

Chapter Three

3. RESETTLEMENT POLICY AND STRATEGIES:

Land and asset acquisition for the STDP will be undertaken within the framework of the Land Acquisition Act of 1956(with latest amendments) where the land Acquisition Act does not meet the standards of the ADB resettlement policy, improvements have been added. The STDP Policies and entitlements meet the standards of the ADB and have been accepted both by RDA and the Bank.

3.1 The Land Acquisition Act and Land Acquisition Procedures

Table 3.1 provides a flow chart illustrating the various steps involved in land acquisition on the basis of the current law and practice. The minimum average timeframe for each stage is provided in column 3 of the table. The following are the main sections and clauses of the Land Acquisition Act that will be applied to the Project. Figure 3.1 further illustrates the flow chart.

Table 3.1 Flow Chart for Land Acquisition Under the Land Acquisition Act No. 8 of 1979.

Activity	Responsibility	Minimum Period Required for Task (weeks)
1. Preparation of the project proposal. Request for land to be acquired – to Land Ministry Section 2 (1) of LA Act.	Project Executing Agency	2
2. Approval granted by the Ministry under Section 2	Minister of Lands	2
3. Preparation of a perimeter survey plan Section 2 (3)	Survey Dept.	4
4. The Minister’s decision to acquire the land and the decision to be publicized in the Government Gazette in 3 languages under Section 5.	Minister of Lands	5
5. Preparation of the preliminary plan (PP) under Section 6 by the Survey Dept. or a Licensed Surveyor acting under the directions of the Surveyor General.	Surveyor	6

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<p>6. Publication of the notice that an inquiry will be held under Section 7 (1) and those interested to appear before the inquiring officer for an inquiry. This is to be gazette in all 3 languages. The data of inquiry should not be earlier than 21 days and could be extended up to 28 days.</p>	<p>Acquiring Officer</p>	<p>6</p>
<p>7. Any person interested in respect of the land can under Section 8 deliver to the acquiring officer the names and addresses of interested parties and nature of the interest in the land and all other details such as rent, profits, etc.</p>	<p>Affected Persons</p>	
<p>8. The inquiry under Section 9 by acquiring officer to ascertain market value, compensation claim by affected parties. Valuation Department to be requested to calculate the amount of compensation to be paid</p>	<p>Acquiring Officer</p>	<p>8</p>
<p>9. Decision of inquiry under Section 10(1) as to a person's right to the land. If claimant is not satisfied with the decision, the Acquiring officer can make a reference to district court/primary court and defer making his award. Here the inquiry is stopped until the court decides the issue.</p>	<p>District Court/Primary Court</p>	<p>Indefinite</p>
<p>10. The result of the inquiry under Section 9 and decision under Section 10 which is the final determination makes his award under Section 17 giving details of: (1) Persons entitled to compensation (2) Nature of interests (3) Amount of compensation (4) Apportionment of such compensation</p>	<p>Acquiring Officer</p>	<p>5</p>
<p>11. If the parties disagree, they can appeal to the Board of Review.</p>	<p>Affected Persons/Board of Review</p>	<p>Indefinite</p>
<p>12. Payment of compensation.</p>	<p>Acquiring Officer</p>	<p>4</p>
<p>13. A notice under Section 38A is gazetted (if the land is not taken over earlier). Vesting Order.</p>	<p>Minister</p>	<p>6</p>

14. Taking possession of the land.	Acquiring Officer	3
15.Registration of the land and state title in the land registry	Ministry of Lands	3
Total period in weeks		54

Note: For JBIC and part of ADB Section 38A has been applied by the ministry of land to take possession of the land pending all other procedures. Not with standing such acquisition, these procedures will be followed in order to pay compensation for all land taken over by RDA for STDP.

3.2 Inadequacies of the Land Acquisition Procedures and Improvements Required.

The National Resettlement Policy Project (Appendix – B) has identified some inadequacies of the land acquisition procedures under the LAA, identified in italics below. Other inadequacies have become apparent during preparation of this RIP, and these are also identified and addressed below.

- a. *Under the LAA the onus is entirely on the affected person to prove ownership, demonstrate clear title, gather all the information and submit at the inquiry. These persons are frequently ill equipped to deal with the various officials and documents.*

STDP has organized Community Consultative Groups (CCG) to guide assist APs to gather necessary information and make their claims to the LRC.

- b. *Surveying under the present system has to be done by a Government Surveyor and valuation by the Chief Valier. These are government officials who have other assignments and are not readily available especially to meet the tight implementation schedules of donor funded development projects. The result is that these two activities significantly delay land acquisition. In the Accelerated Mahaweli Programme, private surveyors were engaged to expeditiously deal with surveys in order to keep to the development schedules.*

To comply with the legal procedures, STDP will continue to use the Government Surveyor and Valuation Department.

- c. *In most projects responsibility for land acquisition, such as dealing with land title issues, identification of alternative land, and paying compensation, are handled by different agencies.*

STDP will continue to use the same agencies but will facilitate coordination through organization of land Resettlement Committees (LRCs) consisting of the Divisional Secretary, Valuation Officer, Survey Department, RDA Technical Officer, and Grama Niladaris and representatives of APs as ex-officio members.

- d. *Affected persons face serious delays in the land acquisition and compensation process. Inquiries go on for a number of days. Divisional Secretaries conduct inquiries but they are often inexperienced in interpreting legal documents and deciding on complicated ownership cases. The following improvements have been proposed by the Infptech-I/D/E/A/S consultants.*
- i) The agency that requires the land should assist the Divisional Secretary with the inquiries through the assistance of a lawyer to clear the ownership titles. A lawyer should look into the deeds and if necessary check them with the Land Registry and issue a title clearance certificate to enable the acquisition officer to decide speedily. A lawyer can also suggest ways and means of solving the difficult cases by advising the clients. The Lawyer will be paid on a case-by-case basis.
 - ii) The affected persons who attend the inquiries sacrificing their day's income should be paid a daily allowance to cover their expenses for the day.
 - iii) There are two surveys done presently by a government surveyor, i.e. the perimeter survey and the Preliminary Plan (PP). It may be possible to do the two surveys under Section 2 and 6 of the LAA. Simultaneously, it should be possible for private licensed surveyors as approved by the Surveyor General to do the surveys under the LAA.
 - iv) STDP will continue to assist APs to prepare 'qualified claim' through a set of lawyers to engaged and paid by LARD. This will reduce the time to claim compensation and in clearing land ownership issues, and will also continue to use the Government Surveyor.
- e. **Valuation:** The problem that cause delays in valuation are:
- Inadequate staff – of 40 positions, only 22 are currently filled
 - Lack of required facilities, e.g., transportation
 - Court – related work

The acquisition process can be improved if valuation is done just after the topographic survey and completed within 2 weeks. It should be possible to employ private Licensed Valuers under the guidance of the Chief Valuer to do this work. The existing vacancies in the Valuation Department should be filled or officers should be separately assigned to land acquisition for STDP.

