and Galagedara. The CEP Stage 3 is designed to have three service interchanges in Polgahawela, Rambukkana and Galagedara. Therefore, these peri-urban centres will get more benefits. All of these peri-urban areas are predominantly agricultural based centres that produce commercial agricultural products such as coconuts, rubber and spices. Based on these commercial agricultural products, the inhabitants are organized in their livelihood patterns. These peri-urban centres and surrounding areas are highly dependent on rain-fed water supply for paddy and vegetable cultivation.

Therefore, almost all settlements are having their own agricultural setup enriched with long traditional socio-cultural traditions. However, it has a high trend of commercial engagements. Table 22 shows the number of households and other structures in all GNDs of the corridor.

**Table 22: The Number of Structures in Affected GNDs by the Proposed Expressway**

District	Total Number of Building Units	Total Percentage	Housing Units	Collective Living Quarters	Non-housing Units
<b>Sri Lanka</b>	<b>6,769,131</b>	<b>100.0</b>	<b>5,773,678</b>	<b>69,805</b>	<b>925,648</b>
<b>Kurunegala</b>	<b>567,317</b>	<b>8.4</b>	<b>482,584</b>	<b>2,970</b>	<b>81,763</b>
Polgahawela	21,161	3.7	1 8,166	171	2,824
Mawathagama	22,023	3.9	1 8,443	147	3,433
<b>Kegalle</b>	<b>277,371</b>	<b>4.1</b>	<b>240,611</b>	<b>1,229</b>	<b>35,531</b>
Rambukkana	27,696	10	23,863	115	3,718
<b>Kandy</b>	<b>440,973</b>	<b>6.5</b>	<b>378,296</b>	<b>2,846</b>	<b>59,831</b>
Thumpane	12,526	2.8	1 0,719	60	1,747

Note: Building units reported here are only occupied units during the census taking period  
Source: Census of Population and Housing of Sri Lanka 2011 (Provisional data based on the 5% sample)

Furthermore, Sri Lanka is a multi-ethnic country and two districts and DSDs coming under the project influenced area is also having a multi-ethnic background. The majority represents Sinhalese and Moors represent the second highest ethnic group. Other ethnic groups are also having a substantial representation in these DSDs. More details are given in Table 23 below.

When compared with the official poverty level; in Kurunegala district in 2002 it is Rs. 1,352. It has increased up to Rs. 4,089 in November 2016. The situation in Kegalle district in 2002 is Rs. 1,437. However, it has increased up to Rs. 4,128 in November 2016. In Kandy the official poverty level in 2002 is Rs. 1,451. It has increased up to Rs. 4,082 in November 2016 (Department of Census and Statistics, 2016).

**Table 23: Ethnic Representation in Project Influenced Area**

District	Total Number of Persons	Ethnic Group								
		Sinhalese	Sri Lanka Tamil	Indian Tamil	Sri Lanka Moor	Burgher	Malay	Sri Lanka Chetty	Bharatha	Other
Sri Lanka	20,263,723	15,173,820	2,270,924	842,323	1,869,820	37,061	40,189	6,075	1,688	21,823
Kegalle	836,603	715,723	20,250	41,468	57,952	577	168	37	4	424
Rambukkana	82,373	78,542	850	178	2,646	14	6	7	1	129
Kurunegala	1,610,299	1,471,339	18,763	3,582	113,560	711	1,083	92	28	1,141
Polgahawela	64,917	57,194	873	973	5,726	20	105	7	3	16
Mawathagama	65,555	54,177	3,530	211	7,532	63	18	0	0	24
Kandy	1,369,899	1,018,323	71,640	83,234	191,159	2,201	2,062	115	23	1,142
Thumpane	37,356	34,451	254	28	2,557	24	38	1	0	3

Source: Census of Population and Housing of Sri Lanka, 2012

All three districts are having an agricultural base and paddy cultivation is one of the major activities. In 2013, Kandy district cultivated 8,459 Hct. in the Yala season and yielded 24,633 Mts. Kegalle is a district where there are no major irrigation for paddy cultivation. But, in 2013 there was 3,163 Hct cultivated in the Yala season and yielded 12,150 Mts. However, Kurunegala district is having a very high number of paddy cultivated in the same year which is 52,461 Hct and yielded 189,281 Mts. It shows that the Kurunegala district is having a substantially high contribution for food production in Sri Lanka (Department of Census and Statistics, Paddy Statistics: Yala Season 2013. 2014). The proposed project is affecting the paddy cultivation in both districts and the project may influence the extent of future paddy land cultivation.

#### 4.2 Socioeconomic Status of Project Influenced Area

The corridor examined in this Stage 3 covers about 44 GNDs and there are about 33,116 population identified in the 2012 National Census. The figure includes 15,052 males and 17,017 females. The number of females is a bit higher than males. Their age categories are compared with sex and the total number of population. For details see Table 24.

**Table 24: Total Population in each GNDs**

District	DSD	GND	Total No. of persons	Sex		Age		
				Male	Female	Less than 15 years	15 - 59 Years	Over 60 years
Kurunegala	Polgahawela	Handugala	1,234	599	635	311	771	152
		Lihinigiriya	507	231	276	123	300	84
		Medakalugamuwa	422	203	219	80	271	71
		Walagammulla	681	332	349	141	420	120
		Dewategedara	279	137	142	70	168	41
		Parabavila	1,380	660	720	354	851	175
		Dembagoda	425	205	220	95	249	81
		Embalanwatta	416	190	226	100	251	65
		Arambepola	682	302	380	139	437	106
	Mawathagama	Kandehena	404	193	211	98	237	69
		Dunukewatta	861	411	450	192	557	112
		Kalugamuwa	938	436	502	249	563	126
		Watareka	1,315	633	682	274	842	199
		Katugampalagedara	526	251	275	117	347	62
		Malandeniya	1,107	523	584	248	702	157
		Kahapathwala	1,144	565	579	260	734	150

Kegalle	Rambukkana	Dombemada East	518	239	279	111	310	97
		Dambulla	1,560	219	244	100	280	83
		Nattambura	732	330	402	214	396	122
		Ihala Walpola	569	266	303	134	353	82
		Hewadiwala	892	452	440	209	533	150
		Kotawella	1,221	557	664	343	700	178
		Weligamuwa	811	354	457	204	486	121
		Parape South	980	429	551	293	559	128
		Kanugolla	868	409	459	236	496	136
		Dombemada West	434	191	243	96	172	166
		Parape North	640	311	329	152	390	98
		Kudagama North	627	286	341	128	370	129
		Udanvita	565	280	285	123	347	95
Kandy	Galagedara	Kannadeniya	510	237	273	114	313	83
		Gangodapitiya	458	216	242	93	294	71
		Pubbiliya	351	161	190	71	228	52
		Barandara	653	308	345	178	398	77
		Niyangoda	889	412	477	208	527	154
		Palukopiwatta	773	363	410	206	461	106
		Gunadaha	883	403	480	229	531	123
		Madagoda Pahala	556	252	304	136	321	99
		Galagedara West	1,027	495	532	258	629	140
		Nikathenna	441	232	209	106	279	56
		Andungama						
		Palkumbura	694	325	369	188	417	89
		Kandekumbura	653	295	358	167	392	94
		Galagedara Madige South	1,160	520	640	352	688	120
		Kaluwana	619	290	329	151	386	82
Haddapitiya	761	349	412	180	458	123		

Source: Census of Population and Housing of Sri Lanka 2012

#### 4.2.1 Infrastructure Facilities Available in the Area

It is obvious that the expressway will bring a positive change in the entire region where the project is laying. However, the current condition or status of the infrastructure facilities available in these areas is not too bad. Table 25 shows the condition of available access road in the project influenced areas. Of 313 respondents, only 1 respondent indicated not having road access to their houses. All others are having at least a footpath that can be used for a small vehicle to their houses. This is a satisfactory level of development indicator in these three districts.

**Table 25: Infrastructure Facilities - Access Roads**

Category	No. of PAPs	Percent
No Road	1	0.3
Foot Path (Width less than 5 Ft)	63	20.1
Gravel Road	93	29.7
Concreted Road	82	26.2
Tar Road	60	19.2
Carpeted Road	6	1.9
Public Road	8	2.6
<b>Total</b>	<b>313</b>	<b>100</b>

Source: CEP/Stage 3/SIA Data

Moreover, the opinion of the respondents has been gauged on road access and the majority of them are agreed that they are having a quality road network in their areas. However, the finding does not reflect with the necessity of an expressway to their region. For details see Table 26.

**Table 26: Infrastructure Facilities - Quality of Access Road**

Category	No. of PAPs	Percent
Very Good	13	4.2
Good	133	42.5
Normal	104	33.2
Bad	54	17.3
Very Bad	9	2.9
<b>Total</b>	<b>313</b>	<b>100</b>

Source: CEP/Stage 3/SIA Data

Water is a basic need of the people, especially the source of drinking water. As illustrated in Table 10, the majority of them (84.3%) are having protected well water and these wells are constructed within their residential lands. In addition, the National Water Supply and Drainage Board is also doing a substantial service to provide continuous supply of quality water for the people in these areas. For details see Table 27.

**Table 27: Infrastructure Facilities - Source of Water**

Category	No. of PAPs	Percent
NWSDB	37	11.8
Well Water	264	84.3
Tube Well	7	2.2
Public Well	4	1.3
Water Stream	1	0.3
<b>Total</b>	<b>313</b>	<b>100</b>

Source: CEP/Stage 3/SIA Data

Many respondents (94.2%) of SIA indicated that they are mainly using firewood for cooking purposes. The second highest is Liquefied Petroleum Gas (3.8%). More details are given in Table 28. Especially, the electricity coverage to houses is 98.1% in all affected GNDs and it is another positive development indicator. However, they do not have the trend of using national grid electricity for cooking purposes.

**Table 28: Infrastructure Facilities - Source of Energy (For Cooking)**

Category	No. of PAPs	Percent
LP Gas	12	3.8
Bio Gas	4	1.3
Firewood	295	94.2
Electricity	2	0.6
<b>Total</b>	<b>313</b>	<b>100</b>

Source: CEP/Stage 3/SIA Data

Many project affected people are relying on government health services and come under the social welfare scheme implemented since several decades back. Health is a key component that comes under this welfare scheme of the country. Table 29 illustrates the existing situation in the project influenced areas. According to the Table, Key urban and peri-urban centres are having mostly accepted health services for the project influenced people.

**Table 29: Available Health Services in Project Influenced areas**

S. N.	Category of Health Service	Frequency	Percent
1	Berigama Hospital	6	1.92
2	Galagedara Hospital	43	13.74
3	Hedeniya Hospital	1	0.32
4	Kurunegala Hospital	96	30.67
5	Mawathagama Hospital	37	11.82
6	Peradeniya Hospital	1	0.32
7	Polgahawela Hospital	9	2.88
8	Pothuhera Hospital	6	1.92
9	Rambukkana Hospital	93	29.71
10	Thalanpitiya Hospital	1	0.32
11	Thambuththegama Hospital	3	0.96
12	Thiththapajjala Hospital	4	1.28
13	Wadakada Hospital	1	0.32
14	Watareka Hospital	1	0.32
15	Kandy General Hospital	1	0.32
16	Narahenpita Army Hospital	1	0.32
17	Kandy Suwa Sewana	1	0.32
18	Navinna Channel Center	1	0.32
19	Valigalla Dispensary	1	0.32
20	Bulugolla Dispensary	1	0.32
21	Hedeniya Private Medical Center	2	0.64
22	Not Relevant	3	0.96
	<b>Total</b>	<b>313</b>	<b>100</b>

Source: CEP/Stage 3/SIA Data

Stage 3 of the CEP (Kandy Link) area is having a major development activity by the central government with the support of Provincial Councils and Local Governance bodies (Municipal Council, Urban Council and Pradeshiya Saba). It is named the Strategic Cities Development Project under the Ministry of Defence and Urban Development. This project plans to improve existing roads, drainage facilities, lighting and beautification of streets, etc. within the Kandy city limits. In addition, there are a few road development activities taking place in national and provincial road networks. Among the national roads A 006 (Ambepussa – Trincomalee Road), B 475 (Dombemada – Rambukkana Road), B 087 (Katupitiya – Kurunegala Road), B 310 (Rambukkana – Mawathagama Road), and B 122 (Galagedara – Hatharaliyadda Road) are identified. The Provincial Council road 060 C (Kannadeniya – Illukwela Road) is also under construction. In addition, the Wadakada – Pothuhera Road is about to finish its improvement and this is a provincial road.

Apart from these road improvement projects, there is an urban development project which is now being implemented in the Rambukkana town. Under this project, roads within the urban area, market, bus stand, railway station, street lightings, water and drainage improvements are considered. A similar project is being implemented in the Galagedera town area. Both towns will get access to the expressway through the interchanges proposed.

Furthermore, the CEP will help to encapsulate all these upcoming development projects since transport is crucial to reach these project outcomes.

### 4.3 Socioeconomic Status of Project Affected Persons: Household Heads

The project impact can be analysed in two ways while focusing on household heads and family members. When concerned with land acquisition and compensation, primarily the household head is essential in many aspects. Therefore, there are 1,648 project affected household heads (PAHHs) already identified in this project affected by this land acquisition process. However, there are 69 households could not get their socioeconomic information due to unavailability. In addition, there are about 45 lots of lands come under the private ownership that they have not claimed the ownership. Therefore, socioeconomic analysis is based on 1,648 PAHHs. They belong to different ethnic groups and the Sinhalese are the majority (98.3%). Tamil representation is relatively low. More details are given in Table 30.

**Table 30: Ethnic Representation of PAHHs**

Ethnicity	Residential	Trade/Business	Non Agricultural	Agricultural	Total	%
Sinhala	433	16	133	1,038	1,620	98.30
Tamil	1	0	0	2	3	0.18
Moors	3	1	3	18	25	1.52
Total	437	17	136	1,058	1,648	100

Source: CEP/Stage 3/RAP/Census Data

Among the household heads, there are 21.5% females (female headed families) which is identified a category of vulnerable PAHHs. In addition, the number of widowed is high among females than the male. For details see Table 31.

**Table 31: Marital Status of PAHHs**

Sex	Married	Unmarried	Divorced	Widow	Separated	Total	%
Male	1234	35	4	19	1	1,293	78.46
Female	188	32	0	133	2	355	21.54
Total	1422	67	4	152	3	1,648	100.00

Source: CEP/Stage 3/RAP/Census Data

Disability is a critical fact when they are encountering a process of resettlement. In this context, males are more vulnerable than females. However, the total number of major and minor disabled household heads is relatively low.

**Table 32: Current Condition of Disability of PAHHs**

Sex	Major disabled	Minor disabled	Non	Total	%
Male	19	13	1,261	1,293	78.46
Female	7	12	336	355	21.54
Total	26	25	1,597	1,648	100.00

Source: CEP/Stage 3/RAP/Census Data

Many PAHHs (48%) are having a good educational background (O/L Pass and above). It is noticed that a considerable number of PAHHs (50.6%) is having a normal educational background (Class 1-O/L). Relatively, a small number of PAHHs do not have a sufficient education (illiterate and can place signature only). See Table 33 for details.

**Table 33: Educational Background of PAHHs**

Educational Level	Male	Female	Total	%
Illiterate	6	5	11	0.67

Can place signature	8	5	13	0.79
Class I-V	151	69	220	13.35
Class VI-G.C.E. (O/L)	485	130	615	37.32
G.C.E. (O/L) Pass	252	59	311	18.87
G.C.E. (A/L) Pass	307	66	373	22.63
Undergraduate/Graduate	80	19	99	6.01
Post Graduate	2	2	4	0.24
Other (specify)	2	0	2	0.12
<b>Total</b>	<b>1,293</b>	<b>355</b>	<b>1,648</b>	<b>100.00</b>

Source: CEP/Stage 3/RAP/Census Data

Occupational pattern is a vital social fact that decides their livelihood pattern. As shown in Table 34, about 22% of them are engaged in agricultural activities (farming on their own lands - farmers). The second highest (13.7 %) is retired persons, and third highest is government service nonexecutive grade (9.8%). The fourth category (9.2%) is non-agriculture labourers having skills in carpentry, mason, electric, etc. Overall, retired persons identified are very crucial in terms of resettlement. Details are given in Table 34 below.

