

പതിമൂന്നാം കേരള നിയമസഭ

പതിമൂന്നാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നം.2922

20.03.2015-ൽ മറുപടിക്ക്

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ഉത്തരം

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**ശ്രീ. വി.കെ.ഇബ്രാഹിം കുഞ്ഞ്
(പൊതുമരാമത്ത് വകുപ്പുമന്ത്രി)**

(എ) കെ.എസ്.റ്റി.പി റോഡ് വികസനത്തിനായി സ്ഥലം ഏറ്റെടുക്കുമ്പോൾ പാലിക്കേണ്ട നിബന്ധനകൾ വിശദമാക്കുമോ;

കെ.എസ്.ടി.പി യ്ക്ക് വേണ്ടി ഭൂമി ഏറ്റെടുക്കുമ്പോൾ പാലിക്കേണ്ട നിബന്ധനകൾ 03.05.2012 ലെ സ.ഉ(കൈ)നം.182/2012/ആർ.ഡി, 22.07.2014 ലെ സ.ഉ(സാധാ)നം.3269/ആർ.ഡി എന്നിവ പ്രകാരമാണ്. ഉത്തരവുകളുടെ പകർപ്പുകൾ അനുബന്ധമായി ചേർത്തിരിക്കുന്നു. സംസ്ഥാന സർക്കാരിന്റെ ആർ & ആർ പാക്കേജ് അനുസരിച്ചുള്ള ആനുകൂല്യങ്ങളും നൽകുന്നതാണ്.

(ബി) കെ.എസ്.റ്റി .പി. യ്ക്കായി ഭൂമി ഏറ്റെടുത്തിട്ടും നിർമ്മാണം ആരംഭിക്കാത്ത റോഡുണ്ടെങ്കിൽ അവയുടെ വിശദാംശങ്ങൾ വെളിപ്പെടുത്തുമോ;

ഭൂമി ഏറ്റെടുത്ത പുനലൂർ - പൊൻകുന്നം റോഡിന്റെ നിർമ്മാണ പ്രവർത്തനം ആരംഭിക്കുവാനുണ്ട്. പബ്ലിക് - പ്രൈവറ്റ് പാർട്ട്ണർഷിപ്പ് മോഡലിൽ (PPP Hybrid Annuity) പ്രസ്തുത റോഡിന്റെ പ്രവൃത്തി നടപ്പാക്കുവാനുള്ള നടപടിക്രമങ്ങൾ സ്വീകരിച്ചു വരുന്നു. ഇതിനായി M/s.L&T Ramboll എന്ന കൺസൾട്ടന്റിയെ ഒരു ട്രാൻസാക്ഷൻ അഡ്വൈസറായി നിയമിക്കുകയും പ്രവർത്തനം തുടങ്ങുകയുമുണ്ടായി. ഈ പ്രവൃത്തിയെപ്പറ്റി കരാറുകാർക്ക് ബോധവൽക്കരണം നൽകുന്നതിനായി മാർച്ച് മാസം 7-ാം തീയതി ഇൻവെസ്റ്റർ മീറ്റ് സംഘടിപ്പിക്കുകയും ചെയ്തു.

(സി) കെ. എസ്. റ്റി. പി റോഡ് (സി) വികസന പ്രവർത്തനങ്ങൾ ആകെ എത്ര ഘട്ടങ്ങളായാണ് വിഭാവനം ചെയ്തിട്ടുള്ളത്; അവയിൽ എത്ര ഘട്ടങ്ങൾ പൂർത്തീകരിച്ചു; അതിന് ചെലവായ തുക എത്രയാണ്; വിശദമാക്കുമോ;

(ഡി) അവശേഷിക്കുന്ന ഘട്ടങ്ങളുടെ വിശദാംശങ്ങൾ വെളിപ്പെടുത്തുമോ?