STDP will follow the normal surveying procedures. Valuation will be done by valuation officers assigned to the LRCs for the duration of the Project.

- f. **Compensation Rates :** The LAA specifies valuation according to market value, that is the amount that the land might be expected to have realized if sold by a willing seller in the open market as a separate entity on the date of publication of that notice in the Gazette. For structures, this means the depreciated value of the structures, however, the Valuation Officer has the latitude to specify what the market value shall be. For the STDP, the Valuation Department has agreed to calculate compensation for all types of structures at full replacement cost (Appendix H&I)
- g. **Funds:** *Although funds for compensation are provided in the budget of the Ministry of Lands, there are delays in the money being released by the Treasury. In other instances funds allocated to the Ministry are returned unutilized due to the delays in the land acquisition. Pay procedures are also slow. Funds should be available to the Divisional Secretaries as soon as the Minister approves the proposal for payment of compensation. RDA has already provided Rs 300 million in the current fiscal year against the budget provision of land acquisition and resettlement.*
- h. **Gazette Notifications:** STDP will not include publication of notices under Section 4 of the LAA to reduce time required to implement land acquisition.
- i. **Special Acquiring Officers:** *As in the Mahaweli Project, there is need to appoint special full time Acquiring Officers to attend to all acquisition matters in regard to STDP. The DS that initiates the inquiry rarely completes it. This affects the community of the acquisition and there by delays the process for the following reasons.*
 - *The Divisional Secretaries belong to a transferable service (SLAS).*
 - *The Divisional Secretaries are not trained to handle legal issues such as land titles.*
 - *The Divisional Secretary's duties are varied, especially after devolution, and land acquisition invariably gets a lower priority.*

STDP will have the assistance of acquiring officers dedicated to the project.

3.3 Land Development Ordinance (1935)

- a. 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 reserve land or required for any other government purpose. Subsequently, the person may be given up to a 99-year lease, which constitutes legal title without the right to disposal. The term for such titles is Swarna Boomi or Jaya Boomi.

- b. There are two categories of encroachment on crown land:
- Middle Income Category: households that have other agricultural land
 - Lower Income Category: landless households. By virtue of this same Ordinance, landless households will be given special consideration for allocation of crown land that is not reserve land.

3.4 Prescriptive Ordinance, No. 22 (1871)

Under Section 3 and 13, households who have encroached onto private land and have been

occupying the land for at least 10 years may apply through the courts for prescriptive rights to the land.

3.5 National Environmental Act

Under the provisions of part IV C of the National Environmental Act as contained in Gazettes (Extra-Ordinary) No.772/22 of 24th June 1993 and No. 859/14 of 23rd February 1995, the Central Environment Authority (CEA)

The CEA further requires that an assessment of the impacts of relocating families and other community group should be summarized in sufficient detail to adequately explain the situation arising from such re-location. This assessment should identify anticipated problems, proposed mitigation measures; estimated cost involved and recommended an entitlement package. This assessment should be based on information such as views of the affected parties, Census data, Central Bank reports, interviews with community leaders and site visit or field survey. It should be clearly demonstrated that every possible action has been taken to avoid relocating households and businesses. Where relocation is found to be unavoidable, the following issues must be addressed in relocation to each alternative action:

- Number of households to be relocated and their socio-economic profiles. A distinction should be made between rented properties and owned properties.
- Availability of comfortable, safe, sanitary and affordable housing for the displaced housing for the displaced parties. This discussion should include the price ranges, size of house (e.g., number of rooms), location relative to present homes, an accessibility.
- Anticipated loss of employment caused by acquisition of business, industrial or domestic premises necessitating relocation, and actions taken to compensate affected parties.
- Number of commercial and industrial ventures to be relocated, their descriptions, size of premises, number of their employees, their revenues/ sales and their special needs such as water and power.
- Availability of sites for relocating displaced business and the cost benefit analysis of relocating them (e.g., loss of/ gain in patrons, change in travel/deliver times).
- A statement that (1) Acquisition of property and relocation will be conducted in accordance with the existing laws and regulations such as the Urban Development Law

- No. 41 of 1978), and (2) Resources are available for compensating all residential and commercial displaced without discrimination.
- A discussion of the financial and other incentive programmes that will be developed to minimize the impact must be included, regardless of whether or not alternate sites and/or buildings are available. This discussion may also consider other sources of assistance available to the displaced.

3.6. Resettlement Goals

The principle aim of the RIP is to address the social impacts and ensure the successful restoration and improvement of the living standards, income earning capacity and production levels of project-affected households.

3.6 Resettlement Planning Principles

This RIP intended as a planning tool. The preparation of this RIP has been based on the following resettlement planning principles:

- Avoiding or minimizing resettlement effects through technical modifications to the Project.
- Defining entitlements and eligibility resettlement planning and precise impact on APs so that appropriate entitlement policies and rehabilitation measures can be developed.
- The policy framework – assessment of existing policies and the need for new policies to meet the needs of all affected persons, including non-titled persons, women, and other vulnerable groups.
- Strengthening institutional capacity – staffing the field resettlement unit with suitably qualified full-time resettlement officers, organizing community level resettlement support groups.
- Determining an accurate budget – the actual costs of land acquisition, resettlement and rehabilitation and how they will be financed.
- Defining an accurate time line – how land acquisition and resettlement will fit in to the overall project schedule.

3.7 Special STDP policies

The Resettlement Plan (RP) that was prepared by RDA in July 1999 provide the general policies, entitlements and procedures that were agreed to as a minimum for land acquisition and resettlement on the STDP. However, as the July 1999 RP was not based on the actual situation of APs along the final alignment, it has been updated in this RIP to extend benefits to all APs.

