Government of the Socialist Democratic Republic of Sri Lanka

Provincial Road Project

Addendum to the Social Impact Management Framework
For
Improvement of Provincial Roads

Uva Province, Ampara District of Eastern Province and Jaffna of the Northern Province

October 2009

Prepared by
Roads Development authority
EXECUTIVE SUMMARY

1. Sri Lanka’s national road network is administered by the Road Development Authority while other roads are administered by the Provincial Councils and local government authorities. Almost all rural roads are under these Provincial Councils and local government authorities. However, the condition of this rural road network is very poor and as a result it does not provide sufficient road accessibility for the rural people in the country. Furthermore, the existing poor road condition has become a major cause for the poor livelihood condition of the people. Therefore, road infrastructure is one of the prioritized components for sustainable development of Sri Lanka.

2. The Government of Sri Lanka has requested financing from the World Bank to undertake a Provincial Project to upgrade and rehabilitate the dilapidated provincial road infrastructure. Provincial roads are the key connectors between the rural and the national networks. The proposed project for improvement of provincial roads in the Uva province, the Ampara district in the Eastern Province, and Jaffna in the Northern Province of Sri Lanka, is being prepared to provide road users with improved sustainable road transport by enhancing quality, durability, and efficiency, of the provincial road network, which would be the key to economic and social development in rural Sri Lanka.

3. All the three provinces are predominantly rural and land is the main asset of the people. Agriculture is their main source of income. However, it is observed that most of them are used to conventional methods of farming and they do not have direct links with commercial centers and thus are frequently exploited by middlemen. Most of the project area particularly the Uva Province, records the country’s highest poverty incidence. The Eastern and Northern Provinces have been hampered by the ethnic conflict in the country. This effort for development of the road infrastructure is hoped to contribute to reduce the level of disparity in development in these areas.

4. The proposed project plans to improve 150 km in the Uva Province and 100 km each in the in Ampara district of the Eastern province and Jaffna in the Northern Province. The roads for Uva and Ampara were selected through a feasibility study conducted in 2008 where the selection criteria were among other, poverty of the area, condition of the roads, access to services, connectivity etc. This was strengthened through consultations held between May to June 2008 and during the preparation of the SIMF. In addition to these, for the final roads selection for Ampara a study was launched to undertake comprehensive consultation with all stakeholders particularly, all communities based on the roads to ensure that the selection was in keeping with the aspiration and requirements of the local communities and that all communities benefited without any bias towards any particular community. The roads for Jaffna in the Northern Province will be selected through the feasibility study and community level consultations ensuring equity, access, efficiency, connectivity, quality, and financial and economic viability.

5. In order to meet the legal policies of the Government of Sri Lanka and the World Bank Social Safeguards Operational Policies, the Addendum to the Social Impact Management Framework (SIMF) had been prepared and cleared by the Association. This addendum to the SIMF is required since Jaffna
in the Northern Province has now been included in the Project and some of the roads in Uva that was included in the SIMF has been dropped. The objective of the Addendum is to provide the procedure/processes and guidelines for implementing the Project in order to maximize the positive impacts and mitigate/minimize the negative impacts of the project interventions with stakeholders’ consultation.

6. The negative social impacts of the proposed project are expected to be moderate with no land acquisition, relocation or resettlement. All land required will be met with voluntarily donated land for which a MOU will be signed laying out the condition that need to be met. The other anticipated impacts are essentially loss of small assets/infrastructure etc., located within the Row or on the donated land that will be compensated at replacement value; and livelihood of vulnerable squatters/encroachers if based within the Row along with public utilities (telephone, electric poles etc.) also located therein. There may also be some loss of access to houses during construction that will be provided alternate access. The exact losses and numbers of affected persons etc. will be known once the Social Impact Assessments have been completed and the requisite mitigation measures e.g. RP/ARP will be prepared accordingly.

7. Entitlement has been categorized into several types according to possession of properties and other assets. Mitigation principles, modalities, eligibility conditions along with an Entitlement Matrix, a consultation strategy etc. has been developed. In addition, the responsible persons or authorities have also been identified to implement the Social Operational Plans (under preparation). For Voluntary donation of land a formal agreement will be signed (provided in annex V) between the donor and the recipient. The verification will be done by the Divisional Secretary of respective Divisional Secretariat Divisions.

8. The mitigation measures also include a Grievances Redressal Mechanism (GRM) to respond to all complaints and grievances. The Addendum to the SIMF has proposed a multi-tiered system. The first is the documenting of complaints in the complaint register at the sub project office. The next is the GRM Committee headed by the Provincial Director and includes a number of other members including community members representing the different communities (e.g. Tamils, Muslims and Singalese) an affectee and a community leader/ NGO. The next is the Samatha Mandala that is a conflict mediation committee appointed by the Ministry of Justice.

9. The project will be monitored by both internal and external mechanism and a number of monitoring indicators have been developed

10. Training and capacity building of project staff is also envisioned for which a number have been identified. Training and awareness in HIV/AIDS is also recommended.
Acronyms

ADB  Asian Development Bank
ARP  Abbreviated Resettlement Plan
BP   Bank Policies
CBOs Community Based Organizations
CV   Chief Valuer
DCE  District Chief Engineers
DE   Divisional Engineer
DS   Divisional Secretary
EP   Eastern Province
FGDs Focused Group Discussions
GN   Grama Niladari
GOSL Government of Sri Lanka
GRM  Grievance Redress Mechanism
HIV/AIDS Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
IEE  Initial Environment Examination
IRP  Involuntary Resettlement Policy
KII   Key-Informants Interviews
LAA  Land Acquisition Act
LARC Land Acquisition and Resettlement Committee
MC   Municipal Councils
MLGPC Ministry of Local Government and Provincial Council
MOH  Medical Officer of Health
NEA  National Environmental Act
NGOs Non-Governmental Organizations
NIRP National Involuntary Resettlement Policy
NP   Northern Province
OP   Operation Procedures
PC   Provincial Council
PD   Project Director
PD   Provincial Director
PEA  Project Executing Agency
PIU  Project Implementation Unit
PRDD Provincial Road Development Department
PS   Pradeshiya Saba
RAP  Resettlement Action Plan
RDA  Road Development Authority
SIMF Social Impact Management Framework
STDP Southern Transport Development Project
TOs  Technical Officers
<table>
<thead>
<tr>
<th>UC</th>
<th>Urban Councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>UP</td>
<td>Uva Province</td>
</tr>
<tr>
<td>WB</td>
<td>World Bank</td>
</tr>
</tbody>
</table>
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I: Introduction

1. The Government of Sri Lanka (GOSL) has requested financing from the World Bank (WB) to undertake a Provincial Project to upgrade and rehabilitate dilapidated provincial road infrastructure. Provincial roads are the key connectors between the rural and the national networks. The proposed project is aimed at improving the reliability and efficiency of management of provincial roads that facilitate the access to provincial productive markets by (a) rehabilitating provincial roads infrastructure in selected prioritized areas, and (b) supporting development of technical capacity at the provincial level to improve their ability to manage their assets.

2. The proposed project is for the improvement of provincial roads in the Uva Province (UP), the Ampara district of Eastern Provinces (EP) and Jaffna in the Northern Province (NP), of Sri Lanka, that will provide beneficiaries with improved sustainable road transport by enhancing quality, durability, efficiency, equity, and economic benefits from the provincial road network. Furthermore, the project will enhance the accessibility to the national road network in the UP, NP and EP. The Addendum to the SIMF is prepared as a safeguards requirement since Jaffna in the Northern Province has now been made a part of the Project and some of the roads previously identified in Uva under the SIMF for improvements have now been dropped.

3. The potential adverse social impacts as anticipated in this project at this stage would largely affect people residing in the Right of Way (Row) or project’s area of impact, whose assets/infrastructure/livelihood etc., may be impacted. The project also needs to ensure that its activities do not harm sites and objects of historical and cultural significance (archaeological), and indigenous people and their livelihood.

4. The project plans to improve roads totalling 150 kms in UP, and 100 kms each in Ampara district in the Eastern province and Jaffna in the Northern Province. Table 1 and 1a provide details of the selected roads for Uva and Ampara. Roads for Jaffna have not yet been identified.
Table 1 –FINAL LIST OF SELECTED ROADS: UVA PROVINCE

<table>
<thead>
<tr>
<th>Phase I - Contract</th>
<th>Package No</th>
<th>Road Names</th>
<th>Length km</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>UVA1</td>
<td>Kottegoda-Podumilla-Adiyarawatte-Maspanna-Yalagamuwa</td>
<td>28.23</td>
</tr>
<tr>
<td></td>
<td>UVA2</td>
<td>Galenda-Kendaketiya-Karametiya</td>
<td>22.40</td>
</tr>
<tr>
<td></td>
<td>UVA3</td>
<td>Muppona-Wedikumbura-Thenagallanda</td>
<td>16.55</td>
</tr>
<tr>
<td></td>
<td>UVA4</td>
<td>Haggala-Ford-McDonald</td>
<td>14.70</td>
</tr>
<tr>
<td></td>
<td>UVA5</td>
<td>Medithale-Pathawawatta-Tennapanguwa-Keriwehera</td>
<td>28.05</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase II</th>
<th>Package No</th>
<th>Road Names</th>
<th>Length KM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>UVA/21</td>
<td>Medagama Alupotha Road Medagama Nilgala Road</td>
<td>14.63</td>
</tr>
<tr>
<td></td>
<td>UVA6</td>
<td>Medagama-Dambagalla-Deliwala</td>
<td>28.79</td>
</tr>
<tr>
<td></td>
<td>UVA7</td>
<td>Heeloya-Kithalella Road</td>
<td>10.58</td>
</tr>
<tr>
<td></td>
<td>UVA16</td>
<td>Internal Roads - Badulla Township</td>
<td>14.60</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Badulla - Kuttiyagolla-Pelabodiya Palawatta Road</td>
<td>14.85</td>
</tr>
<tr>
<td>Route</td>
<td>Location</td>
<td>Distance</td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>UVAB</td>
<td>Handapangala Junction to Handapangala Road</td>
<td>8.50</td>
<td></td>
</tr>
<tr>
<td>UVA 9</td>
<td>Ulkanda-Ethiliwewa</td>
<td>12.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bogahakumbura-Hewankumbura-Keppettipola</td>
<td>13.90</td>
<td></td>
</tr>
</tbody>
</table>
Table 1a. Roads Selected for Ampara