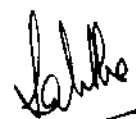
കെ.എസ്.ടി.പി രണ്ടു ഘട്ടങ്ങളിലായി നടപ്പിലാക്കുവാനാണ് വിഭാവനം ചെയ്തിട്ടുള്ളത്. ഒന്നാം ഘട്ടത്തിൽ 254 കി.മീ റോഡുകളുടെ വികസനം 1200 കി.മീ റോഡുകളുടെ ഹെവിമെയിന്റനൻസ് എന്നിവ 2011 ൽ പൂർത്തീകരിച്ചിട്ടുണ്ട്. ഒന്നാം ഘട്ടത്തിന് 1584.90 കോടി രൂപയാണ് ചെലവായത്. ആകെ 2403 കോടി രൂപയുടെ അടങ്കൽ പ്രതീക്ഷിക്കുന്ന രണ്ടാം ഘട്ടം 2013 ജൂണിൽ നിർമ്മാണ പ്രവർത്തനം ആരംഭിച്ചിട്ടുണ്ട്. നിർമ്മാണ പ്രവർത്തനങ്ങൾ വിവിധ ഘട്ടങ്ങളിലായി നടന്നു വരുന്നു. വിശദാംശങ്ങൾ ചുവടെ കൊടുക്കുന്നു.

നടന്നുകൊണ്ടിരിക്കുന്ന റോഡ് വികസന പ്രവൃത്തികൾ

1	കാസർകോഡ്-കാഞ്ഞങ്ങാട്	24 കി.മീ
2	പിലാത്തറ-പാപ്പിനിശ്ശേരി	21 കി.മീ
3	തലശ്ശേരി-വളവുപാറ	52.78 കി.മീ
4	ചെങ്ങന്നൂർ - ഏറ്റുമാനൂർ	47 കി.മീ
5	ഏറ്റുമാനൂർ - മൂവാറ്റുപുഴ	41 കി.മീ
6	പൊൻകുന്നം - തൊടുപുഴ	50 കി.മീ
7	തിരുവല്ല ബൈപ്പാസ്	2.3 കി.മീ

പ്രവൃത്തി ആരംഭിക്കുവാനുള്ള റോഡുകൾ

1	പുന്നച്ചുർ - പൊൻകുന്നം	82 കി.മീ
2	പെരുമ്പിലാവ് - പെരിന്തൽമണ്ണ	42 കി.മീ



സെക്ഷൻ ഓഫീസർ



GOVERNMENT OF KERALA

Abstract

REVENUE DEPARTMENT—LAND ACQUISITION FOR PUBLIC PURPOSE—R & R PACKAGE—STREAMLINING OF LAND ACQUISITION PROCEEDINGS—CONSTITUTION OF HIGH LEVEL COMMITTEE, DISTRICT LEVEL PURCHASE COMMITTEE AND STATE LEVEL EMPOWERED COMMITTEE—GUIDELINES ISSUED

REVENUE (S) DEPARTMENT

G O. (Ms.) No. 182/2012/RD. Dated, Thiruvananthapuram, 3rd May, 2012.

- Read:—1. G O. (Ms.) 419/2011/RD, dated 15-11-2011.
2. G O. (Ms.) 331/2004/RD, dated 5-11-2004.
3. G O. (Rt.) 4445/2012/Fin. dated 9-4-2012.

As per Business Rules, Revenue Department is the owner, custodian and manager of all Government land in the State. But within the existing system, Revenue Department has been unable to maintain data on the extent of land acquired or is being acquired by various Departments/agencies, the financial commitment involved, rehabilitation and compensation packages paid, etc.

It has also been observed that even though land is a crucial asset in most respects, land acquisition proceedings in general get stretched out to years to be completed. This may be owing to many reasons like extensive statutory requirements, scarcity of funds, objections from land owners and the excessive formalities to be complied with. This often defeats the very purpose of Government policies and decisions that have been formulated after long and arduous discussions and deliberations. It is therefore, high time that a streamlined and streamlined system is evolved so that valuable time

SECRET. 182/2012/DT.

182/2012/DT-1

and manpower is saved. Further, the Relief, Resettlement and Rehabilitation Policy of the Government has been issued recently vide reference 1st above. In this context it is appropriate to issue a set of comprehensive guidelines in respect of Land Acquisition in the State. The following orders and guidelines are issued with immediate effect.