3.8 Compliance with ADB's Resettlement Policies

3.8.1 ADB Resettlement Policies

Land acquisition, compensation and resettlement on the STDP will comply with the ADB's policies. This RIP and the policies and procedures described herein have been prepared in compliance with the policies and procedures outlined in the ADB's Handbook on Resettlement. The main objectives and principles of the ADB are as follows:

- Involuntary resettlement should be avoided where feasible.
- Where population displacement is unavoidable, it should be minimize by exploring all viable project options.
- People unavoidably displaced should be compensated and assisted, so that their economic and social future would be generally as favorable with the project as it would have been in the absence of the project.
- Compensation should be at full replacement cost with the no deduction for depreciation, and should be accompanied by measures to restore or improve living standards and livelihoods, so that people are not disadvantaged by resettlement.
- The absence of the formal legal title to land by some affected groups should not be a bar to compensation; particular attention should be paid to household headed by women and other vulnerable groups, such as the very poor, the elderly, indigenous peoples and ethnic minorities, and appropriate assistance provided to help them improve their status.
- Existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible, and resettlers should be integrated economically and socially into host communities.
- Affected people should be fully informed and closely consulted on resettlement and compensation options.
- Vulnerable groups should be assisted to improve their status; they may not have assets for compensation or income for restoration. Replacement housing should meet minimum housing standards.
- As far as possible, involuntary resettlement should be conceived and executed as a part of the project.
- The full costs of resettlement and compensation should be included in the presentation of project costs and benefits.
- Costs of resettlement and compensation may be considered for inclusion in Bank loan financing for the project.

3.8.2 Compliance with ADB Resettlement Policies

- The Engineering Design has made considerable effort to avoid houses and paddy land by moving the alignment and reducing the width of the ROW.
- People unavoidable displaced are being compensated and assisted so that their economic and social future would be generally as favorable with the project as it would have been in the absence of the project.
- The Project is paying compensation for crops and trees at the market value and for land and structures at full replacement cost with no deduction for depreciation.

- APs are being assisted with the identification and purchase of the replacement land as a priority, according to the APs preferences.
- Informal dwellers on residential land are being provided with land and a house. Encroachers on agricultural land are also being provided with land, if available, or cash in lieu of land.
- All APs who belong to vulnerable groups (e.g. female headed, elderly, disabled and minority households, households with incomes below the poverty line, farmers with less than 1 acre of land and severely affected (HH) are entitled to cash grants for livelihood restoration, and other special assistance including house construction.
- Existing social and cultural institutions of resettlers and their hosts are being supported and used to the greatest extent possible, and resettlers are being integrated economically and socially into host communities.
- All APs are being consulted to inform them about the project scope, impacts and schedule, and about their entitlements. They have opportunities to express their concerns and to participate in RIP planning. For example, they invited to participate in designing resettlement sites and income restoration measures.
- The full cost of resettlement and compensation are being included in the RIP budget and, therefore in the Project budget.

3.9 Entitlement Policy

3.9.1 Loss of Agricultural Land

- a. In conformity with current international practice, households will be classified according to the percentage of land lost for the determination of entitlements and rehabilitation assistance. The overall principle will be that titleholders with total landholdings of 1 acre or less who loss more than 10% of their total landholdings, and titleholders with total landholdings of more than 1 acre who lose more than 25% of their total landholdings, will be classified as Severely Project Affected Families (SPAFs) and entitled to additional rehabilitation assistance.
- b. Titleholders who lose less than 10% (with total landholdings of 1 acre or less) or less than 25% (with total landholdings larger than 1 acre) of their total landholdings, or whose production levels are not severely affected by the loss of land, will be classified as marginally affected and offered cash compensation only, payable at the time of land acquisition.
- c. Titleholders who lose more that 10% (with total landholdings of 1 acre or less) or more than 25% (with total landholdings larger than 1 acre) of their total landholdings, or whose production levels are severely affected by the loss of land, leading to the remaining landholding not being economically viable, will be offered a choice of assistance with the identification and purchase of replacement land, or cash compensation. In addition, they will receive income restoration and other rehabilitation assistance as specified in Section (e) below.

- d. Titleholders losing more than 75% of any affected land parcel or landholding, and titleholders whose parcel is severed due to land acquisition, will have the option to relinquish the remainder of that parcel or landholding if they -feel that the remaining portion of land after acquisition is too small to be viable for cultivation or other use. The SPAFs will also be entitled to compensation and income restoration as severely affected families (SPAFs) if they meet the criteria for SPAFs as defined in © above.
- e. Titleholders (including owners of structures of informal sector) will be compensated for all permanent land losses at full replacement cost. Marginal impact will be compensated in cash. The APs losing commercial establishment (both formal and informal) will have priority to establish business near the interchanges when these places will be operational. During consultation, the APs who lost their commercial establishments have consented to re – establish their business near the interchanges.

Severely affected titleholders will be assisted with the identification and purchase of replacement land as a priority if replacement land is available, or with cash according to the preference of the APs.

Where replacement land is not possible:

- Assistance to increase productivity on remaining land, if any, such as increasing use of fertilizer, and cropping intensity, and introducing more productive crops, together with agricultural extension assistance from the Department of Agriculture, Tea Smallholding Authority, and Agrarian Services Department; AND
 - Assessment and (where feasible) establishment of small-scale income-generating schemes; AND
 - Professional assistance to reinvest grant funds, assistance to set up a business at an interchange, and training in small businesses and setting up particular income generating activities; AND
 - Training for one person in each household to obtain skills for which there is existing demand in their own villages.
- f. Ande farmers/ sharecroppers will be compensated for all permanent land losses according to the sharecropping arrangement with the landowners. Generally the arrangement is 75% for the sharecropper and 25% for the landowner or vice versa. Marginal impact will be compensated in cash.

Severely affected ande farmers will be assisted with the identification and purchase of replacement land as a priority, if replacement land is available, or with cash according to the preference f the APs.

