

**IMPROVING OF LAND ACQUISITION
PROCEDURE IN MAJOR CONSTRUCTION
PROJECTS**

**MASTER OF SCIENCE
IN
CONSTRUCTION PROJECT MANAGEMENT**

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July 2022

**IMPROVING OF LAND ACQUISITION
PROCEDURE IN MAJOR CONSTRUCTION
PROJECTS**

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“This dissertation was submitted to the Department of Civil Engineering of the University of Moratuwa in partial fulfilment of the requirement for the Master of Science in Construction Project Management”

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July 2022

DECLARATION

I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any university to the best of my knowledge and believe it does not contain any material previously published, written or orally communicated by another person or myself except where due reference is made in the text. I also hereby give consent for my dissertation, if accepted, to be made available for photocopying and for inter library loans, and for the title and summary to be available to outside organizations.

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The above particulars are correct, to the best of my knowledge.

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Signature of the Supervisor

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Date

DEDICATION

**DEDICATED
TO
MY LOVING MOTHER AND FATHER
FOR THEIR PAINS AND TEARS
THAT PROVIDED
PROTECTION, GUIDANCE AND GROWING UP
OF
SEVEN GEMS**

ACKNOWLEDGEMENT

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Finally, I remember the silent support by my wife and two daughters and family members who encourage me to make this event success.

ABSTRACT

With the view of winning the global economic race and achieving inspiration of the nation, Sri Lanka is undergoing several number of major construction projects all over the country. It is one of the key ways of investment process that leads towards growth of economic of the country consequently. Thus, the completion of the construction phase in time, is important to commence the next scheduled process of the chain.

This phase of development requires the government to use private lands for development projects in addition to the use of state lands. It is the responsibility of the government to acquire the private land as appropriate as well as recognize and emphasize the need to secure the rights of persons who have been acquired private land restore their live hood and resettlement.

It is necessary that all the parties such as acquiring officers, project development officers, affected persons gain a comprehensive knowledge on the legal process of acquisition of private lands, particularly methodologies for valuation of acquired properties, determination of entitlements for compensation, compensation payment procedures, of LARC and super LARC procedures as it would facilitate a smooth implementation of the entire process. It would further help facilitate their participation in the development process in effective and efficient.

As development is ultimately intended for the wellbeing of the people, it should be implemented with least inconvenience to the people so that development projects can win the support and confidence assuring sustainable development.

Land acquisition is one of the main components having considerable impact for these development projects. The land value has gone up compared to few decade back and people are keen on their lands now. Hence, it is much difficult to handle land matters relevant to development matters. The original schedule of the Colombo – Katunayaka express way project was delayed for more than ten years and the government had to compensate huge amount of money to the duly awarded contractor as the land acquisition matter could not attended as scheduled.

During this research, the topic is studied in two main aspects that ;Technical issues and Safeguard issues. The main organizations involved in the land acquisition process such as Divisional secretariats, Department of Valuation, Department of Surveying, Printing

corporation, Ministry of lands, Ministry of public Administration, were closely considered during the research.

Although the developments projects were delayed due to delay in Land Acquisition it has not recognized/highlighted or count the real reason. Hence, studying and evaluating of the ways and means of smooth and efficient Land Acquisition process which get benefit each stakeholder for better future of the country.

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LIST OF ABRIVIATIONS

ADB	Asian Development Bank
CEA	Central Environmental Authority
DS	Divisional Secretary
GOSL	Government of Sri Lanka
GRC	Grievance Redress Committee
LAA	Land Acquisition Act
LARC	Land Acquisition and Resettlement Committee
NEA	National Environmental Act
NGO	Non-governmental Organization
NIRP	National Involuntary Resettlement Policy
PD	Project Director
PMU	Project Management Unit
RF	Resettlement Framework
RDA	Road Development Authority
ROW	Right-of-Way
UDA	Urban Development Authority

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CHAPTER 01

INTRODUCTION

1.1 Background of the Research problem

With the view of winning the global economic race and achieving inspiration of the nation, Sri Lanka is undergoing several number of major construction projects all over the country. It is one of the key ways of investment process that leads towards growth of economic of the country consequently. Thus, the completion of the construction phase in time, is important to commence the next scheduled process of the chain.

This phase of development requires the government to use private lands for development projects in addition to the use of state lands. It is the responsibility of the government to acquire the private land as appropriate as well as recognize and emphasize the need to secure the rights of persons who have been acquired private land restore their live hood and resettlement.

As per the Oxford Business Group 2018, international agencies is being backing up with a series of mega scale multi-purpose construction projects which is to be faced the possible strong demand of public amenities and infrastructures.

Express-ways, power plants, bridges, fly-overs, multi storied residential complexes, urban development projects are under gone through-out the country to facilitate the required growth of economic development in presence of the global developments.

All the engineers, economist as well as the government has identified the important of starting and completing the desired construction projects in time to secure the country economy.

In presence of these development project it is compulsory requirement that acquiring of private lands and properties due to the lack of adequate source of state lands. This process is really sensible and some-times creates emotional behavior. Physical, mental, economical, or behavioral displacement of public persons derives adverse impact to the schedule of the development project.

The governments responsibility is to acquire the private land as appropriate as well as recognize and emphasize the need to secure the rights of persons who have been acquired private land to restore their live hood and resettlement subsequently avoid unnecessary delaying in the project.

1.2 Private Land Acquisition for the Developments

As described by Nallathiga R. 2018, Land acquisition is a compulsory factor for the development of a country which creates employment, social infrastructure, physical infrastructure and other public amenities.. With the view of development, the government has to take possession of private lands and that is defined as Acquisition of Land. In recent, it is witness that development projects have been affected due to delays in the acquisition of land. Recent experience shows people expressing their resentment to land acquisition to engagement in public protest campaigns, lengthy judicial procedures, and sometimes in destructive activities thereby entire development process.

As development is ultimately intended for the wellbeing of the people, it should be implemented with the least inconvenience to the people so that development projects can win the support and confidence assuring sustainable development.

1.3 Land Acquisition Experiences in Major Construction Projects.

The intention of this research is to look into the matter deeply and identify critical points and identify remedies to improve land acquisition procedures in major construction projects. The major constraint of this research was that there were no researches pertaining to how to improve the land acquisition procedures in major development projects but there were only researches that were undertaken regarding the socio-economic factors of the displaced persons.

1.4 Stakeholders Involved in Land Acquisition

During this research, it shall be considered to investigate Land Acquisition procedure in two major aspects.

- Technical aspects

- Safeguard aspects

The Land acquisition process is dominated by several institutions such that;

- Divisional Secretariats
- Department of Valuation
- Department Printing Corporation
- Under the Ministry of Lands
- Department of Land settlement
- Department of Survey
- Department of Land Commissioner General's
- Department of Registrar General.

Contribution, scope, and corporative interaction for proactive and comprehensive fulfillment is to be identified and identified during this research.

There are some organizations that directly involve in development process such as the Road Development Authority in road projects, the Urban Development Authority in urban development projects, the Irrigation Department in irrigation projects etc., and those are the steering bodies of the development of the country which need the assistance of smooth process of land acquisition. Both these implementation agencies and development organizations should corporate together that lead the development of the country. Interactive behavior of those organizations is important or otherwise delaying of development projects cannot be avoided.

Divisional Secretariats are the governing agency in land acquisition while there are a lot of agencies that coordinate during the process that is described in a separate place. LARC and super LARC committees which shall be discussed in detail in a separate chapter, was adopted in specific major development construction projects. Inadequate knowledge of land acquisition is being delayed the construction project schedule during initial stage as well as intermediate stages. It was identified during the research period that mainly social safeguard officers involve in acquisition related issues due to the lack of knowledge of engineers and other high ranking officials which leads to lengthy time consumption.

It is necessary that all the parties such as acquiring officers, project development officers, affected persons gain comprehensive knowledge on the legal process of acquisition of private lands, particularly methodologies for valuation of acquired properties, determination of entitlements for compensation, compensation payment

procedures, of LARC and super LARC procedures as it would facilitate a smooth implementation of the entire process. It would further help facilitate their participation in the development process ineffectively and efficiently.

1.5 Identification of Objectives

The key objective of this research is to identify and investigate governing factors that delaying the Land Acquisition Procedure. Investigating the factors related to the process and introduce proper/suitable mechanism to make the system proactive with good governance and corporate among governing agencies minimizing the delays

To achieve that following matters shall be thoroughly considered.

- Identifying major activities related to Land Acquisition

- Identify key Component Holders related to Land Acquisition

- How to educate development and construction personals such as Project Managers, Engineers on this subject

- Method to evaluate the loss due to delaying of Land Acquisition

1.6 Outline of the Research

Following figure brief, how this report illustrate the development of research and findings of research.

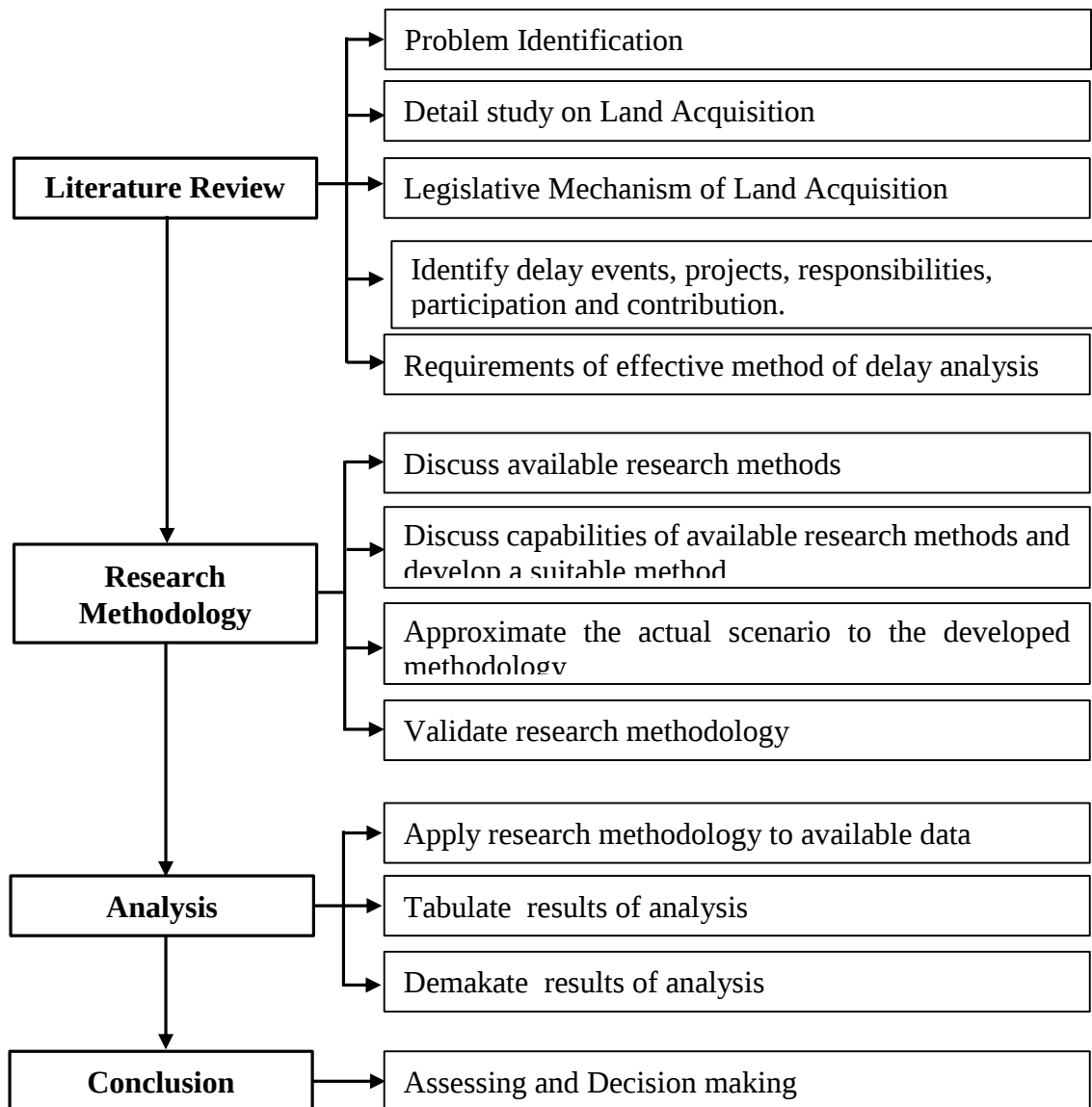


Figure 1: Outline of the Research

1.7 Method of Study Adopted

This research study is mainly adopted several methodologies to achieve the research objectives. First, research topic was negotiated with the internal supervisor of the research by getting additional inputs from the sector specialists. A time based work program was formulated with the direction of the supervisor to carry out the research smoothly and for monitoring purposes. Furthermore, several discussions were carried out to fix the research objectives. The literature review is the main part of the study. As

planned, the literature review was initiated from the beginning and continued up to end of the program. Primary data collection was an important and integral part of the study and pre-tested questionnaire was designed focusing the officials who were directly involved in the land acquisition, constructions and the supervisions activities of the major development programs. The persons who got affected were also participated in the questionnaire survey. As a data collection method, focus group discussions were carried out with the key persons who were responsible for the development activities. The secondary data was collected from the project executing agencies that act as the client of the project. In addition, secondary data was collected contacting other agencies related to the land acquisition, constructions and other facilitations roles. After collecting, all the information and data were tabulated and presented in this report and suggestions and recommendations have been included in to the report.

1.8 Previous Literature Attempts

At the early stage of the study, it revealed that academia, professionals and students have done several research studies regarding the land acquisition for the development projects. The Asian Development Bank, the World Bank, JAICA, who assist some major development work have carried out assessments and studies on the land acquisition component in Sri Lanka. Most of these studies related to the social and economic impacts for the communities. But there is no research studies carried out to assess the delays of the land acquisition process and how it impacts on the development program and the country's economy.

1.9 Expected Results from the Study

The expected results of this study is;

- Identifying key components or factors in Land Acquisition process.
- Analyzing the factors delaying acquisition process
- Suggest ways and means to minimize the delay during land acquisition
- Introducing of appropriate mechanism in land acquisition to ensure the maximum benefit for all stakeholders
- Making awareness on land acquisition process among the officers involved in construction field
- Demarcating of a time frame for the whole land acquisition process

- Introducing of a loss factor on development due to delaying of land acquisition process
- Assure appropriate interaction among stakeholders

Finally, this study hopes to give the suggestion and recommendations for the enhancement of elaborated process of Land Acquisition assuring smooth and without delay. It will give new earmarks for mitigation measures to reduce the unnecessary time consumption during acquisition of lands.

1.10 Research Gap

During the literature review period it could be found lot of previous researches which were done focusing that welfare of displaced persons. Improving of living standard of displaced persons, Social behavior and affect on displaced persons, After care of displaced persons, Community development and individual care of displaced persons, social well being of affected persons, and many more topics had been studied. Some of the work had get the assistance and guidance of the well known funding agencies, humanitarian or legal establishments. In most cases, it had made influence to some major projects by changing their scope.

It is rare to find research that were focused on how to avoid possible delays during land acquisition period or minimize the gap between project planning and implement after land acquisition. On the other hand those researched had been initiated by social or environmental expert person in that aspects while no engineering or technical persons had done considering engineering benefit such as project delay, loss due to delay in production etc.