1. Procedure of sanction for Land Acquisition:

1. On getting the requisition from the Requisitioning Authority in the prescribed form, the District Collector will examine the availability of suitable land in the Land Bank. If it is found that there is no suitable Government land available, the District Collector shall initiate action to acquire private land. To begin the process, the District Collector or the Officer authorized by him shall conduct a joint inspection along with the representative of the Requisitioning Authority. The process of land acquisition will be initiated after notification under section 6(1) of the Survey and Boundaries Act, 1961. The survey including the determination of boundaries and creation of sub divisions will be carried out under provisions of above Act and approved by the Competent Authority.
2. The District Collector after conducting joint inspection and issuance of 6(1) notification should send a proposal with detailed report including the number of houses/other constructions, category of land, etc. under acquisition with proposal for Rehabilitation, to the concerned Administrative Department. A Check List has been prepared by Revenue Department for the purpose, which is appended in Annexure I. The details in the check list shall be furnished by the District Collector with every proposal.
3. All proposals for LA shall be examined in detail by the concerned Administrative Department in the Secretariat. The Administrative Department shall be required to forward each and every proposal for LA to the Revenue Department for approval and issuing sanction with the details duly filled up in the checklist which is to be signed by the District Collector concerned. Revenue Department will examine the

proposals and place them, if eligible, before the High Level Committee constituted for the purpose and issue orders on LA based on the recommendations of the HLC. The file will then be returned to the Administrative Department with a copy of the Government Order. The District Collector can directly act on the Government Order issued by Revenue Department for issuing Section 4(1) or Section 3 (c), notification.

4. All Government orders sanctioning LA shall be issued from Revenue Department only.

The following general conditions shall apply for getting approval for acquisition of land:

- (i) Any LA should be for a declared, defined and established public purpose.
- (ii) The project should have administrative sanction from the competent authority.
- (iii) The extent of land required should be justified.
- (iv) A Detailed Project Report (DPR) approved by the competent authority shall be produced.
- (v) The Project Report shall indicate the financial viability, funding, source of funds and shall justify the requirement of land proposed for acquisition.
- (vi) All statutory clearances or exemptions from any Acts or Rules like Wet land Paddy Land Act, Environment Clearance etc. shall be obtained by the Administrative Department before the proposal is sent to Revenue Department.

- (vii) The R & R package issued in the G.O (Ms.) 419/2011/RD dt.15-11-2011 will be applicable to all cases of LA.

(viii) The R & R package stipulates that 4(1) notification shall be issued only after depositing 25% of the LA cost in the LAOs accounts. In the case of State Government Department, the availability of funds under the relevant head of account shall be treated as the amount deposited by Government.

(ix) PSU and other autonomous bodies including SPVs have to deposit 10% of the LA cost in the TSB account of LAO before 4(1) notification is issued for meeting establishment costs.

(x) Central Government Department/PSU and other agencies except Railways & NHAI shall deposit 10% of LA cost to the TSB account of LAO before 4(1) notification is issued.

(xi) The LA shall commence only after the approval of the HLC.

II. Constitution and functions of the High Level Committee

All LA proposals will be placed before a High Level Committee headed by the Chief Secretary with the following members for issuing sanction.

1	Chief Secretary	Chairman
2	Secretary, Revenue Department	Member
3	Secretary of the Administrative Department	Member
4	Any officer nominated by the Chairman	Member

Guidelines for the High Level Committee:

(i) The LA shall commence only after the approval of the Committee.

(ii) The Administrative Department shall submit before this Committee a detailed project presentation elucidating the type and extent of land to be acquired.

(iii) The Committee shall assess the project, its viability and justification for the extent of land required.

(iv) The High Level Committee should also examine whether alternate Government land is available for the project, if not, the land with least number of inhabitants or the land causing least hardship to the public shall be preferred.

(v) Urgency clause should be invoked only very rare cases i.e. in case of public emergency where one month's time cannot be spared for obtaining objections. The right of the land owner for raising his objections if any, shall not be denied except in most deserving cases as part of natural justice.

(vi) High Level Committee shall examine whether the proposed acquisition had lapsed previously due to the failure of the Requisitioning Authority in arranging the funds in time. The high level committee shall examine other reasons as well in such time-barred cases and decide whether the new proposal is to be sanctioned for de novo proceedings condoning the delay.

(vii) In cases of acquisition for roads, NH projects, and new projects, the alignment demarcated by the Requisitioning Authority should be examined and approved by the High Level Committee. In cases of major deviation from the alignment so approved, the fresh alignment proposal has to be again submitted before the High Level Committee for approval. In such cases, the District Collector will return the requisition for resubmission after finalizing the fresh alignment.

(viii) The budgetary provisions and adequacy of fund have to be examined by the High Level Committee and the committee should ensure that 25% of land acquisition cost in all acquisition cases other than Government Departments and 80% in urgency cases is deposited and placed at the disposal of LAO for making payment of compensation before starting the Land Acquisition proceedings.