<table>
<thead>
<tr>
<th>S.No</th>
<th>Road Code</th>
<th>E.E. Division</th>
<th>Road Name</th>
<th>Length of Road (km)</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>EPAMC016</td>
<td>Kalmunai</td>
<td>Sainthamaruthu Kalmunaikudy Boundary Road.</td>
<td>1.10</td>
</tr>
<tr>
<td>02</td>
<td>EPAMC006</td>
<td>Kalmunai</td>
<td>Natpaddimunai Pandiruppu Boundary Road.</td>
<td>2.50</td>
</tr>
<tr>
<td>03</td>
<td>EPAMC004</td>
<td>Kalmunai</td>
<td>Kariyappar Road Maruthamunai.</td>
<td>1.10</td>
</tr>
<tr>
<td>04</td>
<td>EPAMC007</td>
<td>Kalmunai</td>
<td>Thirupothi Ammankovil Road.</td>
<td>1.20</td>
</tr>
<tr>
<td>05</td>
<td>EPAMC053</td>
<td>Kalmunai</td>
<td>Central Road Ninthavur</td>
<td>1.30</td>
</tr>
<tr>
<td>06</td>
<td>EPAMC040</td>
<td>Kalmunai</td>
<td>Karaipthivu Village Road.</td>
<td>2.10</td>
</tr>
<tr>
<td>07</td>
<td>EPAMC037</td>
<td>Kalmunai</td>
<td>Viliniyadi Road</td>
<td>3.60</td>
</tr>
<tr>
<td>08</td>
<td>EPAMD059</td>
<td>Kalmunai</td>
<td>Arasadi Field Road.</td>
<td>5.00</td>
</tr>
<tr>
<td>09</td>
<td>EPAMC039</td>
<td>Kalmunai</td>
<td>Malwatta Suruipodai Road.</td>
<td>5.00</td>
</tr>
<tr>
<td>10</td>
<td>EPAMC091</td>
<td>Kalmunai</td>
<td>Manal (Hijra )Road.</td>
<td>1.80</td>
</tr>
<tr>
<td>11</td>
<td>EPAMC117</td>
<td>Ampara</td>
<td>Himithurawa Parahakele Road.</td>
<td>3.20</td>
</tr>
<tr>
<td>12</td>
<td>EPAMC130</td>
<td>Ampara</td>
<td>Damana Ambalanoya Pannalagama Road.</td>
<td>22.60</td>
</tr>
<tr>
<td>13</td>
<td>EPAMC095</td>
<td>Kalmunai</td>
<td>Lahugala Village Road.</td>
<td>5.00</td>
</tr>
<tr>
<td>14</td>
<td>EPAMC/043</td>
<td>Ampara</td>
<td>Mandoor Main Canal Road from Central Camp</td>
<td>4.00</td>
</tr>
</tbody>
</table>
5. These roads were selected through a feasibility study conducted in 2008 where the selection criteria included among other, poverty of the area, condition of the roads, access to services, connectivity, technical and financial viability etc. This was strengthened through consultations held during March to June 2008 and also during the preparation of the SIMF. Additional consultations have been held on the roads selected through the feasibility study for Ampara and subsequently the final list has been selected through a study launched to undertake comprehensive consultation with all stakeholders particularly, all communities based on the roads, to ensure that the selection was in keeping with the aspiration and requirements of the local communities and that all communities benefited without any bias towards any particular community. This list is shown in Table 1a.

6. The roads for Jaffna in the Northern Province will be selected through the feasibility study and community level consultations also ensuring equity, access, efficiency, connectivity, quality, and financial and economic viability.

7. The objective of the Addendum is to provide an assessment of the potential social impacts and its mitigation in compliance with the legal policies of the government of Sri Lanka and the World Bank’s Social Safeguards Operational policies for Jaffna in the Northern Province. In addition, the Addendum will provide guidance to project staff to manage all social impact issues. (Minimize negative social impacts while maximizing the positive impacts). The proposed capacity building activities for project staff and other primary stakeholders under this Document also provides guidance on ways to improve the institutional capacity for managing the social impacts anticipated in the process of roads improvement.

II: Baseline information: -Socio-Economic and Administrative (see annex 1 for details)

8. The project covers the Uva Province (UP), Ampara in the Eastern province (EP) and Jaffna in the Northern Province (NP). These have distinct geographical and socio-economic characters. Many areas of the UP are covered by steep range of mountains while the district of Ampara in EP has a flat terrain and is mostly covered with paddy fields and forest reservations. Jaffna in NP is a peninsula.

9. The Uva Province (UP) is Sri Lanka's second least populated province, with 1,177,358 persons. It consists of two districts: Badulla and Moneragala. The provincial capital is Badulla. Agriculture to be the main occupation in the project areas and there are some small and medium scale industries such as garment factories, mining and tourism industries, trade, etc.

10. The Eastern Province comprises three districts namely, Trincomalee, Batticaloa, and Ampara. It is predominantly rural. Agriculture and fishery are the main occupations. Many areas of the province suffered enormously from ethnic conflict. As a result socio-economic data is not readily available.

11. The Northern Province comprises the Jaffna peninsula and Vanni. It is located 22 miles from India. It is connected to the Indian mainland by Adam’s bridge also known as Sethu Paalam or Rama’s bridge. Jaffna is the capital and the largest city. Area wise NP is ranked third with 8884 sq. km of land. There are a large number of lagoons in this province. Most of the islands are to the west of NP.

1 Detailed socio economic data on the northern province is not readily available due to the long conflict that has just ended.
12. Poverty is the main obstacle in these three provinces while Uva Province has the highest poverty level (31.8%). In addition to poverty, the people of project area have minimum facilities relating to health and education, due to poor road condition in the area. It is hoped that road improvements will help to reduce the poverty level of these districts.

13. Agriculture is the main source of income of the people in Uva. But the income generated through agriculture is seasonal and fluctuates according to the market trend, and the prices of agricultural products tend to get fixed by a few middlemen who have links with urban centres. Farmers are unable to sell their products to the urban buyers due to lack of proper transportation in the area and are thus dependent on middlemen who have a monopoly of the farmer’s products and can exploit them. As a result farmers are unable to improve their income. It is hoped that improved roads will help improved the farmers income and bargaining position. In Jaffna most of the people are farmers, fishermen and professionals in the civil and business sectors.

14. Of the 3 districts Badulla has the highest urban population while, Monaragala and Ampara are typically rural with small urban population. This project is expected to focus on upgrading, rehabilitating and maintaining the priority provincial roads in UP, Ampara District of EP, and in Jaffna in EP where provincial roads are considered to be the key connectors between the rural and the national networks. In the long run, the project will help improve the livelihood of people in these districts, ushering in many positive social impacts.

15. Ampara is a multi-ethnic district, with the majority being Moors (245,089). The second largest ethnic group in the district is Sinhalese (231,771). Ethnic composition of Badulla and Monaragala differs from Ampara. (See details in table 2). The largest Indian Tamil population is found in the Badulla district where there is also a high percentage of estate sector population. (20.4%).

16. In NP the majority of the population are Sri Lankan Tamils with a minority of Sri Lankan Moors and Sinhalese. The population however, has been heavily affected by the civil war and a large number of Muslims and Sinhalese fled to other provinces of Sri Lanka. The total estimated population of Jaffna district is 559, 619 while the density stands at 602 persons per square kilometre. There are also a large number of Internally Displaced Persons as a resulting from the conflict

<table>
<thead>
<tr>
<th>District</th>
<th>Sinhala</th>
<th>SL Tamil</th>
<th>Indian Tamil</th>
<th>SL Moor</th>
<th>Burgher</th>
<th>Malay</th>
<th>SL Chetty</th>
<th>Bharatha</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Badulla</td>
<td>558,218</td>
<td>32,230</td>
<td>141,087</td>
<td>40,455</td>
<td>606</td>
<td>1,390</td>
<td>112</td>
<td>21</td>
<td>436</td>
</tr>
<tr>
<td>Monaragala</td>
<td>374,553</td>
<td>5,579</td>
<td>7,660</td>
<td>8,047</td>
<td>113</td>
<td>83</td>
<td>19</td>
<td>1</td>
<td>118</td>
</tr>
<tr>
<td>Ampara</td>
<td>231,771</td>
<td>110,180</td>
<td>410</td>
<td>245,089</td>
<td>1,008</td>
<td>169</td>
<td>6</td>
<td>1</td>
<td>710</td>
</tr>
</tbody>
</table>

Source: Census of Population and Housing 2001, Department of Census and Statistics

The 2001 census was only carried out partially in the Northern Province but the estimate of the special enumeration- 2007 shows the following:

Table 2a Ethnic Representation in NP—2007 (estimates)

\(^2\) Jaffna district -2007 Department of Census and Statistics, June 2008
<table>
<thead>
<tr>
<th>Sinhalese nos</th>
<th>SL Tamils %</th>
<th>Indian Tamils %</th>
<th>SL Moors %</th>
<th>Others %</th>
<th>Total Nos</th>
</tr>
</thead>
<tbody>
<tr>
<td>76</td>
<td>559142</td>
<td>99.9</td>
<td>46</td>
<td>350</td>
<td>0.1</td>
</tr>
</tbody>
</table>

Source: Jaffna district-2007, Department of Census and Statistics June 2008

17. There are two administrative systems in all districts, namely, the central government/state administration and the provincial council (PC) administration. The portfolio of tasks is defined in the constitution and the Provincial Council Act. Public roads are divided into 4 categories, where category A and B are administered by the central government and its ministries, departments, authorities, institutions, etc, while category C and D roads are administered by the respective PCs. Other rural and municipal roads are managed by Pradeshiya Saba (PS) and Municipal Councils (MC) or Urban Councils (UC).

18. Gender is an important component of social analysis as well as development planning. Though it is a biological factor, social and cultural connotations have dominated and given rise to distinct definitions in the social context. The project will be implemented in a typical rural sector of Sri Lanka and gender will be covered as an overarching issue.