Where replacement land is not possible:

- Assistance to increase productivity on remaining land, if any, such as increasing use of fertilizer, and cropping intensity, and introducing more productive crops, together with agricultural extension assistance from the Department of

- Agriculture, Tea smallholding Authority, and Agrarian Services Department;
AND
- Assessment and (where feasible) establishment of small-scale income-generating schemes; AND
 - Professional assistance to reinvest grants funds, assistance to set up a business at an interchange or other equally advantageous location, and training in small businesses and setting up particular income generating activities; AND
 - Training for one person in each household to obtain skills for which there is existing demand on their own villages.
- g. Tenant farmers who have temporary lease arrangements with the titleholder will be entitled to cash compensation for lost income at a rate of a maximum of Rs 15,000 for average annual income for the preceding three years.
- h. Encroachers on private agricultural land, who have been cultivating the land for at least 10 years and, therefore, qualify for prescriptive rights, will be entitled to compensation as full titleholders.
- i. Encroachers on private agricultural land who have been cultivating the land for less than 10 years and, therefore, do not qualify for prescriptive rights, will be entitled to:
- Compensation for lost crops at market value AND
 - Compensation for future production loss equivalent to average annual income in the preceding 3 years to a maximum of Rs 15,000 AND
 - Compensation for any improvements on the land at full replacement cost.
 - Households with no agricultural land will be entitled to allocation of crown land with full title, if available, the amount to depend on the local land availability.
 - Severely affected households will be entitled to alternative income restoration assistance.
- j. Encroachers on crown agricultural land who have been regularized and have a permit to cultivate the land will be entitled to compensation as full titleholders.
- k. Encroachers who have been cultivating crown agricultural land but cannot be regularized because the land is reserved for other use will be entitled to the following:
- Compensation for lost crops at market value AND
 - Compensation for future production loss equivalent to average annual income in the preceding 3 years to a maximum of Rs 15,000 AND
 - Compensation for any improvements on the land at full replacement cost.
 - Households with no agricultural land will be entitled to allocation of crown land with full title, if available, the amount to, depend on the local land availability.
 - Severely affected households will be entitled to alternative income restoration assistance.
- l. Community Consultative Groups (CCGs) will be established in each affected Gramaseva Niladari to assist SPAFs with the reinvestment of their compensation in other productive

assets, and specifically with the identification and purchase of suitable privately owned cultivation land in the vicinity. The compensation and role of the CCGs are described in Section 8.2.4.

- m. Already affected persons in the section between 50km and 61+060 and persons to be affected in future will be entitled to the same entitlements as all other APs.

3.10.2. Loss of Crops and Trees

- a. Construction works will as far as possible be planned to allow for the harvesting of crops before land is acquired. Where crops cannot be harvested on the destruction of crops is unavoidable, cash compensation will be paid, based on crop market values at the time of compensation, as determined by the LRCs. All other resources from privately owned trees (e.g. timber, fuel wood) would remain the property of the concerned owner.
- b. For land under ande farming/sharecropping, the amount of compensation for standing crops and permanent crops such as timber and fruit trees shall be divided between the land owner and the ande farmer according to the sharecropping arrangement.
- c. For land under temporary tenancy, compensation for crops shall be paid to the tenant. Compensation will also be paid for the loss of three years future production to a maximum of Rs 15,000. Compensation rates will be calculated by the LRCs, based on three years annual net production.
- d. The loss of government trees will be mitigated by means of forestation exercises undertaken by the STDP in consultation with the Forest Department.

3.10.3 Loss of House Plots, Houses and other Privately Owned Structures

- a. Owners of houses and other structures such as sheds and fences (including owners of structures of informal sector) will be compensated in cash, for full or partial losses, at full replacement cost without deduction for depreciation or salvageable materials, as determined by the LRCs. This will include titleholders and tenants on private lands, and squatters occupying crown land at the time of the eligibility cut-off date. If there are structures that could be reinstalled at a new site, the reinstallation cost and transport cost will be provided by the Project. Further more, structures that are partially affected only will be entitled to the cost of repairing the structure in addition to compensation for affected material for replacement cost.
- b. Owners will have the right to salvage material from the affected buildings. The value of salvaged materials will not be deducted from the final compensation amount.
- c. For partial loss, to recognize injurious effect, if the remaining land and assets are not considered a “block” for development, 20% of the compensation amount will be awarded.

- d. For partially affected residential land, necessity of relocation determines severity of impact. If relocation is required, the impact is considered severe.
- e. Relocating households will be entitled to ex-gratia payment of 25 percent of the compensation amount for structures for vacating the premises at the stipulated time.
- f. Displaced households and owners of commercial establishments will be assisted with the identification of suitable replacement residential or commercial plots in the vicinity, either on group or individual resettlement sites.
- g. Tenants who have built their own houses on rented land will be compensated in cash at full replacement cost for the structures and assisted with the identification of alternative suitable residence in their local communities.
- h. Displaced households in rented accommodation will receive a Rental Stipend equal to 12 months rent payable in advance, limited to a maximum of Rs 50,000 per unit house over a 12 – month period according to the following rates:
 - Up to 600 square foot floor area: Rs 20 per square foot per month;
 - Over 600 square foot area: Rs 10 per square foot per month; AND

A shifting allowance of Rs 1,500 per household

- i. Relocating households are entitled to a shifting allowance of Rs 1,500 per households.
- j. Displaced informal dwellers are entitled to: allocation of a 20-perch plot of land on a fully serviced resettlement site; compensation for their own structures at full replacement cost, without deduction for depreciation or salvageable materials, or a constructed house to at least minimum housing standards or better; a relocation allowance of Rs. 10,000; and a livelihood restoration grant of Rs 15,000 if livelihood is permanently affected; and professional assistance to reinvest the funds and to set up a business at a future interchange or other suitably advantageous site.
- k. Relocating household will be resettled on small individual or group sites within their same village. The relocation of households to new settlements involving host communities is not anticipated. If this should happen, however, resettlement assistance would be provided to ensure effective social and economic integration with host communities and adequate provision of facilities, service and infrastructure to benefit resettled and host communities.
- l. Already affected persons in the section between 50km and 61+060 and those who will be affected by Galle Access Road and Interchanges will be entitled to the same entitlements as other APs.