CHAPTER 02

LITERATURE REVIEW

2.1 Introduction

The purpose of the literature review is gathering information and acquiring knowledge on the research topic. Land acquisition process is based on lot of regulations, rules, legislative matters, and acts passed by the parliament. On the other hand several government institutions involved in the process together. All these materials must be reviewed at preliminary stage while relevant previous studies also be referred simultaneously. Gathering of more knowledge on important matters and identified of disputes, short comes as well the previous attempt to cross over problems will help for better approach on the topic. Higher reliability is ascertain by the broad study of literature review.

2.2 Legislative and Policy Framework for Acquisition of Land

The Legislative Process of Acquisition of Lands are carried out based on The Land Acquisition Act of 1950 (LAA) and Subsequent Amendments and Regulations including Land Acquisition Act Regulations 2008, Land Acquisition Act Regulations 2013, Land Development Ordinance 1935, State Land Ordinance 1948, National Environmental act 1980.

There are some specific technical terms related to this process and they some of them are described following Glossary.

GLOSSARY

Acquiring Officer:

The authority and power to acquire private or public land for any public purpose is delivered to the Divisional Secretariat in the respective area, according to the Sri Lanka Constitution. He is designated with statutory power.

Chief Valuer:

The Department of Valuation in having regional office through out the country. The Land Acquisition Act designated the power to the chief valuer of the department of valuation on behalf of the government and the chief valuer shall authorize his representative.

Displaced persons:

A person who may lose, relocate, or replace with his properties including land, house, assets, access to shelter or income source or barriers to access of means of livelihood under any circumstances during or due to the land acquisition process is defined as Displaced person.

Economic displacement:

Changing or losing of means of earnings or, access to income source of livelihood, obstruction to access to income resources.

Host communities.

A community who receives a fresh set of persons who emerged due to a land acquisition process of a development project

Income restoration.

Providing and establishing a proper and productive ways and means to ensure income generation mechanisms equal or better than they had for displaced persons.

Physical displacement:

Loss of shelter, changing of original located place, loss of properties or assets

Replacement Cost:

An actual cost which is practically possible to bear all the incurred including replacement of assets at a prevailing time, with fair market value, transactional and transitional cost, security and insurance expenditures, new replacement value without considering depreciation including labour, material, transport etc.

2.2.1 The Land Acquisition Act of 1950 (LAA) and Subsequent Regulations and Amendments

The Land Acquisition Act (LAA) of 1950 is the most powerful governing regulation legislation which directs to provide legal and comprehensive contribution for obtaining the ownership of the lands from individuals with the view of utilize for public purpose. It describes and directs the appropriate way for the desired work. The act was elaborated or backed up with several amendments and regulations time to time from the date it was adopted. The major amendments for this was introduced in 1986 and 2008 which shall be discussed in separate chapter.

The act emphasizes the activities and responsibilities during the process so as to ensure smooth flow of the process. The sequence major activities and responsible agencies according to the Land acquisition Act 1950 can be categorized as following Table 1.

Table 1: Land Acquisition Sequence and Responsible

Description	Responsibility
Preparation the initial land acquisition proposal	Project Implementing Agency
Instruction for Surveying	Ministry of Land and Land Development
Making ,Exhibit, and deploy of notices	Respective Divisional Secretary
Advance tracing, Preliminary Plan and Surveying work	Department of Surveying
publication of notices	Government Press
Gazette notification	Government Printing Divisional Secretary
Gazette notification (S. 7) Inquiries, Decision on section 10.1 Award as per Section 17 Compensation payment	Divisional Secretary
Valuation	Department of Valuation
Taking over the vacant possession Registration of Land	Divisional Secretary, Project executing/implementing agency

Land Acquisition and Resettlement Committee (LARC)

Development phases of southern expressway project in 2001, a cabinet approval was granted for establishment LARC. This facilitate to provide compensations as the for the properties and lands which were hold for public purpose. A large number of compensation cases which could not reaches for a settlements was finalized with the introduction of this system. The LARC is formed in divisional level and comprises of devotional secretariat, Valuation department representative, implementation representative and affected. Parties. Those who are not satisfied with the decision of LARC can request assistance from Super LARC which is formed by National level. As the affected parties represents this committee, it is a good opportunity to raise their problems for them.

2.2.2 LAA Regulations in 2008

Even though the Land Acquisition Act 1950, provides proper mechanism for acquiring of lands, there had several conflicts as the land owners objected on the compensation they received. This is mainly due to that calculation of the assets was based on the approved assessing figures, which was used by the valuation department. The actual prevailing market value is much more than the government value. This results adverse negative impacts for land acquisition process but could not avoid as per regulations. Eventually, this perception was severely affected the development projects. All the stakeholders were helpless due to these phenomena.

In 2008 Hon. Minister of Land and Land Development submitted new regulations which were adopted by the parliament. Those regulations are referred as “Land Acquisition Act 2008 regulations” and it has immensely contributed to resolve underpayment crisis of land and structures during land acquisition process. The major components considerations and advantages of this LAA 2008 regulations can be described as follow.

The major components considerations and advantages of this LAA 2008 regulations;

- a. When part of a land is acquired, it should be assessed considering the market value of the whole land plot and give a value proportionate to the acquired portion.
- b. In case of a building used for a residential of commercial purpose, different between total re-construction and the value of the balance to be paid.

- c. It is required the permission from the commissioner general of agrarian services in case of paddy land acquisition.
- d. Tenants under provisions of Rent Act, are entitled for compensation as described propulsions.
- e. Parties having possible disturbances and other additional expenses such as Re-fixing cost, additional transport, loss of earning, re-location of business, intermission of business, increase of overheads, or any other indirect losses are entitled to claim and having compensations.

2.2.3 Land Acquisition Regulations of 2013

By 2013, the government has under gone several mega scale development projects all over the country. The scheduled progress of some of the projects were badly affected due to incompleteness of land acquisitions. This is mainly due to affected parties were not willing to accept the compensations they were estimated. In that presence, the Sri Lanka government approved new regulation that is known as “The Land Acquisition Regulation 2013”. This provides more comprehensive compensation packages for affected parties much beyond the prescribed in 2008 regulations.

A payment scheme called “Ex Gratia Compensation” and Non Statutory payment of compensation were newly introduced as a new concept in additions of “Land Acquisition and Resettlement Committee” (LARC), and Super LARC system. Distressed parties who do not agree with the statutory payments or parties not entitled as per LAR 2008 are having the opportunities get the assistance under this scheme.

Land acquisition regulations adopted in the parliament on 22nd November 2013 and designated 18 projects were nominated as “specific projects” in the government gazette No. 1837447

These regulations were much appreciated foreign Donor agencies. They are much preferred this Land Acquisition Regulations 2008 and 2013 with compared to LAA 1950 as the new regulations assures more convenient for affected persons. However it does not address all the aspects of environmental and socio-economic issues during land acquisition thus, implementing agencies have to adopt donor agencies policy statement as appropriate.

The divisional secretaries in respective area is the authorized to acquisition of land while Ministry of Land is the governing statutory body through out the process, according to the LAA. Valuation department is to undertake valuation work while Department of surveying is responsible for all the surveying work. It is compulsory for possession a valid title which is registered in respective land registry as specified in LAA950. Tenants, squatters are not recognized or entitled for compensation according to LAA1950 and that is one of the reasons to international funding agencies are unhappy with it. They always want to mitigate adverse impact on those vulnerable population. The Land Acquisition Regulations 2008 has made provisions to claim for “loss of income” by providing prevailing income tax evidences, but not for the people those who not entitle for income tax. In the case of lands which are having cases for many years could get assistance through this new regulations.

As the whole land acquisition process until registration of the vesting certificate is a time consuming sophisticated process. The Project Monitoring Unit which comes under the implementing agencies is having vital responsibility. Work closely together with all the stake holders is essential in every step to fulfill the target. Completing the process within the shortest period shall be the responsible of all the stake holders.

2..2.4 National Involuntary Resettlement Policy 2001

In presence of mega scale development projects get the assistance to acquire private lands by means of the Land Acquisition Act, there were some allegations stating that affected persons are not suffered with unfair or hardship situation as a result of relocation and compensation mechanism. Various non-government organizations and public activities were pointed out that living standards, economy, and health and sanitary, socio economic factors shall be disrupted. Relief for the persons do not have title for lands, mechanism of socio-economic development for displaced persons, after care of resettlement until they stable were the some of their concern. Accordingly, several protest campaigns against over some development projects were observed.

For an uninterrupted progress of the ongoing development project, the government appointed a steering committee to address above issues. It was the responsibility that review the existing legislative means, law, policies or any related matters and make recommendations to the government. Finally Sri Lanka Adopted “ National Involuntary Resettlement Policy 2001 on 24th May 2001 as a national policy with cabinet approval.

The key factors of the NIRP 2001 as follow;

Providing opportunities to participation and getting their consultation during Land Acquisition process.

Avoid or minimize involuntary resettlement.

Corporate to improve the living standards and re-establish their livelihood in each aspect.

Compensation for land, property, structure, live hood, or any other assts should be paid fully and properly including full replacement cost.

Ensure transparent, accountable, consultation through out the process.

Vulnerable people including persons do not having valid title to their should be treated with just and fair.

Resettlement Action Plan(RAP) is to be monitored throughout the process

Donor agencies are much happy on NIRP 2001 in the sense of new life with social economic infrastructure, shelter, employment, and many more assistance. It is clear that all these measures has been taken considering the improving of living condition of affected people during the land acquisition process. Facilities, authorities, safety for those who implement the land acquisition has been ignored in each instant. In most cases resistance directly comes to the implementation officers.

Lack of access for common property, unavailable of public services, attitudes of host community, encountered hardship and develop social unrest and disruptions. {Weerakkody C.(2012). Hence, it is vital responsible of all the stakeholders to ascertain public interest, relationship and confidence during Land Acquisition process.

2.2.5 Land Development Ordinance (1935)

This Ordinance governs ownership, development and management of the crown lands that means the lands belongs to Sri Lanka government or called state lands and comprises of twelve(12) chapters. Government agent/ Divisional Secretary has been given the authority to monitor, ritualize, issue one year permit initially, make investigate, utilize appropriate government purpose or lease for development.

The Chapter seven(7) of the Land development Ordinance 1935 describes and provides procedures on permit holders in crown lands. Breaching of the conditions of land permit, offences in regards of the state lands and procedures are described and provisions for ejection or eviction of such person is spelt there. The Divisional Secretary to be understand, recognize and investigate implement appropriate action on crown lands in questions.

Section 168 of this ordinance describe on the offences such a person clear or break up for cultivation, or create any structure or building, fell trees, encroach to state-lands without permission of the government agent.

In the latter part some of these lands were distributed among people with the titles of “Swarna Boomi”(Golden Land), or “Jaya Boomi”(Victorious Land).

2.2.6 State Land Ordinance No 8 of 1947

It is specifically described procedures the conditions, requirements, obligations in case of renting crown lands. A person or group who desired to rent a crown land is require to appeal through the Government Agent in the specific area. At the approval of the appeal it has to make a payment to the Land Commissioner or the Government Agent as their commitments. It also provide provisions specified head of the departments such as General Manager of Railway Department or Chairman of Colombo Port to rent out the land under their respective organization under special circumstances.

2.2.7 Prescriptive Ordinance No 22 (1871)

There are several sections in this ordinance that have to taken into account while land acquisition process. A person who have encroached into a private premises there after utilizing more than ten years are entitled for the appeal judicial rights through the court as per the Section 3 and 13.

Other Governing Legislatives and Regularities

During the land acquisition work related to the respective development projects of various government organizations or depending on the location or area, it has to be taken various government acts, regulations, amendments or legislations depending on the appropriate circumstances. That serves remarkable scope to decide market value and compensation packages. “**Urban Development Authority Law No 41 of 1978**” is to be concern during the land acquisition work at urban sector while “**Greater Colombo Economic commission Law No.4 of 1978**” when the process going on within or refered to the grater Colombo area. Provisions made with the “**Town and Country Planning Ordinance Of 1946**” shall be applied during some acquisition process with the view of justify the maximum benefit for the project as well as affected persons and provisions of “**Colombo District (Low Lying Areas) Reclamation and Development Board Act No.15 of 1968**” wherever appropriate. “**Coast Conservation Act**” , “**Agrarian services Act no.58 of 1979**”, “**Agrarian services Act no.58 of**

1979” are also have to apply depending on the texture or governing factors related to the area or nature of the land acquisition process. Some legislatives which are specifically applied for a development project area such as “**Mahaweli Authority of Sri Lanka Act No.23 of 1979**” or “**Walawe Lands Act No.11 of 1958**” have to thoroughly apply **in** case of a land acquisition on such area.

2.2.8 National Environmental Act No 47 of 1980 (NEA)

One of the main legislative documents which has to follow during land acquisition process is National Environmental Act No 47 of 1980 . That is required to be closely monitor with the amended act No.56 of 1988 and NIRP. It has categorized project depending on the number of affected persons and insist to obtain approval specification of NEA. The Gazette No. 858/14 which was issued on 23rd February 1995 has elaborately described further requirements.

2.2.9 ADB Safeguards Policy Statement, 2009

As one of the leading donor agency in the world Asian Development Bank has published a document that is known as the ADB’s Safeguard Policy Statement 2009, which describes the major aspects to be considered during land acquisition process in development projects funded by their agency. Here they insist to have a Resettlement Policy Frame Work (RPF0 and Resettlement Plan (RP) in each development project related to land acquisition and resettlement work. Their main concern is not about the progress of the development project but the safeguard quality and standards of the affected or displaced persons irrespective of the matter that they are having valid title deed for what they have loss. The key requirements and significant policy principles of the ADB safeguard policy statements are as follow;

Impacts to the environment or persons to be avoid or minimized

Corporation and the Consultation with the affected persons should be assured during all the time that project is being planning and it is implemented. in the sense of obtaining the ownership of individual lands for general public purpose, compensation and resettlement.

Payment of Replacement cost should be included in the compensation package for their acquired assets.

Each affected persons' living standards, live hood, social economic infrastructures should be equal or higher than their original of living standards.

Ensure the resettlement benefit to the non-title holders.

Vulnerable people or groups should be made special attention and advantage.

Identify scope of resettlement, analyze the magnitude of resettlement impact and risk, census survey on possible displacement of person including gender analysis.

Host communities and displaced persons should be continuously consulted to improve their future endeavors and resettlement options. Indigenous people, vulnerable groups, women and children, people bellow poverty level, should be made special attention and provide the Grivences Redress Mechanism to assit those group of people.

Host communities and displaced persons are entitled to have development benefits of the project. Access to employment, production opportunities, civic infrastructures, community services.

Ensure to introduce Transparent, Consistent, and Equitable manners for each aspect throughout the land acquisition process.

Payment of compensation and providing entitlements should be arrange prior to physical or economical displacement.

With the view of ensure the living standards of the displaced persons, there should be a proper mechanism for evaluate Impact, outcome and qualities of displaced persons at the completion of resettlement. A monitoring report is to be maintained for this purpose.

2.2.10 Basic Principles in NIRP and ADB Safeguards Policy Statement, 2009

The content of both NIRP and SPS of ADB are having more equal conditions and requirement with regards to the land acquisition process. Both of these extend their immense concern about safeguard on displaced persons during land acquisition. The ambition of them include better live hood, equity, gender equality, proper recognition in the society, providing social and physical infrastructures, assure wellbeing of their life, additional protection for vulnerable and indigenous persons, admiring their social and cultural behaviors, well plan process with replacement plan and grievances redress mechanism etc.