III: Legal Framework: National Policies and Bank’s Social Safeguards Policies

19. This Section focuses on the Government of Sri Lanka’s National Acts and policies along with the World Bank’s Social Safeguards policies.

20. Although Sri Lanka is a developing country, it has given foremost place to social policies and has enacted such legislation over the past six to seven decades. These policies and legal enactments, pertain to poverty, involuntary resettlement, gender empowerment, environmental protection, children’s rights, etc., and are applicable to most of the road sector. The laws and policies covered include the following:

<table>
<thead>
<tr>
<th>SL National Laws/Ordinances/Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poor Law Ordinance</td>
</tr>
<tr>
<td>Ordinances on Protecting Women and Children including the “Women’s Charter”</td>
</tr>
<tr>
<td>Labour Law along with 25 ordinances</td>
</tr>
<tr>
<td>National Child Protection Authority Act</td>
</tr>
<tr>
<td>The Land Acquisition Act</td>
</tr>
<tr>
<td>Provincial Council Act</td>
</tr>
<tr>
<td>National Environmental Act</td>
</tr>
<tr>
<td>Road Development Authority Act</td>
</tr>
<tr>
<td>National Thoroughfares Act</td>
</tr>
<tr>
<td>National Involuntary Resettlement Policy</td>
</tr>
<tr>
<td>The Rent Act No. 7 of 1972 and the Ceiling on House Property Law No. 1 of 1973</td>
</tr>
</tbody>
</table>

18. In order to operationalize some of Acts relevant to the Project, the project will ensure that no child labor is employed in any of the sub-projects. In addition “the Contractor /and Subcontractor shall provide equal opportunity of employment for women and identify appropriate activities

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3 The provincial council administration was introduced in 1987 after the 13th amendment to the constitution.
4 Municipal Councils, Urban Councils, and Pradeshiya Sabas are constituted by local level politicians and their administration of respective areas.
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.”

**WB Social and Safeguards Operational Policies (Details are provided in annex 2)**

**21.** The resettlement related regulations and guidelines of the World Bank have been spelled out in the World Bank Operational Manual comprising documents relating to Operational Policies (OP) and Bank Procedures (BP).

**22. Involuntary Resettlement-OP 4.12**

This policy deals with the issues and concerns related to land acquisition, their compensation for all categories of affectees and affected assets, relocation, resettlement, loss of livelihood, access and related issues. The Bank policy covers direct economic and social impacts that result from Bank assisted investment projects that cause involuntary resettlement. Although there is no land acquisition, but this policy is triggered to address all negative social impacts. The Addendum to the SIMF is prepared to provide guidelines to mitigate all related losses from loss of land (through voluntary donation) and loss of private/community Assets/infrastructure/livelihood etc., located on the donated land or otherwise impacted in the RoW. The entitlement matrix has been prepared to cover these losses. Once the magnitude of losses is known a RP/ARP will be prepared. An Agreement will be signed by the donor and the recipient for all voluntarily donated specifying the conditions that will need to be met for any such donation. (See annex V)

**23. Indigenous Peoples Plan OP 4.10**

World Bank in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

(a) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
(b) Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
(c) Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
(d) An indigenous language, often different from the official language of the country or region.

There are no IP groups located in the selected subprojects However, the Social Impact Assessment will verify the exact situation and should any such group get identified the Project will prepare an Indigenous Peoples Development Plan (IPDP) in conformity with OP 4.10, get it cleared by the Bank and implement it.

**24. Gender and Development**

The objective of the Bank's gender and development policy is to assist member countries to reduce poverty and enhance economic growth, human well-being, and development effectiveness by addressing the gender disparities and inequalities that are barriers to development, also to assist member countries in formulating and implementing their gender and development goals. The project will ensure i) equal participation of women alongside males in the project activities ii) that men and women are both consulted over the project cycle, iii) that benefits reach all and iv) that men and women have access to project created jobs,

**25. Cultural Property OP 4.11**

The Bank assists countries to avoid or mitigate adverse impacts on physical cultural resources from development projects that it finances. The impacts on physical cultural resources resulting from project
activities, including mitigating measures, may not contravene either the borrowers’ national legislation, or its obligations under relevant There are no known cultural properties located in the selected roads. However, during implementation should any such site get identified the Project will do the following: whenever chance finds are discovered during the construction of the roads, the contractor will immediately inform the project execution agency which will, in turn, inform the government department concerned with cultural property. The project execution agency will be responsible for securing the artefacts from theft, pilferage and damage until the responsibility is taken over by the relevant authorities. Failure to report a chance find immediately by the contractor will result in cancellation of the contract and punishment according to the relevant laws.

26. Disclosure of Information
“The Bank reaffirms its recognition and endorsement to the fundamental importance of transparency and accountability of the development process. Accordingly, it is the Bank’s policy to be open about its activities and to welcome and seek out opportunities to explain its work to the widest possible audience.” 5 This Policy is triggered: Thus in accordance with the Disclosure Policy of the World Bank, the Environmental and Social Assessment (ESA) and the Addendum to the SIMF will be disclosed at the info shop and the Project sites, viz., Project Offices and Public Libraries. The Executive Summary will be translated into local languages (both Tamil and Sinhalese) will also be disclosed at the Project site where it will be accessible to affectees. The Initial environmental and social Impact Assessments will be disclosed to all types of stakeholders, especially to the project relevant public. Particularly in this project, the UP, EP and NP and finally MLGPC will display all these documents on their websites and dispatch copies to the relevant local authorities and assist local communities with the information disclosure procedure.

IV Potential Social Impacts of the Project

27. **Positive Social Impacts:**
The positive impacts as identified by stakeholders include the following:
1) Savings in travel time with improved roads.
2) Savings in fuel cost,
3) Savings in repair and maintenance of vehicles.
   These three factors are expected to lead to an increase in disposable income (as a result of money saved)
4) Better prices of agricultural products and inputs for farmers who would get better market accessibility with better roads network where traders would lose the monopoly and the competition between them is expected to fetch better prices for products and inputs, leading to increases in their seasonal income
5) Regular attendance of children in schools and also attendance in schools on time. Current condition of roads has led to several problems for public and private bus services, where some bus services have already stopped operation. Others avoid these roads and reduce covering the full distance.
6) All categories people particularly the vulnerable would benefit (mothers, patients, elderly people, women, etc) from improved roads with better access to hospitals, dispensaries, markets, offices, etc., which would lead to benefits for all.
7) Better connectivity. This was particularly for the NP where improved roads will enable better movement and integration of communities.
8) Better flow of goods to and from the NP to other provinces of SL.

28. **Negative Social Impacts:**
The anticipated negative impacts include the following:
1) Perception of an increase in road accidents due to high speed driving of vehicles once the roads are improved.
2) Long term negative impacts, such as rural-urban migration,
3) Change of attitudes and values as a consequence of the impact of the urban culture.
4) Problems with laying of water pipes on roads once the asphalt layer is placed on the roads as digging again would damage the road.
5) Negative impact during construction phase particularly regarding loss of access, storing of, building material on the roadside, dust and noise generated by construction work, unusual delay in public and private transportations etc.
6) Fears of outsiders’ intervention in villager’s affairs and loss of villagers’ privacy,
7) Anticipated negative impacts due to loss of private or community owned land, assets/infrastructure/livelihood;
8) Loss of access to houses and shops during construction,
9) Loss of livelihood of vulnerable groups including encroachers/squatters and others without land title;
10) Problem with mobility of women and children during construction.

V: **Stakeholders Consultation and Participation**

29. Stakeholders consultation is a two way communication mechanism whereby information is provided to stakeholders regarding the project components, objectives etc. and feedback elicited to inform the design. A stakeholder is one who can influence the outcome of the project in a positive or negative manner, who will be impacted by the project (positively or negatively) or who has an interest in the project. Stakeholder consultation is thus important since different types of stakeholders can contribute valuable ideas and suggestions and support the project. Field investigation launched for the preparation of the SIMF focused on different stakeholders (primary and secondary). The techniques used included, public consultations, focus group discussions, key informants’ interviews, review of literature etc. All information collected from the project consultations have been recorded. The discussions covered 153 stakeholders (list provided in Annex 3). Detailed stakeholders consultation
will be undertaken in Ampara and Jaffna when the Social assessment and the Social Mitigation plans are launched.

30. **Observation of Selected Roads and Other Important Issues**
The investigation team first undertook an exercise towards primary observation of different issues related to the project, such as, linking national road network, topographical features, nature of settlements and livelihood patterns of project area and the people, their assets, current road condition, etc.

31. **Focus Group Discussion**
A focus group discussion (FGD) is a carefully planned discussion the objective of which is to learn about the perception, feeling, attitudes, and ideas of the group participating in the discussion with respect to a defined area of interest. Focus groups were selected from a homogenous community such as female-headed households, truck drivers, bus drivers, residents of poor clusters, wage labourers, road side vendors, petty businessmen, youths, students, farmers, etc. Before conducting a FGD, the study team had developed checklists unique to them. The number of participants in a FGD was between 2–9 members from the concerned group, and consideration was given to the use of visual techniques on many occasions.

32. The consultants conducting the FGDs have paid particular attention to identify negative and positive impacts of the project. All these facts had submitted to the project director of the respective PC.

33. **Key-Informant Interviews and Stakeholder Analysis**
Key-informants are important since they are knowledgeable about the area, the issues and the people. Among the government group the person selected is usually the one responsible for an area or division of administration. Thus includes, the Divisional Secretary (DS) who is responsible for all administrative matters of the DSD and for handling land acquisition issues on behalf of PRDD. An in-depth discussion with a DS helped clarify several issues related to land acquisition and land donations. As in the case of FGDs, a unique checklist for each key-informant was used. Focused key-informants included among other, the Divisional Engineer (DE), the Technical Officer (TO), Grama Niladari (GN), owners of industrial establishments, owners of estates, land officers, MOH/midwife, principals of schools, estate developers, religious leaders, leaders of CBOs/NGOs, and police officers. A summary of issues discussed has been submitted to the project director of the respective PC.

34. **Literature Survey**
Literature survey is an essential part of report preparation. At the feasibility level, there are several avenues to collect secondary data related to the project. Typical sources of secondary data include road maps (Survey Department Maps) feasibility reports, detailed designs, etc.), DSD records, country poverty analysis, national poverty line, sector work, previous projects, government statistics, past surveys, information from: implementing agencies, universities, other funding agencies, researchers, NGOs, and lobby groups. These sources have been helpful to fill certain knowledge gaps as well as verify primary data collected from the field.