3.10.4 Temporary Loss of Private Land

- a. Temporary occupation of privately owned land may be required to obtain materials for fill and embankment during construction. Borrow areas have been identified adjacent to the Row to minimize the need for haulage on local roads. Borrow material may be acquired according to the following option:

Option 1: RDA may acquire an easement on the designated borrow area land for the duration of the Project. APs will sign a temporary occupation contract with the RDA specifying:

- Period of occupancy
- Terms and compensation amounts as determined by the LRC
- Compensation for material losses for the duration of the temporary occupation period
- Compensation for other disturbances and damages caused to property
- The frequency of compensation payment
- Rehabilitation/restoration measures: land will be returned to the owner at the end of the temporary acquisition period, restored to its original condition or improved, as agreed with the AP

Option 2: The contractor may obtain his own borrow areas at his own cost. The contractor will be required to obtain a license to extract borrow material from a particular quarry site and:

- Pay compensation for material losses for the duration of the temporary occupation period
- Pay compensation for the other disturbances and damages caused to property
- Implement rehabilitation/ restoration measures: land will be returned to the owner at the end of the temporary acquisition period, restored to its original condition or improved, as agreed with the land owner.

Option 3: Local landowners will also be encouraged to develop their own quarries on the proposed sites adjacent to the ROW and sell the material to the contractor

3.10.4 Loss of Commercial Establishments and Related Income

- a. Registered businesses that are affected by relocation are entitled to compensation equivalent to 3 years future income as per the Land Acquisition Act. Estimates of income earned over the last 3 years were obtained by the inventory of loss survey. The LRCs will determine exact income loss and compensation amounts.
- b. Informal sector businesses that the affected by relocation are also entitled to a livelihood restoration grant of Rs 15,000 and professional assistance to reinvest the amount and set up a business at an interchange.
- c. Already affected persons in the section between 50km and 61+060 are entitled to the same entitlements as all other APs.

3.10.5 Special Needs of Vulnerable Households

- a. Registered businesses that are affected by relocation are entitled to compensation equivalent to 3 years future income as per the Land Acquisition Act. Estimates of income earned over the last 3 years were obtained by the inventory of loss survey. The LRCs will determine exact income loss and compensation amounts.
- b. Informal sector businesses that are affected by relocation are also entitled to a livelihood restoration grant of Rs 15,000 and professional assistance to reinvest the amount and set up a business at an interchange.
- c. Already affected persons in the section between km 50 and km 61+060 are entitled to the same entitlements as all other APs.

3.10.6 Special needs of Vulnerable Households

- a. Vulnerable household have been identified through the inventory of loss survey as female-headed, elderly, and disabled households, households with incomes below the poverty line, household with less than 1 acre of land, and households belonging to minority groups. Other APs requiring special assistance will be identified during the implementation.
- b. Relocating vulnerable households are entitled to have their houses built for them if requested or any other special assistance.
- c. Vulnerable households (both formal and informal sectors) with livelihoods affected are entitled to an income restoration grant of Rs 15,000 and future interchange or other suitably advantageous site.
- d. Already affected persons in the section between km 50 and km 61+060 and persons to be affected in future are entitled to the same entitlements as all other APs.

3.10.7 Loss of paid and Unpaid Employment

- a. Wage laborers employed in private or government companies and unpaid family members working on private agricultural land or business who lose their jobs because of land acquisition, are entitled to an allowance of Rs 15,000, calculated as Rs 2,500 per month for 6 months. AND
- b. Preferential access to project construction employment opportunities, to the extent possible. AND
- c. Training for one person in each household to obtain skills for which there exists demand in their own villages.

3.10.8 Displacement Support

In addition to compensation for lost assets, severely affected families qualify for the following support:

- a. All displaced households will receive a *Shifting Allowance* to pay for moving their belongings including salvage materials.

- b. Displaced households in rented accommodation will receive a Rental Stipend equal to 12 months rent payable in advance, limited to a maximum of Rs 50,000 per unit house over a 12-month period according to the following rates:
 - Up to 600 square foot floor area: Rs 20 per square foot per month
 - Over 600 square foot area: Rs 10 per square foot per month.
- c. Relocating households who are informal dwellers (I.e., do not have title to the affected land) will be entitled to a *relocation allowance* of Rs 10,000.
- d. Owners of informal sector businesses who are required to relocate receive an *income restoration grant* of Rs 15,000.
- e. Owners of land and structures who are required to relocate are entitled to *ex-gratia* payment of 25% of the compensation amount for the affected structures for vacating the premises at the stipulated time. All compensation entitlements must be paid before the APs are required to move from the ROW.

Wage laborers employed in private or government companies and unpaid family members working on private agricultural land or business who lose their jobs because of land acquisition, are entitled to an employment allowance of Rs 15,000, calculated as Rs 2,500 per month for 6 months.

- f. Households who are entitled to relocate to individual or group resettlement sites, which are not ready for occupancy at the time households are required to move from the ROW, are entitled to a temporary accommodation allowance until the resettlement sites are ready for occupancy. The allowance will be determined according to the same rental rates as stipulated in (b) above. The time limit for households waiting for sites to be provided by RDA will depend on when RDA makes the resettlement sites ready for occupancy. The time limit for households making their own relocation arrangements will be 12 months. Temporary relocation will be avoided, as it will cause increased hardship for relocating households.
- g. Already affected persons in the section between km 50 and km 61+060 and persons to be affected in the future are entitled to the same entitlements as all other APs.

3.10.9 Income Restoration and rehabilitation Measures

Apart from the provision of displacement support, the rehabilitation of severely affected and Vulnerable groups in the vicinity of the Project Area are supported through following measures:

- a. *Counseling* regarding project impacts, compensation alternatives and risks and resettlement options (where required);
- b. *Counseling* on saving schemes and cash management;
- c. *Assessment* of current economic activities and potential for improvement of these activities, as well as alternative income-earning opportunities;
- d. The Project will facilitate the assessment and, where feasible, establishment of *small-scale income-generating schemes* for severely affected families.
- e. Assistance to gain access to national and local poverty allowance and credit programmes. Details of Income Restoration Programme is described in Chapter – 06
- f. One person in each severely affected household is entitled to skills training that would help in obtaining employment and/or earning a livelihood in skills areas for which there is a demand in their own villages. Institutions within the Project Area will provide

- training. Costs of training and accommodation and subsistence during the training will be born by the Project. Names of severely affected families will be available from the inventory of losses survey.
- g. Preferential access to project construction employment opportunities to the extent possible.
 - h. Severely affected agricultural households shall be entitled to agricultural extension services to increase production on their remaining agricultural land. The Department of Agriculture (DOA), Department of Agrarian Services (DAS), and Tea Small Holders Development Authority (SHDA) will assist. All costs will be borne by the Project. Resettlement Officers will assist farmers to make contact with existing programmes, such as contacting extension offices at Divisional Secretary levels
 - i. General information and counseling will be provided to all persons within the Project Areas to inform on project impacts, construction schedules and acquisition dates, valuation, compensation and grievance resolution mechanisms, construction employment procedures, and local development initiatives and opportunities.
 - j. Finally, through the establishment of Community Consultative Groups (CCGs), APs and local communities will discuss the position of severely affected and vulnerable people within their communities, monitor their rate of re-establishment, and recommend additional corrective measures where necessary. The composition and responsibilities of CCGs are described in **Section 8.2.4**.