**Table 34: Primary Occupational Patterns of PAHs**

<b>Occupation Primary</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>%</b>
Farming own land	304	52	356	21.60
Agricultural labour	50	7	57	3.46
Non-agriculture labour (skilled)	134	18	152	9.22
Non-agriculture labour (unskilled)	44	4	48	2.91
Fishing	1	1	2	0.12
Weaving	1	1	2	0.12
Animal Husbandry	2	1	3	0.18
Commercial activities	134	10	144	8.74
Government Services/ Executive	30	6	36	2.18
Government Services/ other grades	136	26	162	9.83
Private Sector/ Executive	10	1	11	0.67
Private Sector/ other grades	70	18	88	5.34
Armed forces	46	1	47	2.85
Police, Homeguard/Private Security Services	28	0	28	1.70
Housewife	0	88	88	5.34
Retired person	183	44	227	13.77
Unemployed	40	49	89	5.40
Other (specify)	75	33	108	6.55
<b>Total</b>	<b>1,288</b>	<b>360</b>	<b>1,648</b>	<b>100.00</b>

Source: CEP/Stage 3/RAP/Census Data

There are PAHs who are engaged in formal sector occupation doing their secondary occupation in agriculture as farmers cultivating their own lands. There are 197 such occupants engaged in agriculture. The second highest category is animal husbandry activities and there are 30 PAHs. In addition, there are 20 PAHs engaged as agriculture labourers.

**Table 35: Secondary Occupational Patterns of HHHs**

<b>Occupation Secondary</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>%</b>
Farming own land	176	21	197	67.47
Agricultural labour	15	5	20	6.85
Non-agriculture labour (skilled)	6	1	7	2.40
Non-agriculture labour (unskilled)	4	0	4	1.37
Animal Husbandry	26	4	30	10.27

Commercial activities	19	2	21	7.19
Vendors	1	0	1	0.34
Private Sector/ other grades	4	0	4	1.37
Retired person	0	1	1	0.34
Other (specify)	4	3	7	2.40
Total	255	37	292	100.00

Source: CEP/Stage 3/RAP/Census Data

Animal husbandry or livestock farming is a common occupation in the rural society of Sri Lanka. In this project influenced area, 3 PAHHs have been identified who are doing livestock farming as a primary occupation while 56 PAHHs are doing it as a secondary occupation. The nature of their contribution is highlighted in Table 36.

**Table 36: The Nature of Livestock Farming Among Identified PAPs**

Type of Animal	Number of Families	Number of Animal	Total Value Rs.
Cows	29	89	1,975,000
Buffaloes	3	12	100,000
Goats	1	4	40,000
Fowls	25	1,837	461,650
Other	1	10	500
Total	59	1,952	2,577,150

Source: CEP/Stage 3/RAP/Census Data

Among the PAPs, there are 869 (52.7%) who represent the 51-70 age group which is the highest category. In addition, there are 195 elderly persons above age 70 who are household heads and they are considered as a vulnerable group.

**Table 37: Age Structure of PAPs**

Age	Male	Female	Total	%
19-30	18	5	23	1.40
31-39	165	22	187	11.35
40-49	324	50	374	22.69
51-70	659	210	869	52.73
71-80	106	58	164	9.95
81 and above	21	10	31	1.88
Total	1,293	355	1,648	100.00

Source: CEP/Stage 3/RAP/Census Data

#### 4.4 Socioeconomic Status of Project Affected Persons: Family Members

The details of socioeconomic status of family members presented here include household head's information too. Here, the family details have been collected as a family unit. Therefore, there are 6,313 family members within the 1,648 family units identified. Among these families, there are 37 extended families constituted with a few nuclear families. Of 37 extended families, there are 29 families which contain 1 nuclear family. 8 families contain 2 nuclear families. Therefore, the EA/PMU has to pay attention to 37 nuclear families in the process of resettlement.

**Table 38: The Number of Nuclear Families within the Extended Family**

Number of Nuclear Families	Total Affected Residential Units
1	29
2	8

N/A	525
Total	562

Source: CEP/Stage 3/RAP/Census Data

The educational background of the family members reveals that the majority of them are having a good educational background. Though the majority of them are from rural backgrounds their education level is satisfactory. There are a significant number of graduates and postgraduate degree holders among these PAPs. When compared to household heads, the younger generation educational level is high.

**Table 39: Educational Background of Family Members**

Educational Level	Sex		Total
	Male	Female	
Illiterate	122	107	229
Can place signature	13	19	32
Waiting for schooling	80	73	153
Class I-V	449	452	901
Class VI - G.C.E. (O/L)	1,072	963	2,035
G.C.E. (O/L) Pass	568	574	1,142
G.C.E. (A/L) Pass	701	669	1,370
Undergraduate/Graduate	177	245	422
Post Graduate	4	13	17
Other	7	5	12
Total	3,193	3,120	6,313

Source: CEP/Stage 3/RAP/Census Data

The majority of family members are representing three age groups (19-30, 31-50, and 51-70) and the total representation of these groups is 69.6%. It is a positive factor for the resettlement aspect since the young people can undertake many family responsibilities at the time of relocation. Especially, they can provide much more social security for weaker individuals or groups of their families. The most particular feature is the low representation of children among PAPs. The total number of elderly persons is 416 and there is no significant difference in gender among this age group. For details see Table 40.

**Table 40: Age Structure of Affected Family Members**

Age	Male	Female	Total	%
0-4	153	135	288	4.56
5-9	236	198	434	6.87
10-16	346	270	616	9.76
17-18	86	77	163	2.58
19-29	519	491	1,010	16.00
30-39	410	400	810	12.83
40-49	440	483	923	14.62
51-70	805	848	1,653	26.18
71-80	156	171	327	5.18
81 and above	42	47	89	1.41
Total	3,193	3,120	6,313	100.00

Source: CEP/Stage 3/RAP/Census Data

The occupational patterns of family members are very important in the process of resettlement planning. It will help identify more appropriate actions towards different categories of PAPs.

Especially, categories such as men, women, unemployed people, students, children not attending schools, etc. are essential to identify to introduce livelihood and income restoration programs. Details are given in Table 41.

**Table 41: Occupational Patterns of Affected Family Members**

Occupational Pattern	Sex		Total
	Male	Female	
Farming Own Land	353	64	417
Agricultural Labour	61	11	72
Non-Agriculture Labour (Skilled)	226	64	290
Non-Agriculture Labour (Unskilled)	68	14	82
Fishing (selling)	1	2	3
Weaving	1	6	7
Animal Husbandry	3	5	8
Commercial Activities	191	25	216
Government Services/ Executive	53	49	102
Government Services/ Other Grades	226	278	504
Private Sector/ Executive	22	4	26
Private Sector/ Other Grades	213	113	326
Armed Forces	130	11	141
Police, Homeguard/ Private Security Services	37	4	41
Housewife	0	907	907
Retired Person	223	116	339
Student	743	652	1,395
Child (0-5 Age)	188	167	355
Unemployed	285	474	759
Other	169	154	323
Total	3,193	3,120	6,313

Source: CEP/Stage 3/RAP/Census Data

Income and expenditure patterns of the PAPs' households is presented in Table 42. When compared, there is no much difference between income and expenditure. However, the majority of them are having a good income level. There are 8 households which do not generate any income, because the occupants are very old and totally dependent on their children. However, about 117 PAHHs didn't cooperate with the research team or rejected in giving income and expenditure information. For details see Table 42.

**Table 42: Monthly Income and Expenditure Pattern of PAPs**

Category	Income		Expenditure	
	No. of PAPs	Percent	No. of PAPs	Percent
< 5001	28	1.84	29	1.90
5001 – 7500	23	1.51	31	2.04
7501 – 10000	53	3.48	61	4.01
10001 – 15000	115	7.55	154	10.11
15001 – 25000	287	18.84	368	24.16
25001– 50000	606	39.79	608	39.92
50001 – 100000	320	21.01	224	14.71
100001 – 200000	68	4.46	39	2.56

> 200000	23	1.51	9	0.59
Total	1,523	100.00	1,523	100.00

Source: CEP/Stage 3/RAP/Census Data

When compared to household income and expenditure, it is a vital factor to identify the relationship with banks and the indebtedness level of the family. The majority of them are having a bank account. When compared with their indebtedness, the number of families which have taken a loan is 674 (23.4%). It reveals that the majority of them are in a self-reliance level of their livelihoods. For details see Table 43.

**Table 43: Purpose of Loan Taken by PAPs**

Purpose/Description	No. of PAPs	%
Buy a vehicle	102	3.53
Buy a land	36	1.25
Cultivation purpose	47	1.63
For higher education	7	0.24
For wedding	3	0.10
For a business	96	3.33
House repairing	199	6.90
Private purpose	184	6.38
Not taken a loan	2,212	76.65
Total	2,886	100.00

Source: CEP/Stage 3/RAP/Census Data

Many PAPs are living in close proximity to a religious place. It is a common feature that many villages are having at least one Buddhist temple. The majority of them are Buddhists and they usually maintain their religious relationship in a regular manner. Table 44 provides some more details about their essential services and places that they use regularly.

**Table 44: Distance to Essential Service Centres and Locations**

Place	Distance Km				Total
	< 1.00	1.00–1.99	2.00–2.99	3.00 & Above	
Temple/Church/Mosque	842	38	87	66	1,033
School	557	60	114	192	923
Dispensary	259	14	123	506	902
Nearest Hospital	202	19	119	793	1,133
Market	272	20	99	734	1,125
Railway Station	71	3	18	517	609
Main Road Access	990	30	62	127	1,209
Community Centre	292	15	25	41	373
Other	5	1	4	1	11
Total	3,490	200	651	2,977	7,318

Source: CEP/Stage 3/RAP/Census Data

#### 4.5 Affected Vulnerable PAPs

It is vital to identify the vulnerable PAHHs due to the proposed project. As highlighted in table 45 below, there are 1,648 PAHHs which have already been identified in each stage under various categories. The major category is poor families identified under the Official Poverty Line (OPL) of November 2016. OPL is minimum expenditure per person per month to fulfill the basic needs (Definition by the Census and Statistics Department, Government of Sri Lanka). The latest May 2016 definition shows that OPL is Rs. 4,089.00. When it adjusts to the average size

of the PAHs which is 5 members, the total value is Rs. 20,445. The second highest category is elderly PAHs which is also a significant number 812. As per the Sri Lankan government standard age 60 and above is considered as old age. Third highest is broken families due to different reasons. As per the table 31, widow/widowers, divorce and separated incidents come under this category. Altogether, there are 160 PAHs.

**Table 45: Vulnerable Categories Identified**

Category	Male	Female	Total	%
Widow/widower PAHs	19	133	152	17.2
Divorced and separated PAHs	04	-	04	0.5
Old age 60 and above PAHs	286	124	410	46.3
Monthly income* less than Rs. 20,445	264		264	29.9
Major disability PAHs	19	07	26	3.0
Landless PAHs	30		30	3.4
Total			886	100

\* Monthly Income adjust to the Official Poverty Line (Rs. 4,038) of May 2016.

Source: CEP/Stage 3/RAP/Census Data

91. In addition to these main categories, there are few more categories such as disabled (58), landless/squatters (30), etc. These various categories have been socially defined and recognized in resettlement purposes. Thus, thorough attention should be given to these special vulnerable categories in the process of resettlement. Though there are different vulnerabilities identified, some PAHs are having multiple vulnerabilities. When it is re-analyzed the total number of vulnerable PAHs will reduce up to 1,036. For details see Table 45 above. Apart from these PAHs, there are several PAPs (family members) having major and minor disability conditions

#### 4.6 PAPs Opinion on the Proposed Project Impact

The entire expressway concept is a new matter for many PAPs and they need an explanation on this new concept since the majority of them do not have any experience in using an expressway in Sri Lanka or any other country.

**Table 46: PAPs Opinion on Negative Social Impact of the Project**

Option	Priority 1	Priority 2	Priority 3
Uncertainty in our social network with neighbours	481	261	210
Uncertainty in our social network with relatives	226	617	351
Distance from our village/indigenous community	190	203	472
Children's education will be disrupted	141	89	99
Uncertainty in our food security and access	239	436	125
Uncertainty in our income sources	819	298	249
Undergoing hardships during the project construction period	113	164	243
Other	21	6	6
Total	2,230	2,074	1,755

Source: CEP/Stage 3/RAP/Census Data

However, after a general introduction by the enumerators and the understanding from the two leaflets given, they have expressed their opinion on the proposed expressway project; especially on its positive and negative impacts on social and environmental spheres. According to Table 45, the majority of them are having a fear about their income sources. As highlighted

above, the main source of income is agriculture. If they lose their lands and relocate in another place not in close proximity, then they will face this uncertainty level in their future life. The second highest concern is breaking their social networks. Table 45 provides more details as per the priority order.

While they are responding to negative impacts, positive impacts too were discussed with them. Though they do not have any experience on expressways, they believe that the proposed road will help to develop road accessibility in the area. Their second priority is given to national development. Third priority is given to regional development. The other priorities are given in Table 47.

**Table 47: PAPs Opinion on Positive Social Impact of the Project**

Option	Priority 1	Priority 2	Priority 3
We can own a modern housing structure	91	26	74
Will get good road access to area	868	234	197
National road development	771	712	282
Regional development	219	707	703
Accelerate national development	152	303	466
Reduce our vehicle maintenance cost	57	76	140
Reduce our travel time and travel/fuel cost	64	80	113
Other	0	0	3
Total	2,222	2,138	1,978

Source: CEP/Stage 3/RAP/Census Data

When the PAPs opinion on negative environmental impact as a result of the proposed project is examined, the majority of them are of the opinion that they experience noise pollution. The second highest first priority is damages to existing quality of water. Third first priority is disintegration of their remaining properties. Many of these impacts are expected during the construction period. See Table 48 for details.

**Table 48: PAPs Opinion on Negative Environmental Impact of the Project**

Option	Priority 1	Priority 2	Priority 3
Will experience flooding frequently	179	54	71
Will experience poor water quality	523	246	230
Noise pollution	657	356	244
Dust and air pollution	246	883	475
Damages to our remaining property	472	307	294
Change in our green environment	154	290	684
Other	1	4	16
	2232	2140	2014

Source: CEP/Stage 3/RAP/Census Data

The majority of them are thinking that this expressway will help reduce road accidents. Second priority is given to fuel consumption. At present, many PAPs are using the A 010 national road for their main travel purposes (to Kurunegala and Kandy) and they do have an experience on current condition of the road and road traffic condition. For details see Table 49.

**Table 49: PAPs Opinion on Positive Environment Impact of the Project**

Option	Priority 1	Priority 2	Priority 3
Reduce road accidents	717	243	189
Reduce fuel consumption	467	727	280
Reduce road traffic congestion	561	557	537



In addition, there are few claims made by certain individuals on their burdens due to the proposed CEP land acquisition requirement as per the 2014 expressway design. A summary of these claims is given in Table 51 below. Most of them have made these claims directly to the project office and copied to the resettlement consultant too. However, these problems have been addressed by the EA and they do not have major impact now through changes done in the current design.

**Table 51: Summary of PAPs Major Claims Related to Social Safeguard**

<b>S.N.</b>	<b>Person/Group</b>	<b>Claim</b>	<b>Comment</b>
1	Mr. R. G. Seneviratne	Alternative land for affected cemetery in Pubbilya colony, Kahapathwala. Proposed a land owned by Mr. Laxaman Malwathugoda.	Need institutional support to get a land for the cemetery
2	Ms. M. D. Somawathi	All land plots (highlands and paddy) are affected by the project and expecting alternative lands.	Needs institutional support to establish his livelihood and reasonable compensation focusing on his specific service provided to the country

Source: CEP/Stage 1 and 2/RAP/Special Data

## **Chapter V: Project Entitlement Matrix, Assistance and Benefits**

### **5.1 Introduction**

Under the existing land laws (Land Acquisition Act No. 9 of 1950 and subsequent amendments), those who own land or servitudes are the primary beneficiaries eligible for statutory compensation. LAA has provisions for consideration of other categories prescribed as “every other person interested in that land or any part thereof as co-owner, mortgagee, tenant or otherwise, and the nature of the interest in that land, and any rents and profits received or receivable on account of the land...” in Section 8 of the Act. However, most of the non-title holders of above categories don't have testimonial evidence to suit statutory requirements of the land acquisition process and therefore they are often left out from the statutory compensation processes. NIRP is an attempt to expand the coverage of beneficiaries displaced from acquisition described as non-titleholders who don't have strong testimonial evidence for their relationship to land. The cabinet approved Ex-gratia package introduced by the MOHEH in the past was a complementary instrument that went with the LAA to accelerate the acquisition process. Ex-gratia package used to harmonize the difference between statutory compensation and replacement cost with added concessions for a range of PAPs affected economically and socially.

It is obvious that cash compensation is not a realistic tool for compensation. However, the government and RDA do not have options to provide lands for every PAP. Thus, cash compensation is the most probable option for private properties owned by many land owners (legal titled, tenants, lessee, shared owners, etc.). Therefore, compensation and resettlement activities should be identified, planned and implemented according to the Land Acquisition Act of Sri Lanka, the Extraordinary Gazette Notification (No. 1864/54 – Friday May 30, 2014) issued by the Minister of Land and Land Development under Section 63 (2) (E) of the Land Acquisition Act (Chapter 460) and approved by Parliament on 18th February 2014, and Cabinet Paper/14/0833/533/008 which is included in the Northern Expressway Project under this Extraordinary Gazette Notification. The National Involuntary Resettlement Policy of the Ministry of Land and Land Development is another prime policy document guide for preparation of a RAP. The National Environment Act too emphasizes the requirement of a RAP for a development project of this scale. Thus, it is a mandatory requirement to prepare a RAP for the proposed project since it is a prescribed project under the National Environment Act. Accordingly, RAP is prepared and the entitlement matrix is developed as per the No. 1864/54 Extraordinary Gazette Notification issued on Friday May 30, 2014. As per the regulations made in 2014, the Ex-gratia package will be applicable to the new projects when LAA Section 2 notices are published under the Gazette notification for this project.