35. **Outcome of the Stakeholders Consultation: major findings:**
- Several educated villagers felt improved roads would lead to increased accidents and have requested for possible preventive measures such as road signs, zebra crossing lines (specially near the public properties such as schools, hospitals, temples, markets, etc), safety boundary fences where necessary, etc.
- Affectees readily agreed to donate small portions of lands where it is necessary to carry out road constructions and demolish their structures on the understanding that those structures will be replaced by the project in the same or better form.
- Stakeholders said that if acquisition of a small plot of land for realignment and improvements becomes necessary, then the land acquisition process for the government should be followed and compensation paid at market rates.
- They felt that the project should give sufficient consideration for parking space for public transportations in all town sections and should develop such facilities at least on a priority basis in town sections.
- Stakeholder also said that if there is any impact on common amenities of the community, the project should replace those without creating any inconvenience to the public and the responsible person/s or CBO should be consulted before taking any action against these common properties.
- Even of instances of temporary displacement of mobile vendors and other vulnerable encroachers are rare, but the projects should not impact their livelihood in a negative manner.
- The project implementation unit should employ a responsible person to be in charge of all issues that affect communities.
- A system of vigilance committee should be established in all sensitive areas related to all subprojects where land donations, acquisitions, and shifting of temporary vendors, etc. are involved.
- The project should consider all mitigation measures that can be taken on affected private and common properties/assets in all subprojects after consulting the members of the communities.
- Peoples mobility should not be impacted during construction.
- Measures should be taken to prevent accident after improvement of roads.
- Contractors should make sure that their workers do not impact on local culture.
- Where possible local persons should be employed.

VI. Mitigation Measures

36. Mitigation Measures of Negative Impacts
The Framework will assist in mitigating the social safeguards impacts resulting from project interventions. This has been prepared in keeping with World Bank Social Safeguards Operational Policies including OP 4.12 on Involuntary Resettlement, OP 4.10 Indigenous Peoples, and OP 4.11 cultural Property and Disclosure policy.

37. The principles and guidelines proposed, aim at avoiding or minimizing as far as possible, the impoverishment that may result from project interventions, and also mitigate any adverse impact thereof on households and community levels.

38. Scope and Mitigation Principles
- The proposed framework will apply to all Project Affected Persons who may be impacted through impacts on private/community land or other assets/livelihood etc., due to minor realignments.

- Absence of a title will not be considered a bar to compensation for non-land assets created by the public land user. Vulnerability of PAPs, in terms of economic, social, and gender characteristics will be identified and mitigated with appropriate policies.
- Where community owned facilities or restricting access to common property resources etc., result from project related interventions, the project will rebuild such facilities and provide alternative access.
• There will be no land acquisition in the project. Any land that is required will be voluntarily donated or the project will use land owned by the government. For any voluntarily donated land, a participatory and transparent process will be followed and an agreement/MOU will be signed between the donor and the recipient that will among other, ensure i) the ownership of the land and voluntary nature of the donation, ii) that the land is appropriate for the intended purpose iii) that the land does not belong to any donor who is below the poverty line or whose holding would be reduced below the minimum size as stipulated to be economically viable. iv) that there are no encumbrances on the land, v) that it does not negatively impact on the livelihood of any vulnerable group, and if so, that community developed mitigation measures are acceptable to the affectees, vi) that no compensation will be paid for the land, and vii) that the owner gives up all claims on the land and the title will be transferred to the recipient through the notary public or a registered deed or any other procedure prescribed by the law of the state. The agreement will be signed in presence of the DS and his/her signature will be placed as a third party.

• The Project executing agency will bear the costs of implementing the Social impact mitigation measures/plans

39. Impact Mitigation Modalities

The following types of losses are expected to result from Project intervention and will be mitigated.

- Temporary displacement of mobile vendors and other vulnerable encroachers. The project will ensure that their livelihood is not affected by helping to relocate them during the construction phase and they may return to their original place subsequently.
- Cut-off dates will be established to determine compensation eligibility of persons and their assets. These are the dates on which census of the affected persons and their assets will be taken. Any claim for compensation by affected people after the cut-off date will be ineligible for compensation.
- Encroacher owners of the affected businesses will be compensated for temporary loss of income based on net income, or an one-time lump sum grant
- Where physical assets of affectees (walls, gardens, gates, etc.) located in the ROW come in the project’s area of construction, the facility will be rebuilt or the owners will be compensated at replacement cost.
- The project will identify and implement policies to mitigate any adverse impacts that are unique to any project locations and have so far remained unknown.

40. Impacts and PAPs Eligible for Assistance

The mitigation principles and impact mitigation modalities are operationalized by defining and categorizing the potential impacts/losses which will qualify for mitigation. Besides these, any unforeseen impact, as and when encountered, will be mitigated with appropriate measures.

The following will qualify for compensation:

Unauthorized or informal users of public lands, such as squatters and encroachers, are not eligible for compensation for land, but for other losses covered by the mitigation policies.

Business and Wage Income/ informal Users of public land: Vulnerable squatters and encroachers residing on public lands and undertaking income earning activities in the ROW will be assisted to cope with the change.
Structures on Public Lands: All built up structures would be rebuilt or compensated at replacement cost.

Unforeseen losses/impact: All other losses/impacts that are not known but may get identified in PAP census will be mitigated with appropriate measures (where they qualify).

For adverse impacts on community facilities, such as educational institutions, places of worship, graveyards, and cremation grounds etc., no financial compensation will be paid directly to affectees; however, the Project will rebuild the affected facilities, or provide alternatives in consultation with the user communities. Similarly for loss of income earning opportunities or access to crucial common property resources, the project will provide alternatives to restore and improve their livelihood. Cut off dates will be established to determine compensation eligibility of persons and their assets. These are the dates on which census of the affectees and their assets will be taken. Any claim submitted for compensation by affectees after the cut off date will be ineligible for compensation.

41. Good practices to be followed:
   - Place all sign boards where it is necessary indicating maximum speed limits.
   - Place pedestrian crossing lines (zebra crossing) where it is necessary, particularly near the schools, religious places, government establishments, hospitals, town sections, etc.
   - Make aware all contractors and supervisors on the importance of villagers’ privacy and their freedom to engage in their customary duties and tasks.
   - Create awareness of preventing HIV/AIDS among the migrated workers in all project sites.
   - Set up an internal monitoring mechanism on worker’s behaviour.

VI A: Entitlement Matrix

42. The Entitlement matrix has been developed to address impacts/losses, entitlement and entitled persons. These are for known impacts while any unknown impact that might be unique to a sub-project location will be addressed under “unanticipated adverse impact due to project intervention” of the entitlement matrix. Since the Project does not envision any land acquisition, relocation or resettlement the potential impacts are limited. Hence the entitlement matrix is reflective of this issue. However, should any land acquisition or resettlement or relocation be considered, the Project will prepare a Resettlement Plan prior to any such activity.

Entitlement Matrix

<table>
<thead>
<tr>
<th>Type of Impacts</th>
<th>Compensation recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of land, of any kind</td>
<td>No compensation for holders of encroached land. All land required will be donated voluntarily by their present owners. If certain owners of land are unlikely/unwilling to grant land, design alternatives for these locations will be adopted.</td>
</tr>
<tr>
<td>Lost assets (houses, parts of houses, other structures,)</td>
<td>The project will rebuild the impacted structure or pay replacement cost at prevailing market value.</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>walls, fences etc.</td>
<td>The project will pay compensation to rebuild the assets used for livelihood or pay a lump sum to cover the period required to build the asset.</td>
</tr>
<tr>
<td>Loss income / livelihoods due to lost assets</td>
<td>Compensation for value of lost yields will be paid. If perennial crops are involved, cost for reestablishment of crops elsewhere and compensation for lost yields up to one year at market price will be paid.</td>
</tr>
<tr>
<td>Loss of agricultural income</td>
<td>Money for rebuilding of the demolished structures at the market price/replacement cost, will be paid or the asset/infrastructure rebuilt by the project.</td>
</tr>
<tr>
<td>Owners of boundary walls, fences and temporary</td>
<td>Timber and fruit trees lost will be valued at: present age, overall life expected, and lost income/output from the tree and compensated without deducting the salvage value.</td>
</tr>
<tr>
<td>extended portions of shops and houses</td>
<td></td>
</tr>
<tr>
<td>Value of fruit and timber trees</td>
<td>This is not likely to be triggered. If during implementation it is triggered, the project will provide moving cost and rent for six months, along with assistance for finding alternative place, if rented house is involved. If agricultural or any other livelihood is involved, compensation for lost income and lost assets will be provided to the tenant on tenanted property.</td>
</tr>
<tr>
<td>Compensation for tenants</td>
<td>To be mitigated as required to ensure the affectee is able to restore his original life style or improve it.</td>
</tr>
<tr>
<td>Any unanticipated negative impact</td>
<td></td>
</tr>
</tbody>
</table>
VI B: Consultation Strategy

43. The project anticipates a high level of stakeholder’s participation throughout the project cycle. Therefore, it is essential to identify the type of stakeholders to be consulted and the required stage when consultation would be necessary.

44. As identified in the field exercise almost all stakeholders manifest an overt intention to support the project. The stages of the project cycle and the required stakeholder participation are shown in the following table.