A Check List for High Level Committee is annexed—Annexure I.

III. District Level Purchase Committee

Constitution:

The District Collectors after completing procedures shall constitute DLPC with the following members, for fixing value of the land:

1.	District Collector	Chairman
2.	Revenue Divisional Officer	Member
3.	Finance Officer of the Collectorate	Member
4.	Officer nominated by the Requisitioning Authority not below the rank of a District Level Officer	Member
5.	Deputy Collector (LA)	Member

Functions:

(i) The Deputy Collector (LA) will act as the Convenor of the DLPC. The DLPC in its 1st meeting should determine well defined criteria for categorization of the land-si- per-local needs to fix the land value. The District Collector should take utmost care in determining the criteria for categorization. There should not be any ambiguity regarding classification and the same may be approved by the Committee. The authority to change the categorization once approved by the DLPC shall rest only with the SLEC.

(ii) After categorization of lands the DLPC shall fix land value as per rules and make negotiation with the land owners and reach consensus with them. The final package approved by Government shall be applicable only to the land owners who agree to reach a negotiated settlement of land value.

(iii) The recommendations of the DLPC shall be forwarded to the Revenue Department with copy to the Administrative Department by the District Collector for placing before the SLEC. The Administrative Department shall forward the proposals to Revenue Department with their recommendations.

(iv) The DLPC recommendation shall be forwarded by District Collector within 3 months of the issue of the Section 4 (1) Notification. The Check List prescribed for the DLPC is Annexed—Annex - III.

IV. State Level Empowered Committee

All recommendations of the DLPC will be placed before the SLEC by Revenue Department for approval of the land value with the details in Annex. III and III (A).

Constitution:

A State Level Empowered Committee as below is constituted for approval of the land value:

1.	Chief Secretary	Chairman
2.	Secretary, Revenue	Member
3.	Secretary of Administrative Department	Member
4.	Secretary, Finance	Member
5.	Secretary, Law	Member

Functions:

(i) The value of the land would be approved by the SLEC based on the recommendations of the DLPC.

(ii) Urgency clause shall be invoked only in very rare cases only with the recommendations of the HLC and only with adequate justification. Categorization of land shall be thoroughly scrutinized and the SLEC shall have powers to change the categorization of any land approved by the DLPC in case of dispute, anomaly or irregularity.

(iv) The Committee shall assess the approximate amount that shall be released to the LAO towards compensation taking into consideration the availability of funds and priority to be given to the Project.

(v) Proposal from DLPC shall be placed before the SLEC and a decision taken within one month of receipt from the District Collector.

(v) Where considered necessary SLBC may recommend for decision of the Cabinet.

Check List for SLBC is appended—Appendix - III.

All District Collectors shall submit the details in the proforma in Appendix III along with proposals for placing before the SLBC.

V Award by Collector

After approval of the land value by the SLBC the District Collector/Land Acquisition Officer shall obtain affidavit from the land owners in Form No. 10 (a) of KLA and pass award under Section 11 (2) of KLA instead of executing a sale deed. After the Award is passed the Revenue Officials shall make necessary changes in the Basic records.

VI Budget and Release of Funds for LA

In the past, the funds required for LA was being provided for individual departments under their respective heads of account in the budget. Each department issued sanction for LA for their projects as per provisions in their budget with or without consulting or informing Revenue Department. Revenue Department in many instances was unaware of the orders issued by other departments. It is only when some problem arose like the DC not acting on the orders of other departments or delay or Court Case that the matter was being taken up with Revenue Department for follow up or approval. Further every Requisitioning Department had been taking their Projects in the Cabinet for sanction of LA under Fast Track. This leads to considerable delay and duplication of work.

In the current years budget a new Head of Account '5054-80-800-65 - Land Acquisition for Government Purposes' has been opened with a provision of ₹ 300 crores. The Additional Chief Secretary/Principal Secretary, Revenue Department has been declared as the Chief Controlling Officer of this head of account as per G.O. read as 3rd above.

Therefore, the procedures for budgeting and release of funds are also to be decided upon. The following procedure shall be adopted.

- (i) All departments at the time of formulating budget proposals shall intimate to the Revenue Department (well in advance) their requirement of funds for LA every year.

(ii) The Revenue Department shall consolidate these figures and will include this consolidated figure in their budget proposals.