### **5.2 Project Entitlement Policy (Entitlement Matrix)**

Based on the types of land ownership, anticipated losses or damages for properties and livelihoods, the entitlements to replacement and restoration measures for the project have been provided in Table 52 – Entitlement Matrix.

**Table 52: Project Entitlement Matrix**

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility
<b>A. Loss of Agricultural Land (Low land and high land)/Non Agriculture Lands</b>					
A1	Loss of Agricultural land	Owner with title deed or registration certificate	<p>Preference will be given to PAPs for land option (similar location and productive quality), subject to availability of such land.</p> <p>Or cash payment for loss of land at full <b>replacement cost</b>.</p> <p>In case of only a section of land being acquired and if the remaining portion is economically not viable for continued use as per the LAA, the remainder land will be acquired or injury will be paid at <b>replacement cost</b> if opted by PAP.</p> <p>In either case reasonable time will be given to harvest the crops or payment will be made at <b>market value</b> as indicated by item F1</p> <p>The Livelihood Restoration Allowance (G3.1) and Special allowance (H2.2)</p>	<p>Payment for lost assets and restoration of livelihood.</p> <p>Payment for loss of income based on entitlement under Land Acquisition Act [46 1 (iii)] or as determined by the CV as per Regulations 2014 (Special Gazette Notification published on 30.05.2014).</p>	RDA, CV, DS.
A2	Loss of Agricultural land	Collective owners through the inheritance from their parents	<p>Preference will be given to PAPs for land for land option (similar location and productive quality), subject to availability of such land.</p> <p>Or cash payment for loss of land at full <b>replacement cost</b>.</p> <p>In case of only a section of land being acquired and if the remaining portion is economically not viable for continued use as per the LAA the remainder land will be acquired or injury will be paid at <b>replacement cost</b> if opted by PAP.</p> <p>In either case reasonable time will be given to harvest the crops or payment will be made at <b>market value</b> as indicated by item F1</p> <p>The Livelihood Restoration Allowance (G3.1) and Special allowance (H2.2)</p>	<p>Payment for lost assets and restoration of livelihood.</p> <p>Payment for loss of income based on entitlement under Land Acquisition Act [46 1 (iii)] or as determined by the CV as per Regulations 2014 (Special Gazette Notification published on 30.05.2014).</p> <p>When deciding the actual land holder (legal), it can be changed due to the type of deed (Jayaboomi or Swarnaboomi – inheritance goes to elder son of the family after the parents) and scheme of land granted such as colonization scheme lands</p>	RDA, CV, DS.

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility
				(inheritance goes to younger son of the family after the parents), Kandyan heritage lands (inheritance goes to elder son after the parents), etc. However, if the father or after the father, mother has given equal rights to all children, all children get equal share of the property. Culturally, there are different practices on a regional basis. Therefore, the practice should not be violated during the acquisition process.	
A3	Loss of access to agricultural land	Tenant, user with lease or renter, <i>Ande</i> farmer	No payment for land.  If cultivated by tenant, user with lease, renter or <i>Ande</i> farmer payment of compensation for standing crops and/or trees as indicated in item F1.  In either case reasonable time will be given to harvest the crops or payment will be made at <b>market value</b> as indicated by item F1  Cash payment for loss of net income for portion of land affected for the remaining leased/assigned period.  The Livelihood Restoration Allowance (G3.1) and Special allowance (H2.2)	Payment to cover lost crops and restoration of livelihood.	RDA, CV, DS.
A4	Loss of access to agricultural land	Sharecropper	No payment for land.  Reasonable time will be given to harvest the crops or payment will be made at <b>market value</b> as indicated by item F1 if cultivated by the sharecropper.  The Livelihood Restoration Allowance (G3.1) and Special	Payment to cover lost crops and restoration of livelihood.	RDA, CV, DS.

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility																	
			allowance (H2.2)																			
A5	Loss of access to agricultural land	Non-title user or encroacher on private land or state land	No payment for land.  Reasonable time will be given to harvest the crops or payment will be made at <b>market value</b> as indicated by item F1 if cultivated by the non-title owner.  The Livelihood Restoration Allowance (G3.1) and Special allowance (H2.2)	Payment to cover lost crops and restoration of livelihood.	RDA, CV, DS.																	
A6	Loss of access to agricultural land	Non-title user who is occupied on Temple and Devalegam Lands	Payment of compensation on lands according to the following criteria:  <table border="1"> <thead> <tr> <th rowspan="2">Period of Occupation</th> <th colspan="2">% Payment</th> </tr> <tr> <th>Occupant</th> <th>Owner</th> </tr> </thead> <tbody> <tr> <td>Over 20 years</td> <td>75</td> <td>25</td> </tr> <tr> <td>10-20 years</td> <td>50</td> <td>50</td> </tr> <tr> <td>05-10 years</td> <td>25</td> <td>75</td> </tr> <tr> <td>Less than 05 years</td> <td>10</td> <td>90</td> </tr> </tbody> </table> Reasonable time will be given to harvest the crops or payment will be made at <b>market value</b> as indicated by item F1 if cultivated by the non-title owner.  The Livelihood Restoration Allowance (G3.1) and Special allowance (H2.2)	Period of Occupation	% Payment		Occupant	Owner	Over 20 years	75	25	10-20 years	50	50	05-10 years	25	75	Less than 05 years	10	90	Payment to cover all investment to develop the land, lost crops and restoration of livelihood.	RDA, CV, DS and the Department of Trustees
Period of Occupation	% Payment																					
	Occupant	Owner																				
Over 20 years	75	25																				
10-20 years	50	50																				
05-10 years	25	75																				
Less than 05 years	10	90																				
<b>B. Residential Land and Structures</b>																						
B1	Loss of residential land and structure	Owner with title deed or registration certificate or other ownership documents recognized under the law	<b>Partial loss of land and structure</b> All payments for land and structure in material and/ or cash at full replacement cost (provisions under LAA and Regulations 2008 - Special Gazette Notification published on 2009.04.07), <b>WITHOUT deduction</b> for depreciation or salvageable materials to repair or rebuild the structure to original or better condition <b>when remaining land area is sufficient to rebuild upon the structure.</b> Payment of item G1.1, Materials transport allowance and	Payment for lost assets, assistance to reorganize on existing land or relocate on alternate land and support for transition period.	RDA, CV, DS, Assistance from NHDA would be required if resettlement sites are to be developed.																	

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility
			<p>item G2.1 and G2.2 of Transition settlement allowance.            Payment of item H2.2 of Additional allowances.            Reasonable time (minimum two months) will be given to the household members to find a temporal accommodation.</p> <p><b>Complete loss of land and structure</b>            For structures not having sufficient land to rebuild upon will be entitled to the following:</p> <ol style="list-style-type: none"> <li>1. Assistance from RDA to locate alternative plot for relocation; OR relocation to a resettlement site if developed by the project and decided by PAP (undeveloped value of the land plot will be recovered by RDA from the PAP).</li> <li>2. Payment of "Self relocation allowance" not more than SLR 500,000 <b>if PAP decides for self-relocation.</b></li> </ol> <p>Payment of item G1.1, Materials transport allowance and item G2.1 and G2.2 of Transition settlement allowance.            Payment of item H2.2 of Additional allowances.            Reasonable time (minimum two months) will be given to the household members to find a temporal accommodation.</p>		
B2	Loss of rental accommodation	Tenant, renter, or user with lease	<p><b>Partial loss of rental accommodation</b>            If there is partial loss of rental accommodation, PAP has the option to stay with the owner's agreement OR;            If PAP chooses to move out, cash assistance for 3 months rental allowance as mentioned below:</p> <ul style="list-style-type: none"> <li>• Maximum rental of Rs. 20,000/= per month for properties situated in Municipal Council areas</li> <li>• Maximum rental of Rs. 15,000/= per month for properties situated in Urban Council areas</li> <li>• Maximum rental of Rs. 10,000/= per month for properties situated in Pradeshiya Sabha areas</li> </ul> <p>Payment of item H2.2 of Additional allowances</p>	Cash payment for rental allowance or cash value of remaining lease, assistance for finding alternate rental accommodation and support during transition period.	RDA, CV, DS.

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility
			<p><b>Complete loss of rental accommodation</b></p> <p>If there is complete loss of rental accommodation, cash assistance to cover rental arrangements for minimum period of 6 months of equivalent standard as mentioned below:</p> <ul style="list-style-type: none"> <li>• Maximum rental of Rs. 20,000/= per month for properties situated in Municipal Council areas</li> <li>• Maximum rental of Rs. 15,000/= per month for properties situated in Urban Council areas</li> <li>• Maximum rental of Rs. 10,000/= per month for properties situated in Pradeshiya Sabha areas</li> </ul> <p>Assistance in finding new affordable rental accommodation AND Payment of item H2.2 of Additional allowances</p> <p>RDA will assist in recovering advance payments made by the tenant to the owner, if there is a complete loss of rental accommodation.</p>		
B3	Loss of residential structure	Non-titled user, non-permitted user or squatter	<p><b>Partial or complete loss of structure</b></p> <p>No payment for land.</p> <p>In case of squatters on state lands, the PAP would be paid the reinstatement value (Regulations 2014 (Special Gazette Notification published on 30.05.2014) with the written concurrence of the Divisional Secretary.</p> <p>In case of squatters on private land where the owner has not contested the encumbrances in a Court of Law the person who carried out the improvements will qualify to receive the value upon adequate proof of the improvements which has been made on the land by such person.</p> <p>The project will also encourage the PAP to relinquish the land and relocate on alternate land or resettlement site if developed by the project and opted by PAP.</p> <p>Payment of item G1.1, Materials transport allowance and</p>	Payment for lost assets, assistance to reorganize on land or provision of alternate site if choosing to relocate and support for transition period for non-titled users or encroachers on government or private land.	RDA, CV, DS. Assistance from NHDA would be required if resettlement sites are to be developed.

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility																	
			item G2.1 and G2.2 of Transition settlement allowance. Payment of item H2.2 of Additional allowances																			
B4	Loss of residential structures	Non-title user who is occupied on Temple and Devalegam Lands	<p>Payment of compensation on lands according to the following criteria:</p> <table border="1"> <thead> <tr> <th rowspan="2">Period of Occupation</th> <th colspan="2">% Payment</th> </tr> <tr> <th>Occupant</th> <th>Owner</th> </tr> </thead> <tbody> <tr> <td>Over 20 years</td> <td>75</td> <td>25</td> </tr> <tr> <td>10-20 years</td> <td>50</td> <td>50</td> </tr> <tr> <td>05-10 years</td> <td>25</td> <td>75</td> </tr> <tr> <td>Less than 05 years</td> <td>10</td> <td>90</td> </tr> </tbody> </table> <p>The project will also encourage the PAP to relinquish the land and relocate on alternate land or resettlement site if developed by the project and opted by PAP. Payment of item G1.1, Materials transport allowance and item G2.1 and G2.2 of Transition settlement allowance. Payment of item H2.2 of Additional allowances Reasonable time will be given to harvest the crops or payment will be made at <b>market value</b> as indicated by item F1 if cultivated by the non-title owner. The Livelihood Restoration Allowance (G3.1) and Special allowance (H2.2)</p>	Period of Occupation	% Payment		Occupant	Owner	Over 20 years	75	25	10-20 years	50	50	05-10 years	25	75	Less than 05 years	10	90	Payment for lost assets, assistance to reorganize on land or provision of alternate site if choosing to relocate and support for transition period for non-titled users or encroachers on government or private land.	RDA, CV, DS and the Department of Trustees NHDA would be required if resettlement sites are to be developed.
Period of Occupation	% Payment																					
	Occupant	Owner																				
Over 20 years	75	25																				
10-20 years	50	50																				
05-10 years	25	75																				
Less than 05 years	10	90																				
<b>C. Commercial Land and Structures</b>																						
C1	Loss of commercial land and structure	Owner/s and/ or Operator/s of registered business	<p><b>Partial loss of land and structure</b></p> <p>All payments for land and structure in material and/ or cash at full replacement cost (provisions under LAA and Regulations 2014 (Special Gazette Notification published on 30.05.2014), <b>WITHOUT deduction</b> for depreciation or salvageable materials to repair or rebuild the structure to original or better condition <b>when remaining land area is sufficient to rebuild upon the structure.</b></p> <p>Payment for any associated loss of income while commercial structure is being rebuilt will be based on the</p>	Project shall give reasonable time for owner/s or operator/s to continue their business operation while rebuilding their structures. Owner/s will rebuild their structure as soon as payment is released and clear the area in the agreed timeframe. Transition assistance and income restoration.	RDA, CV, DS.																	

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility
			<p>following guidelines of Regulations 2008 (Regulations 2014 (Special Gazette Notification published on 30.05.2014);</p> <p>(i) Payment for Formal businesses will be based on the accounts and tax returns pertaining to preceding three (3) years.</p> <p>(ii) A payment for increased overhead expenses would be recommended by CV as per the circumstances.</p> <p>Payment of item G1.1, Materials transport allowance and item G2.1 and G2.2 of Transition settlement allowance.</p> <p>The Livelihood Restoration Allowance (G3.2) and Special allowance (H2.2)</p> <p><b>Complete loss of land and structure</b></p> <p>For structures not having sufficient land to rebuild upon will be entitled to the following:</p> <ol style="list-style-type: none"> <li>1. All payments for land and structure in material and/ or cash at full replacement cost (provisions under LAA and Regulations 2014 (Special Gazette Notification published on 30.05.2014), <b>WITHOUT deduction</b> for depreciation or salvageable materials to repair or rebuild the structure to original or better condition <b>when remaining land area is sufficient to rebuild upon the structure.</b></li> <li>2. Assistance from RDA to locate alternative plot for relocation if opted by owner/s on recovery of the undeveloped value of the land plot,</li> <li>3. For income losses cash payment not exceeding three times the average annual net profits from business, as shown by the books of accounts, for three calendar years immediately preceding acquisition or livelihood restoration grant, whichever is higher,</li> <li>4. For businesses who do not maintain books of accounts cash payment equivalent to 6 months income OR Livelihood assistance grant, whichever is the higher,</li> <li>5. Payment of item G1.1, Materials transport allowance</li> </ol>		

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility																	
			and item G2.1 and G2.2 of Transition settlement allowance. The Livelihood Restoration Allowance (G3.2) and Special allowance (H2.2)																			
C2	Loss of commercial Structure	Tenant /renter, or operator of registered business	<p><b>Partial loss of rental accommodation</b>            Payment of compensation at replacement cost, according to the following criteria (under the Rent Control Act).</p> <table border="1" data-bbox="801 539 1494 767"> <thead> <tr> <th rowspan="2">Period of Occupation</th> <th colspan="2">% Payment</th> </tr> <tr> <th>Occupant</th> <th>Owner</th> </tr> </thead> <tbody> <tr> <td>Over 20 years</td> <td>75</td> <td>25</td> </tr> <tr> <td>10-20 years</td> <td>50</td> <td>50</td> </tr> <tr> <td>05-10 years</td> <td>25</td> <td>75</td> </tr> <tr> <td>Less than 05 years</td> <td>10</td> <td>90</td> </tr> </tbody> </table> <p>If there is partial loss of rental accommodation, PAP has the option to stay with the owner's agreement OR;            If PAP chooses to move out, cash assistance for 3 months rental allowance as mentioned below:</p> <ul style="list-style-type: none"> <li>• Maximum rental of Rs. 20,000/= per month for properties situated in Municipal Council areas</li> <li>• Maximum rental of Rs. 15,000/= per month for properties situated in Urban Council areas</li> <li>• Maximum rental of Rs. 10,000/= per month for properties situated in Pradeshiya Sabha areas</li> </ul> <p>The Livelihood Restoration Allowance (G3.2) and Special allowance (H2.2)</p> <p><b>Complete loss of rental accommodation</b>            Payment of compensation at replacement cost, according to the following criteria (under the Rent Control Act).</p>	Period of Occupation	% Payment		Occupant	Owner	Over 20 years	75	25	10-20 years	50	50	05-10 years	25	75	Less than 05 years	10	90	Cash payment for rental allowance or cash value of remaining lease, assistance for finding alternate rental accommodation and support for income losses and during transition period.	RDA, CV, DS
Period of Occupation	% Payment																					
	Occupant	Owner																				
Over 20 years	75	25																				
10-20 years	50	50																				
05-10 years	25	75																				
Less than 05 years	10	90																				