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Stage 1: Feasibility Level</th>
<th>Stage 2: Social Assessment Level</th>
<th>Stage 3: Land Donation Level</th>
<th>Stage 4: GRM Level</th>
<th>Stage 5: Road Construction Level</th>
<th>Stage 6: Evaluation of Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary affectees (all categories)</td>
<td>√</td>
<td>√</td>
<td>-</td>
<td>√</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Road users (all categories)</td>
<td>√</td>
<td>√</td>
<td>-</td>
<td>-</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Owners of common properties</td>
<td>√</td>
<td>√</td>
<td>-</td>
<td>√</td>
<td>-</td>
<td>√</td>
</tr>
<tr>
<td>Wage earners</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>√</td>
<td>√</td>
<td>-</td>
<td>-</td>
<td>√</td>
<td>-</td>
</tr>
<tr>
<td>Others (if any)</td>
<td>√</td>
<td>√</td>
<td>-</td>
<td>√</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Secondary</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Divisional Secretary</td>
<td>-</td>
<td>√</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Grama Niladaries</td>
<td>√</td>
<td>√</td>
<td>-</td>
<td>√</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Owners of business establishments</td>
<td>√</td>
<td>√</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Land officers</td>
<td>√</td>
<td>√</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Property developers</td>
<td>√</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>CBOs/NGOs leaders</td>
<td>-</td>
<td>√</td>
<td>-</td>
<td>√</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>MOH/Midwife</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>√</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Others (if any)</td>
<td>√</td>
<td>√</td>
<td>-</td>
<td>√</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

It is not necessary to consult all stakeholders at every stage of the project. However, the Social Safeguard Officer that will be recruited for the project should maintain all records of all stakeholder consultations.

VI C: Disclosure of Information

45. As highlighted in WB policies all information should be disclosed to all the stakeholders concerned. Therefore, it is suggested to follow the same policy in this project. Along with disclosure of all project documents as discussed in section II, the following methods would be employed to disseminate and disclose relevant information. They are:

- Conduct FGDs and KIIs with all stakeholders.
- Establish grievances redress mechanism for each subproject.
- Consult all affectees and inform them on the nature of impact on their property/assets, and their livelihood.
• Inform all relevant Grama Niladharies and Divisional Secretaries about affectees and summon a meeting in which DEs, TOs, and Social Safeguard Officer are represented.
• Make available and disclose all hard copies of detailed designs of subprojects, addendum to the SIMF, RSAs, resettlement plans (if required), and other documents at PC, DE offices, and all sub offices related to subprojects. In addition, these documents should be pasted in relevance Web Sites of PC, MLGPC, and WB.
• All public disclosure documents should be translated into Sinhala and Tamil languages in addition to the English version.

VI D: Grievance Redressal Mechanism
46. The aim to prevent grievances rather than react to problems. Grievances can be minimized through careful subproject design and implementation by ensuring full and true participation and consultation with affectees, establishing rapport between the community and PC through frequent interactions, transparency, and monitoring.

47. A Grievance Redress Mechanism (GRM) will be established by UPC, EPC and NPC that will be transparent, accessible to all, inclusive, participative and unbiased. Affectees will be made fully aware of their rights and the procedures for making a grievance – whether verbally or in writing – during consultation. The structure of GRM is shown below. It will be a multi-tiered approach. At the sub project level minor issues may be informally settled at the village or GN level through consultation and involvement of the project Social Safeguard Officer/Specialists and local implementing officer. For complaints related to project related impacts of any kind a complaint register will be maintained at the sub project office. This will state the type of complaint, the name of the complainant, date of the complaint and person responsible to resolve it. At the next level the GRM, A Grievance Redressal Committee will be headed by the Provincial Project Director with the members as shown in the chart below. If the complaint cannot be resolved by the PD it will seek assistance from the Samatha Mandala.

**Proposed structure of GRM**

![Diagram of proposed GRM structure]

**Chairman**  
(Provincial )

- Divisional Secretary
- Social Development Officer/PRD
- Senior Engineer/Divisional Engineer
- Representative from Affectees
- 1 representative each from 3 communities
- Community Leader/NGO
48. All GRMs should be established before awarding contract of each subproject. The functional role of GRM should be notified to all GNs in project influenced area. The period of summoning a GRM is last official date of every third month once it’s established. DE is responsible to set up GRM with support of Social Safeguard Officer of the project.

49. The Samatha Mandala (Peace/mediation Council) is the conflict resolution committee appointed by the Ministry of Justice in all Judicial Districts, as part of the grievance redress process. The members of this committee are well respected as they are educated and citizens drawn from towns and villages. The Samatha Mandala attempts to resolve conflicts prior to complaints being referred to the courts. If a conflict cannot be resolved by the committee, it can still be pursued through the court system. Furthermore since the Samatha Mandala is not involved in the decision-making process associated with project related land issues and properties, it can therefore provide adjudication unencumbered by any specific interest in the project.

50. Under the subproject, there is a potential for three types of grievances: 1) grievances related to land donations, 2) grievances related to affected structures, and other properties or entitlements, and 3) grievances related to construction activities. As mentioned above affectees can place their appeals on these issues as defined either in the complaint register and if dissatisfied can request for appeal to the GRM or Samatha Mandala.

51. **Public Awareness**: The Project will undertake public awareness campaigns to inform citizens about the project related activities, including the rights and entitlements of the affectees, the timings of the project construction activities, any safety measures required to be followed by communities etc. In addition, once the GRM is established in each subproject, it will be disclosed to the project affected people with its structure, official address (most suitably DE’s or SE’s office), members of GRC, and role of GRC.

**VI E: Institutional Mechanism**

52. The roles and responsibilities of the major actors in the SIMF are the following:

**Provincial Director**: He has the overall responsibility for implementing the project and the SIMF. He will be supported by the Project Director. He will allocate the following tasks to the District Chief Engineer, the Divisional Engineer, Senior Engineer and Social staff:

- Carry out stakeholder consultation on project objectives, scope, and potential adverse/positive impacts of project intervention; and process the stakeholder feedback for consideration to the project.
- Explain the mitigation policies and measures of the project. Identify PAPs (who are informal users of public land in the ROW) and process the entitlements stipulated in the SIMF.
- Explain to the PAPs the grievance redressal mechanism and its scope, functions and the procedure to bring grievances to the Grievance Redressal Committees (GRCs). Designated staff from the PD’s office will record the GRC proceedings and include summary reports in the periodic progress reports.
- Plan, design and conduct census of the project affected persons and households listed by the surveyors; and collect all information required to identify the losses; and determine the entitlements, application guidelines and implementation issues as suggested in the ‘compensation/entitlement matrix’.

53. **The Divisional Secretary**: He will facilitate the signing of the MOU for voluntary land donations.
The GRM Committee headed by the Provincial Director will be responsible for resolution of grievances and can delegate responsibility to the Samatha Mandala if required.

**VI F: Monitoring and Evaluation Mechanism**

54. Monitoring and evaluation are vital activities of the project. The project has the responsibility to implement all project activities as identified and on time. The objectives of monitoring of the SIMF are: 1) to ensure that the standard of living of affectees is restored or improved, 2) to monitor whether the timelines are being met, 3) to assess whether mitigation efforts are sufficient, 4) to identify construction related problems or potential problems, and 5) to identify methods of responding immediately to mitigate hardships. Internal monitoring will be conducted by project staff of each PC, and b) External monitoring which will be conducted by an independent body.

55. **The monitoring indicators include the following:**

These will include among others, the impact of the project on affected persons lifestyle, assets (where impacted), community infrastructure impacted; the functioning of the grievance redressal mechanism with its success in resolving conflicts etc. In addition the indicators will be developed during implementation to monitor the activities of the RP along with the entitlements.

56. **Reporting**

This will include quarterly updates of progress in preparation and implementation of social and safeguards concerns (disaggregated by sub project). Reports for formal supervision mission with details of progress and identification of any issues that may impede progress.

**VI G: Capacity Building Program**

57. For successful project implementation, a capacity building program will be conducted for all staff of the project. It should cover the following areas:

- National Involuntary Resettlement Policy
- Social Impact Monitoring Framework of the Project
- Grievances Redress Mechanism
- HIV/AIDS: The Project will need to ensure that awareness raising is provided by all contractors to their staff.

58. The training/awareness workshops should be organized at the level of the PC. Such workshops should be attended by all Chief Engineers, DEs, TOs and Project staff who deal with social and environmental issues. It may be worthwhile to have two workshops for each PC to address a) Conceptual framework and b) Its applications in this project.

59. The budget for the workshops should be borne by the Project.
Annexures
Annex 1

BASELINE INFORMATION OF UVA and AMPARA—Socio-Economic and Administrative

1. The project covers the Uva Province (UP) and a section of the Eastern province (EP) that have distinct geographical and socio-economic characters. Many areas of the UP are covered by steep range of mountains while the district of Ampara has a flat terrain and is mostly covered with paddy fields and forest reservations.

<table>
<thead>
<tr>
<th>Province</th>
<th>Capital</th>
<th>Districts</th>
<th>Area in Km²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uva</td>
<td>Badulla</td>
<td>Badulla and Monaragala</td>
<td>8,488</td>
</tr>
<tr>
<td>Eastern</td>
<td>Trincomalee</td>
<td>Trincomalee, Batticaloa, and Ampara</td>
<td>9,951</td>
</tr>
</tbody>
</table>

*Source: Population and Housing Census 2001, Department of Census and Statistics, Sri Lanka*

2. The Uva Province (UP) is Sri Lanka's second least populated province, with 1,177,358 persons. It consists of two districts: Badulla and Moneragala. The provincial capital is Badulla. UP is bordered by Eastern, Southern and Central provinces and connected to the South-Eastern sector of the central hill area of the country. It is predominantly rural and agriculture is the main occupation in both the districts (Badulla 63.9% and Monaragala 60.6%). Table 03 below furnishes details relating to land size and shows agriculture to be the main occupation in the project areas. Apart from these, there are some small and medium scale industries (Badulla 11.2% and Monaragala 12.7%) such as garment factories, mining and tourism industries, trade, etc.

3. EP comprises three districts namely, Trincomalee, Batticaloa, and Ampara. The boundaries of EP are linked to Southern, Uva, Central, North-Central, Northern provinces and the Indian Ocean. It is predominantly rural. Agriculture and fishery (39.8%) are the main occupations. Many areas of the province have suffered enormously due to ethnic conflict. Socio-economic data of this province and the districts is not available due to the ethnic conflict prevailing since the last two decades.