The World Bank also is having a policy statement on social safeguard and land acquisition and resettlement issues are included in the “**OP/BP4.12: Involuntary Resettlement**”. The factors and content are almost similar and the intension is to mitigate the impact during resettlement process and assure a transparent and humanitarian practice during the process.

All these policy statements are some common losses as follow;

Table 2: Losses during Land Acquisition

Description of Impacts of Losses	
Social aspects	Physical assets aspects
Loss of shelter and Neighbors	Loss of houses, business premises
Loss of natural and common structures	Loss of crops, Trees
Loss of tenants (Business and residences)	Loss of parking, bill board etc.
Vulnerable due to cease of income generations	

2.3 Land Acquisition Process and Procedures

The Land Acquisition Act (LAA) No.9 of 1950 prescribes the steps that to be followed by the Government of Sri Lanka or any of its agencies in acquisitioning private land for a public purpose. The estimated time frame for the completion of land acquisition process is 72 weeks. However, in practice, this process taken much longer duration and sometimes runs over to several years.

Land Acquisition Act 1950 comprises of sixty five (65) total sections which has been categorized within seven (vii) parts.

The LAA 1950 has to be applied consolidated with appropriate amendments and regulation and that can be described with several steps as follow;

Step 1:- Investigating of the land to be acquired, Preparing of proposal of acquisition and obtaining approval (Section 2 of LAA)

- 1.1 Land can be acquired only under the Land Acquisition Act by the Ministry of Land and Land Development. Prior to making a request, the land must be properly inspected and investigated by the authorities of the project Implementing agency to ascertain the suitability and important for the required purpose. It should be gathered required information including the description of the location of the land, its suitability for the relevant public purpose, name, extent and boundaries of the land (with a sketch plan), name /s of the owner of the land, and the name of the district, divisional secretariat division, gramaniladari division and the village where the land is located.
- 1.2 The project Implementing Agency (PIU) develops a proposal for acquisition of the said land based on the outcome of this investigation for Acquisition of land for public purpose (Land Order 248 (B) 3) is user for preparing to its line ministry. The secretary of the line ministry prepares a request to the secretary of the MLLD. This request is prepared using a special format entitled “ Application for land Acquisition under Land Acquisition Act, (Chapter 460), B.A.L 29 and Land order 248(B) 1” These formers can be accessed via the website Of the MLLD.

- 1.3 The Secretary of the MLLD submits his recommendations to his / her minister seeking his/her approval for the acquisition of the land.
- 1.4 The Minister of Land and Land Development then will make a decision that the land is required to be utilized for a public purposes and a public awareness shall be carried out under section 2 as Land Acquisition Act.

Step 2:- Preparing and Publication of Section 2 Notice and Making arrangements for Advance tracing (Section 2 of LAA)

- 2.1 The Secretary of MLLD Communicates Minister's order to the Acquiring Officer of the respective division where the land authorized for acquisition is located. Generally, the Divisional Secretary of the specific area where the Land is identified shall be the Acquiring Officer for represent the government as necessary. However, under special circumstances the Minister of Land and Land Development has the power to designate another official to function as the Acquiring officer.
- 2.2 The Acquiring Officer exhibits the decision of the Minister in public place in the proposed project area where the land is located through Gramaniladhari of the Division. This is Called section 2 Notice. A copy of the Notice prepared in Sinhala, Tamil and English is also sent to the land owner via mail if his/her identity and address are known. This Notice shall state that the land specified in the Notice is to be utilized for a public purpose and that all or any of the acts authorized by subsection 3 of section 2 to ascertain the suitability and adequacy of the land for the proposed public purpose , i.e. Taking necessary levels of the land by surveying. Investigate or collecting samples by digging or boring of the land. And demarcation of the area required for the proposed activity will be carried out.
- 2.3 The Acquiring officer requests the surveyor General to survey the land and prepare a preliminary survey plan of the land. That specific plan is known as advance tracing. The advance trace includes information such as (a) name of the owner/ tenant / lessee of the and servitude. (b) Extent of the land and its boundaries: (c) building, structures and cultivation on the land and (d) name of the person who showed the boundaries of the land.

Step 3: Notice to intention of acquisition and calling for objection (section 4 of LAA)

- 3.1 For the purpose Of LAA Section 4 Notice is considered the Notice of ‘Intention of Acquisition’
- 3.2 It is prohibited to sell or doing any alternative work such that the value of the land to be depreciated and also any improvement or lifting of value of land is not be considered during the compensating period of time within a period of twelve months of issuing the section 4 Notice, actions that lead to such event is punishable offence. Any such sale or disposal of land becomes null and void. Any such event are done after the date of specifically mentioned under section 48 (f) of LAA) is illegal.
- 3.3 The owner or any interested parties of the land shall submit any objections within fourteen days after issuing the section 4 Notice for receiving any relief.
- 3.4 If the title holder of the Land as well as any other interested party have objections, it should be submitted in writing to the secretary of the line ministry
- 3.5 An inquiry should be conducted by the secretary of the line ministry or authorized officer who nominated by him on the objections which was raised by the interested parties under the provisions of section 4(4) of the LAA on a pre-fixed date and time (If complainants requested for a fresh date for the inquiry. it should be granted) Taking into consideration the reasons explained by the interested, parties for their objection to acquisition, Secretary compiles a report together with his/her recommendations as to whether the land should be acquired or not.
- 3.6 The Secretary submits his/her recommender to his / her Minister for his/her decision. The Minister shall forward his recommender to the MLLD.
- 3.7 The secretary of the MLLD Submits this report to the Minister of land and land development for his final decision under section 4(5) as to whether the land should be acquired or not.

Step 4: Decision to acquire land and preparation of preliminary plan (Section 5 & 6 of LAA)

- 4.1 The Minister of Land and Land Development determines whether to acquire or not the land under section 4(5) of LAA for a public through section 5
- 4.2 The determination by the Minister of Land and Land development to acquire should be published in the government Gazette in Sinhala, Tamil and English.
- 4.3 The Acquiring officer exhibits the gazette notification of the design of the Minister of Land and Land development in public place on or near that land through the gramaniadhari of the division. This is called section 5 Notice. The Section 5 Notice describes the purpose for which the land is acquired.
- 4.4 The Acquiring officer requests the department of surveying to survey the identified land and to prepare the preliminary plan (PP) as directed under the section 6 of LAA.
- 4.5 The surveying work of the land shall be done by the Department of surveying and thereafter the preliminary plan is prepared by them. Preferably based on the advance tracing. The information of the plan should be the same as the information given in the advance tracing. This plan also determines whether the land is a state land.
- 4.6 The Surveyor General certifies the preliminary plan and submits the copies of the plan to the MLLD divisional Acquiring officer and the valuation department.

Step 5:- publication of section 7 Notice, submission of claims for ownership and compensation and the conducting of inquiries (Section 7 & 9 of LAA)

- 5.1 The Acquiring officer shall publish the Notice, calling for submission of claims for ownership and compensation from the owners or interested parties based on as the information provided in the preliminary plan. A copy of this Notice is sent to the MLLD and the valuation Department.
- 5.2 The Section 7 Notice is published in three newspapers in Sinhala, Tamil and English in the Gazette, and exhibited in a prominent place near the land in all three languages. The Notice calls for details of (a) particulars of land and servitude (name of the owner of the land boundaries of the land extent of the

land) (b) compensation to be claimed by the respective owners (c) amounts of compensation claimed and how it was calculated and (d) current status of the ownership of the land (whether owner of the land has a private deed or lease or other document)

- 5.3 The date of Gazette notification of section 7 is considered as the Relevant Date for assessment of compensation for the land acquired.
- 5.4 Those who are not satisfied with the amount of compensation they have been recommended if and only if they have responded and also made representation for the inquiry in presence of the acquiring officer under section 7 are entitled to the land Acquisition board of review under section 22(1) if they are not satisfied with the award for compensation made under section.
- 5.5 section 7 Notice requires persona having an interest in the land or servitude to be acquired to appear personally or through an authorized agent before the Acquiring officer on the day fixed by the Acquiring officer and provide information of their interests in the land. The Acquiring officer could extend the hearing date by another 28 days for a valid reason.
- 5.6 The Acquiring officer summons all interested parties for an inquiry A Notice issued for an inquiry is similar to the summons issued civil procedure of a district court. An Acquiring officer can issue summons to any person including an authorized valuation officer nominated by him to produce any document or appear as a witness for the inquiry before him.
- 5.7 This inquiry is called a "section 9 Inquiry" The Acquiring officer will administer an oath from all the persons who give evidence (witnesses) before recording their evidence.
- 5.8 The Acquiring officer can postpone an inquiry if necessary. However, the date and time of the subsequent inquiry should be communicated to all witnesses at least 7 days prior to the inquiry.
- 5.9 If no person or a representative appears for an inquiry following the section 7 Notice the Acquiring officer should postpone the inquiry to another date. That date should be after a minimum of 14 days and Notice of the new date should be prepared under section 15 and displayed in a prominent place near the land at least seven days prior to the new date of inquiry
- 5.10 The Acquiring Officer records all evidences. At the end the witness place his/her signature on the evidence record testifying to the evidence given.

- 5.11 The Acquiring Officer prepares summary of evidence of each witness together with a schedule of certified copies of each document produced by the inquiry.

Step 6: Determination of ownership status and request for valuation (section 10.1.A of LAA)

- 6.1 The Notice which determine the ownership status of the land to the owner/ owners and any other parties who submitted claims indicating ownership for the particular land as indicated in the section 10 (1)A is declared by the Acquiring officer. When the acquiring officer cannot resolve the issues on ownership of the land, the matter is to be referred to the court under section 10(1)B.
- 6.2 The claimants shall be advised to the acquiring officer, within 14 days of that issuing of acquiring officer's notice, that to refer the case to the district court as he is having any objection on the acquiring officer's decision.
- 6.3 All the relevant documents shall be referred to the Attorney General's Department by the acquiring officer so that legal action to be proceeded according to the Section 11. The request is referred to district court by AG.
- 6.4 The awarding letter referring section 17 is to be delayed by the acquiring officer until the ownership is cleared by the district court.
- 6.5 The Chief Valuer is requested to conduct the valuation process for the land to be acquired by the Acquiring Officer if there is no objection from all the claimants. The Acquiring Officer shall submit a copy of Section 10(a) Notice and a summary of section 9 Inquiry to the Chief Valuer.
- 6.6 The Chief valuer shall appoint an officer on behalf of him to condition report of the land. He will visit and prepare a condition report of the land indicating all the details of all structures describing quantity and classifications which is included but not limited that extended of the land, and sizes of structures, construction materials used. condition of the buildings, tree species indicating numbers, approximate age and girth, and cultivation. if any on the land based on information provide in the preliminary plan.
- 6.7 The valuation report of the land is prepared by the chief Valuer or his representative based on the condition report. The value allocated for the compensation is notice to the Acquiring officer by the valuation department.

The mythology to be adopted for valuation is explained under section 45, 46, 47 and 48 of the LAA and in the Regulation of 2008.

**Step 7: Awarded of companion, payment of compensation and appeal process
(Section 17, 22 and 23 of LAA)**

- 7.1 The Acquiring Officer having received the valuation report must inform the claimants of the companion that they are entailed to by giving adequate notice including written notice. As a marred of practice in certain instance if the claimants are dissatisfied with the compensation are dissatisfied with the compensation officer to refer their valuation assessments to the chief value for a further review.
- 7.2 After determine the ownership or getting the court decision as per the section 10(1) (a) and 10(1) (b), the Acquiring Officer will make his determination on compensation under section 17 and issues the award letter. The award letter includes details of persons eligible for compensation total value of companion for land and servitude determined by the valuation department and the total compensation to be paid by the Acquiring Officer. Section 17(3) Place a limit on the total companion that could be given. The total amount of companion should not exceed the amount of competition claimed by the interested parties of the land or property.
- 7.3 If there were no claimants to the land. The Acquiring officer shall deposit the allocated amount of compensation with the district court. Payment of compensation such cases which comes under section 10 is accomplished according to the court procedures.
- 7.4 If claimants are dissatisfied over the proposed compensation or they are not entitled to a part or total payments of companion they under the provisions of section 22 and 23 can appeal to the land Acquiring Board of review (LABR) within 21 days of issuing section 17 award letter. This appeal should be submitted in writing clearly stating the (a) name and address of the claimants; (b) ownership or relationship to the particular land. (c) Amount of the companion offered by the Acquiring officer and (d) the amount of compensation requested by the claimant. The appeal as one of the respondents in the case. The appeal should be submitted to the chairman of the Board of Review. When the appeal is fixed hearing the claimant should lead evidence before the LABR

preferably through an expert witness in support of his/her case. Generally District valuer represents the Acquiring officer before the LABR. The LABR has power to enhance or reduce the compensation offered by the Acquiring Officer.

- 7.5 If claimants are dissatisfied with the decision of the LABR they could appeal to the supreme court on legal ground. The decision of the Supreme Court is final.

Step 8: Taking over the possession of the land (Section 38 and 38(a))

- 8.1 The land acquisition act described two type of methods to take possession of land as authorized to the acquiring officer. The two methods are described below. But most of the international donor agencies are not accepted the method (b) as it is against their safeguard policies.

(a) Implementing process under section 38- any private land can be taken over after by the payment of condensation amount as per section 17. The Possession is taken over by a ministerial order published in the Gazette.

(b) Implementing process under section 38 (a)- provision where in the case of that the land has to be acquired very urgent manner and the minister of land and land development decides that the acquisition cannot postpone until inquiries are completed then possession can be taken over immediately after section 2 or section 4 Notice are issued. Possessions is taken over by a ministerial order published in the Gazette.

- 8.2 Having paid the compensation the Minister of land and land development issues section 38 order to take over the Acquiring officer or another officer authorized to act as the land. This order directs the dirtier the Acquiring officer or another officer authorized of that land for the land on behalf of the state.

- 8.3 In case of the possession of the land has to be taken over immediately on the ground of urgency , an acquisition order under section38(a) ` The minister of land and land developments **may issue an order under section 38 (a) provision after notice under section 2 or 4 are exhibited in the area or in the vicinity of the land to be acquired.** A condition report describing property is to be prepared by the chief valuer indicating all the significan features.

- 8.4 It should be notice that section 38(a) proviso (urgent possession) is the exception to the general procedure as laid down in the LAA. Therefore section

38(a) proviso order must be used only in limited instance where there is a genuine urgency for possessions of the land. The possession is urgency's a policy diction to be taken by the proponent Minister.

- 8.5 Once section 38 Notice is published, the Acquiring officer sends a letter by register post to the landowner requesting him/her to hand over the possession of the land. Generally, a period of two weeks is given before taking over of the possession for a land while it should be allowed at least 48 hours prior to taking over the possession of building or part of a building which are occupied for residential purpose. It is the responsibility of the Acquiring officer to taken over the possession of the land.
- 8.6 In the event of a landowner not willing to handover the possession of the land. The Acquiring officer can obtain an order from the magistrate. Count under section 42(2) to engage a fiscal officer to the over the possession.

Step 9: Revocation of vesting order and divesting of lands (Section 39, 50(1) and 39A of LAA)

They are two ways of returning the acquired land to its owner. The Minister of land and land Development could take one of the following manner for that purpose.