	Type of Loss	Entitled Persons	Entitlements		Justification for Payment	Responsibility	
			Period of Occupation	% Payment			
				Occupant			Owner
			Over 20 years	75	25		
			10-20 years	50	50		
			05-10 years	25	75		
			Less than 05 years	10	90		
			<p>If there is complete loss of rental accommodation, cash assistance to cover rental arrangements for minimum period of 6 months of equivalent standard as mentioned below:</p> <ul style="list-style-type: none"> <li>• Maximum rental of Rs. 20,000/= per month for properties situated in Municipal Council areas</li> <li>• Maximum rental of Rs. 15,000/= per month for properties situated in Urban Council areas</li> <li>• Maximum rental of Rs. 10,000/= per month for properties situated in Pradeshiya Sabha areas</li> </ul> <p>Assistance in finding new affordable rental accommodation AND Payment of item H2.2 of Additional allowances</p> <p>RDA will assist in recovering advance payments made by the tenant to the owner, if there is a complete loss of rental accommodation.</p>				
C3	Loss of commercial Structure	Owner or operator of non-registered business / squatter or vendors operating kiosks with or without permission	<p><b>Partial or complete loss of structure</b></p> <p>No payment for land.</p> <p>In case of squatters or vendors on state lands, the PAP would be paid the reinstatement value with the written concurrence of the Divisional Secretary.</p> <p>In case of squatters or vendors on private land where the owner has not contested the encumbrances in a Court of Law the person who carried out the improvements will qualify to receive the value upon adequate proof of the improvements which has been made on the land by such</p>		<p>Payment for lost assets, transition assistance and income restoration for owner/s of non-registered businesses and squatters.</p>		RDA, CV, DS

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility
			<p>person.</p> <p>Payment for any associated loss of income while commercial structure is being rebuilt will be based on the following guidelines of Regulations 2014 (Special Gazette Notification published on 30.05.2014);</p> <p>(i) Payment for Formal businesses will be based on the accounts and tax returns pertaining to preceding three (3) years.</p> <p>(ii) A payment for increased overhead expenses would be recommended by CV as per the circumstances.</p> <p>Payment of item G1.1, Materials transport allowance and item G2.1 and G2.2 of Transition settlement allowance.</p> <p>Livelihood restoration grant (items G3.2 and G3.3) where required</p> <p>Payment of item H2.1 (if required) AND H2.2 of Additional allowances</p> <p>Owner/s of such business will be encouraged to relinquish the land and relocate on alternate land. RDA may assist such PAPs to find such alternate land.</p>		
<b>D. Other Private Properties or Secondary Structures</b>					
D1	Partial or complete loss of other property or secondary structure (i.e. well, parapet wall, shed, outdoor latrine, warehouse, storage facility, cold storage facility, animal pen, etc.)	Owners of structures (regardless of the ownership of land)	Cash payment for affected structure at replacement cost; Or repair the structure to original or better condition by Project;	Payment for loss and relocation if required.	RDA, CV, DS.
D2	Loss of statues, tombs or graves	All owners	A cash payment between Rs. 5,000 and Rs. 15,000 would be paid to cover the cost of exhumation (including any religious ceremonies if required) and relocation.	Payment for loss and relocation if required	RDA, CV, DS.
<b>E. Loss of Income of Employees or Hired Labourers</b>					

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility
<b>E1. Temporarily Affected</b>					
E1.1	While business re-establishes (i.e. reorganizing on remaining land or relocating in the same area)	All affected employees, wage or daily labourers in private or government businesses	An allowance of Rs. 15,000/= OR 3 months basic salary whichever is higher Or assistance in securing new employment including relevant skills training if required,	Businesses will be encouraged to retain existing employees. Payment for lost income during business re-establishment.	RDA, CV, DS.
<b>E2. Permanently Affected</b>					
E2.1	Job loss due to relocation of business to another area or business operator decides not to re-establish	All affected employees, wage or daily labourers in private or government businesses	An allowance of Rs. 50,000/= OR 6 months basic salary whichever is higher And preferential access to project construction employment opportunities.	Payment for lost income, rehabilitation package to provide support and income restoration.	RDA, CV, DS.
<b>F. Standing Crops and Trees with Timber Value</b>					
F1	Loss of crops and trees with timber value	Person who cultivates crops and/or owns trees (regardless of the ownership of land)	An advance notice to harvest crop shall be displayed at GN office and informed to PAP by GN in advance. However where harvesting is not possible a net value of trees and standing crops based on market prices. Entitlement for payment will be as follows; Full payment for crops and trees to owner if cultivated by himself or herself (own and operated). For collective ownership, payment for crops shall be paid for the actual land user of the plot of land. For tenant, renter, or <i>Ande</i> farmer, payment for crops shall be paid to tenant, renter, or <i>Ande</i> farmer at market price. Payment for trees (if any) to land owner. For sharecropper, payment for crops shall be shared between owner and sharecropper according to the sharecropping agreement.	Payment for trees (crop and timber) calculated on market value on the basis of land productivity, type, age, and productive value of affected trees.	RDA, CV, DS, GN and State Timber Corporation (where applicable)
<b>G. Livelihood Restoration and Rehabilitation Assistance</b>					
<b>G1. Materials Transport Allowance</b>					
G1.1	Relocation of housing or business	Households or business owners	Cash assistance (relocation allowance) would be paid to household on following basis for transportation to new	Payment for disturbance and to assist in	RDA, CV, DS.

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility
		who will be relocated (regardless of the ownership of land)	location or site based on floor area of the house in occupation before relocation; <ul style="list-style-type: none"> <li>Rs. 10,000 for houses where floor area is less than 1000 sq.ft</li> <li>Rs. 15,000 for houses where floor area is between 1000-2000 sq.ft.</li> <li>Rs. 25,000 for houses where floor area is more than 2000 sq.ft.</li> </ul> <p>If there are subfamilies, above payment should be divided proportionately. For other properties, maximum amount of Rs. 25,000 would be paid depending on the nature of occupation.</p>	relocation	
<b>G2. Transition Settlement Allowance</b>					
G2.1	Loss of electricity, water and telecommunication connections	Households or business owners who will be relocated (regardless of the ownership of land)	Expenses for electricity facility - Rs. 20,000 Expenses for water facility - Rs. 20,000 Expenses for telecommunication facility - Rs.10,000 Total payment will be based on the available facilities available at the point of resettlement survey.	Assist the household or owner of business to reestablish electricity, water and telecommunication facilities at new site.	RDA, DS, CV and utility supply agency.
G2.2	Cost of re-fixing of Fixtures and fittings	For households and owner/s or operator/s of businesses and institutions that will be permanently displaced	An allowance of Rs. 10,000 maximum will be paid for a household. In case of a business premises or any other construction of specified nature the amount will be based on actual computations. Steps will be taken to avoid any double counting.	To assist the household or business entity to reestablish at new location without delay and to start their activities. To avoid any adverse impact on income of the business.	RDA, CV, DS.
<b>G3. Livelihood Restoration</b>					
G3.1	Permanent effects on livelihood	Severely affected farmers remaining on affected land or who starts new cultivations	Assistance to increase productivity on remaining land (i.e. increasing cropping intensity, use of high yielding seeds, diversification and introduction of new seeds or crops, etc.) and assistance to access existing subsidies.	Access to existing agricultural extension services and development of new services as per the specific needs of PAPs as identified through consultation with them, support for access to existing subsidies, development	RDA, DS, CV.

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility
				and training from Department of Agriculture, Tea Smallholding Authority, Agrarian Services Department, Coconut Development Board, and Rubber Control Department	
G3.2	Permanent effects on livelihood	Severely affected households remaining on affected land or who resettle in a self-relocated land or RDA resettlement site	A cash assistance of Rs. 25,000 per household would be paid as Livelihood restoration grant, with written concurrence of Divisional Secretary. If requested by household, RDA will assist in obtaining professional assistance and advice, to invest funds or to set up a business at a commercially viable location. Linked with skill training (item G3.3), RDA would assist the household to obtain Micro Credit facilities to obtain productive assets.	Additional payment to offset any income losses not directly paid for. And to provide support while business re-establishing or as start-up investment for new business if PAP has to change livelihood.	RDA, DS, CV.
G3.3	Permanent effects on livelihood	Self-employed members of Household	Training for up to two members of PAP households to receive skills and vocational training, to an amount of Rs 5,000 per member for maximum six months. The skills and vocational training would be arranged by the RDA with support of regional vocational training centres where it close to the resettlement sites. However, such payment will only be made for households who had requested such training during the census survey carried out in the project area and with written concurrence of Divisional Secretary.	Linked with need to start new business, access to existing or development of new training courses depending on the needs of the PAPs.	RDA, DS, CV.
G3.4	Permanent effects on livelihood	Severely affected households who are running livestock farming and remaining on affected land or who resettle in a self-relocated land or RDA resettlement	Training for up to two members of PAP households to receive skills and vocational training, to an amount of Rs 5,000 per member for maximum six months. The skills and vocational training would be arranged by the RDA with support of regional vocational training centres where it close to the resettlement sites. However, such payment will only be made for households who had requested such training during the census survey carried out in the project area and with written concurrence	Linked with need to start new business, access to existing or development of new training courses depending on the needs of the PAPs.	RDA, DS, CV.

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility
		site	of Divisional Secretary.		
<b>H. 1 Special Assistance for Households/PAPs</b>					
H1.1	Effects on vulnerable PAPs	Households having vulnerable PAPs (Low income families (attached to Samurdhi or other poverty alleviation schemes) Elderly PAPs, female-headed households, and disabled)	A special grant of Rs 15,000 per household to improve living standards of vulnerable PAPs and households.  Assistance to vulnerable households in finding suitable land for relocation and shifting Or provision of resettlement sites if developed by the project and opted by PAP.	Assistance, over and above payment for lost assets, to reduce impacts of resettlement which can disproportionately affect the already vulnerable and to ensure that the project does not simply re-establish levels of vulnerability or marginalization.	RDA, CV, DS.
H1.3	Effects on sub families	A sub family (nuclear family) living in the same house under the same or separate electoral list at least 03 years prior to the publication of the notice under Section 02 of LAA	Cash assistance of Rs.100,000/= per family.  Assistance to sub/nuclear family household in finding suitable land for relocation and shifting Or provision of resettlement sites if developed by the project and opted by PAP.  DS of the respective division with the supporting evidences from the GN should verify the entitlement of sub/nuclear family.	Assistance to reduce impacts to sub families.	RDA, CV, DS
<b>H2 Additional Allowances</b>					
H2.1	Cost of advertising	For owner/s or operator/s of business or Institution	Applicable for businesses or institutions that will be permanently displaced from present location.  An allowance for advertising the new premises, printing of notice boards would be paid as follows; Registered business/ institute Rs. 15,000 Unregistered business/ institute Rs. 7,500	Assistance to advertise the new location of the business/ institute and to secure the existing client base. Thereby to avoid any significant impact on income and client base of the business/ institute.	RDA, CV, DS.
H2.2	Expenses incurred during acquisition process	All PAPs who appear for section 9 inquiry	An allowance not exceeding Rs. 10,000 would be paid to each PAP who appears for section 9 inquiry.	Assist all APs who appear for section 9 inquiry to offset the expenses they have to bear in obtaining claim/ valuation reports,	RDA, CV, DS.

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility
				title reports and traveling expenses etc.	
<b>I. Community Assets</b>					
I1	Loss of small scale community buildings and other structures.	Divisional Secretary division, urban ward, local community or local authority owning or benefiting from community property. Chief priest of the religious place.	Restoration in existing location of affected community buildings, structures, infrastructure and common property resources to original or better condition; Or relocate at alternative location identified in consultation with affected communities and relevant authorities; Or cash payment at full replacement cost, and restoration of access to community resources.	Full restoration of buildings, structures or other community resources by contractor (costs to be borne by project) or payment for such if agreement for local authority, community to undertake the restoration works.	RDA, CV, DS, Local Authority.
I2	Loss of local infrastructure such as local roads, play grounds, footpaths, bridges, irrigation, water points or communal hand pumps etc.	Divisional Secretary division, urban ward, local community or local authority owning or benefiting from community property.	Restoration in existing location of affected community buildings, structures, infrastructure and common property resources to original or better condition; Or replacement in alternative location identified in consultation with affected communities and relevant authorities; Or cash payment at full replacement cost; And restoration of access to community resources.	Full restoration of Infrastructure or other community resources by contractor (costs to be borne by project) or payment for such if agreement for local authority or community to undertake the restoration works.	RDA, CV, DS, Local Authority.
<b>J. Unanticipated Adverse Impact</b>					
J1	Any unanticipated adverse impact due to project intervention	Any unanticipated consequence of the project will be documented and mitigated based on the spirit of the principles agreed upon in this policy framework.			
<b>K Temporary Impact</b>					
K1	Temporary adverse impact of civil works (such as loss of access, damage to property or land, safety hazards, impact of mobility)	Households and businesses/livelihood activities	All affected persons and communities are entitle to make their grievances to the GRM and expect a reasonable solution and/or compensation for the damage caused as a result of gaps in arranging following activities or necessary steps to be taken by the project staff and/or contractor. 1.1 Arrangements of public notices at the site informing the people about: work schedule, likely temporary impacts, signage, safety advice and mitigation measures, contact	Mitigation measures of unforeseen activities and incidents	RDA, CV, DS, Local Authority.

	Type of Loss	Entitled Persons	Entitlements	Justification for Payment	Responsibility
			<p>details of officer in charge and GRM.</p> <p>1.2 Arrangements of necessary traffic management measures for facilitating mobility</p> <p>1.3 Special measures to provide access for continuing trade/business</p> <p>1.4 In case of loss of access to business for over a week, financial assistance @ LKR 1000 per day until ease of access has been restored by the contractor and certified by the engineer with approval of the PD.</p> <p>1.5 The contractor shall bear the compensation cost of any impact on structure or land due to negligent movement of machinery during construction or establishment of construction plant, as per standard contract provision.</p> <p>1.6 All temporary use of lands outside proposed ROW to be through written approval of the landowner and contractor. Location of construction camps will set up by contractors in consultation with the implementing agencies.</p> <p>1.7 Arrangements of necessary health and safety measures to be undertaken as a part of Environment Management Plans including measures for sound, dust pollution, minimize hazard risks through signage and safety barricades, first aid facilities at work sites/camps, etc.</p> <p>1.8 Steps to minimize and mitigate adverse impacts on human and vehicular mobility including through traffic diversions and management; phased construction strategy; avoiding work during peak hours</p> <p>1.9 Legal provisions for ensuring equal wages for men and women working at project construction sites and preventing child labour.</p> <p>1.10 Measures as necessary to deal with any other emergent impacts that comes under health and safety.</p>		

### 5.3 Cut-off Date for Entitlement

The land acquisition process of CEP Stage 3 starts on the basis of LAA procedures as highlighted in Table 4 and 64. Therefore, the cut-off date for entitlements is the date of the Section 2 notice served under LAA. The first set of Section 2 notice issued on 12 November in 2014 for Rambukkna interchange land acquisition purpose. Then, Rambukkna DSD issued 18 preliminary Plans declaring Section 2 Notice on 30 January 2015 for land acquisition purpose in ROW of the Stage 3. Respectively, other DSDs too initiated their land acquisition process respectively.

### 5.4 Project Assistance and Benefits

Road infrastructure is an essential sector or component in the process of development since it provides access to all other benefits and opportunities for all strata of the society. Therefore, CEP is a real development opportunity for the people who are living in the seven provinces (Western, Sabaragamuwa, Central, North-Western, North-Central, Eastern, and Northern) in Sri Lanka. As highlighted in Chapter I, the expressway will extend up to cities of the Northern and Eastern provinces in the next phases of the project. A similar situation is discussed in '*Lose to Gain: Is Involuntary Resettlement a Development Opportunity?*', a latest book published (in 2014) by ADB which shows very clearly that these interventions would give a positive push for the process of development.

Following the recent discourse in involuntary resettlement, EA/PMU views the resettlement plan as a development opportunity for the displaced people. As a priority matter, project benefits should flow to the displaced through associated institutional interventions such as adequate and timely compensation, income restoration, rehabilitation of vulnerable groups, and employment opportunities in construction related activities etc. The most important requirement at this time for PMU is to develop a dialogue with PAPs to improve the consensus and confidence building processes to lay a foundation for the forthcoming resettlement planning. Thus the process of RAP preparation has become an opportunity to plan PAPs requirements with a participatory approach.

Before designing a plan for income restoration, an appraisal will have to be done with the participation of needy displaced persons to assess their needs, potentials and preferences for income restoration. Some of the strengths visible among the displaced persons and the environment include; reasonably high level of literacy, access to credit facilities, diversity of businesses, and macro-economic climate prevailing in the area. These desirable features that have emerged through socioeconomic profiles of the area were further confirmed during one to one discussions had with limited number of people engaged in trade and businesses.