<table>
<thead>
<tr>
<th>District</th>
<th>Small Holding Sector</th>
<th>Estate Sector</th>
<th>All Sectors</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Less than or equal to 1/4 acre</td>
<td>1/4 acre and above</td>
<td>20 Acres and above</td>
</tr>
<tr>
<td></td>
<td>(less than 0.10 ha) *</td>
<td>(0.10 Ha and above) **</td>
<td>(8.09 Ha and above)</td>
</tr>
<tr>
<td>Badulla</td>
<td>38,733</td>
<td>5,789</td>
<td>91,004</td>
</tr>
<tr>
<td>Monaragala</td>
<td>8,603</td>
<td>1,584</td>
<td>81,723</td>
</tr>
<tr>
<td>Batticaloa</td>
<td>78,897</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Ampara</td>
<td>67,778</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Trincomalee</td>
<td>33,333</td>
<td>4,690</td>
<td>18,920</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>1,462,904</td>
<td>202,182</td>
<td>1,783,473</td>
</tr>
</tbody>
</table>

* Holdings reporting extent less than or equal to 40 Perches (0.10 hectares) of land with agricultural output mainly for home consumption
** Holdings reporting extent more than 40 Perches (0.10 hectares) of land or producing agricultural output mainly for sale purposes

*Source: Census of Agriculture 2002, Department of Census and Statistics, Sri Lanka*

4. As highlighted above, this project is applicable only to the Ampara district in the EP. Ampara is a multi-ethnic district, but the majority is Moors (245,089). The second highest ethnic group in the district is Sinhalese (231,771). Ethnic composition of in Badulla and Monaragala differs from Ampara. (See details in table 04). The largest Indian Tamils population is to be found in the Badulla district where there is a high percentage of estate sector population (20.4%) also.

<table>
<thead>
<tr>
<th>District</th>
<th>Small Holding Sector</th>
<th>Estate Sector</th>
<th>All Sectors</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Less than or equal to 1/4 acre</td>
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<td>20 Acres and above</td>
</tr>
<tr>
<td></td>
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<td>78,897</td>
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<td>-</td>
</tr>
<tr>
<td>Ampara</td>
<td>67,778</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Trincomalee</td>
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<td>4,690</td>
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</tr>
<tr>
<td>Sri Lanka</td>
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* Holdings reporting extent less than or equal to 40 Perches (0.10 hectares) of land with agricultural output mainly for home consumption
** Holdings reporting extent more than 40 Perches (0.10 hectares) of land or producing agricultural output mainly for sale purposes

*Source: Census of Agriculture 2002, Department of Census and Statistics, Sri Lanka*

7 Do
8 Do
5. Gender is an important component of social analysis as well as development planning. Though it is a biological factor, social and cultural connotations have dominated and given rise to distinct definitions in the social context. The project is planned to be implemented in a typical rural sector of Sri Lanka and thus gender is covered as an overarching issue. Table 05 provides the sex ratio figures in the respective districts. These figures reveal that except in the Badulla district, female population of other two districts is relatively low.

Table 05: Male and Female Representations

<table>
<thead>
<tr>
<th>District</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
<th>Sex Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Badulla</td>
<td>383,067</td>
<td>391,488</td>
<td>774,555</td>
<td>97.9</td>
</tr>
<tr>
<td>Monaragala</td>
<td>200,558</td>
<td>195,615</td>
<td>396,173</td>
<td>102.5</td>
</tr>
<tr>
<td>Ampara</td>
<td>295,319</td>
<td>294,025</td>
<td>589,344</td>
<td>100.4</td>
</tr>
</tbody>
</table>

Source: Census of Population and Housing 2001, Department of Census and Statistics

6. The population growth of each district is given in table 06 below. It reveals that there is a rapid population growth in each district. Of the two districts, Badulla records the highest population (837,000).

Table 06: Population Growth by District in Identified Years (in ‘000s)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Badulla</td>
<td>641</td>
<td>770</td>
<td>826</td>
<td>831</td>
<td>837</td>
</tr>
<tr>
<td>Monaragala</td>
<td>274</td>
<td>384</td>
<td>399</td>
<td>405</td>
<td>420</td>
</tr>
<tr>
<td>Ampara</td>
<td>389</td>
<td>540</td>
<td>565</td>
<td>605</td>
<td>627</td>
</tr>
</tbody>
</table>

Source: Annual Report 2006, Central Bank of Sri Lanka

7. There are two administrative systems in all districts, namely, the central government/state administration and the provincial council (PC) administration. The portfolios of tasks are defined in the constitution and the Provincial Council Act. Public roads are divided into 4 categories. Category A and B are administered by the central government and its ministries, departments, authorities, institutions, etc, while category C and D roads are administered by the respective PCs. Other rural and municipal roads are managed by Pradeshiya Saba (PS) and Municipal Councils (MC) or Urban Councils (UC). Compared to the other two districts, Badulla has higher urban population (53,894). (For more details see table 07).

Table 07: Number of Administrative Units Coming under State and Local Government Administration by 2002

<table>
<thead>
<tr>
<th>District</th>
<th>DSD</th>
<th>PS</th>
<th>MC</th>
<th>UC</th>
<th>Electorate</th>
<th>GND</th>
<th>Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>Badulla</td>
<td>15</td>
<td>14</td>
<td>1</td>
<td>2</td>
<td>9</td>
<td>567</td>
<td>2229</td>
</tr>
<tr>
<td>Monaragala</td>
<td>11</td>
<td>10</td>
<td>-</td>
<td>-</td>
<td>3</td>
<td>319</td>
<td>1198</td>
</tr>
<tr>
<td>Ampara</td>
<td>19</td>
<td>14</td>
<td>-</td>
<td>2</td>
<td>4</td>
<td>504</td>
<td>876</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>319</td>
<td>257</td>
<td>17</td>
<td>38</td>
<td>160</td>
<td>14,009</td>
<td>38,259</td>
</tr>
</tbody>
</table>

Source: Population and Housing Census 2001, Department of Census and Statistics, Sri Lanka

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9 The provincial council administration was introduced in 1987 after the 13th amendment to the constitution.
10 Municipal Councils, Urban Councils, and Pradeshiya Sabas are constituted by local level politicians and their administration of respective areas.
8. As discussed above, agriculture is the main source of income of the people in the area. It seems that people employed in government and private sectors are also engaged in agricultural activities as a secondary source of income. However, the income generated through agriculture is seasonal and it fluctuates according to the market trend. On the one hand, the price of their products is decided by a few middlemen who have links with urban centres. Farmers are unable to sell their products to the urban buyers due to lack of proper transportation in the area. Therefore, many middlemen are able to exploit these farmers. Farmers thus are unable to improve their income. On the other hand, although there may be some buyers interested in reaching the farmers directly, but are constrained due to poor road condition. As a result there is no competition between buyers and traders have been able to develop a monopoly on farmer’s products. Improved roads will help improved the farmers income and bargaining position.

9. Poverty is the main obstacle in these two provinces. UP has the highest poverty level (31.8%) as compared to the other provinces. It is hoped that road improvements will help reduce the poverty level of these districts. In addition to poverty, the people of project area lack access to facilities relating to health and education, due to poor road condition in the area. Health and education are both important components for improved life style.

<table>
<thead>
<tr>
<th>Province</th>
<th>Unit</th>
<th>Year 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western</td>
<td>% of poor HH</td>
<td>9.2</td>
</tr>
<tr>
<td>Central</td>
<td>% of poor HH</td>
<td>20.8</td>
</tr>
<tr>
<td>Southern</td>
<td>% of poor HH</td>
<td>23.6</td>
</tr>
<tr>
<td>North Western</td>
<td>% of poor HH</td>
<td>22.3</td>
</tr>
<tr>
<td>North Central</td>
<td>% of poor HH</td>
<td>18.1</td>
</tr>
<tr>
<td>Uva</td>
<td>% of poor HH</td>
<td>31.8</td>
</tr>
<tr>
<td>Sabaragamuwa</td>
<td>% of poor HH</td>
<td>28.9</td>
</tr>
<tr>
<td>Eastern</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: Household Income and Expenditure Survey, 2002, Department of Census and Statistics

10. Of the 3 districts Badulla has the highest urban population while, Monaragala and Ampara are typically rural with small urban population. This project is expected to focus on upgrading, rehabilitating and maintaining the priority provincial roads in UP and Ampara District of EP where provincial roads are considered to be the key connectors between the rural and the national networks. In the long run the project will help improve the livelihood of people in these districts, ushering in many positive social impacts.
Annex 2

Legal Framework: National Policies and Bank’s Social Safeguards Policies

This Section focuses on the Government of Sri Lanka’s national Acts and policies along with the World Banks Social Safeguards policies.

11. Although Sri Lanka is a developing country, it has given foremost place to social policies and has enacted such legislation over the past six to seven decades. These policies and legal enactments, pertain to poverty, involuntary resettlement, gender empowerment, environmental protection, children’s rights, etc., and are applicable to most of the road sector.

Poor Law Ordinance
12. 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 people identified as poor.

Ordinances on Protecting Women and Children
13. Legal provisions for employing children and young persons are very complex, and a number of Ordinances address these issues. The aim of these Ordinances or Acts is to protect children and to provide a peaceful environment for their education and leisure.

14. The GOSL in its ‘Women’s Charter’, which was established in March 1993, reflects its aim to address women’s concerns. 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 to women and prevents sexual harassment, abuses and trafficking of women and children.

Labour Law
15. Labour legislation in Sri Lanka consists of 25 ordinances and all of them are administered by the Commissioner of the Department of Labour. The following are considered among the most important:

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

1 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.
16. As stipulated in Employment of Women, Young Persons, and Children Act and National Child Protection Authority Act, child labour is prohibited. These conditions have to be adhered to in any road sector assistance project, and all employees must be above the age of 18.

17. Women’s rights are also covered by these Acts and women should be treated in an equal manner. It is also covered by World Bank’s Operation Procedures (OP) and Bank Policies (BP), where issues pertaining to gender are clearly discussed. Hence, it is very clear that this project will adhere to these national and WB policies 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.”