- a) Revocation of vesting order when a land has been vested absolute in the state after the publication of section 38 order and yet the possession of the land is not yet taken over. The minister can revoke the vesting order under section 39. This is done by an order published in the Gazette revoking the vesting order. This too has to be published in at least in one newspaper in each of the language also be exhibited at a prominent place near the land.

In terms of section 50(1) of LAA revocation can be effected by the minister at any time prior to issuance of order under section 38, this decision should be notified to all parties concerned. In such a situation if any person interested in the land has incurred cost in view of the land acquisition proceeding he/she is entitled to payments of those cost from the Government at a rate as may be determined by the court or the Board of Review.

- b) Divesting of land where actual possession has been taken over – under section 39A, the minister of land and land developments can issue a divesting order if he is satisfied that.
 1. No compensation has been paid
 2. Land compensation not been used for the public purpose for which it was acquired
 3. No improvements have been effected after taking over and
 4. The person or persons interested have consented in writing to take possession immediately after the divesting order is published in the gazette.

Step 10: Vesting of land (section 44 of LAA)

The Acquiring Officer issues a vesting order to the local authority or the government's institute which has requested the acquisition of land, the vesting order is a written document i.e. certificate issued by the Acquiring officer which specifies the purpose for which the land has been acquired. And the conditions under which the land would be vested with the requesting agency. No vesting order can be issued to any other institution other than the institution which requested the acquisition of land. The

preliminary plan prepared by the survey Department under section 6 is used for the preparation of the vesting order. Only possession of the acquiring land is given under this vesting order, and it does not imply that the ownership of the property was transship to the property should be obtained through the commissioner General of land under the provisions of the state land ordinance.

Step 11: Registration of land acquired by the state Land Registry

11.1 The final event of the land acquisition process is the registration of the acquired land at the department of Land Registry . For this purpose the four copies of the 17 order along with the following documents should be sent to the District Registrar of Land by the Acquiring Officer with a request for registration. The Documents are.

- (a) Copies of the acquiring order made under section 38(a) or 38(a) proviso.
- (b) Schedule contriving the details of the land as required by section 13 of the registration of Document Ordinance.

2.4 Distinguish LAA 1950, NIRP 2001 and ADB Safeguard Policy Statement,2009

Depending on the project environment and criteria such as project value, Loan agreement or funding agency policies, number of affected persons the implementing agency have to implement the most appropriate relief mechanism with the assistance of LAA 1950 with NIRP or/and ADB Safeguard Policy Statement or World Bank Safeguard policy or any other references have to be applied as directed by the agency. There are some contradictions, differences, equals, or changes can be observed in above mechanisms. The key parameters of Land acquisition Act 1950, National Involuntary Resettlement Policy 2001 and ADB Safeguard policy 2009 are distinguished bellow.

Table 3: Distinguish key parameters of Land acquisition Act 1950 Vs. National Involuntary Resettlement Policy 2001 and ADB Safeguard policy 2009

Parameter	LAA 1950	NIRP 2001	ADB, SPS 2009
Resettlement Plan	Not required	If more than 20 families are displaced it is compulsory.	When the number of displacement persons are exceeding 200, it is compulsory
Compensation for non-title holders	Only the Title holders and talents who are protected under Rent act 1972 are entitled.	States that fair and just treatment are entitled.	Those who made represented prior to project cut off date for eligibility are entitled.
Consultation with stake holders	Not Required	Required	Essential with displaced persons
Income Restoration	Describe only compensation	Income should be restored living standards must be improved	Required
Taking over possession before Payment of compensation	Allow	Not allow	Prohibited
Grievance Redress Mechanism	Made provisions to follow with country's formal legal system with formal appeal	Specify project based GRM	Compulsorily Specify
Payment of Replacement Cost	Not Specify	Required	Required

Parameter	LAA 1950	NIRP 2001	ADB, SPS 2009
Assistance for vulnerable people	Not Specify	Required	Required

2.5 Institutional Engagement

Land Acquisition process is encountered with the participation of several individual institutes in the country. Coordination and contribution is enormous of those institutions. The contribution briefly discussed below

2.5.1 Divisional Secretariats

Divisional Secretaries have been given major role in the land acquisition process. Preparing of public notices and gazette notifications, conducting coordinating and monitoring of land ownership inquiries as described in section 9 of the act should be done by them. Other than that finalizing and determination of the ownership of the lands and properties and awarding of compensations also on the shoulder of the divisional secretaries as mentioned in section 10 and section 17 respectively. A “land officer” who is assigned exclusively for the these purposes shall available in each divisional secretariat office and he may coordinate above work.

Divisional secretaries have to closely coordinate with four key organizations in the land acquisition process to fulfill desired objectives. They include the Ministry of Lands who is the statutory institution to monitor the process, the Department that surveys that the prepares advance and preliminary survey plans land to be acquired. As the Valuation Department acts major roll by valuating respective properties and making condition reports it is important to have vital coordination with them. Simlaly close coordinating with the government printing corporation is also their responsible so that get the gazette notifications in time. But it is important and essential that the project implementing agency or the Project Monitoring Unit (PMU) should closely monitor and coordinated among these different agencies during each step and every single conflict or barrier in the sense of achieving an uninterrupted outcome of the process of land acquisition.

The LARC assists to the divisional secretaries so as to get the maximum output during making decisions on finalizing non-statutory compensation and resettlement assistance to the affected parties in numerous aspects. Divisional Secretary is the chairperson and having more responsibilities at LARC. He leads all the other members including Valuation Department, Surveying Department, and the PMU. Similarly he is the authorized officer to conduct and coordinate LARC meetings, throughout the process that finalizing the awarding of compensation certificate and as specified under section 17 of the LAA and taking possession of the acquired land .

2.5.2 Department of Surveying

The Department of Surveying holds statutory role as per the Land Acquisition Act. Preparing of the Advance Tracing ,Preparing or Preliminary Plan and and other relavat surveying work has to attend by the department of surveying. The acquiring officer formally request from the Surveyor General to attend on surveying work of a particular land acquisition project and then ,he authorized a Licensed surveyor as appropriate. Indicating of the names of claimants, list of tenants, distinguish plot of land depending on each case or requirement, plant, structures, roads, drains or stream lines is very important. Those are the key references which are required to the acquiring officer to determine ownership during inquires. The valuation department are also provided these surveying documents which strongly support to make decisions on valuation.

2.5.3 Department of Valuation

The Chief Valuer of the department of valuation is the distinguished authorized statutory body to assess and submit report of the properties to be acquired according to the Land Acquisition Act. The acquiring officer requests from the chief valuar for attending valuation procedure for a particular land acquisition project as per the provisions provided to him by the land acquisition act. All the available details including names of claimants, surveying data, location of lands etc.

The chief valuer shall authorized his officers as for attending as necessary to evaluate properties to be acquired. It is the responsibility of the chief valuer for making of a reasonable assessment considering physical available facts on the arrival to the site. Neighboring condition, attached infrastructures, usage of the property in the sense of residential, commercial, or agricultural, available loan facilities, validity of deeds, earning facilities through rental or other means shall be considered during the evaluation stage. The valuation report comprises of individual values for each

property. The chief valuer's report is the statutory commitment that is to be used in any incident of board of review or any or court of law.

2.5.4 Project Management Unit (PMU)

The Project Management Unit is established by the secretary of the relevant line ministry of the desired project. The composition and the management structure of the PMU is depends on the aspirations of the desired project. The Project Director is having the overall responsibility of project monitoring and supervision. There are several divisions in PMU such as Engineering division, Environmental division, Land division, Social division etc.. . Land Acquisition process is to be conducted by specific officials most probably under separate division named as Land Division of the PMU. Once the preliminary design and feasibility studies are completed, land officers are the persons who have to visit the ground at first and foremost.

The key responsibilities of the Project Management Unit on Land Acquisition as follows:

1. Identifying of strategic points related to land acquisition.
2. Specify possible challenges and ways to overcome them.
3. Proper coordination with stakeholders including divisional secretaries, survey department, valuation department, and any other organization.
4. Establish and implement the Land Acquisition and resettlement frameworks and programs.
5. Assist to establish and conduct LARC, and monitor them.
6. Identifying appropriate resettlement location.
7. Assist regional officers to collect information on affected persons.
8. Establish and facilitate Grievances Redress Committees.

It is the responsibility of the PMU that planning and making allocations for budget and adequate fund for related activities. Arranging separate funds for compensation, resettlement, awareness program, income restoration, resettlement monitoring, or any other activity.

All the resettlement activities should be integrated with project development schedule and construction program while there should not be any delay or conflict with the construction program of the project schedule.

2.5.5 Difficulties encountered by the supporting Institutions during the process.

Sometimes It is difficult to recognize the correct name or detail of owner of a particular land or property because the proper owner is not located that place or vacated for a long time. In some cases owner is physically or mentally not fit to cooperate in this manner. Sometimes land owners argue demanding unreasonably high amount of valuation or arguments with their neighbors in presence of surveyor or other officers on boundaries of land. All these incidents affect make delay the surveying or valuation process eventually the whole land acquisition process.

On the other hand when new development project with land acquisition, Number of surveyors or officers in the divisional secretariat and valuation department have to attend in addition to their regular work. Mainly surveyors and valuation officers have to do more field investigations for surveying and valuation work. That time providing of transportation facilities, accommodation, payment for afterhours working are some common issues encountered by those officers that make them unpleasant on the land acquisition.

2.6 Judicial Involvement in the Process

It is important to follow relevant acts and procedures in proper manner to avoid possible unnecessary delays such as injunctions orders from the court. It is required lengthy period of time incase of begins a court case. It is beyond the control of any other aspects if judicial procedures are adopted. It is always advisable to resolve all the issues by negotiations instead of starting judicial procedures. to ensure saving the time component.

Shifting Alignment of the Southern Expressway and Public Litigation

“During the initial stage of the southern expressway development project, it was identified that there is a requirement of shifting of initial trace focusing some factors such that, minimizing the acquisition of private lands and properties, displacement and separation of communities from their neighbors, lands, temples, schools, traditional and cultural significance, avoiding public utilities such as schools, existing roads, avoid poor soil condition area, get the advantage of topographical and alignment benefits, protect streamline natural water resources, cut-down to the project cost, reduce time duration, environment as well as affected persons during the period of detail design by the Road Development Authority in early 2000. The Road Development authority decided to change final trace of the expressway considering all those factors.

Even though more and more people and environmental factors get the benefit of this decision some newly affected persons got panicked and stood opposing the decision. Some parties have agitate the affected persons and the formed unity of a group protesting the new mechanism. An application was filed in the Court of Appeal by a group named “the Public Interest Law Foundation” in 2000. Road Development Authority, Central Environmental Authority (CEA) was summoned by this application No. 981/99, 20 Nov 2000. They have indicated that

- (i). Central environment authority failed to consider reasonable and environmentally friendly project alternatives before approving the Environmental Impact Assessment Report(EIAR), and
- (ii) Central environment authority failed to provide adequate reasons for the rejection of other project alternatives. Considering the facts provided y the CEA Court of appeal dismissed all the arguments pointed out by the application and expressed the satisfaction on the provided and proposed alternatives by both RDA and CEA. Here it was taken into consideration the recommendations provided by various group of experts in each event during changing the trace of the Expressway.

Thereafter four applications were filed at the Court of Appeal by 43 affected persons pointing out the article 140 of the constitution of Sri Lanka in 2002. Applicants requested the court to issue writs of certiorari quashing the notices under section 2 of the LAA to acquire land, the CEA’s decision to approve the EIAR. Eventually the court of appeal rejected all the applications, considering the explanations extended by RDA and CEA. ”(Fonseka B. 2014)

The 43 people were not willing to accept court of appeal verdict and they appealed to the Supreme Court challenging the decision of the Court of Appeal in 2003. After a lengthy hearing verdict was delivered in favor of the state. But all the applicant were granted additional Rupees 75 ,000.00 each in addition to the compensation which were approved earlier with the view of avoid further delay in the project. Hence it is obvious that the judicial cases should be avoided to ensure unnecessary delay. Mediation mechanism is the best option in such incidents.

2.7 Land Acquisition on other countries

It is very important to have a vast knowledge on how the other countries are conducting and monitor the land acquisition process in order to compare and make necessary improvements to the existing practice by avoiding any lethargic means. It can be observed that most of the countries who does not get the assistance of the foreign development agencies are allowed to emergency and compulsory land acquisition mechanism while those who are getting assistance from funding agencies have to follow more complicated social safeguard mechanism with higher accountability for social welfare than physical infrastructure development. It is unavoidable to obeying various safeguard rules when a project funded by foreign agency. Most of the newly industrialized countries have provisions to immediate acquisition of private lands for state requirements as per their land policy of their constitution. They do not change their policies with the changing of the government or not use the land acquiring requirement get used for their political advantage. Reservation areas allocated for highways and stream lines are strictly maintained and reserve land for future developments is preserved.

Most of the western countries practice the “leasehold tenure system” which the absolute ownership of the land prevail with the state while the house, structure or property ownership transferred period of 49 year or 99 year as specified the purpose and usage. In those mechanism , most probably add a clause stating that the possibility to take over in a presence of urgent o important requirement of the state.

2.7.1 The Land Tenure System in China

“The land ownership system in china is “leasehold tenure system” which is similar to practice most of the western countries. It is treated that land and structures are two separate entities. The most important thing is it is distinguished the industrial, commercial, agricultural land areas clearly. In China , it governs the land transfer matters by People Republic of China Land Administration Law of 1986 (PRCLAL), and amended in 1998, that described that the ownership of the urban lands under the state of china while rural land may own by collective farmers. Construction of buildings or any kind of use or improvement can be done by the land uses but the sovereignty of the land remains with the state or collective farmers. The People’s Republic of China Assignment and Transfer of Use Rights of State Owned Land in Urban Areas Temporary Regulations, 1990 (PRCLUR) is the ‘Land Use Rights’ (LURs), that is governing land acquisition administration process which are having more comprehensive powers to usage of lands for public or development purpose.(Chan N.1999)

2.7.2 Compulsory Land Acquisition in China

The government of a country that the general public has the rights to obtain and keep the ownership of lands has to acquire the ownership of land from the general public to the state with the view of assuring facilities and benefits to the state public. Compulsory land acquisition is the right and action of the government to take property not owned by it for public use. In the United States, this right is known as ‘eminent domain’, the action is known as ‘condemnation’ (Eaton 1995). In Canada, the United Kingdom, and Australia, the right and action are known as ‘expropriation’ (Boyce 1984), ‘compulsory purchase’ (Denyer-Green 1994), and ‘compulsory acquisition or resumption’ (Brown 1996), respectively. In each of these countries, compulsory acquisition of private property by the government is authorized by legislation. Chan N.(2003)

Here it is considered that the house hold people of farmers or any other building owners have using or living in the state of rental basis of the land. That means the people had constructed or cultivated on the land that are rented to them. The legal owner of the land are not them . Only the structure or cultivation belongs to them. In that sense government is more flexible to occupy lands for any required propose. Any how there are two separate laws to acquire farm land and urban lands.

