

## EVALUATION OF LEGAL FRAMEWORK FOR RESETTLEMENT IN SRI LANKA BASED ON RESETTLEMENT PROCEDURE IN DEDURU OYA RESERVOIR PROJECT

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### ABSTRACT

The legal enactments and policies in Sri Lankan context to facilitate land acquisition and resettlement were considered to evaluate the status of Deduru Oya reservoir project which was executed recently in Sri Lanka. Land Acquisition Act (LAA), National Involuntary Resettlement Policy (NIRP), and National Policy on Payment of Compensation were considered as key elements of the legal framework for resettlement. Background details of Deduru Oya reservoir project and the resettlement procedure were studied. Gaps in legal framework and the resettlement procedure were identified based on the experiences of the resettled community in Deduru Oya project.

**Key words:** Fuzzy logic, LMI, positive definite, nonlinear

### 1. INTRODUCTION

Currently, Sri Lankan laws governing the land acquisition and resettlement are included in number of legislations. Land acquisition act No. 9 of 1950 (LAA) with amendments, National Involuntary Resettlement Policy (NIRP) and the National Policy on Payment of Compensation (NPPC) are some of the key legislative enactments and policies that cover the resettlement procedure of development activities. LAA is the basic legislation that enables the government to acquire lands for public purposes [2]. It discourages unnecessary acquisition of lands under the act and enables the provision for compensation. Due to lack of clear description for the property valuation in the LAA, a proper definition for valuation and compensation is required. Subsequently, NIRP was approved by the cabinet and was introduced to address the shortcomings linked with the LAA [3]. It focuses on involuntary resettlement that occurs as a consequence of public or private sector development projects. NIRP thus ensured that people are not negatively affected and facilitates to restore their standard of living. The national policy on payment of compensation was also approved by the cabinet in 2008 for the purpose of establishing a uniform compensation payment system. The compensation package includes a clearly defined property valuation procedure.

### 2. METHODOLOGY

#### 2.1. Procedure for Analysis

This study was carried out focusing on a large dam construction project completed recently; the Deduru Oya reservoir project in Kurunegala District. It has displaced more than 1060 families. The objective of the study was to evaluate the status of resettlement program adopted in Deduru Oya reservoir project addressing the legal framework for resettlement in Sri Lanka. The study was conducted through literature survey and short interviews with relevant officials in the land office of the Deduru Oya Reservoir project. Additionally, several discussions with resettled people were conducted to learn their perceptions.

### 3. RESULTS

The displaced population of the project was given lands from nearby areas namely, Karuwlagswewa, Thelahera farm, Polgammana estate, Petervalley estate and Getakulalanda estate, adhering to the Land Acquisition Act (LAA). Under the resettlement program, 1 Acre land has been given to a main family who was displaced and half of that extent to a sub family in Karuwalagaswewa and Thelahera farm sites considering comparatively lower facilities in those two sites compare to other three sites [1]. In the rest of the three sites, main families were given only ½ Acre land while sub family receives

half of that extent [1]. An official entitlement to the new lands was still not given and lack of infrastructure facilities of the given lands have discouraged the people to accept those lands.

Number of families who were resettled in the given lands is around 580 out of 1062 total number of affected families [1]. It was found that more than 85% of people were not provided with agricultural lands except for those who have received lands from Karuwalagaswewa area. This has led to a huge loss of farming as the main livelihood of majority of those families (90%) who were farmers [1]. A systematic procedure has not been followed in selecting families to be settled in different locations and the selection has been done randomly. As a result, separation from relatives and neighbors have influenced negatively to majority of the resettled community.

Though the LAA is the main legal document that enables land acquisition and paying of monetary compensation, site selection to resettle the affected people has not been taken into consideration. But with the NIRP, legal assurance has provided for the affected community to ensure that they are adequately compensated and resettled and rehabilitated properly.

Both documents do not cover the post resettlement impacts. Also, a systematic procedure to be adopted during resettlement process is not explained in both documents. When affected parties were given lands in addition to the compensation, it is not clear that whether the compensation amount is reduced since they are given lands.

#### 4. CONCLUSION

In Deduru Oya project, in addition to the financial compensation given for the loss of land, property or both, a land also has been given for the displaced families. However, due to unsystematic procedure that has been adopted in identifying lands for the resettlement, some of the displaced have rejected to accept the lands. LAA also does not specifically mention the procedure for site selection for resettlement. However, it is mentioned in the National Policy on Involuntary Resettlement that the site selection should be carried out based on the background of the displaced people. Proper land selection procedure will help to reduce the shortcomings that are evident in resettlement programmes.

Although legislative enactments address more on

ability to acquire lands and compensation procedure, attention to post resettlement impacts are not addressed properly. When a farming community is displaced, and in a case of inability to provide lands for cultivation, alternative livelihood options should be provided or suitable training should be given on alternative livelihood options. Community relations should be strengthened among the resettled communities and that should be incorporated into legal framework to ensure that all project executing agencies implement these conditions. NIRP has the potential to cover the above aspects. Since livelihood displacement can become a serious social issue. Impacts on livelihood should be elaborated more on the sections in the NIRP that cover the resolution of impacts.

#### 5. REFERENCES

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