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

Land Acquisition Act
19. This is an important piece of legislation that directly affects most development projects, especially road sector development projects. The act is usually called the Land Acquisition Act – LAA (No. 9 of 1950) and has been amended on several occasions (39 of 1954, 22 of 1955, 28 of 1964, 20 of 1969, 48 of 1971, 8 of 1979, 12 of 1983, and 13 of 1986). The purpose of the act is to make provision for the acquisition of lands for public purposes while providing the necessary compensation. The entire process of land acquisition can be divided into six stages as shown below:

- Stage I: Preparation of Acquisition Proposal
- Stage II: Publication of 1st Notice and Preparation of Advanced Tracing
- Stage III: Investigation and Calling for objections
- Stage IV: Decision to Acquire Land
- Stage V: Inquiry into Claims and Payment of Compensation
- Stage VI: Taking over of Possession after Acquisition
- Stage VII: Vesting of Certificates

20. It is an accepted fact that there could be a certain number of claims regarding land acquisition in every road sector assistance project. However, acquisition of lands is vested with each Divisional Secretary (DS) and PCs need to cooperate with DS in this matter. In contrast to other road development projects, Road Development Authority (RDA) of Sri Lanka is highly involved in land acquisitions in their many projects. Currently, they have formed a special committee named Land Acquisition and Resettlement Committee (LARC) with a view to accelerate and keep good governance in the process of land acquisitions. This strategy which was introduced for the Southern Transport Development Project (STDP) was later adopted for other road sector development projects too.\(^\text{12}\) However, it is noted that no such land acquisitions will be undertaken by this project.

Provincial Council Act
21. PC was established in 1987 under the 13th Amendment to the Constitution and Provincial Council Act No. 42 of 1987. This Act was amended in 1990 (No. 27). By this Act, power is vested in the PC to govern police and public security, planning, education and education services, provincial administration, provincial roads, social welfare and rehabilitation, transportation, agriculture and

\(^{12}\) Each LARC will be chaired by a Divisional Secretary and comprises Land Acquisition Officers or other Technical Officers from PC, and representatives from the Survey Department, Valuation Department, and Grama Niladharis as ex-officio members, and the Resettlement Officer as an independent representative.
agrarian services, rural development, health, indigenous medicine, trade, land, irrigation, livestock, maintain correctional centre, protection of national heritages, mining, banking, provincial loans, sports, development of energy, etc. These tasks imply that the PC has to enhance people's livelihood through well-planned development programs.\(^{13}\)

22. As highlighted above, all PCs have Provincial Road Development Department (PRDD) under the Provincial Ministry of Roads. This ministry consists of four departments including PRDD. The Provincial Director (PD) manages this department with the support of District Chief Engineers (DCE). DCEs are supported by Divisional Engineers. For instance; UP has two DCEs for Badulla and Monaragala. Badulla DCE has four divisions and Monaragala DCE has two divisions respectively. Each division is managed by a Divisional Engineer (DE) supported by Technical Officers (TOs) and labourers.

23. Under the PRDD organisational structure PD, DCE, DE, and TOs are responsible for implementing social safeguard measures identified in each subproject road. These officers are responsible for the LARC, Grievances Redress Mechanism, and Monitoring and Evaluation Mechanism of the Addendum to the SIMF.

**National Environmental Act**

The National Environmental Act (NEA) (Act No. 47 of 1980, amended Act No. 56 of 1988 and Act No. 53 of 2000) is a key piece of legislation directly relevant to road sector development in Sri Lanka. It provides protection to human beings and animals alike from potential negative impacts on the environment due to man-induced activities such as development projects. Under this act, it is mandatory to submit either an Initial Environment Examination (IEE) report or Environmental Impact Assessment (EIA) for every proposed development project. When an issue involving relocation of Affected Persons comes up, careful consideration is necessary and the Executing Agency (the Provincial Council) should indicate how it intends to resettle all the affectees. Other than North-Western PC\(^{14}\) all PCs have to get their clearance from the National Environment Authority.

**Road Development Authority Act**

24. The Road Development Authority (RDA) is empowered to develop, improve, and maintain all expressways and national highways (A and B category roads) in Sri Lanka. It was established in 1981 under the Road Development Authority Act No. 73, which conferred 14 tasks on RDA. The most important tasks are listed below.

- To carry out integrated road planning and development of roads within such areas, subject to any directions that may be given to the Authority by the Minister from time to time;
- To implement programs related to road development work, activities and services in such areas that are consistent with integrated road planning in such areas, subject to any directions that may be given to the Authority by the Minister from time to time;
- To formulate and submit road development plans including capital investment plan to the Minister for approval by the Government;
- To undertake the execution of road development projects and schemes as may be approved by the Government;

\(^{13}\) Under the Provincial Councils Act of 1987 all land except for state land is subject to the jurisdiction of the respective PCs. This act also led to the establishment of the National Land Commission, which is under the supervision of the GOSL, and the Commission is responsible for formulating national policy with regard to the use of state land. However, such a policy has not yet been implemented due to political reasons directly linked with the existing ethnic-political war in Sri Lanka.

\(^{14}\) North-Western Provincial Council has its own Environment Ministry and an Authority. Therefore, National Environment Authority has a neutral role in this PC.
To enter into, perform and carry out, whether directly or by way of joint venture with any person in or outside Sri Lanka, all such contracts or agreements as may be necessary for the purpose of carrying out any road development project or scheme as may be approved by the Government; etc. (for more details refer the Road Development Authority Act, No. 73 of 1981)

National Thoroughfares Act
25. The Thoroughfares Ordinance enacted in 1861 is the principal enactment relating to the planning, designing, construction, maintenance, improvement and protection of all roads designated as Public Thoroughfares. The ordinance was amended on several occasions (1973, 1988, 2008, etc.). Due to rapid changes in the country's economic and social lifestyle during the past few decades, the provisions in the Thoroughfares Ordinance became inadequate to meet the current needs of the road infrastructure and its administration, thus the latest amendment was made in 2008 (National Thoroughfares Act, No. 40 of 2008).

26. This act was enacted for all A-D roads in Sri Lanka. However, after the Provincial Council Act of 1987, C and D roads have become a subject of PCs. Even then, Thoroughfares (Amendment) Act, No. 9 of 1988 is enforced on all types of roads. This situation changed after the introduction of National Thoroughfares Act, No. 40 of 2008, because it basically focused on A and B grade roads only. This situation is highlighted in the new Act as follows: (Subject to the provisions hereinafter provided, this Act shall apply to all national highways and to all roads and all public roads declared under section 4, other than roads maintained and administered respectively by a Provincial Council or a local authority. – Section 2 and page 1 of this Act). Section 4 of this Act gives the Minister (Highways) the power to declare by a gazette notification, a road to be elevated as a public road. Thus, RDA has been given the power to plan, develop, improve, maintain, and administer the national highway network in Sri Lanka.

27. All PCs are expected to develop their own thoroughfare statutory Acts. However, UPC and EPC have not developed their own thoroughfares statutory Act so far and abide by the previous Thoroughfares Act of 1988. This provincial road development project will be implemented on the basis of this Act.

National Involuntary Resettlement Policy
28. The GOSL adopted a new policy in May 2001 called the “National Involuntary Resettlement Policy” (NIRP). This policy was developed with the support of the ADB and the WB, to ensure that people affected by development projects are treated in a fair and equitable manner and that they are not impoverished in the process. The main objectives of this policy are:

- To avoid, minimize and mitigate negative impacts of involuntary resettlement by facilitating re-establishment of the affected people on a productive and self-sustaining basis. The policy should also facilitate the development of the affectees and the project;
- To ensure that affectees are fully and promptly compensated and successfully resettled. The livelihoods of each and every displaced person should be re-established and their standard of living should be improved;
- To ensure that no impoverishment of people shall result as a consequence of compulsory land acquisition for development purposes by the state;
- To assist affectees in dealing with the psychological, cultural, social and other stresses caused by compulsory land acquisition;
- To make all affectees aware of processes available for the redress of grievances that are easily accessible and immediately responsive;
- To have in place a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the project executing agency and affectees.
29. If 20 or more families are affected by a project a full Resettlement Action Plan (RAP) is required. If it is less than 20 families a short RAP is acceptable. In addition, NEA and its guidelines for the preparation of EIA emphasize the importance and relevance of NIRP, in particular by the preparation of a RAP.

**Other Social Policies**

30. Apart from these policies and legal enactments, there are a few other policies and legal enactments that are important. Two such legal enactments are the Rent Act No. 7 of 1972 and the Ceiling on House Property Law No. 1 of 1973. The main objectives of these acts are to protect the rights of the public regarding property and housing, while regulating house rents and managing owner-tenant relations. Note that RDA has introduced an *Ex-gratia Package* for affectees for providing compensation for assets other than land. In paying compensation, consideration is given to duration of occupancy by the affectee.

31. The social issues under this project are similar to those identified under the Rent Act and hence, it is worthwhile to adopt such *Ex-gratia Package* for this project also.

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 the paddy cultivation; the person or authority has to obtain permission from the Agrarian Services Department, to that effect.

**WB POLICY ON SOCIAL SAFEGUARDS**

The resettlement related regulations and guidelines of the World Bank have been spelled out in the World Bank Operational Manual comprising documents relating to Operational Policies (OP) and Bank Procedures (BP). For the purpose of this report references have been made to these Policies.

**Operational Policy-4.12**

38. This policy deals with the issues and concerns related to land acquisition, their compensation for all categories of affectees and affected assets, relocation, resettlement, loss of livelihood, access and related issues. If involuntary resettlement is not properly mitigated it creates severe economic, social and environmental problems, people face impoverishment when their productive sources are lost, people are relocated to such environment where productive skills are not properly utilized, the competition for resources is increased, the community institutions and local networks are weakened. Where it is not feasible to avoid resettlement, these activities should be conceived and executed as a sustainable development program. Displaced persons should be properly consulted and should have opportunities to participate in planning and implementing resettlement programs.

The Bank policy covers direct economic and social impacts that result from Bank assisted investment projects and are caused by the involuntary resettlement. The following are the main objectives of Bank’s policies:

- Involuntary resettlement should be avoided up to the possible limit or minimized by exploring other viable alternatives;
• Where it is not feasible to avoid, resettlement, resettlement activities should be conceived and executed as sustainable development program, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits;

• Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least restore to the extent of pre-displacement levels.
32. Displaced persons may be classified into: i) those with formal legal rights to land (including customary and traditional rights recognized under the law of the country). ii) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the law or become recognized through a process identified in the resettlement plan. iii) Those who have no recognizable legal right or claim to the land they are occupying. The policy covers direct economic and social impacts generally arising from WB assisted investment projects. The Policy applies where there is:

(a) Involuntary taking of land resulting in
   (i) Relocation or loss of shelter;
   (ii) Loss of assets or access to assets; or
   (iii) Loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or

(b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

As already highlighted at the outset one of the objectives of the Addendum to the SIMF is to avoid or minimize negative impacts and mitigate them through meaningful dialogue with project affected persons or affectees. Although there is no involuntary land acquisition nor resettlement or relocation envisaged but this OP is triggered to address all negative social impacts of the project. The prescribed responses to adverse impacts are presented in the form of an Entitlement Matrix.