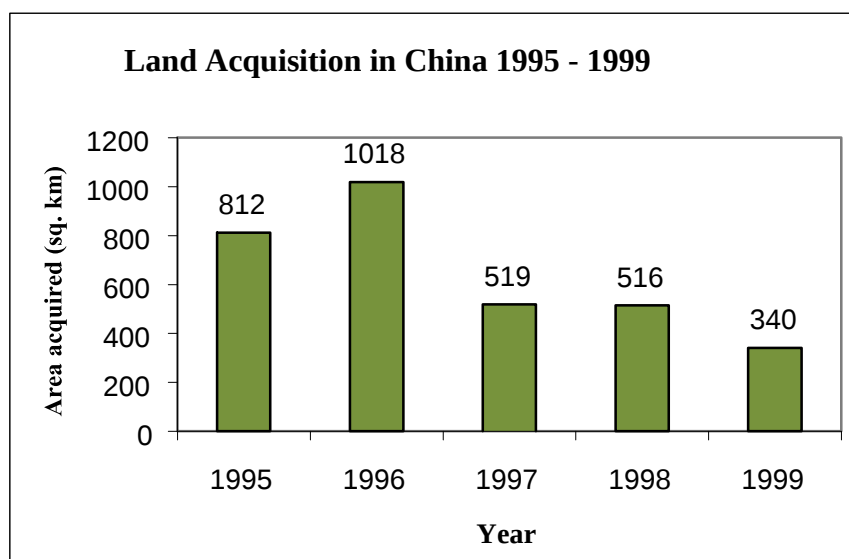


Figure 2: Land Acquisition in China 1995–1999
Data Sources: China Statistical Yearbooks 1996 – 2000

The above Figure 2 shows that nearly 2000 Square Kilometers (Km²) had been acquired during the year 1995 and 1996. The majority of the lands are farmers land. The huge development gained by china during 1990 decade cause these kind of rapid acquisition with less issues compared to country like srilanka.

2.7.3 Acquisition of Farmland in china

In the early stages China was almost agricultural economy and farm land had secured with agricultural purpose. When china converts towards industrial basis economy they have changed their regulation with facilitating acquiring or converting as industrial development purpose.

As a socialist country compulsory acquisition compensation has its unique characteristics for china. The compensation packages are available depending on the original usage of the lands. In most of the cases compensation of 6–10 times of its average production value over the past three years prior to acquisition is considered land.

2.7.4 Acquisition of Urban Land in china

The Urban Buildings Demolition Relocation Administration Regulations of 2001 (UBDRAR) described that buildings or properties under the “city plan” shall be compulsorily acquired under any circumstances for the desired purpose. It says that relocation shall be arranged for the persons that is the beneficial of the urban renewal scheme under “city plan” concept that receive much more benefits for the future generation. Provinces, region or municipalities are authorized on compensation. Illegal or unauthorized buildings structures are not entertain for compensation.

The UBDARR allow “suitable compensation” losses occurred due to terminating of production, business for non-residential occupants. Unfortunately it is not defined or specified the meaning or characteristics of “suitable compensation”. Intermediate or temporally losses are not entertain under this scheme. (College of Law and Business, 2003).

2.8 Review Major Projects In Sri Lanka

The major projects having considerable cases of land acquisition and affected persons are thoroughly monitored by the funding agencies as well as humanitarian oriented organizations such as WB, UNHCR, ADB, JABIC, in several aspects. Further donations and diplomatic relationships development are based on this analysis. In most cases funding agencies update or introduce latest clauses as they practice in other countries with the view of ensuring of better comfort of the affected parties. Experiences of Southern Transport Development Project(STDP), Strategic Cities Development Project(STDP), Central highway, Upper Kothmale Hydropower project, Lunawa Low Income Housing Project were reviewed as a major project to understand how the Land acquisition manner involve in a development project and which aspect it should be considered.

During the past two decades, the government of Sri Lanka launched several key infrastructures development projects that mainly influenced the country’s economy and social infrastructure. In this section, a few of them are briefed out.

2.8.1 The Central Expressway Project (CEP)

The Central Expressway Project (CEP) is the one of the main highway project that identified and tried to implemented several decades before. To minimize the huge traffic jam in Kandy-Colombo A1 road and allow passengers to reach these two main cities within short period is the key phenomena of the project. The project was delayed for many years mainly due to land acquisition issues. Finally the Road Development Authority under the Ministry of Highways has implemented the project connecting Colombo and North in two (2) phases. The phase 1 is designed from Kadawatha to Dambulla and it comprises of four (4) sections as follow;

Section one (1) is designed from Kadawatha (0.0Km) to Meerigama (37.1Km)

Section Two (2) is designed from Meerigama (37.1Km) to Kurunegala (76.8Km) and Ambepussa link road (9.3Km)

Section Three (3) is designed from Pothuhera (0.0Km) to Galagedara (Kandy) (32.5Km)

Section Two (2) is designed from Kurunegala (76.8Km) to Dambulla (137Km)

The total length of the expressway traverse through four (4) provinces and twenty one (21) divisional secretariats in five (5) districts.

A potential Land Acquisition requirements are involved in the Phase 1. Section as it traverse highly populated district in the country as mention in the bellow Table 4.

Table 4: Demographic Data of Four Province

Province	District	Population (Census 2012)	Land area (km ²)	Population Density (person/ km ²)	Poverty head count ratio (2012/2013)
Western	Gampaha	2,304, 833	1386.7	1719	2.1
Sabaragamuwa	Kegalle	840,648	1693.0	499.0	6.7
North Western	Kurunegala	1,618,465	4812.8	350	6.5
Central	Kandy	1,375,382	1940.0	717	6.2
	Matale	484,531	1993.0	248	7.8

Source: Department of Census and Statistics

The project drives through the most populated and lands with the height market value in the country. A lot of commercial and residential structures as well as significant number of persons, and agricultural and other income generation lands and assets are affected including their live hood mechanism. Considering the weight and affects of

the project it was included into category A of the ADB's Safeguards policy as described in policy Statement, 2009 in terms of land acquisition and other social factors. Most of the land acquisition matters have been settled.

2.8.2 The Southern Transport Development Project (STDP)

The Southern Transport Development Project or well-known Southern Expressway is the first completed expressway project in Sri Lanka. High level of public attention is received on the project and people all-over the country are getting the benefit of the project now. The contribution extended for the Sri Lanka economy by the southern expressway is enormous. It runs through five district in Southern and Western provinces with a total length of 226 Km including access road to the Galle harbor.

The first phase of the project from Godagama to Kottawa coppices of 126Km. The project was divided into four sections and section I and II was financed by the Japan International Cooperation Agency (JICA) while section III and IV funded by Asian Development Bank (ADB). The project was initiated in 1999 and the initial estimate was US \$295.9 million. The ADB funded component was estimate for US \$132.3 million while the JICA funded component was estimated for US \$163.6 million.

The project could not completed within the forty months as originally scheduled mainly due to dissolved land issues. Ultimately the project was completed in 2014 and the total project cost has risen to US \$ 906.5 million. Even though the economy of the southern region of the country got a big boon with emerging of new development opportunities jointly with the improvement of several aspects such that improved road access system, new employment opportunities, reduction in poverty, improvement of road safety, improvement of health and education facilities, higher market value for the lands. and many more opportunities.

The government extended the project up to Mattala by additional 100 Km and completed the project in 2020.

The cost variation in Godagama-Kottawa section is shown Bellow/

Table 5: Project Cost Increases in Godagama-Kottawa section

Item	Costs (\$ million)		
	Appraisal in 1999	Appraisal in 2008	Completion
Land/Resettlement	7.6	44.2	38.6
Civil Works	221.9	592.6	792.1
Supervision	17.3	33.7	39.6
Management Consultant	2.3	6.3	4.2
Project Management	0.5	1.5	3.9
Environmental Management	0.0	2.0	2.0
Black Spot Improvements	2.6	2.6	1.5
Toll Facility and Other Equipment	2.1	7.0	7.3
Road Safety Consultants	3.3	3.3	2.6
Contingencies	35.4	37.3	0.0
IDC and Other Financing Charges	2.9	27.1	14.7
Total	295.9	757.7	906.5

Source: Government of Sri Lanka. 2011. *Southern Transport Development Project: Borrower Project Completion Report*

2.8.3 Strategic Cities Development Project

The Strategic Cities Development Project was implemented under the Ministry of Megapolis and Western Development (MM&WD) in Sri Lanka with the financial assistance of the World Bank (WB). The project period was from 2014 to 2021 and the total allocated funding amount is USD 192.08 million. The project objectives were the development and improving of urban spaces and livability of selected strategically important three main cities outside Colombo region. Kandy city, Jaffna city and Galle city was selected under this theme. Integrated service delivery and Integrated urban planning through Strategic investment is the main concept of the project.

The project has involved in many land acquisition work. It has preliminary identified 991 plot of lands to be acquired in proposed Katugastota-Madawala-Diganarod in Kandy component and 440 plot of lands in Rehabilitation of Moragoda Canal project in Galle component, 345 plots of lands in Puloli Kodikamam Kachchai Road, 277 plots of lands in Ponnalai-Point Pedro Road in Jaffna component and many more in project to be acquired during the project.. As the project was located extremely heart of the main cities, the land value is so high and thus, the land acquisition issues are much critical. The project got the assistance of the LARC and Super LARC method.

2.8.4 Upper Kothmale Hydro Power Project

The project was initially identified in 1968 by the local authorities. The implementing of the project was postponed several times due to financial and environmental issues as the project is located highly sensitive area. In 1985 a feasibility study was carried out with the aid of Japanese Government. The Environmental Impact assessment report of the draft project design was approved on 1994 and the final design was completed on 1995. Again the implementing process of the project was affected due to some sensitive social and environmental issues including impact on St. Clair's water fall, effects on ground water level, impacts on biodiversity of the area. Eventually, construction work of the project began on 2006 with the schedule of completing by 2011. The project had undergone severe land acquisition cases that adversely affected the progress of the project.

The estimated project cost was Rs. 44 billion that out of which Rs. 5.931 billion funded by the Ceylon Electricity Board while balance amount was funded by the Japan Bank for International Cooperation (JBIC). The project has sub divided into five faces and it covers approximately 540 km².

Land acquisition and resettlement, construction of access roads, staff and workers accommodation, site preparation was done under Phase 1. Construction of tunnels, dam, powerhouse, and all other civil work was done under phase 2. Hydro-mechanical work including construction of intake gates, penstocks, spillways was

included in phase 3. Electro-mechanical installation work such as communication system, fire-fighting system, generators and switch yard was done under the phase 4. Construction of 220 KV double-circuit power transmission line which extended for 15.5 Km was done under the final phase.

Total number of 495 was relocated and new houses were built up to facilitate for land acquisition process. Electricity, water and access facilities were provided during land acquisition facilitating stage. Talawakele Central College, places of worship, a cinema hall, a library, and a community center, are being established

CHAPTER 03

METHODOLOGY OF STUDY

3.1 Introduction

This chapter comprises of the ways how the research was arranged concentrating on the identified main problems and how the overcome analyze the available facts and figures on subject. Literature Review carried out from the beginning of the research helped to elaborate the research work in numerous ways. That provide new ideas on the research topic and guide the correct path to be proceeded. The research was carried out on “Survey research “ design method that data collection is done both quantitative and qualities.

Data collection tools

Initially focus group discussion(FGD) was carried out with selected or identified characteristic bodies who are having reputed understanding or practical involvement with the land acquisition work. Land officers, Engineers, Social and Environmental safeguard officers, licensed surveyors and valuation department officers were interviewed in casual ways with identified limited points with the view of gathering more practical experience and generalizing the questioner. This kind of Participatory Observations with all the stake holders were directed the path specifically during this time.

Some major construction projects with having a potential land acquisition weight such as Magapolis projects, Southern Transport Development Project(STDP), Central express way, Upper Kothmale Hydro power project, was considered during collecting data. Hence, completed, ongoing and proposed major projects were visited to observe and understand the project objective as well as to make the questioner. Mean while Sri Lanka's one of the biggest resettlement project that “Lunawa Lagoon” resettlement scheme is studied at the beginning of the research but ultimately that scheme was not taken in to the research as it was totally a social safeguard project and not based for any construction based development project. In addition face to face discussions also conducted to get more detail from selected persons.

KPI-Key person Interview

There are well experienced persons related to this particular topic and met them and interviewed with pre-planned schedule and with previously identified points.

Discussions were carried out with structural and non-structural social groups and that emerge several facts areas what the author was not recognized there before.

Collecting of data is undergone in two major aspects that;

- collecting of primary data
- Collecting of secondary data

3.2 Collecting of primary data

Identifying of the persons or organizations or institutions who are related or governing the land acquisition process and their role and scope was done at basic stage. The Acts, regulations, legislations and their amendments or updates that make provisions to land acquisition was carried out for making a approach in deeper way. Constrains and scopes were thoroughly studied to arrange the research properly. Officers in Southern Transport Development Project, Central Expressway Project, Megapolis project in Kandy and Galle, and other stake holders including Divisional secretariats, Grama Niladaries, Valuation officers, RDA officials related to those projects extended cordial corporation during the endeavor.

The discussions and guidance of those people provided valuable information required for identifying the sequence of the Land Acquisition Process.

Gathering of information is done in several modes such as

- I. Direct face to face discussions
- II. Distributing questionnaire

3.3 Collecting Secondary Data

It has to be prepared two questioners to avoid complexity and due to the texture of the research to collect necessary information. The first questioner was designed targeting the officers involve in the process. That first questioner was distributed among;

- Project Managers
- Engineer
- Valuation department officers
- Garama Niladari
- Divisional secretariat officials
- Social/ environmental safeguard offices
- Land officer
- Surveyors
- Survey department officers

The second questioner was prepared targeting the affected persons and distributed among them.

3.4 Questionnaire Forms of the Survey

Initial literature review as well as preliminary discussions with project stake holders provided immense factors and aspects to prepare the questioner. Initially it has been decided to distribute one questioner for all the stake holders including affected parties. During the preparing the questioner further interviews had been carrying out with all the parties and later, it was understood that submitting of two separate questioners is more effective as the displaced persons or affected persons had different view compared to other stake holders. Finally two separate questioners were prepared for distributing one for affected people and the other one for the other stake holders such as Project Managers Engineers, Surveyors, Valuation officers, land officers, social officers in different organizations including PMU, Construction companies, and other government organizations.

Affected peoples were decided to delivered the questioner directly (face to face) while other parties were used both e-mailing and direct delivery. 200 questioners were distributed among affected peoples and 182 usable responses were received. 150 questioners were distributed among other stake holders and 138 usable responses were received.

The intention of the conducting of a questioner survey is to collect maximum information from all participants including displaced persons and people in the project area and having impact or interested and involvements. Identification of impact on AP's or loses and requirements, Identification of project Goal and Project structure were main objection of this.

The two questioners are attached as appendix 1 and appendix 2.

CHAPTER 04

DATA ANALYSIS AND DISCUSSION OF RESULTS

Based on the literature review and preliminary data collection, the usable responded questioners were analyzed. The analyzed results were presented by using facilities available in Microsoft Excel. Meanwhile the land acquisition process was squeezed into a flow chart for an easy references and make the analysis work smooth as figure 03: land acquisition flow chart.

Assistance and Comparison with previous Researches

The most difficult issue during the research was the non-availability of previous calculation of the loss due to land acquisition to compare and get the assistance. Hence, the data analysis was done by using computing facilities available in Microsoft Excel.