3.10.10 Loss of Community Facilities and Resources

Affected community buildings and facilities will be repaired to their previous condition or replaced in areas identified in consultation with affected communities and the relevant authorities. These include schools, temples, health posts, water points, graves, irrigation canals, footbridges, and local Access to community resources will be restored, before commencement of the Project where necessary, to be determined in consultation with the community.

Where community-owned trees are acquired, the Forest Department will advise forest user groups and Land Resettlement Committees (LRCs) regarding compensation methods and levels. User groups will be assisted with the reestablishment of new trees and the establishment or improvement of community forestry programs. Where they are acquired, these support programs will be funded by the Project. In addition, advance notice shall be given to harvest resources from the affected areas.

3.10.11 Damages Caused During Construction

Extreme care will be taken by contractors to avoid damaging public and private property.

Where damages do occur to public or private property as a result of construction works, the contractor shall be required to pay compensation immediately to affected families, groups, communities, or government agencies for damages to crops and trees. Damaged land, structures and infrastructure shall be restored immediately to their former conditions.

The same entitlement policies shall apply as for other land acquisition.

3.10.12 Loss of Public Utilities

The owners of the utilities are responsible for relocating the utilities at full replacement cost. All costs. All costs will be borne by the Project.

3.10.13 Entitlement Matrix

The Entitlement Matrix set out in table 3.2 following describes the various compensation and entitlement policies that will be applied to all Project Affected Persons and Groups. This policy has been approved by RDA and the Bank.

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Table 3.2 Entitlement Matrix

	Nature of loss	Application	Definition of Entitled Person(s)	Entitlements	Responsible Agency	Implementation Procedures and Results of Action
1.Agricultural and Non Agricultural Land						
1.1	Full or partial loss of agricultural land by owner	Land required for ROW or Resettlement sites	Person(s) who cultivates the land and has ownership records	<p>1. For marginal impact, compensation by cash at full replacement cost and compensation for crops at market value.</p> <p>2. APs losing more than 75% of any affected land parcel or total landholding and APs whose parcel is severed due to land acquisition, will have the option to relinquish the remainder of that parcel or landholding if they feel that remaining portion of land after acquisition is too small to be viable for cultivation or other use. Aps who choose to relinquish the whole parcel or landholding will be entitled to assistance with the identification and purchase of replacement land or cash compensation at replacement cost for the entire parcel or</p>	<p>LARD/LRC</p> <p>LARD/LRC/CCGs</p>	<p>Compensation for lost assets and restoration of income source.</p> <p>Compensation rates for land will be determined by the LRCs and finalized active participation of AP representatives.</p> <p>The following categories of affected households will be considered as severely affected:</p> <p>a) Household with total</p>

			<p>landholding.</p> <p>3. For severe impact, assistance with the identification and purchase of replacement land as a priority, or cash compensation at full replacement cost <u>AND</u> compensation for lost crops at market rates.</p> <p>4. Where replacement land is not possible:</p> <ul style="list-style-type: none"> • Assistance to increase productivity on remaining land, if any, such as increasing use of fertilizer, and cropping intensity, and introducing more productive crops, together with agricultural extension assistance from the Department of Agriculture, Tea Smallholding Authority, and Agrarian Services Department. • The project will facilitate the assessment and (where feasible) establishment of small 	<p>LARD/Social Mobilizers/Technical advisors</p> <p>LARD/Social Mobilizers/Technical advisors</p>	<p>landholdings of 1 acre or less who lose > 10% of their total landholdings;</p> <p>b) households with total landholdings of > 1acre who lose more than 25% of their total landholdings;</p> <p>c) households whose land losses lead to the remaining landholdings not being economically viable; or</p> <p>d) households who lose more than 75% of any affected land parcel or landholding, and as a result</p>
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				<p>scale income generating schemes.</p> <ul style="list-style-type: none"> • Professional assistance to reinvest grant funds, assistance to set up a business at an interchange, and training in small businesses and setting up particular income generating activities. • Training for one person in each severely affected household to obtain skills for which there is existing demand in their own villages. <p>5. In addition, severely affected households will be entitled to a livelihood restoration grant of Rs 15,000 plus professional assistance to reinvest the funds and to set up businesses at interchanges or other commercially viable locations.</p> <p>6. All costs will be born by the Project.</p>		Meet the criteria of (a), (b) or (c).
1.2	Full or partial loss of agricultural land by ande farmer/ sharecropper	Land required for ROW or resettlement site	Registered ande farmer/ sharecropper who cultivates the land	1. Assistance with the identification and purchase of replacement land as a priority, or cash	LARD/CCGs, LRC	Compensation for lost assets and restoration of income