33. The Indigenous Peoples is another important issue in all WB supported projects operated in any country. The WB recognizes that the identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease. Gender and intergenerational issues among Indigenous Peoples also is complex. As social groups with identities that are often distinct from dominant groups in their national societies, Indigenous Peoples are frequently among the most marginalized and vulnerable segments of the population. As a result, their economic, social, and legal status often limits their capacity to defend their interests and rights to lands, territories, and other productive resources, and/or restricts their ability to participate in and benefit from development. Therefore, it is a requirement to consider project impacts on Indigenous People in the project cycle.

34. The identification of Indigenous People is very complex. Since there is no universally accepted definition to identify “Indigenous Peoples,” this policy does not define the term. Indigenous Peoples may be referred to in different countries by such terms as “indigenous ethnic minorities,” “aboriginals,” “hill tribes,” “minority nationalities,” “scheduled tribes,” or “tribal groups.” For purposes of this policy, the term “Indigenous Peoples” is used by the World Bank in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

(a) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
(b) Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
(c) Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
(d) An indigenous language, often different from the official language of the country or region.

15 Para 3 of OP 4.12 – Involuntary Resettlement, World Bank
35. According to the WB identification a group that has lost "collective attachment to geographically distinct habitats or ancestral territories in the project area" is considered as an ‘Indigenous People’. This project covers entire UP and Ampara district of EP and Jaffna in NP and some areas of this region are considered as a homeland of Sri Lankan Indigenous People called ‘Vedda’\(^{16}\). At present, The Vedda community is considered as one of vanishing aborigines whose number is below 2000 members. However, it is evident that all selected subprojects are located beyond the perimeter of these areas.

36. The project components of the Provincial roads require only rehabilitations, which will be carried out on the existing alignments of the roads, no IP is known to be based on these ROWs. **However, the Social Impact Assessment will verify the exact situation and should any such group get identified the Project will prepare an Indigenous Peoples Development Plan (IPDP) in conformity with OP 4.10, get it cleared by the Bank and implement it.**

**Gender and Development**

37. It is applicable to all WB activities. The objective of the Bank's gender and development policy is to assist member countries to reduce poverty and enhance economic growth, human well-being, and development effectiveness by addressing the gender disparities and inequalities that are barriers to development, also to assist member countries in formulating and implementing their gender and development goals. The following aspects are important in the project cycle:

(a) The local circumstances that may debar women from participation on equal terms with men in the project;
(b) The contribution that female and males could make to achieve the project's objectives;
(c) The ways in which the project might be disadvantageous to one gender in relation to the other; and
(d) The project's proposed mechanisms for monitoring different impacts of the project on females and males.

These aspects reveal that equal participation of women alongside males is important from the project designing stage to monitoring and evaluating stages. The project will ensure that men and women are both consulted over the project cycle, that benefits reach all and that men and women both have access to project created jobs (implemented by the contractors) with equal pay and other facilities.

38. **Operational Policy-4.11**

This policy addresses physical and cultural resources, which are defined as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, pale-ontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings, and may be above or below ground, or under water. Their cultural interest may be at the local, provincial or national level, or within the international community.

The Bank assists countries to avoid or mitigate adverse impacts on physical cultural resources from development projects that it finances. The impacts on physical cultural resources resulting from project activities, including mitigating measures, may not contravene either the borrowers’ national

\(^{16}\) For more details see some Anthropological studies on Veddha such as Seligmann, Charles and Brenda (1911). The Veddas. Cambridge University Press and Spittel, R.L. (1950). Vanished Trails: The Last of the Veddas. Oxford University Press.
legislation, or its obligations under relevant international environmental treaties and agreements. The Bank adheres to the following project financing policies:

- The Bank finances only those projects that are sited and designed so as to prevent significant damages to non-replicable cultural property. This policy pertains to any project where the Bank is involved, irrespective of whether the Bank is itself financing the part of the project that may affect cultural property.
- Deviation from this policy may be justified only where expected project benefits are great, and the loss of or damage to cultural property is judged by competent authorities to be unavoidable, minor, or otherwise acceptable. The Bank also requires a discussion with specific details for their justification in the documents.

There are no known such sites in the project area, however, **should any such site get identified the Project will do the following:** Whenever chance finds are made during the construction of the roads, the contractor will immediately inform the project execution agency which will, in turn, inform the government department concerned with cultural property.

- The project execution agency will be responsible for securing the artefacts from theft, pilferage and damage until the responsibility is taken over by the relevant authorities.
- Failure to report a chance find immediately by the contractor will result in cancellation of the contract and punishment according to the relevant laws.
- These conditions and procedures regarding chance finds will be included as standard provisions in the construction document in details and made available for IDA review and other interested persons and entities.

**Disclosure of Information**

39. WB encourages the greatest possible disclosure of information to all the involved parties of a project including affectees and the general public. The process for disclosing information entails several stages. At the feasibility stage, a cross-section of stakeholders is informed fully and their views obtained. The process for preparation of social and environmental frameworks is the base for this initial public consultation. Then, when detailed measurements for a social assessment for a project road is to be done, public consultation is again carried out. If there is a requirement for a RA, at its preparation stage consultations are held with affectees, host communities, civil society, NGOs etc. After completion of the all frameworks, social assessments and RPs, these documents should be posted on the internet for public viewing with the approval of Project Executing Agency (PEA) and WB.

40. The goal of the World Bank’s policy on the disclosure of information is to raise awareness about development issues, share global knowledge, and ensure participation in Bank programs and projects. The Bank has learned from experience that it can enhance the quality of the operations it supports by sharing information and consulting with member governments and third-party stakeholders. Since 1985, the Bank has regularly expanded the range of information it possesses about its activities. Today, it discloses most operational documents and makes them available to as wide an audience as it can. It also discloses a large amount of information relating to its institutional and internal decision-making processes.

41. “The Bank reaffirms its recognition and endorsement to the fundamental importance of transparency and accountability of the development process. Accordingly, it is the Bank’s policy to be open about its activities and to welcome and seek out opportunities to explain its work to the widest

17 http://www.worldbank.org/disclosure/
possible audience.” ¹⁸ Thus all Bank funded documents are to be widely disseminated and accessible to all affectees and stakeholders. **This Policy is triggered:** Thus in accordance with the Disclosure Policy of the World Bank, the Environmental and Social Assessment (ESA) and the addendum to the SIMF will be disclosed at the info shop and the Project sites, viz., Project Offices and Public Libraries. The Executive Summary will be translated into local languages (both Tamil and Sinhalese) will also be disclosed at the Project site where it will be accessible to affectees. The Initial environmental and social Impact Assessments will be disclosed to all types of stakeholders, especially to the project relevant public. Particularly in this project, the UP, EP, NP and finally MLGPC will display all these documents on their websites and dispatch copies to the relevant local authorities and assist local communities with the information disclosure procedure.

## Stakeholders List

### Table 10: List of Stakeholders Consulted

<table>
<thead>
<tr>
<th>Group or Individual Consulted</th>
<th>Number of Participants</th>
<th>Date of Consultation</th>
<th>Place of Consultation</th>
</tr>
</thead>
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<tr>
<td>Three Wheel Drivers</td>
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<td>Kaudawa</td>
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<td>March 09, 2009</td>
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Annex 4
(EP and NP have similar set-ups)

Organizational Chart of PRDD

Ministry of Provincial Council and Local Government

Western Province
Southern Province
Uva Province
Sabaragamuwa Province
Central Province
North Western Province
N. Central Province
Eastern Province
Northern Province

Provincial Ministry 1
Roads and Social Service Ministry
Provincial Ministry 3
Provincial Ministry 4

Provincial Director

District Chief Engineer Moneragala

Divisional Engineer Moneragala
Divisional Engineer Wellawaya

TOs
TOs

District Chief Engineer Badulla

Divisional Engineer
Divisional Engineer
Divisional Engineer
Divisional Engineer

TOs
TOs
TOs
TOs
Land Donation Agreement

AGREEMENT

Demolishing of the Constructions to acquire the land to improve / rehabilitate the………………………………………………... Road

This agreement is made and entered into on this ……. Day of ….. Two Thousand ……… at ……… in Democratic Socialist Republic of Sri Lanka.

BY AND BETWEEN

Provincial Road Development Department (PRDD), a governmental authority created by Provincial Council Act No. 42 of 1987 of Sri Lanka and having its’ principal office at Second Floor, Office Complex, R. H. Gunawardena Mawatha, Badulla herein after called and referred to as the PRDD and which term of expression shall mean and included the said PRDD or its’ successors and Divisional Secretary, ……….. permitted assigns of the one part.

AND

……………………………………………………….. (name of owner of the land) of ………………………………………………………………… (address) which term in expression shall where the context so admits or requires, mean and include the said …………………………………………. of his successors and permitted assigns of the other part.

NOW THIS AGREEMENT WITNESSETH THAT THE RDA AND ………………………………………………………………… has mutually agreed as follows.

01. Considering the Social & Economical impact of the rehabilitation of the above mentioned road I/We …………………………………... The owner / owners of the land called ………………………………………... (more fully described in the schedule hereto) donate and will be transferred in the name of the Director of the Provincial Road Development Department.
02. The land is being given of my / our own free will and is an entirely voluntary donation.

03. I / We …………………………… do hereby assure that I / We relinquish all Claim and title to the donated land & that land is free of all encumbrances.

04. The relinquished & donated land does not affect any person’s livelihood.

05. I / We …………………………… agree on demolishing …………………

Which has been recognized to be demolished to rehabilitate the road, on the condition of a new construction to be consigned.

**THE SCHEDULE ABOVE REFERRED**

Detail about the land

……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………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Here by we grant & acknowledge the acceptance of the land more fully described in the schedule hereto on ……………………. Date.

........................................... ...........................................
Signature of the 1st party Signature of the 2nd party

01. Director, PRDD. ……………….

02. Divisional Secretary, ……………….