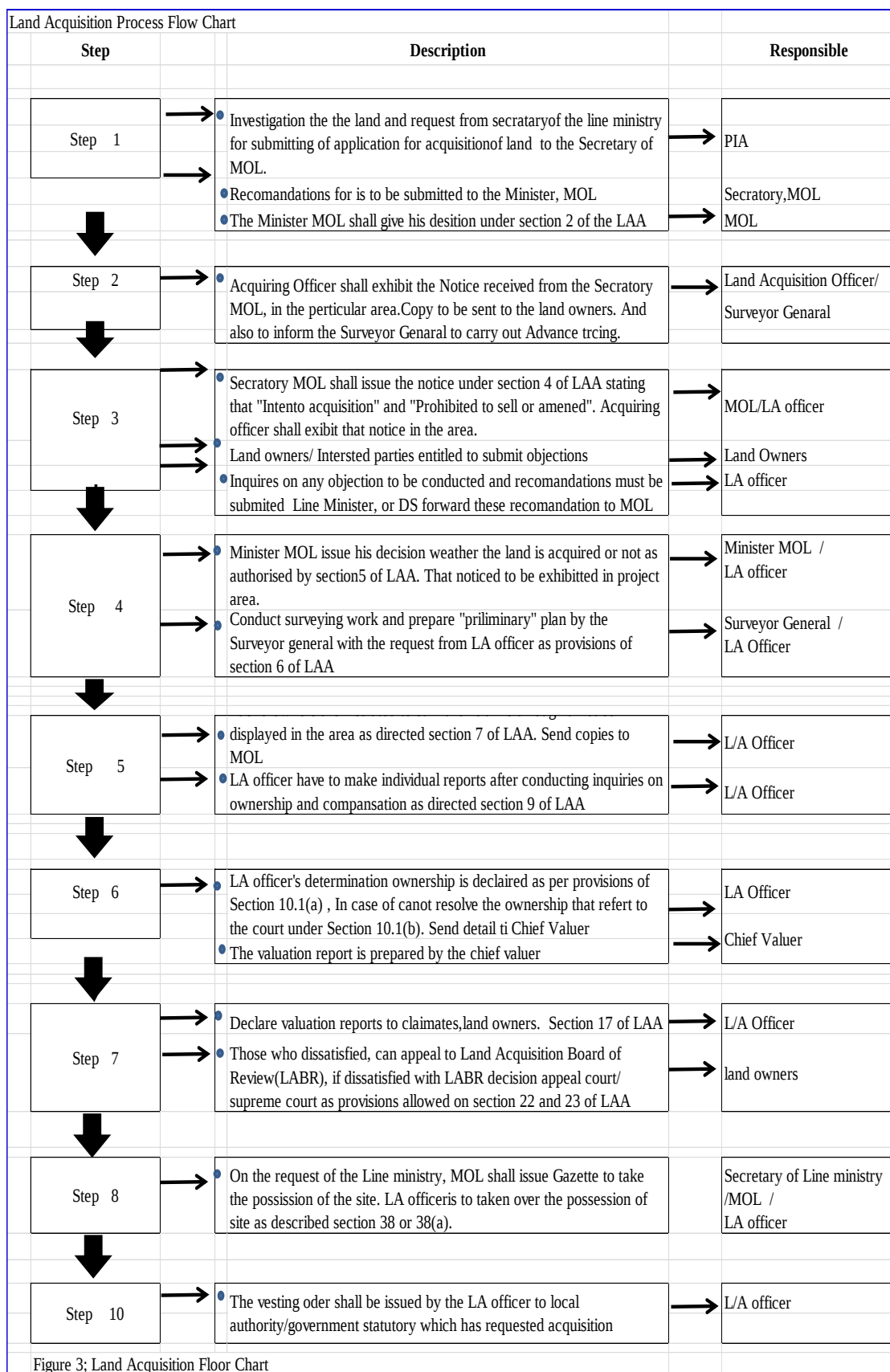


Figure 3; Land Acquisition Floor Chart

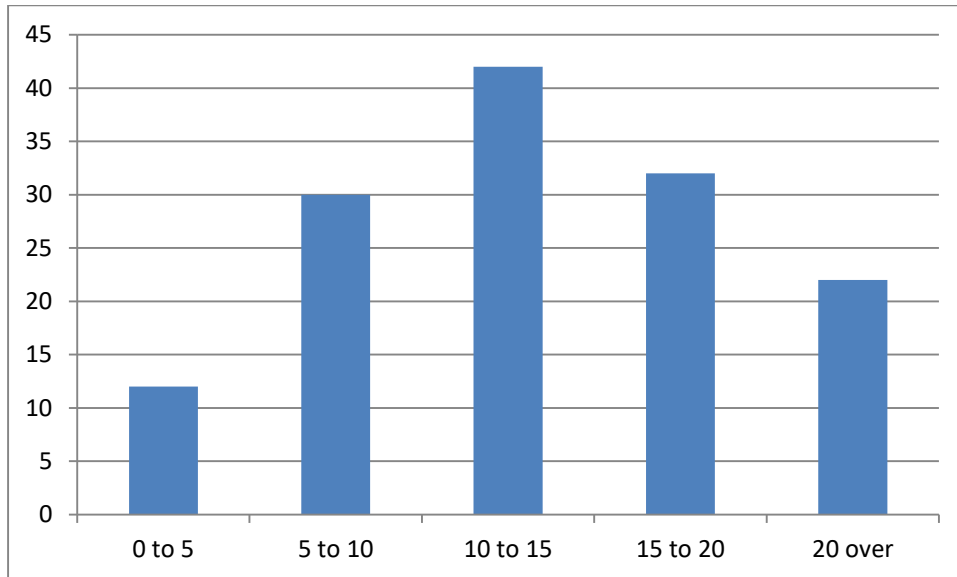


Figure 04 Experience of Responded Stakeholders

4.1 Characteristics of Responded Organizations

During the distribution of questioner 1, organizations were decided so that getting the optimum un-biased output. Stake holders involved in Land acquisition as well as relevant constructions were selected to distribute the questioner. Priority was given to PMU personals from major construction projects involved with land acquisitions. Contractors, consultants related with major projects having land acquisitions were selected with second priority. In addition to above categories officers from Divisional Secretariat, Surveying department, Department of Valuation, Ministry of Land were also selected to participate the questioner survey. The distribution of participated organizations are illustrated in figure 05.

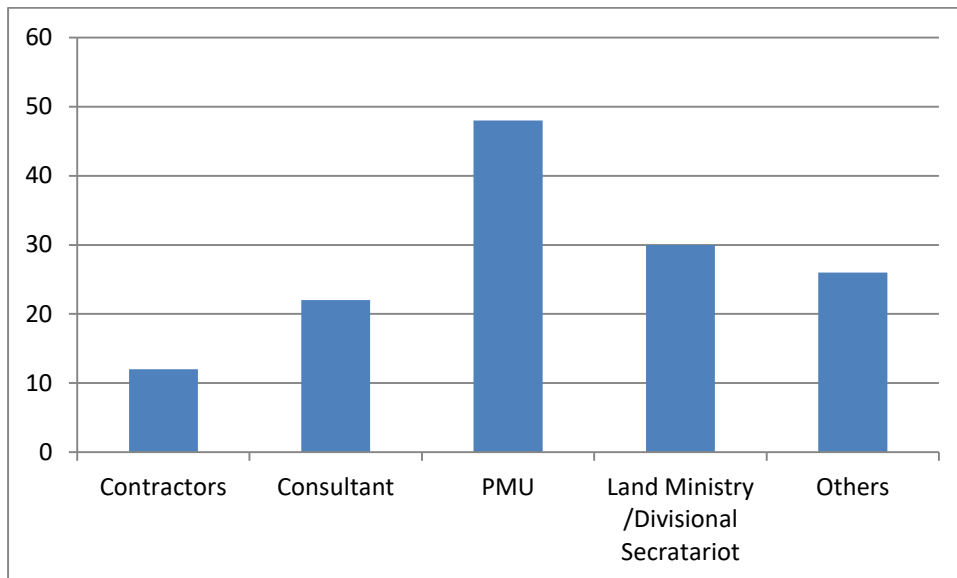


Figure 05 Diversity of Responded Stake holders

With the view of getting broad commitments on the question, the questioner 1 was distributed covering all the main categories relevant, among the above stakeholders. The profession of the distribution of the questioner 1 is given in figure 06.

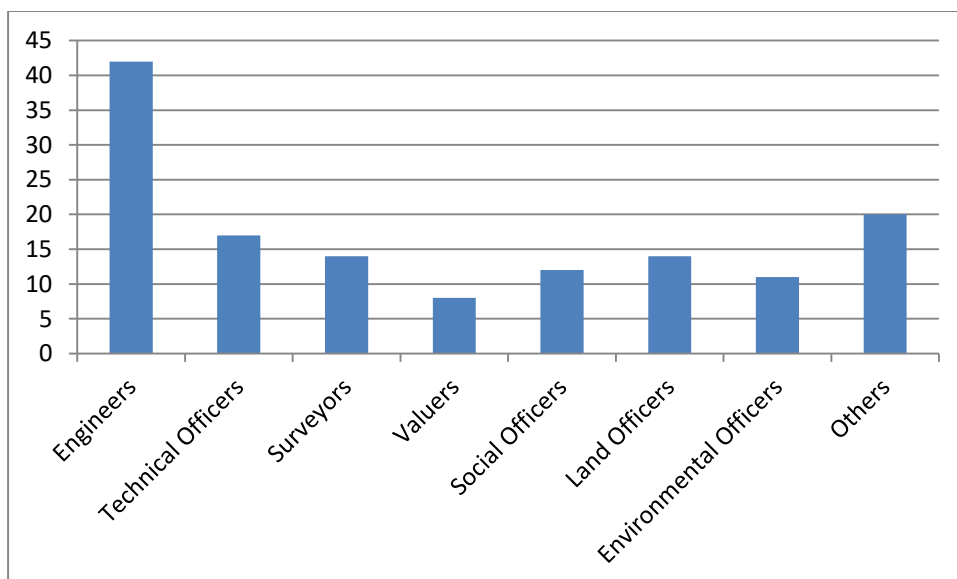


Figure 06: Profession of Respondents

4.2 Analysis of output

The awareness on land acquisition process among the responded officers was evaluated based on the questioner 1. The results show that the Social officers and Land officers are having higher knowledge on Land Acquisition procedures while Engineers and Technical officers are in the lowest position. Although the engineers are handling high ranking positions in many of the PMUs or related constructions in major construction and development projects involved with land acquisition, the knowledge on the land acquisition is not in a satisfactory level. The figure 07 shows the detail of awareness on Land acquisition procedure of responded professionals.

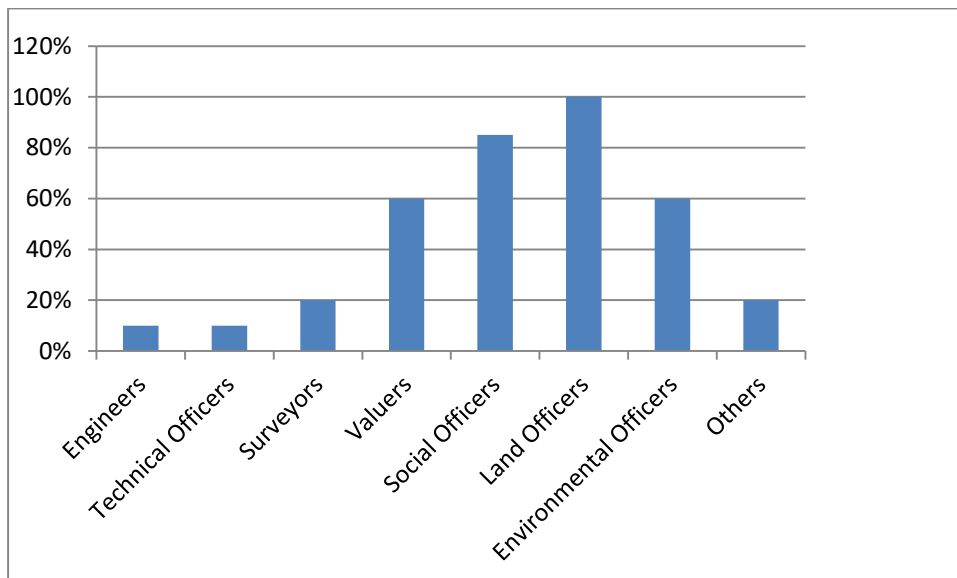


Figure 07: Awareness on Land Acquisition Procedure of Respondents

Some affected people had received only compensation amount, some people had received only houses while some people had both according to loss them occurred due to acquiring of land and properties. The figure 08 displays the relief they had.

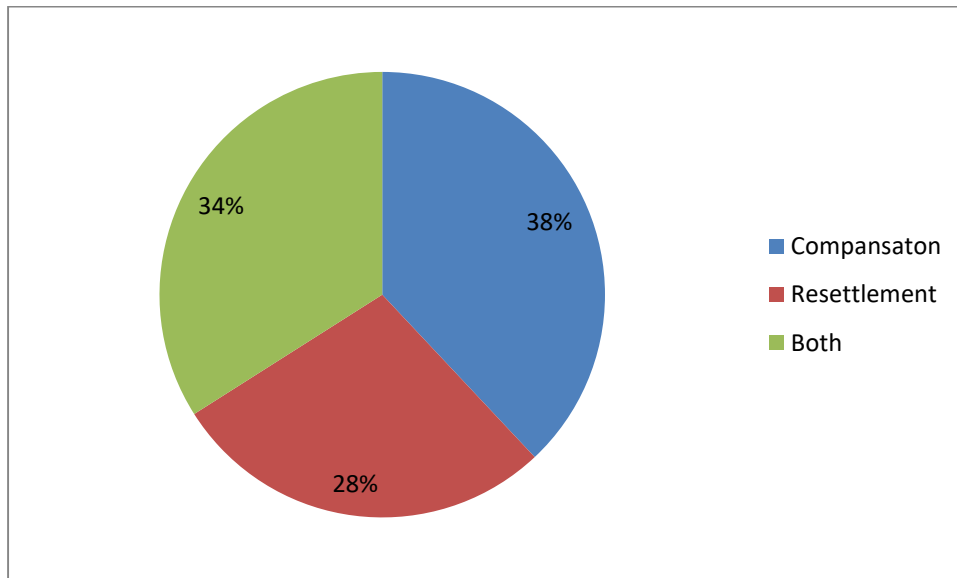


Figure 08: Affected people's relief method as per responded Aps

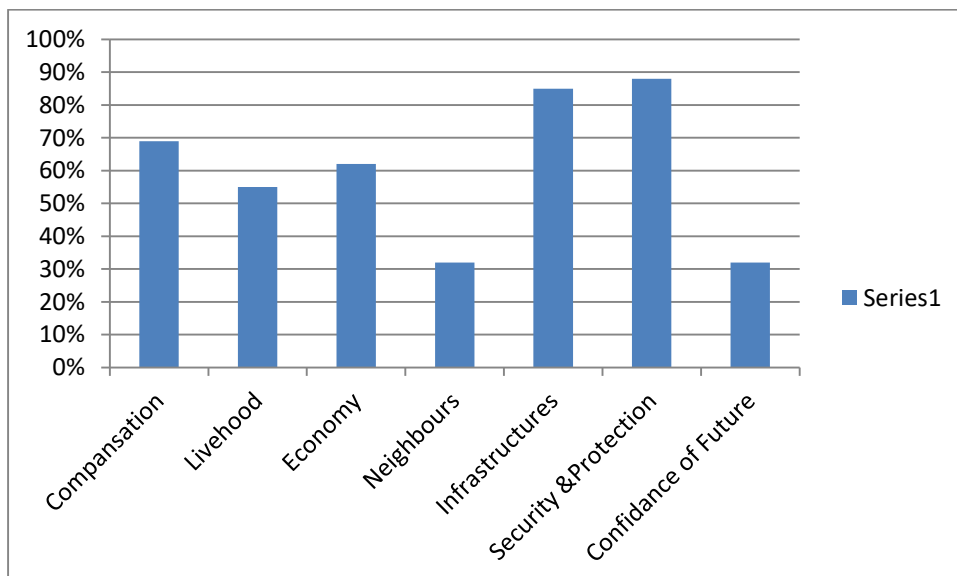


Figure09: Respondents satisfaction about relief..