			<p>Registered and farmer/sharecropper who cultivates the land (continued)</p>	<p>compensation at full replacement cost according to the sharecropping arrangement with the land owner (usually 75% for the sharecropper and 25% for the landowner or vice versa) <u>AND</u> compensation for lost crops at market value.</p> <p>2. APs losing more than 75% of any affected land parcel or total landholding and APs whose parcel is severed due to land acquisition, will have the option to relinquish the remainder of that parcel or landholdings if they feel that remaining portion of land after acquisition is too small to be viable for cultivation or other use. APs who choose to relinquish the whole parcel or landholding will be entitled to assistance with the identification and purchase of replacement cost for the entire parcel or landholding.</p> <p>3. Severely affected households will be entitled to a livelihood restoration grant of Rs 15,000 and other rehabilitation assistance.</p>	<p>LARD/CCGs, LRC</p> <p>LARD/Social Mobilizers/Technical advisors</p>	<p>source.</p>
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				<p>4. Where replacement land is not possible:</p> <ul style="list-style-type: none">• Assistance to increase productivity on remaining land, if any, such as increase use of fertilizer cropping intensity, and introducing more productive crops, together with agricultural extension assistance from the Department of Agriculture, Tea Smallholding Authority, and Agrarian Services Department.• The project will facilitate the assessment and (where feasible) establishment of small-scale income-generating schemes.• Professional assistance to reinvest grant funds, assistance to set up a business at an interchange or other equally commercially viable location, and training in small businesses and setting		
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				<p>up particular income generating activities.</p> <ul style="list-style-type: none"> • Training for one person in each severely affected household to obtain skills for which there is existing demand in their own villages. <p>5. In addition, severely affected households will be entitled to livelihood restoration grant of Rs 15,000 plus professional assistance to reinvest the funds and to set up a business at an interchange or other commercially viable location.</p> <p>6. All costs will be borne by the Project.</p>		
1.3	Full or partial loss of agricultural land by tenant	Land required for ROW or resettlement site	Tenant who cultivates the land	<ol style="list-style-type: none"> 1. Compensation for crops at market value. 2. Cash compensation for future production loss equivalent to average annual income in the preceding 3 years to a maximum of Rs 15,000. 	LARD/LRC	Compensation for lost income and restoration of income during the transition period
1.4	Full or parcel loss of private agricultural land by encroacher		Persons who has been cultivating the land for at least 10 years and qualifies	Entitled to compensation as the titleholder of the land as per Item 1.1 above.	LARD/Social Mobilizers/Technical advisors	Compensation for lost income and restoration of income

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			<p>for prescriptive rights Persons who has been cultivating the land for less than 10 years and therefore, dose not qualify for prescriptive rights</p>	<ol style="list-style-type: none"> 1. Entitled to compensation for lost crops at market value <u>AND</u> 2. Cash compensation for future production loss equivalent to average annual income in the preceding 3 years to a maximum of Rs 15,000 <u>AND</u> 3. Compensation for any improvements on the land at full replacement cost 4. The AP who has no other agricultural land or less than 1 acre remaining will be entitled to allocation of crown land with full title, if available, the amount to depend on the local land availability. Where replacement land is not possible, the household will be entitled to assistance as per Item 1.1.4 and 1.1.5 above 	<p>LARD/LRC</p> <p>LARD/LRC/CCGs/Social mobilizers/technical advisors</p>	<p>during the transition period.</p>
1.5	Full or partial loss of crown agricultural land by encroacher		<p>Person who has been cultivating the land but can't be regularized on the land</p>	<ol style="list-style-type: none"> 1. Entitled to compensation for lost crops at market value <u>AND</u> 2. Cash compensation for future production loss equivalent to average annual 	<p>LRC/LARD/social Mobilizers/ technical advisors</p>	<p>Compensation for losses, improved living standards and restoration of income</p>

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				<p>income in the preceding 3 years to a maximum of Rs 15,000. <u>AND</u></p> <p>3. Compensation for any improvements on the land at full replacement cost</p> <p>4. The AP who has no other agricultural land or less than 1 acre remaining will be entitled to allocation of crown land with full title, if available, the amount to depend on the local land availability. Where replacement land is not possible, the households will be entitled to assistance as per Item 1.1.4 and 1.1.5 above.</p>		
1.6	Full or partial loss of crown agricultural land by regularized encroacher		Person who has a permit to cultivate the land (i.e., 99 year lease or less)	Entitled to compensation as the titleholder of the land as per Item 1.1 above	LRC/LARD/Social mobilizers/technical advisors	
2.	Temporary loss of Private Land					
2.1	Temporary loss of private land	Loss of land for fill and embankment materials during construction. The sites will be on non-productive	<p>Titleholder (continued)</p> <p>Titleholder (continued)</p>	<p>Option: 1 RDA may acquire an easement on the designated borrow area land for the duration of the project. APs will sign a temporary occupation contract with the RDA specifying:</p> <ul style="list-style-type: none"> • Period of occupancy • Terms and 		

		land		<p>compensation amounts as determined by the LRC</p> <ul style="list-style-type: none"> • Compensation for material losses for the duration of the temporary occupation period • Compensation for other disturbances and damages caused to property • The frequency of compensation payment • rehabilitation/restoration measures: land will be returned to the owner at the end of the temporary acquisition period, restored to its original condition or improved, as agreed with the AP. <p>Option 2: The contractor may obtain his own borrow areas at his own cost. The contractor will be required to obtain a license to extract borrow material from a particular quarry site and:</p> <ul style="list-style-type: none"> • Pay compensation for material losses for the duration of the temporary occupation 	RDA Contractor	
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				<p>period</p> <ul style="list-style-type: none"> • Pay compensation for other disturbances and damages caused to property • Implement rehabilitation measures: land will be returned to the owner at the end of the temporary acquisition period, restored to its original condition or improved as agreed with the landowner. <p>Option3: Local landowners will also be encouraged to develop their own quarries on the proposed sites adjacent to the ROW and sell the material to the contractor.</p>	RDA	
3.	House/Plot/Commercial and Home Garden Land and Structures					
3.1	Loss of own house plot and structure (residential commercial)	House Plot/Structure in the ROW	Titleholder of the land and owner of the structure	<p>1. Assistance with identification and purchase of a replacement house plot or cash compensation for plot at full replacement cost, according to the preference of the AP <u>AND</u></p> <p>2. Cash compensation for structure at full replacement cost for materials and labor,</p>	LARD/CCG/LRC LARD/LRC	<p>Full compensation for losses.</p> <p>Compensation rates will be determine by the</p>

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				<p>the LRCs) and professional assistance to reinvest the amount and to set up a business at an interchange.</p> <p>7. Vulnerable APs or informal dwellers will be entitled to reconstruction of structures as required.</p>		Structures built.
3.3	Loss of rented accommodation for residential /commercial purposes	Residential /commercial structures in RoW.	Tenants renting/leasing the property.	<p>1. Payment of rent for 12 months in advance according to the following rates:</p> <ul style="list-style-type: none"> • Up to 600 sq.ft floor area: Rs 20/sq.ft/month • Over 600 sq.ft floor area: Rs 10/sq.ft/month <p>2. A shifting allowance of Rs.1,500 per household.</p>	LARD /LRC	Accommodation restored during the transition period.
3.4	Loss of residence/ or residential /commercial property by informal dweller on crown land	House plot /structure(residential commercial) on RoW	Informal dweller on land an owner of structure.	<p>1. House plot of 20 perch on a fully serviced resettlement site <u>AND</u></p> <p>2. Constructed house or compensation for structures at full replacement cost of materials and labour (at the preference of the AP), without deduction for depreciation or salvageable materials <u>AND</u></p> <p>3. A shifting allowance of Rs 1500 per household <u>AND</u></p> <p>4. A relocation allowance of Rs.10, 000 <u>AND</u></p> <p>5. A livelihood restoration grant</p>	LRC/LARD LRC/LARD/social mobilizers/technical advisors	