## Chapter VI: Relocation of Housing and Settlements

### 6.1 Introduction

The total number of PAHHs are not included and entitled for relocation and resettlement activities in the project. Most of PAHHs are losing agricultural lands than residential lands. The total number of PAHHs who are affected is 1,648. Therefore, these PAHHs have to have very close relationship with EA/PMU and its project staff, especially on social safeguards and resettlement. Furthermore, PMU has to work closely with respective Divisional Secretaries, Local Councils and other government and non-government agencies and the public to promote necessary collaboration from them. In the area covered by the road project, the partially displaced houses and business establishments could be relocated in the same premises, if sufficient land is available to do so. It would be the most desirable option for the PAPs. However, the decisions in this regard are completely in the hands of PAHHs while PMU will have the facilitating role in the implementation of PAHHs' decisions. Prior to this, PMU has to be certain that PAHHs have sufficient information for their decisions and choices.

### 6.2 Social and Cultural Dimensions on Resettlement

As highlighted in several occasions in this report, there are many social and cultural factors that need to be observed and understood when planning the relocation and resettlement issues within the project cycle. Socioeconomic and assets verification survey (census) conducted in Stage 3 has paid utmost attention to this aspect. Especially, when conducting FGDs and KIs, the consultant and team members had ample opportunities to discuss such social and cultural matters pertaining to the resettlement process of the project. Therefore, a summary of such factors are listed in Table 53 below. They are:

**Table 53: Social and Cultural Issues Pertaining to the PAPs**

S.N.	Factor/Issue	Remedial Measures
1	Loosening social relationship with relatives, friends, and neighbours	Inevitable and the nostalgia will keep for several years. If the resettlement process is attractive and interesting, they may not face some nostalgic perceptions. The project should arrange some activities to integrate with host community. Make attempt to find a suitable resettlement site within the same location.
2	Loosening religious bond with the community and the religious institution	Inevitable and the nostalgia will keep for several years. If the resettlement process is attractive and interesting, they may not face some nostalgic perceptions. The project should arrange some activities to integrate with new religious centers nearby the resettlement sites. Make attempt to find a suitable resettlement site within the same location.
3	Loosening the community organized under the caste and ethnic line	Considering the fact that arranging a particular resettlement site for such interested families, unless discourages separate resettlement process in caste and ethnic lines. Make attempt to find a suitable resettlement site within the same location.
4	Loosening the political arena and the group and their support when necessary	Make attempt to find a suitable resettlement site within the same location.

S.N.	Factor/Issue	Remedial Measures
5	Dividing the village and less access to each community	Provide all existing accesses to the villages and communities by providing underpasses and overpasses. If the village is dividing and existing access is too long, a new road access should be provided.
6	Loosening or weakening the access to facilities such as market, education centres, transport facilities, and other common facilities available at current place.	Make attempt to find a suitable resettlement site within the same location.
7	Missing the opportunity to enjoy the aesthetic beauty of the current place	Inevitable. Make attempt to find a suitable resettlement site within the same location.
8	Loosening ancestral land and land rights	Inevitable. Make attempt to find a suitable resettlement site within the same location.
9	Loosening the self-sufficiency and food security of the people	Introduce a well manage home gardening program in all resettlement sites and also free distribution of potted plants (fruits, vegetables, coconut, jak, etc.).
10	Social insecurity for women and children	Awareness for PAPs and social integration programs for the resettlement sites.
11	Social insecurity for elderly people	
12	Distance to remaining lands from resettle place and disturbance to usual farming habits	Inevitable. Introduce an income restoration program and livelihood development program.
13	Difficulties to adjust to the new socio-economic behaviour	Social integration program and livelihood development program.
14	Difficulties to adjust to the host community and their socio-cultural practices	Social integration program
15	Equal rights to compensation within the family to minimize mismanagement of money by males. The husband and wife both should be entitled to compensation	Make an agreement between husband and wife to avoid legal issues. This agreement will help to claim her right for compensation under the normal land acquisition procedures.

Many females have highlighted the issues or mismanagement of money that can be received as compensation in this project. Though the husband is the legal owner, the family is already made/developed within the relationship or social network developed by both husband and wife. Therefore, the remedial measures suggested may help minimized internal family issues (negative) related to resettlement. If necessary, it is suggested to get the consent of all children of 18 years and above. The gender matters in resettlement are accepted by many males during the discussions.

These qualitative data reveals that PAPs are having very strong bonds with these social and cultural entities in their villages or hamlets. A similar condition is witnessed through the quantitative data collection and many respondents indicated that they are having a regular relationship with the Death Donation Association and Temple Development Association. Details are depicted in Table 54.

**Table 54: The Nature of Social Network of the PAPs**

Option	Regular	Irregular	When Necessary
Temple Development Association	1,325	16	33
Samurdhi Development Society	271	4	3
Death Donation Association	1,642	11	34
Cooperative Society	43	0	2
Women's Development Society	193	0	7
Farmer Organization	574	1	22
Rural Development Society	28	0	0
Youth Service Society	27	0	0
SANASA Development Society	291	5	4

Source: CEP/Stage 3/RAP/Census Data

The priority order of PAPs social network was measured and Table 55 shows that there are three community based organizations given high priority; namely, Death Donation Association, Temple Development Association, and Farmer Organization. Therefore, it is essential to give foremost place to these on PAPs prioritized social networks in the entire resettlement process.

**Table 55: PAPs Priority Order in Social Networking**

Option	Priority 1	Priority 2	Priority 3	Not Respond
Temple Development Association	407	581	355	29
Samurdhi Development Society	95	125	50	7
Death Donation Association	1,105	372	157	49
Cooperative Society	15	17	9	4
Women's' Development Society	32	65	93	10
Farmer Organization	1,13	232	241	12
Rural Development Society	1	8	18	0
Youth Service Society	5	8	13	1
SANASA Development Society	85	90	116	8
Total	1,858	1,498	1,052	120

Source: CEP/Stage 3/RAP/Census Data

### 6.3 Priorities of PAPs in Resettlement

It is discussed in both qualitative and quantitative data collection process and verified that the majority of them are happy to resettle on a new land within the same area. No one asked or emphasized on land to land, because they fully understood that it is not a viable option for them.

As witnessed through Table 56, the majority of them are not happy with resettlement sites that the EA/PMU is willing to plan. Perhaps, PAPs are not having sufficient information on resettlement process and once they get direct access to the project information, they might change their opinions.

**Table 56: PAPs Opinion on Resettlement Options**

Option	Priority 1	Priority 2	Priority 3
My own in remaining land	54	11	9
My own in a new land within the same area	361	70	5
My own land in other area	12	86	34
Settle in RDA resettlement site	10	50	9
Expect a house in a resettlement site	13	9	3
Divide money among my children and settle	9	5	8

in their house			
Other	1,485	64	13

Source: CEP/Stage 3/RAP/Census Data

The method of decision making on critical events in their life such as project impact and resettlement has been searched in the surveys conducted in this whole exercise. The majority of them emphasized that there is freedom for all family members to participate in the decision making process and as parents they consult their children too. The second highest indicates that they discuss with their spouses before taking a decision. It is also a positive factor for the resettlement process. For details see Table 57.

**Table 57: Decision Making Process of PAPs**

Option	Priority 1	Priority 2	Priority 3
Take my own decision	496	118	137
Discuss with my spouse	280	403	16
Discuss with all family members	890	147	132
Accept RDA decision	5	6	7
Take advice from a suitable person	4	51	84
Other	6	1	4
	1,681	726	380

Source: CEP/Stage 3/RAP/Census Data

#### 6.4 Issues Related to Child Education

The most critical and adverse project impact would be to the children and their education. Therefore, it is suggested to have a close liaison with two government institutions which are responsible for child education. They are the Ministry of Education and the respective Provincial Councils who are managing provincial schools.

#### 6.5 Possible Resettlement Sites

The number of households losing their land, structures, business entities, and other properties is over 1,011. However, there are about 673 residential and business places affected by the project. Therefore, it is vital to examine the possible resettlement sites located in close proximity to the villages. The finding of such sites through the DSDs is presented in the following Table. However, there is only one DSD information and other DSDs information needs to gathered.

**Table 58: A Summary of Available Lands and Space for Resettlement Sites**

No.	DSD	GND Code No.	Land Extend	Ownership	Name of the Land	Present Land Use
1	Rambukkana	Ihala Walpola	Ac. 7 (3.17 H)	Private	Harakgalawatta	M. Sarath Vijithananda, 32A, Mihindu Mawatha, Rambukkana.
2	Polgahawela	Galabadagama 936	Ac.3	Private	Galabadagama Watta	Nihal Gunathilaka, Galabadagama Watta, Alawwa road, Polgahawela
3		Thalawattegedara 896	Ac.1,Per.70	Private	Wadakuwa Watta	H.M.Karunarathna, Kaluhendiwala, Thalawattegedara.

Source: CEP/Stage 3/RAP/Census Data

The EA is having more details on these available lands identified by DSs and GNs as highlighted in Table 58 above.

## **6.6 Host Communities and Social Integration**

When the EA/PMU has identified a resettlement site for the PAPs, there will be one or more host communities around the location. At least, there will be a small town section to be coped with in this process. The main focus of this social integration program should be the PAPs and their requirements. Therefore, a list of key activities is suggested below. They are:

1. Link PAPs to the relevant religious institutions on the basis of PAPs' religion.
2. Link PAPs to the relevant Grama Niladhari, and other government officers in the village. In this effort, all PAPs should be entitled to include their name in the voting list under the new GND.
3. Link school children to the nearest and/or most suitable school to the resettlement site. In this case, EA/PMU should provide the necessary documentary evidences to the relevant PAPs to forward them to the new school including a letter of introduction soliciting priority to affected students.
4. Link PAPs to the nearest bank and assist them to change their accounts to the respective new bank while providing documentary evidences.
5. Link relevant PAPs to the Farmers' Organization in the new location and arrange facilities to claim their fertilizer subsidy.
6. Link relevant PAPs to the Samurdhi Development Association of the new GND.
7. Link all affected elderly people to the Senior Citizen's Association in the new GND.
8. Link PAPs to the nearest sub/post office providing their house number and address.
9. Link PAPs to the Death Donation Association as per the consent of PAPs and the new association. In this case, EA/PMU can intervene and fill necessary requirements to get membership for the PAPs.
10. Introduce all PAPs to all common utilities such as electricity, water, communication, etc. providing necessary documentary evidences.

## **Chapter VII: Income Restoration and Rehabilitation**

### **7.1 Loss of Income and Livelihoods of PAPs**

The CEP Stage 3 is a new construction which traverses through a new area where many agricultural, residential and government lands are located. As a very vital step of the road designing, new ROWs have to be established and hence required land from individuals will be easily identified. In this first attempt of identifying PAPs, the survey team has considered a corridor and identified all potential PAPs. This increases the number of potential PAPs as well as the number and the size of lands to be acquired. In addition to the sizes of the affected land lots, income and business losses depend on the socioeconomic environment of the area identified for acquisition. As highlighted above there are income sources and livelihood patterns that can be permanently damaged. Also, there are partially affected PAPs and their income and livelihood patterns.

### **7.2 Strategies for Income Restoration Program of the Project**

Relatively, there is a substantially high number of families to be relocated and also their income sources affected as a result of land acquisition. The Income Restoration Program (IRP) strategy would be based on multiple approaches, reinforcing each other, targeted at them as detailed below. Proposed invigorative activities for IRP can be listed as follows. They are:

1. Increase awareness among the PAPs
2. Development of vocational, managerial and entrepreneurial skills
3. Improve and promote leadership qualities
4. Formation of societies by members to address common issues.
5. Training in human resources development
6. Training in occupational skills development
7. Pursue targeted PAHs to open bank accounts and promote banking practices

#### **7.2.1 Organization to Implement Income Restoration Program**

The EA/PMU will act as a facilitator and a coordinator for the PAPs to obtain the services and inputs available from the respective state and private institutions in the area of entrepreneur development. NGOs and CBOs will play a key role in planning and implementation of IRP, as it is necessarily a community level program. PMU provides logistic support and initial funds required to implement the program. The Social Safeguard Officer and Resettlement Officers attached to the PMU will be the focal persons of PMU with regard to IRP. Whenever required, expertise services for specific areas will be drawn from outside sources to assist PAPs. The IRP will have linkages with the following institutions:

1. Banks and other financial institutions
2. Vocational Training Authority
3. National Apprentice and Industrial Training Authority
4. Assistance of the NGOs such as Chambers of Commerce

All income restoration programs will be undertaken in consultation with individual PAHs and their associations set up for resettlement related requirements. Furthermore, categories of PAHs entitled to IRP benefits are listed below. They are:

1. Farmers losing agricultural lands
2. Farmers with less than one acre of residual agricultural land
3. PAHHs losing reasonable income from homestead gardens
4. PAHHs losing businesses
5. Very poor who need institutional support to improve their income
6. Vulnerable categories (old age, disabled, female headed, etc.)

### **7.2.2 Potential Income Restoration Program**

The RDA has conceived resettlement as a development opportunity aiming at full rehabilitation of PAPs. There is a difference between title holders and non-title holders for IRP. Everyone will be afforded with an opportunity to improve their living standards as planned. Provisions also have been included in the Entitlement Matrix to assist the farmers, sharecroppers, tenants, business units and others who lose their income as a result of this project. They are entitled to claim or undergo training as highlighted below:

1. A livelihood restoration allowance to assist as seed money to re-establish a business
2. Allowance and institutional support for poor and vulnerable families
3. Vocational or skilled training for youths
4. Entrepreneurship development
5. Project related employment opportunities for adults and trained youths

#### **Training in Vocational and Skills Development**

One person from each fully displaced household will be selected for the development of skills. Teenage school leavers of the households, who are losing dwellings and commercial premises will be given priority in the selection for vocational and skills training.

#### **Training in Entrepreneurship Development**

Entrepreneurship development will be provided to selected individuals who are capable of benefiting from such training after an initial screening process. This is an advance step from income generation interventions focused on low income earners. The basic requirements would be willingness to commence a business or an industry and ability to raise capital. EA/PMU will perform as a facilitator to raise the capital and develop business plans of the interested PAPs.

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

It is envisaged that the following contractual opportunities will be available to PAPs during the construction phase of the project. They are:

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

- Office Aids
- Labourers

The EA/PMU will liaise with the contractor to find employment opportunities in the construction related activities. Moreover, EA/PMU should plan this by the addition of a clause into the agreement for the contractor.

The above are related to the preliminary preparations at general programming for income generation targeting PAHHs at project level. The program doesn't stop at this level. It has to go deeper beyond this level to address requirements of each and every PAP who need income restoration assistance from the project. This involves micro level planning for income generation at individual PAP level. The project will employ its settlement staff to support each and every PAP who needs to start an income generation activity especially by providing coordination support to obtain technical and financial assistance from best relevant sources. For individuals, from identification of an activity, including preparation of feasibility reports to when applicable up to marketing arrangements; require timely interventions of the project office till they reach sustainable levels. Project office takes this responsibility and immediately makes arrangements to sensitize its settlement staff on planning and implementation of individual level income generation projects for desired PAPs. Compensation for the loss of income due to acquisition of properties or employment will be paid as listed in the Entitlement Matrix (Table 52).

### **7.3 Rehabilitation of Resident Families**

As discussed in Table 18 (Chapter 3), out of a total 596 households, 13 rented houses, and 9 residential and business units. Among affected residential units, there is a tiny number which is partially affected. While, opportunities prevail for partially affected residential units to resettle at their own premises to a great extent with resettlement support from the project, the fully affected residential units need resettlement elsewhere for their housing rehabilitation. For these families, EA/PMU has to take additional efforts and care with a range of interventions including supporting PAPs to find out suitable land for their choices, establishing resettlement sites with basic utilities allowing them to construct their houses, and constructing complete resettlement sites with houses etc. All these depend on PAPs agreed options which have to be arrived at through a consensus reaching process between EA/PMU and PAPs. With the unfolding of land acquisition process, PAPs will have dependable information on their compensation payment, and this is the most influencing factor for their resettlement decisions. As a basic requirement EA/PMU has to support PAPs' decision making capacity for rational decisions by providing necessary information and consultation, and lay the foundation for developing resettlement action plans through participatory processes. As 33.4% of affected families are residential units, their rehabilitation in accordance with resettlement principles of the government (NIRP) is important for the project.

### **7.4 Rehabilitation of Farmers**

Out of 1,648 land owners, around 21.6% or 356 land owners mainly consist of agriculture. In case of agriculture, these land owners are expecting a plot of land similar to the plot of land lost. In many cases, they do not have a sufficient portion of land to continue their agriculture. Therefore, the majority are expecting a good compensation package.