Most of the displaced persons are not happy about their new neighbors. This is mainly due to their inability to adopt new changes or real issues in new locations .It could be observed several conflicts between new comers and previous residents during the interview period.

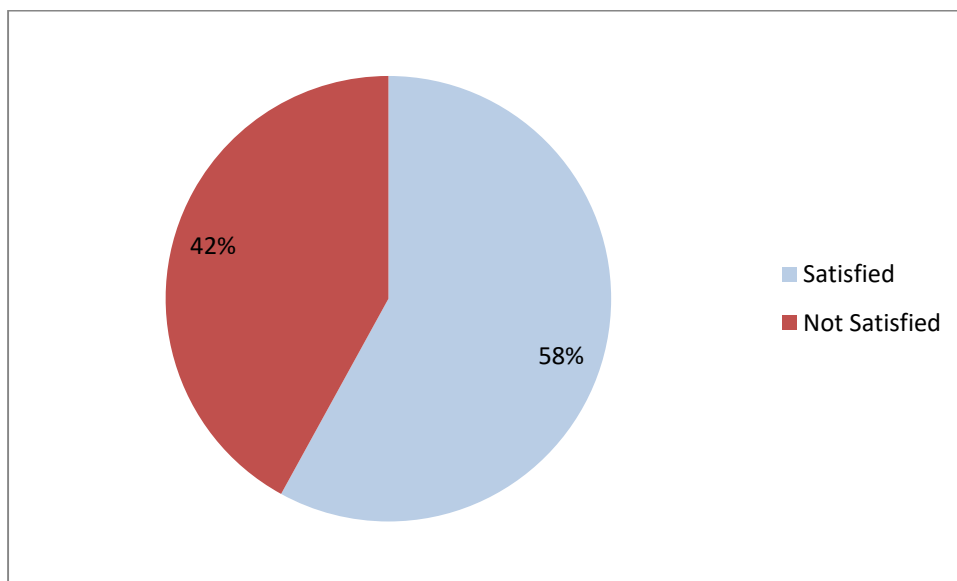


Figure 10: Respondents general view on Compensation/Resettlement

Most of the affected persons are satisfied at the end of receiving of compensations even though they are opposed to the project at the beginning. This is mainly due to assistance they got through LARC or Super LARC.

During the negotiations and mediations conducted by LARC it was able to grant more statutory compensation rather than initially allocated and come for conclusions with all party happy that settle issues raised during major projects.

The figures that shows how the amount of compensation was increased is witnessed by LARC of Southern Transport Development Project during November 2000

Table 6: Compensation Payment by the LARC of STDP during November 2000

Category of Loss	Payment under Section 17 of the LAA (SLRs million)	LARC Assistance (SLRs million)	Total Amount of Compensation (SLRs million)	Percentage Increase of Total Compensation
Houses	538	516	1,053	48
Home gardens	529	194	702	28
Commercial structures	43	29	71	41
Commercial land	68	85	153	56

Source: STDP PMU

The super LARC which was established in April 2003 in project level that the comprised from secretary of ministry of highways , the chief valuer, the Surveyor General, the Project Director of the PMU, and an AP representative, provided more opportunities to ask further benefits.

Table 7: Repercussions on Land Acquisition at STDP Project

Description	ADB Section (Godagama- Kurundugaha)	JBIC Section (Kurundugaha- Kottawa)	Total
Completely destroyed houses	658	595	1253
Completely destroyed temporary houses and huts	61	3	63
Completely destroyed commercial structures	73	80	152
Completely destroyed other structures	01	23	25
Paddy fields acquired /(ha)	133	169	302
Other agricultural lands acquired/ (ha)	342	312	653
Completely destroyed nontitled households	213	33	245
Vulnerable households	104	121	216
Total households affected	2,929	2,776	5,685
Total affected persons	10,688	9,659	20,345

Source: Monitoring and Evaluation in the Southern Transport Development Project
and National Highways Sector Project

Possession of land by the contractor or handing over the right of ways to the contractor was significantly delayed due to delays occur during land acquisition of Southern Transport Development Project. Table 8 describes absolute delay at each section.

Table 8: Delay on land acquisition at STDP project wit compared to revised program.

Part of the Expressway	Commencement Date of Land acquisition	Schedule date of handing over of ROW to contractor	LARC Completed date	Total delay /(month)
First half of the ADB-funded section	July-2000	30-Nov-2002	30-Apr-2003	5
Second half of the ADB-funded section	July-2000	28-Feb-2003	Nov-2006	30
First half of the JBIC-funded section	November-2000	30-Mar-2003	Mar-2005	24
Second half of the JBIC-funded section	November-2000	30-Jun-2003	Sep-2005	25

JBIC = Japan Bank for International Cooperation,

Source: Monitoring and Evaluation in the Southern Transport Development Project and National Highways Sector Project

It has to taken account specific features depending on the project goal during the loss calculation of a project due to delaying of land acquisition .

Table 9 :Factors to be taken into account for calculating of Loss Factor due to delay in a Highway project

	Factor	Effect
1	Carbon Emission	It takes five(5) hours from Matara to Colombo in normal way while only One and half (1 ½) hours in southern highway. Many accelerations and applying of brake is required in normal way while smooth drive in Express way. Nearly 3 ½ Hours of carbon emission ,dust pollution, tension for the driver as well as passengers have to taken into accounts.
2	Time factor	Saving of time as described above (1) multiplying number of passengers, Saving of total period in case of material transport, Saving of life in case of transport of patient is considered in this case.
3	Economical Factor	Saving of fuel, wear and tear of vehicles, Toll collection target during the period Price Fluctuation effect compared to that period Contractors delay Claims
4	Productivity	At the end of a time saving, comfortable and fatigue less journey, passengers can attend their work with fresh mind comfortably that increases the productivity of the country.
5	Safety	Safety of the expressway is higher than the normal way and that factor also should be considered during calculation

Total loss at Southern Transport Development Project= $\sum$ Number of vehicle travel during delay period, Time factor Highway Vs. normal road, Emission and sound pollution, Economical loss per each vehicle, productivity loss etc....

Table 10: Factors to be taken into account during calculation Loss Factor due to delay in a Hydro power project

	Factor	Effect
1	Loss of Energy	Alternative energies has to be used during that period. Expenditures of them should be considered
2	Time factor	
	Economical Factor	Possible new economical ways such as factories, production etc.. Loss of profit selling the energy(electricity) Price Fluctuation effect compared to that period Contractors delay Claims
	Productivity	By using alternative power sources final productivity may loss.

Total loss at a hydro power project= $\sum$ Loss of Energy , Time factor , Economical Factor, Productivity etc....

Annual Number of vehicles used the Southern Express way and Outer circular Road is 23,814,710 while turn over is Rs. 6,192,180,000.00 as per RDA 2019 annual report. These figures can be substituted and calculate the loss due to delay.

PROBLEMS

Unnecessary delay in major development Projects

Foreign investors refrain or return their projects

Environmental or Ecological issues

Claims and interferes by fraud parties for compensation hence real affected persons getting delay to have compensation.

Delaying of land acquisitions leads to price fluctuation issues for the desired development project, adverse impact for country's economy

Aspirations of affected people

People are in negative mind to accept decisions on compensation of resettlement plan believing that their future shall not be guaranteed or not be safe with those proposals. Some times it is what they are believed or bad hearings of past stories.

It is true that in some land acquisition cases it had been considered only the priority of the development project not on vulnerability of original land owners in any aspect. This is mainly due to not having proper public consultation which led public agitation and public protest. In special cases politicians or similar agencies make public panic for their own benefit hence awareness of public and getting them involve aware is very important.

Social Issues

The magnitude of vulnerability on resettlement as well as partial acquisition should be minimized by considering some important facts such as;

- Loss of income
During resettlement of commercial place or small scale Self-employment at their own home, shall be irrecoverable at the new settlement place. It takes some times to gather customers or make a market place until familiar the resettles to the new location.
- How welcome the new comers by the indigenous society during cluster resettlement schemes
More conflicts are experienced due to unlatching of behavior, language, religion, cast, fashion, job, financial background, and unnecessary conflicts or clash should be avoid by post monitoring of settlements.

CHAPTER 05

CONCLUSION AND RECOMMENDATIONS

Growth of economy, productivity, prosperity, social wellbeing of the country grows up by completion of every construction project within the allocated time schedule. It is irrelevant whether the project is roads, irrigation, water supply power generation, or building construction. Contractor, consultant, donors and all the stakeholders keen on completing of a started project in allocated time frame.

When the possession of site of a construction project is handed over to a construction organization, it is clearly noticed the enthusiastic period of project completion. Unfortunately, most of the time, people have no idea about the process or duration that undertake before the project was physically inaugurated on the ground. This intermediate period and process is remarkable or very important. This process or period is latent and hidden for most of the time. Every time people have practiced to specify the construction project period as from the physically immersing date to project completion date. But the project period comprises all project design period, land acquisition period, and construction period. Hence, educating of the time on land acquisition for the project personal is highly important.

Most of the major projects the Project Management Unit (PMU) is led by qualified Engineers. The lack of knowledge of land acquisition procedure may lead unnecessary delay during initial project planning or in case of project scope deviation during project implementation period.

Although it has calculated that the land acquisition process shall be completed within 72 weeks as per chapter 2.3, it is a remarkable factor that projects get delay several years due to land acquisition issues. The researcher was struggles to get the original target date of completion of land acquisition component instead more occasions had only revised target date only.

As the researcher has identified factors to be considered to calculate it is recommended to conduct future research on calculating of loss due to delay of land acquisition on major projects. That leads to introduce further concern on process.

Educating of high ranking people related to construction industry on land acquisition is highly recommended which directs to make identify real staging milestone and regulate

it by applying appropriate solutions. It is very important that project managers and engineers are having sound knowledge on this. Technical assistance programs on capacity building in Land Acquisition focused on all institutions involve in the specific project is a best practices. Officials from the relevant ministries and other institutions engaged in Land Acquisition such as Ministry of Lands and the Central Environmental Authority, general public awareness about the related topics on Land Acquisition.

Considering the important service extended by the officials form department of valuation, department of surveying and divisional secretariats, introducing an incentive payment scheme to compensate the valuable service and dedication during additional work that they carry out shall be more productive and reduce possible delay.

Finally all the stake holders must be made aware the advantages of implementing Land Acquisition in time with reference to the prosperity of the nation. Even though it is difficult to make comparisons with previous researches due to non-availability of adequate previous analysis, the author do hope that, this research shall be a base stone for future attempts that wind up the delays due to land acquisition. Awareness and enthusiasm on land acquisition subject has to be emerged more over the engineering community through national universities.

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Annexures

Annexure 1-Questionnaire related to Administration Officers

Improving of land acquisition procedure in major construction projects

(Questionnaire related to Administration Officers)

1. Please indicate your personal details bellow

- i. Name of Respondent
- ii. Sex Male ☐ Female ☐
- iii. Address
.....
- iv. Age as last december Years
- v. Profession
- vi. Working Experiences Years.....
- vii. How long with the current organization Years.....
- viii. Your education qualifications
- | | | | |
|------------------------------|--------------------------|-----------------|--------------------------|
| Post Graduate | ☐ | Graduate | ☐ |
| Technical Collage or Similar | ☐ | Advance d Level | ☐ |
2. From which side you are representing this project Contractor ☐ Consultant ☐ PMU ☐
Land acquisition related ☐ any other ☐
3. What is the project Value?
- | | | | | | |
|-----------------|--------------------------|--------------|--------------------------|----------------|--------------------------|
| Below USD 100Mn | ☐ | 100Mn -500Mn | ☐ | 500Mn-1Billion | ☐ |
| Above 1 Billion | ☐ | | | | |
4. How long have you been with this project Years..... Months.....
5. Do you know the total extend of land to be acquired /had been acquired under/for this project
Yes ☐ No ☐
6. If yes please specify approximately Acers..... Hectare.....
7. Do you know lots of land to be acquired /had been acquired under/for this project
Yes ☐ No ☐
8. If yes please specify approximately: Lots.....

9. Specify followings related to Land Acquisition Procedure
(1 for Excellent, 5 for Very poor)

Description	1	2	3	4	5
1 Knowledge on Land Acquisition					
2 Your Involvement at Land Acquisition in this project					
3 Interest on Land Acquisition					
4 Your satisfaction on Land Acquisition process of this project					
5 Your idea about the knowledge of your staff on Land Acquisition process					
6 Your satisfaction on involvement and contribution of other institutions during this process					

10. Indicate the current status of the land acquisition process of your project as your knowledge

Initial design of the project to identify land requirement %
 Surveying of Lands %
 Valuation of plots %
 Payment of Compensations %
 Resettlement %

11. Indicate if any delay compared to original schedule related to each component in months

Design
 Surveying
 Valuation
 Payment of Compensation
 Resettlement

12. Total Delay in Land acquisition as scheduled in months

13. People are more interest to get for their lost property

Compensation ☐ Resettlement ☐

14. In your project what relief are provided for vacating

Compensation ☐ Resettlement ☐ Both ☐

15. What is the combination of vacating/acquiring and compensation/resettlement?

A Land owner's must vacate/release the land and there after compensation shall be released

B compensation shall be released and thereafter Land owner's must

A ☐ B ☐ A&B ☐

16. What is the time period given for above (15) process:Months

17. After resettlement/compensation is any further responsibility regarding this people

Yes ☐

No ☐

18. Whether Land owners, tenants, encroachers, squatters are treated in the same equity

19. As you feel comment on followings

Yes ☐

No ☐

Description	Excellent	Good	Poor	Very Poor
• Amount paid for the event of acquired				
• Assistance of the public during the process				
• Corporation in between partner agencies				
• Acceptance by public the proposed relief/ Compensation/alternatives				
• Your satisfaction about the period taken for The process (up to now)				
• Your satisfaction regards the safeguard aspects Considered at compensation				
• Your views on satisfaction of affected people on What they received finally				

20. To improve the process which component should need more improvements/attention than present (Categorize 1, 2, 3... which 1 need more attention)

- Valuation
- Surveying
- Social Safeguard.....
- Planning/designing.....
- Administration.....

21. If any delay at following component give approximate time period of delay in months

- Valuation
- Surveying
- Social Safeguard.....
- Divisional Secretariats.....
-

- Valuation
- Surveying
- Social Safeguard.....
- Divisional Secretariats.....
-

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Annexure 02 Questionnaire related to affected parties

Improving of land acquisition procedure in major construction projects

(Questionnaire related to affected parties)

1. Please indicate your personal details bellow

- i. Name of Respondent
ii. Sex Male ☐ Female ☐
iii. Address
iv. Age as last december
v. Profession/Occupation.....
vi. How long with the current location Years.....
vii. Total number of occupants/members with you.....