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				of Rs 15,000 if livelihood is permanently affected and professional assistance to reinvest the funds and to set up a business at an interchange.		
3.5	Loss of Tombs	Tombs located in the RoW	Owner of the Tombs	1. Cash compensation to cover the cost of relocation and reconstruction.	LRC/LARD	Compensation for lost assets.
3.6	Loss of business income due to restoration of commercial establishment.	Loss of structure in the RoW	Owner/Operator of the business	1. Income restoration assistance of a lump sum of Rs.15, 000 (for informal sector businesses). 2. Loss of income compensation for 3 years as per LAA (for registered businesses). Assistance with the identification and purchase of replacement land at viable commercial locations such as at interchanges. 3. Professional assistance to reinvest grants funds, training in small business and particular income-generation activities. 4. Training for one person in each severely affected household to obtain skill for which there is existing demand in their own villages.	LRC/LARD LRC/LARD/CCGs LARD/social mobilizers/technical advisors.	Income restoration during the transition period.
3.7	Temporary accommodation allowance	If group or individual resettlement sites are not ready for	All relocating households who are required to clear the RoW before resettlement sites	1. Cash to pay for temporary accommodation until the resettlement site is ready for occupancy, according to the same rental rates stipulated in	LARD/LRC	Income restoration and housing during the transition period

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		occupancy at the time of clearance of RoW	are ready for occupancy	<p>item 3.3 above. The time limit for households waiting for sites to be provided by RDA will depend on when RDA makes the resettlement sites ready for occupancy. The time limit for households making their own relocation arrangements will be 12 months. <u>AND</u></p> <p>2. An additional shifting allowances to cover the cost of moving personal possessions and salvageable materials to the temporary location.</p>		Temporary relocation should be avoided, as it will cause increased hardship for relocating households.
4.	Crops and Trees					
4.1	Loss of trees and perennial crops	Trees and perennial crops in the RoW	Person who owns the land on which the trees and crops are located.	<ol style="list-style-type: none"> 1. Advance notice to harvest crops. 2. Net value of crops where harvesting is not possible. 3. Compensation at market value based on the land productivity and age of the trees. 4. Rights to all other resources from privately owned trees (timber, firewood). 5. Compensation shall be divided between the owner and ande farmer according to the share cropping arrangement. 6. For land under tenancy, compensation for crops shall be paid to the tenant. 	LRC/LARD	Compensation for losses. market value will be determined by the LRCs and compensation process will be finalized with active participation of AP representatives.

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4.2	Loss of non-perennial crops.	Non-perennial crops in the RoW	Person who cultivates the crops	<ol style="list-style-type: none"> 1. Advance notice to harvest crops. 2. Net value of crops where harvesting is not possible. 3. Compensation at market values. 4. Compensation shall be divided between the owner and the farmer according to the share cropping arrangement. 5. For land under tenancy, compensation for crops shall be paid to the tenant. 	LRC/LARD	compensation for losses, restoration of income Market value will be determined by the LRCs and compensation prices will be finalized with active participation of AP representatives.
5.	Special needs of Vulnerable households					
5.1	Female headed, Disabled, minority, income below the poverty line, farmers with < 1 acre, etc	APs requiring special assistance.	Any APs requiring special assistance.	<ol style="list-style-type: none"> 1. House reconstruction, assistance with materials and labour and any other additional assistance they may request. 2. If livelihood is affected, livelihood restoration assistance of Rs 15,000 grant. 	LARD/LRC	Restoration of income during the transition period.
6	Loss of employment					
6.1	Loss of employment	Wage labourers losing jobs due to land acquisition	All affected wage labourers in private and government companies.	<ol style="list-style-type: none"> 1. Employment allowance of Rs 15,000 (Rs 2,5000 per month for 6 months) 2. Preferential access to project construction employment opportunities, to the extent possible. 3. Training for one person in skills for which there exists 	LRC/LARD LARD/social mobilizer	Compensation for lost income during the transition period.

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				demand in their own villages.		
7.	Community Facilities and Resource					
7.1	Buildings and other structures: school, Temple, Fences, Clinics	Community structures affected within the RoW or on resettlement site land	Local community	1. Restoration of affected community buildings and other structures or compensation at full replacement cost in consultation with affected communities and relevant authorities. 2. Restoration / replacement before commencement of the Project where necessary, to be determined in consultation with the community.	LARD/LRC	Full restoration of building and structures.
7.2	Infrastructure: local roads, trails, foot paths, local bridges, irrigation system, water points		Communities owning and benefiting from the infrastructure	The contractor will restore the affected local infrastructure in consultation with affected communities and relevant authorities. All costs will be born by the Project under the construction contract.	The construction contractor following detailed design	Full restoration of local infrastructure.
7.3	Common resources: water supply, community forests, and firewood supply.		Communities owning and benefiting from the resources	1. The contractor will restore the affected local infrastructure in consultation with affected communities and relevant authorities. All costs to be borne by the Project under the construction contractor.	The construction contractor following detailed design.	Full restoration of resources.
8	Public Utilities					
8.1	Electricity, Drainage, Water, Telephone, etc.	Utilities affected within the	Owner of the Utilities	1. The owner of the utilities is responsible for relocating the utilities at full replacement cost.	Utilities	Full restoration of services.

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		RoW or on resettlement site land		All costs to be borne by the Project.		
9	Damages Caused During Construction					
9.1	Public and private structures, infrastructure land, crops trees.	Damage caused during construction	All categories of entitled persons as defined above.	1. Extreme care shall be taken by contractors to avoid damaging public and private property unnecessarily. 2. Where damages do occur to public or private property as a result of construction works, the affected families, groups, communities or government agency shall be compensated immediately for damages to crops and trees, damaged land; structure and infrastructure shall be restored immediately to their former conditions.	RDA/contractor RDA/contractor	The same entitlement policies will apply as for other land acquisition.