Furthermore, the income restoration interventions for agriculture families will have to be dealt with short term and long term considerations. For PAPs who can find alternative land within or near their premises, they need support to develop land for agriculture and also the recovery of their short term losses of income. The recovery of short term loss has to be paid till PAPs harvest their new crops. The long term income restoration should address PAPs who don't have alternative land, and hence need rehabilitation elsewhere. The EA/PMU support in this regard has to be coordinated with the agriculture authorities of the area with the provision of agriculture inputs and services etc. Agriculture training and extension are important as now PAPs have to work in new areas not familiar to them. Some may need knowledge on intensive agriculture practices and better farm management to have more yields from a small portion of land or from the remaining small plot of land after acquisition. Income restoration for farmer families need a well planned approach in consultation with the officers of agricultural and agrarian services and marketing organizations as well.

The loss of agricultural crops/income due to temporary disruption to agriculture activities during construction/readjustment period will be compensated as per the provisions made in the Entitlement Matrix (Table 52).

### **7.5 Rehabilitation of Trade and Businessmen**

Apart from them, there are 27 trade and business owners (PAHHs) settled in their lands or in other lands and structures as rented or leased accommodations. As discussed in Table 14 (Chapter 3, 3.2.1), these business units are mainly small scale factories and retail grocery shops managed by family members. However, there are several outside workers in these small scale factories (08) and large scale factories (02). A loss of outside workers' income is an issue for them to continue their livelihoods. Project income restoration support for these families becomes a temporary measure to look after their income loss during the transition. Except for temporary disturbances that may occur during the construction stage, there are possibilities of carrying out some business without long term interruptions and income losses. As stated by many residents in the project area, once the project is completed the business environment would be much better, and hence industrial development can be expected in and around the key cities linked by the interchanges.

These PAPs would be linked with government institutions such as the Industrial Development Board, Industrial Services Bureau, National Craft Council, etc.

Those who lose income from their businesses and services are eligible to receive substantial income depending on their previous income received from their respective engagements as per the Entitlement Matrix.

## Chapter VIII: Resettlement Budget and Financing Plan

### 8.1 Introduction

Cost estimate in this resettlement budget is based on the corridor examined in the process of data collection in Stage 3 of the CEP. Therefore, the cost estimate would be reduced on the basis of actual ROW that will be established after all technical matters are considered.

An itemized budget is required for all resettlement activities, including compensation for land acquisition. Payment of compensation for resettlement will be based on the Land Acquisition Act of Sri Lanka, the Extraordinary Gazette Notification (No. 1864/54 – Friday May 30, 2014) issued by the Minister of Land and Land Development under Section 63 (2) (E) of the Land Acquisition Act (Chapter 460) and approved by Parliament on 18th February 2014, and Cabinet Paper/14/0833/533/008 which is included in the Northern Expressway Project under this Extraordinary Gazette Notification.

Values for land and structures considered in this RAP are based on preliminary estimates obtained from different reliable sources (land owners affected, land owners non-affected, estate developers, DSDs, valuation officers attached to the Valuation Department).

### 8.2 Rates Used in the Resettlement Budget

#### 8.2.1 Rates Used for Lands

Land values for highlands were obtained at settlement areas through which the proposed expressway traces. The land values regardless of their use as residential or commercial are presented in Table 59. These values were used to derive suitable land values for different land use types observed along the trace.

**Table 59: Commercial Land Value in Project Affected Areas (high lands)**

Key Sector	Location/DSD	Land Value (Rs. per perch)		Average Value per Perch
		Minimum	Maximum	
Peri-Urban	Polgahawela	125,000.00	250,000.00	233,333.00
	Galadedara	100,000.00	150,000.00	
	Harispaththuwa	150,000.00	300,000.00	
Rural	Polgahawela	80,000.00	100,000.00	115,000.00
	Rambukkana	35,000.00	175,000.00	
	Mawathagama	60,000.00	70,000.00	
	Galadedara	65,000.00	80,000.00	
	Harispaththuwa	100,000.00	150,000.00	

Source: NEP/Stage 3/RAP/Census Data

Based on the arithmetic mean of the above values are given in Table 56 for different social segments (urban, Peri-urban, and rural) while considering the value for unit of highland in the area used as residential and highland agricultural land. An additional a value of 15% from the above value which amounts to a total was considered as the unit land price for commercial lands in the project area.

In general, lands used as paddy fields (or low lands) yield a low valuation. The same principle was used for this assignment and a value of Rs. 5,750 was considered as land value for a perch of low land (paddy fields and privately owned marshy lands).

### 8.2.2 Rates Used for Structures

Structures observed in the project could be broadly categorized as residential, commercial and other secondary structures. The cost for the construction of a unit area of such structure depends on the type of material used for the structure. Five (5) classes of structures were derived based on the material used and the cost per unit area of each class of structure is presented below.

**Table 60: Value of Unit Area of each Class of Structure**

Class of Structure	Material used	Unit	Amount (Rs.)
Class 1	Asbestos, tiled or concrete roof, brick or cement brick wall with plaster, tile or terrazzo floor, wooden doors and windows	Sq. ft	3,300 ~ 4,500
Class 2	Asbestos or tiled roof, brick or cement brick wall with plaster, cement floor, wooden doors and windows	Sq. ft	2,000 ~ 2,750
Class 3	Galvanized roof, brick or cement brick wall with plaster, cement floor, doors and windows wood or plastic	Sq. ft	1,250 ~ 2,000
Class 4	Galvanized roof, brick or cement brick wall without plaster, cement floor, doors and windows wood or plastic	Sq. ft	1,200 ~ 1,750
Class 5	Galvanized or cadjan roof, Wood plank walls, cement or mud floor, doors and windows plastic or other material	Sq. ft	850 ~ 1,250

Source: NEP/Stage 3/RAP/Census Data

The upper value for each structure class was considered as the value of compensation for a given structure class. Other allowances and incentives used for calculation of the resettlement budget is based on the project entitlement matrix (Table 52) presented in Chapter 5.

A sufficient provision for an Income Restoration Program (IRP) is another aspect that needs to be considered in the resettlement budget. The resettlement budget presented below has an item for developing an IRP which is welcomed by many residential and commercial PAPs (Discussed at FGDs).

### 8.3 Total Cost Estimate for Resettlement Planning

Total cost of land acquisition and resettlement purposes for Stage 3 from Pothuhera (00+000 km) to Galagedara (32.9 km) will be Rs. 12.87 billion which is equivalent to US\$ 83 million (at an exchange rate of SLR 155 for US \$ 1). This amount covers all budget lines including provisions for income restoration including training and contingencies.

**Table 61: Estimated Budget for Land Acquisition and Resettlement Process of Stage 3, CEP**

No.	Item	No.	Unit	Rs./unit	Total Rs.	Total US \$	
Compensation for Lands	Agricultural Lands (Low Lands - Paddy)	28,962	Perch	5,750	166,531,500	1,074,396.77	
	Agricultural Lands (High Lands)	39,322		100,000	3,932,200,000	25,369,032.26	
	Commercial Lands	1,300		233,330	303,329,000	1,956,961.29	
	Residential Lands	28,460		150,000	4,269,000,000	27,541,935.48	
	Non-Agricultural Lands	1,592		75,000	119,400,000	770,322.58	
Compensation for structures	Res/ Commercial - Class 1	20,770	Sq. ft	4,500	93,465,000	603,000.00	
	Res/ Commercial - Class 2	82,854		2,750	227,848,500	1,469,990.32	
	Res/ Commercial - Class 3	671,398		2,000	1,342,796,000	8,663,200.00	
	Res/ Commercial - Class 4	14,377		1,750	25,159,750	162,320.97	
	Class 5 – Secondary structures	39,121		1,250	48,901,250	315,491.94	
	Loss of tombs	165	Number	15,000	2,475,000	15,967.74	
Loss of Income	Business Income large scale	2	PAHH	1,000,000	2,000,000	12,903.23	
	Business Income small scale	25		300,000	7,500,000	48,387.10	
	Loss of Wage/Salary (Temporary)	75		PAP	15,000x6	6,750,000	43,548.39
	Loss of Wage/Salary (Permanent)	9		PAP	50,000x6	2,700,000	17,419.35
Trees	Fruit Trees	8,310	Number of trees	2,000	16,620,000	107,225.81	
	Banana	9,949		1,000	9,949,000	64,187.10	
	Cinnamon	1,609		1,500	2,413,500	15,570.97	
	Perennial crops	34,877		5,000	174,385,000	1,125,064.52	
	Timber (other)	16,087		5,000	80,435,000	518,935.48	
	Jak	2,738		30,000	82,140,000	529,935.48	
	Teak	3,008		15,000	45,120,000	291,096.77	
	Rubber	7,426		2,000	14,852,000	95,819.35	
	Coconut	25,374		10,000	253,740,000	1,637,032.26	
	Fire woods	531		1,500	796,500	5,138.71	
	Home garden bushes	1,007		500	503,500	3,248.39	
Allowances	5% of Statutory (Agriculture)	5% of sum	Lump sum	4,098,731,500	204,936,575	1,322,171.45	
	25% of Statutory (Buildings)	25% of sum	Lump sum	1,738,170,500	434,542,625	2,803,500.81	
	Self-relocation allowance	415	PAHH	500,000	207,500,000	1,338,709.68	
	Material transport allowance	1,011	PAHH	15,000	15,165,000	97,838.71	
	Transition subsistence allowance large scale	2	PAHH	100,000	200,000	1,290.32	
	Transition subsistence allowance small scale	25		10,000	250,000	1,612.90	
	Electrical facility	519	PAHH	20,000	10,380,000	66,967.74	
	Water facility	304	PAHH	20,000	6,080,000	39,225.81	

Telecommunication facility	245	PAHH	10,000	2,450,000	15,806.45
Livelihood restoration grant	404	PAHH	20,000	8,080,000	52,129.03
Vocational Training Grant	759	PAP	5,000x6	22,770,000	146,903.23
Special grants for vulnerable families	886	PAHH	20,000	17,720,000	114,322.58
Advertising costs	27	DHH	15,000	405,000	2,612.90
Re-fixing	1,068	DHH	5,000	5,340,000	34,451.61
Section 9 inquiry	2,886	DHH	10,000	28,860,000	186,193.55
External Monitoring	30	Months	150,000	4,500,000	29,032.26
<b>Sub Total</b>				<b>12,200,189,700</b>	<b>78,710,901.29</b>
Income restoration program	2.5% of sub total	Lump sum		305,004,742.5	1,967,772.53
Administration Cost 0.5%				61,000,948.5	393,554.51
Contingency 2.5%				305,004,742.5	1,967,772.53
<b>TOTAL</b>				<b>12,871,200,134</b>	<b>83,040,000.86</b>

Source: NEP/Stage 3/RAP/Census Data

# Chapter XI: Grievance Redress Mechanisms

## 9.1 Need of Grievance Redress Mechanism

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

Large scale development projects affect people in different ways. The problems arising from land acquisition and resettlement process may relate to social, economic, cultural, and environmental matters. These problems are very complex due to the drastic change of PAPs livelihoods. Some problems may emerge due to construction related activities like site clearing, excavation, compaction and blasting. Such issues cause grievances among the public who are adversely affected by the project. Preventive measures need to be taken to minimize grievances rather than going through a redress system. The system of grievance handling was first introduced by the RDA during land acquisition and construction of the Colombo–Matara section of the Southern Expressway (Known as STDP) in year 2002. The system was later included in many other road development projects executed by the RDA. One main reason for such an approach was that the grievance redress system helped to resolve many public issues at site (itself) and avoided unnecessary delays in construction due to public criticisms and protests.

The LAA provides a limited grievance redress mechanism whereby certain grievances of the affected persons relating to compensation can be referred to the Board of Review established under the LAA. This is a limited redress mechanism that only addresses issues pertaining to compensation. The NIRP recommends the establishment of an internal monitoring system by project executing agencies to monitor the implementation of Resettlement Action Plans and handling of grievances. One of the key policy objectives is making all affected persons aware of processes that are easily accessible and immediately responsive for grievance redress.

## 9.2 Proposed Grievance Mechanism for the Project

Care shall always be taken to prevent grievances rather than following a redress system. Grievances can be minimized through careful project design and implementation by ensuring full and true participation and in consultation with PAPs, establishing rapport between the community and the EA/PMU through frequent interactions, transparency, management, and monitoring.

A GRM will be established by EA/PMU that will allow PAPs to appeal against any disagreeable decisions or practices arising at the designing and implementation stages, especially on technical decisions and affected assets or to settle any general project-related disputes including construction related issues/impacts. PAPs will be made fully aware of their rights and the procedures for making a grievance – whether verbally or in writing – during consultation. Hence, a five tier project specific internal grievance redress instruments include the following;

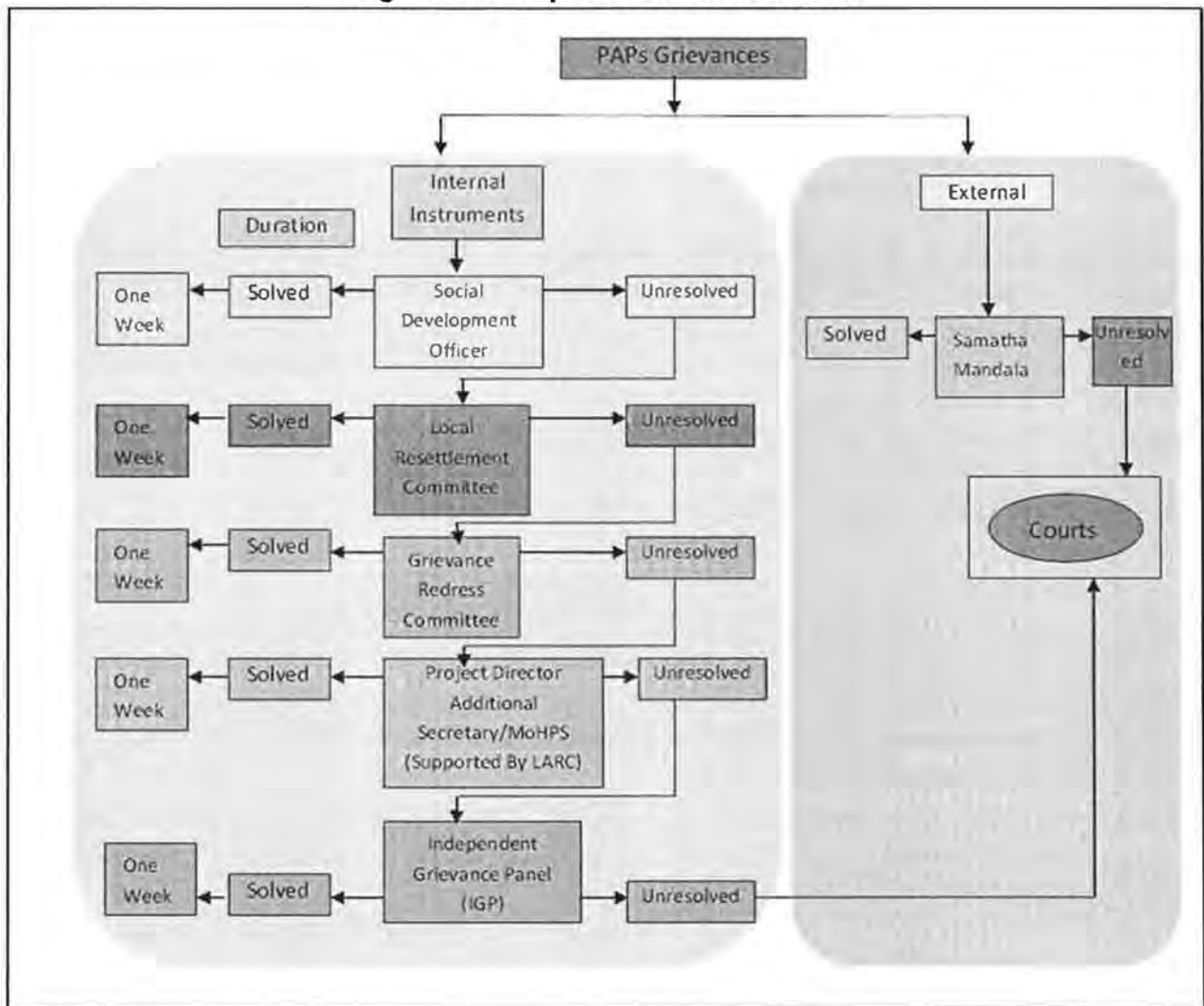
- a. SDOs appointed by the EA/PMU;
- b. LRCs formed at the resettlement locations by EA/PMU;
- c. GRCs appointed by EA/PMU

- d. Project Director and Additional Secretary/MOHEH; and
- e. Independent Grievance Panel (IGP).

Under the CEP the proposed five tier mechanism will be established and there are two external instruments namely Samatha Mandala and courts that a PAP can approach. Especially, a PAP will not be restricted either to a project specific GRM or two external instruments. However, it will encourage them to go through the project specific GRM which is flexible than any other instruments. Samatha Mandala (conflict resolution committees) appointed by the Ministry of Justice and Courts are also available for the PAPs for redress of grievances. Other than these, there are a few other national level institutions too that the PAP can expect a solution from. For details see 9.5, sub section of this chapter.