2. Give your family members detail

Description	Number
Number of school age children	
Number of over 18 year persons	
Number of people doing jobs	

3. Described on your extend of Lands/Property(acker:pearch)

Description	Commercial	Cultivated	Residential	Bear
Total Land originally You had				
Total Acquired				
Balance				

4. Indicate your approximate annual Loss of Income due to this acquired properties

Description	Commercial	Cultivated	Residential	Bear
By self employment				
Total Acquired By rental				
Other way				

5. What type of relief have you received from this scheme

Compensation ☐ Resettlement ☐

6. Are you satisfied with above that you received

Yes ☐ No ☐

7. Do you think your living condition is more comfortable and better than before after this project or resettlement?

Yes ☐ No ☐

8. Are you satisfied with your new neighbors that you received

Yes ☐ No ☐

9. Indicate about your satisfaction of new life giving marks from 1 to 5 (5 for most satisfaction)

Description	1	2	3	4	5
• Compensation					
• Live hood					
• Economy					
• Neighbors					
• Infrastructures(School/Roads/Electricity/Water/Sanitation...)					
• Security and protection					
• Confidence on future					

10. Compare to other people are you satisfied what you have received?

Yes ☐ No ☐

11. Are you happy that you had being contributed the country's development byt scarifying your property for future generation

Yes ☐ No ☐

12. To improve the land acquisition process which component should need more improvements/attention than present as your observations. (Categorize 1, 2, 3... which 1 need more attention)

- Valuation
- Surveying
- Social Safeguard.....
- Divisional Secretariats.....
-

- Valuation
- Surveying
- Social Safeguard.....
- Divisional Secretariats.....
-

- Valuation
- Surveying
- Social Safeguard.....
- Divisional Secretariats.....
-

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..... Thank You.

Annexure 3 Land Acquisitions Regulation 2008

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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

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No.1596/12 - TUESDAY, APRIL 07, 2009

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

LAND ACQUISITION ACT, No. 09 OF 1950

REGULATIONS imposed by the Minister of Land and Land Development under Section 63(2)(f) of the Land Acquisition Act, No. 09 of 1950 and approved by the Parliament of Sri Lanka on 17th March, 2009.

These regulations are effective for the acquisition where intention of acquisition is published under Land Acquisition Act, on or after 17.03.2009.

JAYALATH R. W. DISSANAYAKE,
Secretary

Ministry of Land and Land Development.

Colombo,
06th April, 2009.

Regulations

These regulations may be cited as the Land Acquisition Regulations, 2008.

The basis of assessing the market value of any land or the compensation for any injurious affection caused by the acquisition of any land under this Act.

(I) Market Value should be assessed as given under :-

- 1.1 In the case of land where part of a land is acquired and when its value as a separate entity deems to realize a value proportionately lower than the Market Value of the main land the compensation should be proportionate to the value of the main land.
- 1.2 Where at the date of intension to acquire was published, the building is used for occupation and or business purposes or is intended to be used for occupation and or business purposes, the difference between the cost of re-construction and the value of building, based for determination of Market Value under Section 1.1, should be paid as an additional compensation.

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Annexure 4 Land Acquisition Regulation 2013

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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1864/54 - 2014 මැයි මස 30 වැනි දින - 2014.05.30

No. 186454 - FRIDAY MAY 30, 2014

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

LAND ACQUISITION ACT (CHAPTER 460)

REGULATIONS made by the Minister of Lands and Land Development under Section 63(2)(E) of the Land Acquisition Act, (Chapter 460) and approved by the Parliament of Sri Lanka on 18th February 2014.

These regulations shall be effective only in respect of the below mentioned projects.

JANAKA BANDARA THINDUNARON,
Minister of Lands and Land Development.

on 22nd May, 2014,
At Colombo.

Regulations

1. These regulations may be cited as the Land Acquisition (Payment of Compensation) Regulations 2013.

2. (1) The basis of assessing the market value or the compensation for any injurious affection caused by the acquisition of any land for any of the projects specified in paragraph (2) (hereinafter referred to as the "Specified Projects") in respect of which a notice under Section 7 of the Act has been published, shall be in accordance with the provisions specified in regulations 3, 4, 5 and 6 of these regulations.

(2) The Specified Projects, for the purposes of these regulations shall be -

- (a) Colombo - Katunayake Expressway Project;
- (b) Colombo Outer Circular Highway Project;
- (c) Southern Transport Development Project;
- (d) Colombo - Kandy Road Project;
- (e) Orugodawatta - Ambatale Road Project;

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- (f) New Kelani Bridge Approach (Kelanimulla to Angoda, Koswatta Road) Project ;
- (g) Mattakkuliya Bridge Approach (Central Road and Aluth Mawatha) Project ;
- (h) Matara - Kataragama Railway Construction Project ;
- (i) Dadara Oya Reservoir Project ;
- (j) Rathnapura - Balangoda Road Project ;
- (k) Balangoda - Bandarawela Road Project ;
- (l) Padeniya - Anuradhapura Road Project ;
- (m) Thambalagamurwa - Kinniya Road Project ;
- (n) S/2 Bridge Katugasthota - Kandy - Jaffna Road ;
- (o) Matara - Godagama Road ;
- (p) Horana - Pamankada Road ;
- (q) Southern Expressway - Madarugoda Road ; and
- (r) Kirilapna - Godagama Road

3. (1) The market value of any land or the compensation for any injurious affection caused by the acquisition of any land for a Specified Project, shall be assessed by the Land Acquisition and Re-settlement Committees (hereinafter referred to as the " LARC ") appointed for the respective Divisional Secretary's Division in which the land acquired is located.

(2) LARC shall consist of the following members appointed by the Minister -

- (a) the Divisional Secretary or Assistant Divisional Secretary of the relevant Divisional Secretary's Division ;
- (b) the Surveyor General or his nominee ;
- (c) the Chief Valuer or his nominee ; and
- (d) an officer not below the rank of the Assistant Secretary nominated by the Minister to whom the subject of the respective Specified Project has been assigned.

(3) Every person affected by the acquisition of relevant land shall be given an opportunity to make their representation at the proceedings of the LARC.

4 (1) The LARC shall in determining the market value and the compensation to be paid for any land referred to in these regulations, take into consideration the criterions and factors specified in paragraph (2)

(2)(a) Written Claims :-

Written claims submitted by the owner of the land or the affected persons ;

(b) Lands :-

- (i) The payment for the land shall include replacement cost as determined by the Chief Valuer and an ex-gratia payment amounting to the difference between the statutory compensation and the replacement;
- (ii) If a remaining portion of a land after acquisition (other than agricultural land) is incapable of being utilized as a separate entity, LARC may give an allowance to the owner if he wishes to retain the extra portion ;
- (iii) In case of agriculture lands if the remainder is physically not possible for cultivation, the LARC may decide whether to acquire or make a payment for the balance extent. Reasonable time shall be given to harvest perennial crops where payment will not be made on the market value ;
- (iv) all ex-gratia payments shall be determined by the LARC ;

(c) Encroachers on State Lands :-

- (i) No payment shall be made to the Encroachers on State Lands :

Provided however, a payments for the improvement of the land shall be made ;

- (ii) The provisions of this regulation shall apply only to the encroachers who were in occupation prior to the date of the Order under Section 2 of the Act is published ;

(d) Paddy Lands :-

An ex-gratia payment shall be made for paddy lands based on the difference between the statutory compensation and the amount equivalent to ten per cent of the market value of the land as computed by the Chief Valuer ;

(e) Buildings and Structures :-

The replacement cost for the buildings and structures (without depreciation) shall be an amount as determined by the LARC considering the following factors :-

- (i) for parts of a structure ; the floor area to be considered for payment up to the structural points ;
- (ii) remaining portions of the structure : if the remaining portion is not suitable for further usage LARC shall pay compensation for that part as well.

(f) Rent controlled premises under the Rent Act : Residential premises and Business premises :-

Ex-gratia payment for the Building shall be the difference between the statutory compensation and the replacement cost and shall be paid according to the following manner :-

	<i>Period of occupancy by the occupant</i>	<i>Percentage</i>	
		<i>Occupant</i>	<i>Owner</i>
1.	> 20 years	75%	25%
2.	10 to 20 years	50%	50%
3.	5 to 10 years	25%	75%
4.	≤ 5 years	10%	90%

(g) **Loss of Business :-**

Payments shall be made according to the categorization of businesses in the following manner :-

<i>Business Category</i>	<i>Entitlement</i>
1. Informal (non-income tax payer)	Rs. 15,000 or up to 3 months net income whichever is higher, if the income is ascertained through supporting documents.
2. Formal (income tax payer)	If the business is completely lost up to 3 years net average adjusted profit of the years immediately preceding the date of the publication of the notice under Section 2 of the Act on production of the tax declaration documents. If the business is temporarily disrupted payment shall be determined by the LARC.

(h) **Loss of Livelihood :-**

Those who are self-employed and are temporarily affected due to loss of income shall be entitled for a loss of livelihood payment as determined by the LARC.

(i) **Allowance for Vulnerable Families :-**

An extra payment shall be paid for families in a vulnerable situation as determined by the LARC ;

(k) **Loss of Wages of Employment :-**

Persons who have lost the wages of employment due to the acquisition of their places of employment shall be entitled for a payment as may be determined by the LARC.

(m) **Ex-gratia payment for handing over possession of properties before the deadline :-**

(i) If the affected persons hand over the possession of a cultivated land or a residential building before the date specified by the Acquiring officer they shall be entitled for an ex-gratia payment determined by the LARC ;

(ii) **Temporary Accommodation :-**

If the physical possession of the property is required to be taken before the date specified by the Acquiring officer a rent allowance shall be paid to the affected persons, based on the floor area of the house in which they were resident prior to the date of the order published under Section 2 of the Act, in the following manner :-

<i>House category (on Floor Area) (sq. ft)</i>	<i>Municipal Council Area (Rs.)</i>	<i>Urban Council Area (Rs.)</i>	<i>Pradeshiya Sabha Area (Rs.)</i>
1. <500	50,000	40,000	20,000
2. 500 - 750	60,000	50,000	30,000
3. 750 - 1,000	75,000	60,000	40,000
4. >1,000	100,000	75,000	50,000

(ii) Shifting Allowance :-

If the physical possession of the property is required to be taken before the date specified by the Acquiring officer a shifting allowance shall be paid to the affected persons, based on the floor area of the house in which they were resident prior to the date of the Order published under Section 2 of the Act, in the following manner :-

	<i>House category (on Floor Area) (sq. ft)</i>	<i>Payment (Rs)</i>
1.	<500	50,000
2.	500 - 750	75,000
3.	750 - 1,000	100,000
4.	>1,000	150,000

(n) Payment for re-location :-

- (i) Every re-settler affected by the acquisition with a title to the land acquired is entitled for a block of land not exceeding an extent of 20 perches from a fully serviced re-settlement site equivalent to the unimproved land value determined by the LARC or to cash payment applicable for self-re location as specified in paragraph (p) ;
- (ii) Where the LARC deems that it is reasonable and justifiable, the encroachers of state lands, may be offered a block of land up to an extent of 10 perches from a re-settlement site or to cash payment applicable for self-re location as specified in paragraph (p) ;
- (iii) Sub-families living in the same house registered under the same register of electors or separate registers of electors, at least 3 years prior to the date of the order published under Section 2 of the Act, are entitled for a block of land up to an extent of 10 perches from a re-settlement site or to 50 per cent of the cash payment, applicable for self-re location as specified in paragraph (p) ;

Provided however, the entitlement for lands referred to in this paragraph shall be subject to the availability of lands in a particular area ;

Provided further, a cash payment applicable for self re-location may be made to a re-settler, in addition to a block of land entitled by such re-settler under this paragraph, if the LARC deems it to be appropriate ;

(p) Self-re-location :-

- (i) The persons affected by the prospective acquisition who wish to self re-locate shall be entitled for a payment specified in sub paragraph (iii) in lieu of a block of land depending on the area in which the property to be acquired is situated ;
- (ii) Sub-families registered under the same register of electors or separate registers of electors, living in the same house for a period at least 3 years, prior to the date of the order published under Section 2 of the Act, are entitled to 50 per cent of the cash payment, applicable for self re-location as specified in sub paragraph (iii) ;

(ii) Municipality Areas	Rs. 500,000
Urban Council Areas and Pradeshiya Sabha Areas in Metropolitan and Board of Investment Areas	Rs. 300,000
Pradeshiya Sabha Areas	Rs. 150,000

(3)(a) All ex-gratia payments shall be as determined by the LARC

(b) No interest shall be paid for any ex-gratia payment.

5. (1) The owner of a land referred to in regulation 3(1), aggrieved by the assessment made by LARC on the market value and the compensation to be paid for such acquisition, may appeal in writing, to the Land Acquisition and Re-settlement Special Committee (hereinafter referred to as the "Super LARC")

(2) The super LARC shall consist of the following members appointed by the Minister :-

- (a) the Secretary of the Ministry of the Minister to whom the respective subject of the Specified Project is assigned or his representative ;
- (b) the Secretary of the Ministry of the Minister to whom the subject of Land and Land Development is assigned or his representative ;
- (c) the Secretary of the Ministry of the Minister to whom the subject of Finance is assigned or his representative ;
- (d) the Chief Valuer or his representative ;
- (e) the Survey General or his representative ;
- (f) the Chairman or Chief Executive Officer of the respective Specified Project or a representative nominated by him.

(3) The Super LARC may after careful consideration of all the relevant factors

- (a) affirm the assessment made by the LARC under these regulations ; or
- (b) revise the assessment made by the LARC by increasing or decreasing the amount of the assessment ;

and inform such decision to the appellant in writing forthwith.

6. For the avoidance of doubts it is hereby declared that the provisions of Land Acquisition Regulations, 2008, published in *Gazette Extraordinary* No. 1596/12 of April 7, 2009, shall not apply for the determination of the market value or the compensation for any injurious affection caused by the acquisition of any land for any of the Specified Projects.

7. For the purposes of these regulations -

"Act" means Land Acquisition Act (Chapter 460) ;

"Acquiring Officer" has the same meaning as in the Act ;

"Disabled person" has the same meaning as in the Protection of the Rights of the Persons with Disabilities Act, No. 28 of 1996;

"Families in a vulnerable situation" means women headed families, families with disabled persons and families with persons older than sixty years ;

"Minister" means the Minister to whom the subjects of Lands and Land Development is assigned ;

"Paddy land" means the lands which are being cultivated with paddy or lands that have been prepared for cultivation of paddy or lands that have been used for cultivation of paddy at least five years prior to the date of the notice published under Section 7 of the Act. ;

"Register of electors" has the same meaning as in the Registration of Electors Act, No. 44 of 1960 ;

"Rent Act" means the Rent Act, No. 7 of 1972 ;

"Replacement Cost" means the prevailing cost involved in replacing an asset at the time of acquisition and includes fair market value, transaction costs, interest accrued, transitional and restoration costs and any other applicable payments. If any, but the depreciation of assets and structures shall not be taken into account. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labour cost for construction and any transaction or relocation costs.

"Statutory compensation" means the market value and the compensation determined in terms of the provisions of Section 45 of the Act.

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