The PAPs can opt to have recourse to any of these instruments. A grievance redress process is shown in Diagram 1. All the grievance redress instruments should ensure that the complete proceedings of each case is registered and recorded.

**Diagram 01: Proposed Structure of GRM**



To resolve grievances and complaints, each EA/PMU will establish a GRC common to all sub projects (Stages) coming under its purview. The composition of the GRC could be changed to suit PAP's location from where the grievance emanates. It is essential to ensure gender

balance in the composition of the membership. Membership of the priests and GN will change when the PAPs are relocated.

Members of the committee should be knowledgeable about the project and be able to ensure proper presentation of grievances and complaints and as well as impartial hearings and transparent decisions. The EA/PMU should conduct workshops for the members of the GRCs to enrich them with knowledge on the project; organization of GRC, its objectives, conducting the deliberations and arriving at balanced resolutions.

### **9.3 Operational Aspect of GRM and GRC**

The ownership of the GRM and GRC goes to the RDA due to initiation of this particular problem solving mechanism in STDP. At present the RDA has lessons learnt and caliber to implement a very effective mechanism. Recently, the Secretary of MOHEH has issued a circular on how to operate a GRC in an RDA project. For details see Appendix XII.

For effective functioning of GRC, it is necessary to develop awareness among stakeholders of the project on GRM and GRC. The General Public, Public Officers, Social Organizations, Contractors and Divisional Secretaries in the respective areas should be knowledgeable in GRM and GRC in order to successfully implement the GRM. The Public Information Centers (PICs) of the project can play a major role in introducing GRM and GRC for the PAPs. It can disseminate the details to the relevant GRC for the PAPs.

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

Awareness should include the following matters and facts:

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

Simultaneously, an effective awareness program should be arranged to educate the PAPs on the following:

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

This information has to be presented in a simple brochure as the basic authentic document on GRM. This is a straight forward public leaflet giving exact information on GRM and GRCs with its scope and working arrangements. This brochure helps avoid misconceptions, over expectations and ambiguities on the GRM and GRCs. However, raising public awareness or community empowerment cannot be achieved by a onetime intervention or a simple document, as it has to go through a complete process with a series of interventions mutually supporting each other over a long period.

#### **9.4 Monitoring and Evaluation of GRM and GRC**

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

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

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

#### **9.5 Other Options for Grievances at Local and National Levels**

As stated above (sub section 9.2), the country's own legislation has formal institutions and setups to resolve public issues. The following is a description on such institutions, including the courts of law.

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

If there is a complaint regarding compensation for land acquisition, there is a provision in the LAA itself for any aggrieved party to appeal to the LARB, in respect of the statutory valuation determined by the Valuation Department. Such appeals should be made within 21 days of the award of the compensation under Section 17 of LAA.

### **Human Rights Commission (HRC)**

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

### **Parliamentary Ombudsman**

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

### **Parliament Petition Committee (PPC)**

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

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

This is another forum where aggrieved PAPs could direct their grievances. Secretary to the Ministry of Ports and Highways, Chairman and Director General and other relevant senior officers are members of this committee which will be chaired by the Minister in charge of the portfolio of highways.

### **Litigation**

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

### **Legal Aid Commission**

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

## Chapter X: Consultation, Participation, and Information Disclosure

### 10.1 Public Consultation Process and Levels

Meaningful consultations will be undertaken with all affected persons, their host communities, if any, and the civil society for every subproject identified as having involuntary resettlement impacts. The consultation process established for the program will employ a vast range of formal and informal consultative methods.

Information dissemination process needs to maintain transparency of the project. This reduces potential conflicts, minimize the risk of project delays, and enable the project to design the resettlement and rehabilitation programs as a realistic achievable plan conceived through a coordinated attempt of all parties in a democratic, participatory manner to suit the needs and priorities of the PAPs.

The actions that need to be undertaken for inclusive participation in the various stages of resettlement planning are as follows:

- Identification of stakeholders who will be involved in resettlement planning and implementation (PAPs, local officials, host communities at resettlement sites, project authorities, donor representatives, elected officials, approving and implementing agencies, NGOs);
- Dissemination of information (including project entitlements) and identification of appropriate mechanisms for feedback and facilitating the consultation process; and
- Identification of a grievance redress mechanism (Grievances Redress Committee) and procedure (see Section XI for more details).

EA/PMU would also ensure that the resettlement plan is made public and its copies should be made available to the website of RDA, respective District Secretary's and Divisional Secretary's Office, Public Information Centres established under the project, etc. The RAP should be translated into two other languages (Sinhala and Tamil).

As highlighted under Chapter one (sub section 1.5), there are 1,450 individuals (primary and secondary stakeholders) consulted through Community Awareness Meetings (7), FGDs (44), KIIs (20). List of consulted stakeholders is summarized in Appendix XIII and XIV. Furthermore, a list of photographs has been attached related to the public consultation process (see Appendix XV).

Apart from this consultation and participation process there were two other mechanisms already disseminating necessary information to the direct and indirect PAPs. First, the Environment Impact Assessment team has conducted several FGDs and KIIs in the corridor. Second, EA/PMU has conducted public awareness meetings in several places covering all affected GNDs and DSDs. Such awareness meetings were conducted in a structured manner with key addresses by Project Director/Deputy Project Director and the PMU staff. In addition, district and divisional level politicians too participated in this process. This was followed by multimedia presentations made by PMU staff on the project showing proposed road trace,

selection criteria of the road trace, likely environmental and social impact caused by the project, mitigation measures adopted to mitigate negative environmental and social impact, and the exiting land acquisition and resettlement processes.

Particularly, these public meetings provided an opportunity for meeting participants, to raise their questions, issues and express their views in a consultative manner. This opportunity was used by MPs of Parliament, Provincial Council and other Local Council Members in a constructive manner; representing views and concerns of their voters. In general, almost all speakers viewed the project as a key development project of the country that has to be accomplished, and wished that necessary mitigation measures are adopted to safeguard environmental and social impacts. They emphasized the need to expedite project preparatory work including land acquisition and compensation for acquired properties so that difficulties encountered by affected persons would be reduced to a minimum level. As expressed by participants, it is necessary to minimize changes in the road trace and acquisition boundaries which cause confusions and uncertainties. This creates prolonged disturbances for affected persons in taking firm and timely decisions to overcome negative impacts caused by the project.

The participation of peoples' representatives at this level has many advantages to the project. At present peoples' representatives are good entry points to go to the people at community level, and they are influential in forming public opinion. At community level, people first come to their representatives when they have problems. By this time, the legislators can respond to their voters appropriately and effectively, and help the project too in its implementation only if they are aware of the project. In addition, legislators have some coordination responsibilities and potential resources to support the project implementation, as some of them are ministers at national or provincial levels.

In addition to legislators, all key public officers, representatives of NGOs, district religious leaders and others who were interested with public affairs also attended district and divisional level public awareness meetings, and supported the consultation process. District Secretaries and Divisional Secretaries drew attention to likely environmental and social issues that have to be addressed appropriately in consultation with all relevant project stakeholders. Similarly, they emphasized the need for adherence to the conditions stipulated in contract agreements regarding waste disposal and other safety requirements during the construction phase of the project. In this regard, it was suggested to have regular follow-up and progress review meetings at district and divisional levels during project implementation stage.

## **10.2 Disclosure and Dissemination of Information**

Public disclosure of information and maintenance of transparency by the EA/PMU with all stake holders, specially the displaced persons are basic policy requirements of the NIRP. When EA/PMU approaches become transparent and open, the chances for establishing mutual trust between the PMU and the stakeholders are greater. This process will have salutary effects on all activities of the road project unlike the suspicion and mistrust caused by closeness of affairs that will end up with serious negative effects on project implementation. In addition to the presentations made in awareness creation sessions, a well prepared brochure on the project profile and compensation payments was distributed among the participants. This information brochure distributed among the participants contains the description of the proposed improvement to the highway, entitlements, and the addresses and telephone numbers of

persons to be contacted for further clarifications and information (A copy of this brochure is annexed to this report as Appendix IV).

Moreover, it is necessary to continue the public consultation process further, because many PAPs are not highly aware about the land acquisition and resettlement process. Therefore, it is suggested to continue following public consultation process in the project. See Table 62 for details.

**Table 62: Proposed Future Public Consultation Plan**

<b>Activity</b>	<b>Objective</b>	<b>Timing</b>	<b>Responsible Unit</b>
Visit to PAPs Residences	Distribute the Section 2 Notice	With the publication of the SEC notices	DS, GNs, PMU
Distribution of the Sinhala version of the Entitlement Matrix to PAPs.	Support PAPs to understand their entitlements	Simultaneous to the distribution of final RP.	PMU and ESDD
Consultation with PAPs	Explain the process leading to the taking over possession of lands	Before publication of the Sec 38 (a) notice	DS, ESDD, PMU
Meeting PAPs in groups GN Division level	Prepare them to face the title determination inquiries Sec.9 ( 1) and brief them on the documents to be submitted at the inquiry	Before Sec.9 (1) inquiries	GNs, RAs and PMU
Meeting with PAPs and host community, on selection of relocation sites, it available to be developed by the PMU	Discuss options of relocation	Before relocation	DS, GNs, RAs, PMU and ESDD
Meeting with the PAPs	Post resettlement Issues and formation of societies by the PAPs	After resettlement	DS, GNs, RAs, PMU and ESDD
Meeting with PAPs and host community, on selection of relocation sites, it available to be developed by the PMU	Discuss options of relocation	Before relocation	DS, GNs, RAs, PMU and ESDD
Meeting with the PAPs	Post resettlement Issues and formation of societies by the PAPs	After resettlement	DS, GNs, RAs, PMU and ESD

**Note:** The consultation is an ongoing process and there will be a continuous dialogue between the project staff and the PAPs.

Source: CEP/Stage 3/RAP/Data

### **10.3 Public Information Centres**

The proposed Public Information Centres (PICs) will be established in key locations where that many PAPs are displaced and the places where the remaining communities will be affected due to construction related activities. PICs should constitute a Communication Assistant who has undergone a thorough training about the project goals, designing, land acquisition, resettlement, GRM, GRC, and construction process. EA/PMU needs to provide necessary project information including the RAP.

## 10.4 Awareness on HIV/AIDS and Other Social Safeguard Policies

It is important to ensure the safety (health) of all parties who involve in construction works in each road in this road improvement project. There are two major groups in this project, namely the inhabitant settled in the urban setup and project staff (labourers, technicians, and officers). Especially, the selected road stage is situated in rural areas of North-Western Province and Central Province. As identified in the field survey the knowledge of risk behaviour among rural settlers and labourers are relatively low. Though Sri Lanka is a low risk country where HIV/AIDS is concerned, there may be certain risk factors arising from some outsiders being migrated to the urban social set up to engage in road construction works. The risk is for both counter parties and therefore it is recommend to hold a few awareness programs for these focused groups (inhabitants, labourers, technicians, and officers) in the project. These awareness programs should cover a few important factors as highlighted in Table 63.

**Table 63: Factors Need to be Highlighted in the Awareness Programs**

Target Group	When and Where to Conduct	Factors Need to be Highlighted	Remarks
Urban settlers/ inhabitants	It should be conducted before commencement of road construction and in each main residential clusters of the ROW.	<ol style="list-style-type: none"> <li>1. Importance of ensuring health seeking behaviour.</li> <li>2. National policies in this regard.</li> <li>3. Possible threats to each group of people.</li> <li>4. Safety measures.</li> </ol>	This should be conducted without any harm to their social and cultural identity. The participation to these programs should not be mandatory for the inhabitants.
Labourers	It should be conducted before commencement of road construction to cover each group of labourers related to each contractor.	<ol style="list-style-type: none"> <li>1. Importance of ensuring health seeking behaviour.</li> <li>2. National policies in this regards.</li> <li>3. Possible threats to each group of people.</li> <li>4. Safety measures.</li> <li>5. Child rights and abuses.</li> <li>6. Ensure villagers' livelihood minimizing construction related disturbances.</li> </ol>	The participation to these programs is mandatory for all labourers.
Technicians and Officers	It should be conducted before commencing road construction covering each group of labourers employed under each contractor.	<ol style="list-style-type: none"> <li>1. Importance of ensuring health seeking behaviour.</li> <li>2. National policies in this regards.</li> <li>3. Possible threats to each group of people.</li> <li>4. Safety measures.</li> <li>5. Child rights and abuses.</li> <li>6. Ensure villagers' livelihood minimizing construction related disturbances.</li> <li>7. Labour laws and rights.</li> </ol>	The participation to these programs is mandatory for all technicians and officers.

Source: CEP/Stage 3/RAP/Data

Apart from the human risk behaviour including HIV/AIDS, all labourers and office staff should be aware of all national policies and regulations and also as per the other project related requirements. Especially, PD is responsible to inform each and every such policies and project requirements to all contractors.

## Chapter XI: Institutional Arrangements

### 11.1 RDA and Project Management Unit

RDA is a semi-governmental organization and comes under the MOHEH. It works as the EA of the project and a particular entity is established to manage the project task until the end of the project. It represents as Project Management Unit (PMU) and all project activities are planned and implemented under the PMU.

Involuntary resettlement planning, implementation and monitoring involve various ministries and agencies. Overall implementing responsibility of the project lies with the GOSL and MOHEH which is the line ministry for the matters pertaining to the road development. RDA being the execution agency for national road networks has administrative responsibility for implementation of the project under the general supervision of the MOHEH.

The Land Division of the RDA headed by a director is the prime division that deals with land acquisition and payment of compensation as per LAA. However, under certain conditions PMUs responsible for specific projects are established by MOHEH. These PMUs are entrusted to carry out land acquisition related to their projects in consultation with Land Division, to expedite the land acquisition process. PMU will work under the general supervision of RDA, but will have direct linkages and access to MOHEH to expedite their work. PMU has to accomplish a time-bound program through a planned set of interventions agreed upon by concerned authorities. Thus, PMU is the focal institution responsible for RAP implementation at operational level. PMU has been strengthened with a certain degree of financial autonomy and administrative flexibility subject to the guidance and supervision of the MOHEH and directives of the General Treasury.

#### 11.1.1. PMU/RDA

The responsibility of implementing the RAP will rest with the RDA, and its direct responsibility lies with the PMU established for implementation of the Project. The PMU operates as a time-bound project office headed by a project director and staff personnel in engineering, resettlement, land acquisition, environment and other supporting grades. Regarding resettlement planning and implementation, the PMU attends to the following activities. They are:

##### **A. Preparation of RAP**

Assist resettlement consultant/team to develop RAP for the project through facilitating to trace the ROW, identification of PAPs, assist to conduct social and environmental assessments in the area through surveys and other primary and secondary information, assist and participate in awareness creation meetings at Divisional Secretaries level, support stakeholder meetings and FGDs and review processes of draft RAP

##### **B. Land Acquisition**

Preparation of land acquisition application and submit to MOHEH who will submit it to Ministry of Land and Land Development (MoLLD) with RP as an attachment. After accepting the Land Acquisition application by MoLLD, with the appointment of DS as the Acquisition Officer, support implementation of land acquisition. This includes preparation of necessary papers for each stage of land acquisition, translation of them into all three languages, maintain close

support up to the end of the land acquisition process ending with the taking over of the possession of land into RDA ownership

Support PAPs to receive compensation for land, structures and crops as per LAA by assisting them to prepare for land ownership inquiries with necessary documents and proofs, if needed transport facilities especially for vulnerable people to attend to inquiries.

Make sure that money is adequately available with PMU/DS/RDA to pay compensation without delays as applicable.

### **C. Resettlement Benefits**

The PMU will pay attention to the following activities related to resettlement process. They are:

1. Initiate information disclosure on formal approval of RAP
2. Pay cash resettlement benefits as per Entitlement Matrix
3. Pay special attention when cash benefits are given to vulnerable persons, women and sick persons ensuring that they receive proper amounts and use them properly
4. Maintain highest transparency in cash payments
5. Ensure availability of funds with PMU/RDA for issuing resettlement benefits. Resettlement benefits are not paid through DSs
6. Replace community and religious properties damaged by the project as soon as possible.
7. Implement agreed income restoration projects for selected APs
8. Support self-relocated PAPs when they need support
9. Initiate resettlement sites if they are included in the proposal with the approval of the RAP. This involves acquisition/purchase of suitable lands, beneficiary participation, host community concurrence, infrastructure development, housing construction etc.
10. Implementation of internal and external monitoring on RAP implementation

#### **11.1.2 Environment and Social Development Division (ESDD)**

The ESDD oversees land acquisition and resettlement planning and monitoring implementation of safeguards compliance under various RDA projects. ESDD helps to prepare terms of reference (TORs) for RAP preparation, orients RP preparers, reviews RAP, prepares quarterly internal resettlement monitoring reports, helps prepare TORs for external monitoring agencies, and conducts spot checks at various stages of preparation and implementation of resettlement plans. However, in the absence of skills and expertise in most PMUs, the ESDD may provide the necessary expertise to the respective division or PMU. ESDD also maintains a database of PAPs and status of compensation payments and rehabilitation assistance.

### **11.2 Other Stakeholders of the Project and Their Contribution in Resettlement**

#### **11.2.1 Divisional Secretariat Divisions**

The Stage 3 of the CEP spreads over 3 DSDs. DSs and their staff have important roles in the implementation of the project. In the first instance, their involvement is related to preparation in implementing of land acquisition requirements.

The PMU/RDA has the responsibility to make DSs aware about the project, and subsequently have formal awareness meetings with relevant DS officers including Grama Niladaris, poverty

alleviation officers, women's development offices, land officers and staff of relevant government agencies operating in the division, NGOs, religious leaders, community leaders, members of local councils etc. In this awareness meeting, resource persons drawn from subject specific agencies make presentations on introduction of the project, resettlement planning, land acquisition procedures and property valuation etc. It has plenary sessions to discuss matters important to the audience. In line with this approach meetings were held in all three DS divisions prior to the commencement of the socio-economic survey of the project affected households.

After approving the proposed land acquisition by MoLLD, DS is appointed as the acquisition officer for the DSD, and he/she initiates land acquisition process as per LAA until possession of land is taken. This include initial notification and formal surveys by Dept. of Surveys, title inquiries by acquisition officers, valuations by Dept. of Valuations, appeals by prescribed review boards etc.

Land Acquisition is a routine function of DS offices and they are geared to undertake land acquisition with laws, procedures, systems and resources, including manpower. However, at certain times, there may be resource gaps with regard to preparation of statutory documents in three stipulated languages and staff mobility due to limited financial resources. In these occasions, as mentioned earlier, PMU/RDA supports DS office to increase its capacity where it has shortfalls, because this is an important event for PMU/RDA as they have a time bound project before them.

In case of RAP implementation, DS is an important position as he/she is the coordinator of all development programs in the division. The RAP is prepared on the information collected through resettlement survey and social and economic survey. With completion of land acquisition, the information collected for the resettlement plan will be verified, and this information will be incorporated into the revision of RAP. Information available at DS office could be used to verify PAP profiles with regard to their encroacher, tenant or lessee situation, vulnerability, income levels, employment etc. This is useful when PMU is paying cash and other resettlement assistance suggested in the RAP.

PMU can draw the assistance of DS and his subject specific staff in the areas of poverty alleviation, gender development, youth officers, and nearly 40-60 development officers to support PMU's resettlement plans in general, and income generating programs and resettlement sites/village programs with particular attention. Resettlement site operation needs strong coordination among its stakeholders for establishing utility services and future maintenance responsibilities. The collaboration with respective DSs in this area strengthens PMU's coordination and implementation of resettlement sites. DS holds the responsibility of coordinating all government development programs in the division.

PMU is responsible for assisting PAPs to find suitable lands (including PAPs who wish self-resettlement) if they require, for schooling of displaced children in nearby schools, approval for new housing construction from local councils etc. For this assistance PMU has to work closely with DS. In addition, when land is required for resettlement sites, DS is in a position to help PMU in a noticeable manner as he/she is the custodian of government land not allocated to specific institutions.

### **11.2.2 Survey Department**

In the land acquisition process, the Survey Department has a statutory role as per LAA to survey land and prepare survey plans. On the formal request issued to the Survey General by acquisition officer (DS), Survey Department employs its licensed surveyors to survey lands and show them with the names of claimants. In the final survey plans (primary plans) prepared by the Department of Surveys, survey plans of all land plots, required to be acquired are given with tenement list (list of persons claiming ownership for land/structures) to the acquisition officer following standard survey techniques and procedures. This survey plans and list of names are important reference information for the acquiring officer when he/she holds ownership inquiries.

In certain circumstances, there is a shortage of licensed surveyors and lack of resources for surveyors to be mobilized soon, especially when they are occupied with previously arranged assignments. In these circumstances, PMU assists Dept. of Surveys to hire licensed surveys to work under the direction of the Survey General with necessary resources for mobilization and other assistance at field level.

### **11.2.3 Department of Valuation**

The highest official position of the Department of Valuation (DOV) is titled as "Chief Valuer". This is similar to the post of Director General or Commissioner General in other Government organizations. As per LAA, only the Chief Valuer or any other officer authorized by him/her can attend to valuation of properties expected to be acquired.

As per LAA, valuation of properties is based on market price approach conventionally. The LAA regulation 2008 will help Valuation Department to make reasonable assessments close to realistic market prices. On the request of Acquisition Officer, DOV will assign their staff to value properties to be acquired and report to acquisition officers through Chief Valuer. The Chief Valuer's endorsement is the expression of statutory commitment of the DOV for its valuation, and readiness to go to any review board or court of law.

In the case of valuation of properties, officers assigned by the DOV visits the property, individually or jointly and make their assessment based on the following:

- Filed conditions and surrounding environment of the property
- Purpose of the use of the property (residential, commercial or agricultural purposes etc.)
- Available documentary evidence related to values of properties: deeds, valuation certificates, loan documents, income earning evidence etc. if available
- Consultation of people
- Study secondary information available in DS offices, Provincial and Central Tax offices etc.

The valuation of properties by valuation is property specific, site specific and user specific. It gives individual values for each and every property.

The PMU can support DOV to attend to the work of the project as per the schedules, providing mobilization support to the visiting valuation officers to visit expected sites.

### **11.3 RAP Approval Process**

The MOHEH is the national agency responsible for approving RAPs prepared for road development projects of the RDA. Although NIRP has assigned approval of RAPs to CEA in its

section on 'Institutional Responsibilities', in practical terms this has become a mere policy level broad statement. This has to be taken as an implicit approval rather than a formal approval by CEA. As per present practice, when RAP is submitted to CEA along with environment clearance application, if it is accepted by CEA, this acceptance is considered as the approval of CEA for all practical purposes.

The MoLLD holds the responsibility of implementation of the NIRP and the Project Executing Agency has been assigned with the responsibility of 'compiling with all the requirements for planning and implementing resettlement according to the NIRP'. Thus the Ministry of Land and Land Development becomes the premier agency responsible for overall implementation of resettlement plans in the country, as they are within the scope of NIRP. As in the case of CEA, MoLLD too doesn't issue formal approval for RAPs and shows its explicit approval by accepting it for initiating the land acquisition process. All land acquisition applications submitted by project implementing agencies have to annex a copy of RAP prepared along the guidelines of NIRP. MoLLD doesn't accommodate land acquisition applications without a RAP approved by the project approving authority, the MOHEH in case of road development projects of RDA.

The reason for MoLLD and CEA to keep away from granting administrative level of approval to RAPs is understandable. RAPs are prepared by PMUs/PIAs following guidelines of NIRP and other GoSL policies and procedures. In addition, when projects are funded by external agencies, PMUs/PIAs have to consider donor requirements also in RAP planning process. The RDA manual referred to above has instructed to submit RAP to 'donor agency' to seek its concurrence (informally) at ESDD level, before it submits to MOHEH as the approving agency. To an extent, formal approvals require intervening into internal systems of PMUs through checking, supervising and guiding etc. As PMUs have the resources and knowledge base for RAP implementation, MoLLD and CEA do not wish to narrow down the scope of RP implementation by taking operational approval responsibility to them. If this responsibility is taken out of subject specific approving agencies like MOHEH, then the RAPs may be prepared to satisfy minimum level required for formal approving agency (like MoLLD or CEA), instead of becoming a fully-fledged document with undivided commitment to be implemented by PMU and MOHEH at last. MoLLD and CEA wish to hold a broader responsibility by staying at policy level, and influence the effective implementation of resettlement principles in the country. If and when RP planning and implementation deviate from accepted policies and principles MoLLD and CEA will have authority to correct them through their monitoring processes.

## Chapter XII: Implementation Schedule

The EA of the Project is MOHEH/RDA which is responsible for overall project coordination. A PMU under the EA will manage and coordinate project implementation. The MOHEH/RDA will provide guidelines in undertaking land acquisition (including resettlement process) to the PMU. The PMU will undertake required social assessments, resettlement planning and implementation for the project, providing required technical assistance and project consultants.

### 12.1 Identification of PAPs, Land Acquisition and Compensation

As a national project of great significance, it is anticipated that acquisition of land and resettlement activities will be completed within the minimum possible time period. Land acquisition process is scheduled to be implemented during the first quarter of year 2015 and completed before the end of the first quarter of year 2018.

A time bound implementation plan is to be prepared for the entire period spanning about 6 months. Land acquisition process will be completed in accordance with the timing for civil works.

Land acquisition will be handled by the PMU in collaboration with the Land Acquisition Division of RDA and ESDD. The PMU will provide adequate advance notice to the PAPs and no person will be asked to move before he/she has been paid all his/her due resettlement entitlements. The civil works contract will be awarded only after all compensation and relocation has been satisfactorily completed and rehabilitation measures are in place for each section.

### 12.2 Resettlement: Self-relocation and RDA Resettlement Sites

Resettlement process is a complex task to all stakeholders. There are PAPs who want to continue self-relocation while some of the PAPs expect RDA intervention and resettlement site for relocation. Therefore, EA/PMU has to find various ways and strategies to meet PAPs goals and unforeseen issues. Therefore, the key tasks identified in land acquisition and resettlement in Table 64 will help PMU in implementation of RAP.

**Table 64: Key Tasks and Responsibilities in LA and Resettlement**

Task	Responsibility	Scheduled Minimum Time Period	Status
Recruitment of resettlement staff, and initial training	MOHEH, PMU/RDA, ESDD/RDA	One month	Completed
Conduct of Census & SES and input of data & analysis	PMU, ESDD/RDA	2 – 3 months	Completed
Preparation of RAP and submission to MOHEH and MoLLD for approval	PMU, ESDD/RDA	One month	Completed
Establish PICs	PMU, ESDD/RDA	One month	Completed
Land Acquisition –Process	DS, SD, DOV, DOGP, RDA (LARD, PMU, ESDD/ RDA), MOHEH, MoLLD	6 months	Ongoing
Identification of resettlement sites	PMU, LARD/RDA, DS, SD, DOV, ESDD	6 months	Ongoing
Payment of Compensation	PMU, LARD/RDA, DS,	6 months	Ongoing

	SD, DOV, ESDD		
Relocate houses, shops, businesses	PMU, LARD, ESDD/RDA	6 months	Ongoing
Clear the ROW	PMU, LARD/RDA, DS	6 months	Ongoing
Issue notice for commencement of civil workers	PMU/RDA, MOHEH	After completion of LA	To be initiated
Income Restoration	PMU, ESDD, LARD/RDA, MOHEH	12 months	To be initiated
Management Information System	PMU, ESDD, LARD/RDA, MOHEH	Until completion of LA and resettlement	To be initiated
Grievance Redressing	GRC and other state institutions	From LA stage to completion of construction	To be initiated
Internal Monitoring	PMU, ESDD, LARD/RDA, OPH	From LA stage to completion of construction	To be initiated
External Monitoring	External monitor, PMU, ESDD/RDA	From LA stage to completion of construction	To be initiated

Source: CEP/Stage 1 and 2/RAP/Data

### 12.3 Management of Information on PAPs

While managing a complex project like the CEP which is the biggest expressway project in the country, massive entries of information of PAPs and resettlement related matters has to be handled. Therefore, it is an essential requirement to establish an Information Management Unit within the PMU.

## Chapter XIII: Monitoring and Reporting

### 13.1 Introduction

The objectives of monitoring are: 1). to ensure that the standard of living of PAPs is restored or improved, 2). to monitor whether the time lines are being met, 3). to assess if compensation, rehabilitation, replacement measures are sufficient, 4). to identify problems or potential problems, and 5). to identify methods of responding immediately to mitigate hardships.

A monitoring and evaluation program will be implemented to (a) record and assess project inputs and the number of persons affected and supported by the project, and (b) confirm that former subsistence levels and living standards are being re-established. The range of activities and issues would therefore have to be recorded and checked. Therefore, it is of paramount importance to establish more specific monitoring indicators for the project as indicate below:

**Table 65: List of Monitoring Indicators**

S. No.	Indicator	Means of Verification	Time of Verification
1.	Number of households affected	Secondary data of PMU and primary data collected through FGDs by the monitors. Data disaggregated by sex of owner/ head of HH	Before and after constructions
2.	Size and quantity of properties and assets (lands and structures) affected	Secondary data of PMU. Data disaggregated by sex of owner/ head of HH	Before and after constructions
3.	Method of compensating or restoration of all affected properties and assets	Secondary data of PMU. Data disaggregated by sex of owner/ head of HH	Before and after constructions
4.	Number of properties affected	Primary and secondary data of PMU. Data disaggregated by sex of owner/ head of HH	Before and after constructions
5.	Number of PAPs relocated in resettlement sites	Primary and secondary data of PMU. Data disaggregated by sex of owner/ head of HH	Before and after constructions
6.	Number of PAPs self-relocated	Primary and secondary data of PMU. Data disaggregated by sex of owner/ head of HH	Before and after constructions
7.	Number of host community integration programs conducted	Primary and secondary data of PMU. Data disaggregated by sex of owner/ head of HH	Before and after constructions
8.	Improvements of livelihood of PAPs	Primary and secondary data collected through FGDs by the monitors. Data disaggregated by sex of owner/ head of HH	After constructions
9.	Number of construction related incidents	Primary and secondary data of PMU and primary data collected through FGDs by the monitors	After constructions
10.	Number of conflicts between inhabitants and workers of the projects	Secondary data of PMU and primary data collected through FGDs by the monitors	After constructions
11.	Number of vulnerable people/households faced with	Primary data collected through FGDs and Kills by the monitors. Data	Before and after constructions

	impoverishment	disaggregated by sex of owner/ head of HH	
12.	Number of reported cases to the GRM	Secondary data of PMU. Data disaggregated by sex of owner/ head of HH	After constructions
13.	Number of reported cases resolved	Secondary data of PMU and primary data collected through FGDs and KIIs by the monitors. Data disaggregated by sex of owner/ head of HH	After constructions
14.	Number of women participated in project related activities	Secondary data of PMU and primary data collected through FGDs by the monitors. Data disaggregated by sex of owner/ head of HH	After constructions
15.	Number of CBOs/NGOs involved in project related activities	Secondary data of PMU and primary data collected through FGDs by the monitors.	After constructions
16.	Number of IRP and livelihood improvement programs conducted	Primary and secondary data of PMU. Data disaggregated by sex of owner/ head of HH	Before and after constructions
17.	Number of PICs established and its role in information dissemination	Primary and secondary data of PMU	Before and after constructions

Source: CEP/Stage 1 and 2/RAP/Data

### 13. 2 Process of Monitoring: Internal and External

A monitoring and evaluation program will (a) record and assess project inputs and the number of PAPs, and (b) ensure that the PAPs former subsistence levels and living standards are being re-established. The range of activities and issues would therefore have to be recorded and checked. For this purpose it is better to have two processes of monitoring and evaluation, namely, a). Internal monitoring which will be conducted by project staff of each MOHEH/RDA/PMU, and b). External monitoring which will be conducted by an independent body of experts.

Both internal and external monitoring should take place at least in three stages of the project. They are: a) before commencing construction, b) after preparation of ROW for improvement, and c) after completion of the construction.

Internal monitoring will be done by the PMU established by RDA. PMU could obtain assistance from ESDD on matters arising from internal monitoring. Internal monitoring should be carried out against the activities, entitlements, time frame and budget set out in the RAP.

It is suggested to maintain a card system in the monitoring office recording the entitlements due and received by each affected household. A duplicate should be given to each entitled household or person (titled as "Resettlement Card") recording their entitlements due and received for their own records.

In addition to recording the progress in compensation payment and other resettlement activity, the PMU will prepare a monitoring report to ensure that implementation of RAP has produced the desired outcome. Information gathered from the monitoring exercise will be subjected to review at the Project Coordinating Committee (PCC) at ministry level and other relevant stake

holders in view of taking remedial measures to mitigate or solve the problems that need institutional interventions.

The specific tasks and methodology for external monitoring shall include:

1. Review of pre project (before displacement) baseline data on PAPs ,
2. Verify the progress of implementation of RP based on the records available at field offices, PMU and each household.
3. Advise on safeguard compliance issues if significant involuntary resettlement issues are identified, prepare a corrective action plan to address such issues
4. Identify an appropriate set of indicators to gather and analyse information on resettlement impacts
5. Use of various formal and informal methods for impact analysis
6. Assessment of resettlement efficiency, effectiveness, impact and sustainability
7. Provide guidelines for future resettlement policy making and planning from the lessons learned.

External monitoring will commence after the commencement of the resettlement program. External monitors will prepare semi-annual monitoring reports that describe the progress of implementation of resettlement activities and any compliance issues and corrective actions. The semi-annual reports will be submitted to PMU, ESDD and Director General's office RDA.