(iii) The allotment from the above head of account for LA of all departments of the State Government shall be made by the Revenue Department to the DCs concerned based on their specific requests.

(iv) Up to 10% of the allotment shall be used by District Collectors for meeting establishment charges.

(v) PSUs, other Autonomous Bodies, Central Government Departments and Central Government PSUs will not be allotted funds from the above head of account.

Detailed guidelines for operating the funds for LA shall be issued from the Finance Department separately.

With the introduction of R & R Policy every LA case now falls under Fast Track. After Section 4 (1) / 3 (C) Notification, the District Collector is authorized to proceed with negotiation as detailed in these guidelines. Only if negotiated purchase fails, LA proceedings shall be continued with and completed based on LA Act.

By order of the Governor,

Dr. NIVEDITHA P HARAN,

Additional Chief Secretary to Government.

To

The Commissioner, Land Revenue, Thiruvananthapuram.

All District Collectors.

The Public Works/Water Resources/Industries/Power/Transport/

Local Self Government/TT Departments.

The Principal Accountant General (Audit) Kerala,

Thiruvananthapuram.

The Accountant General (A & E) Kerala, Thiruvananthapuram.

The Finance Department.

Stock File/Office Copy.

HIGH LEVEL COMMITTEE ON LAND ACQUISITION

Check List

1. Name of Requisitioning Authority
2. Purpose of the Land Acquisition
3. No. and date of the Government Order issuing Administrative Sanction
4. Whether the Detailed Project Report (DPR) approved by the competent authority is produced
5. Description of the Project
 - (i) Alignment details
 - (ii) Extent of land required (Demarcation sketch should be peg marked)
 - Sy. No.
 - Village
 - Tahuk
 - District
 - (iii) Category of land (Purayidam/Nilam)
 - (iv) Whether the land is purely private property with absolute title
6. Whether urgency clause is to be invoked
If yes, whether it is justifiable as specified in Sec. 17(2) of LA Act

7. Whether the land is included under other restricted categories

- (a) CRZ
- (b) Ecologically fragile
- (c) Paddy land/wet land

If yes, whether clearance is obtained

8. Whether proposed acquisition has become de novo in the past and if so, reasons thereon

9. Whether social impact study has been conducted and report furnished

10. Whether resolution in the cases of LA. for LSG Department has been produced

11. Financial Viability

(a) Estimated cost of project

(b) Source of funds

(c) Budget Provision for the project

(d) Availability of funds

(e) Whether the R.A. has consented to bear the establishment cost

12. Details of Rehabilitation

(a) No. of houses involved

(b) No. of commercial establishments

(c) No. of families need rehabilitation

(d) Objectionable elements, if any

(e) Litigations, if any

(f) No. of encroachers/vendors to be rehabilitated

Issues of High Level Committee

- 13. Important points to be considered by HLC
 - (a) Whether extent of land requisitioned for is justified.
 - (b) Whether the proposal is to evict minimum number of people
 - (c) Whether alternate Government land is available
 - (d) Whether urgency clause is to be invoked.
 - (e) Whether proposed acquisition has become de novo and if so the delay has to be condoned by the HLC.
 - (f) Whether the project is financially viable and source of funding is known and funding available
 - (g) Whether social Impact/Environmental study is to be conducted (where relevant)
 - (h) Budgetary provision and adequacy of funds
 - (i) 25% of LA cost or 80% in urgency clause cases is to be deposited and placed at the disposal of the Land Acquisition Authority

Recommendation of the HLC

- 1. Approved
- 2. Not Approved
- 3. Recommended to place before the Cabinet

ANNEXURE II

CHECK LIST FOR DISTRICT LEVEL PURCHASE COMMITTEE

- 1. Whether the title of the land is clear
- 2. Whether any Government land is involved
- 3. Criteria for categorization
- 4. Criteria for fixing land value
- 5. Decision of the DLPC

ANNEXURE III

(to be furnished by District Collector/Administrative Department)

I
FORMAT FOR SUBMITTING PROPOSALS FOR SLEC

Category (Description)	Total Extent of land in cents	No. of title holders	No. of title holders who have given consent	Land Value as per EVR in Acre	Land Value 30%+ solatium+ 12% additional land value	Land Value decided by the DLPC (per Acre)	% of increase	Fare value as per 2010
A								
B								
C								
D								
Total								

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(to be furnished by Revenue Department)

II	Budget Provision under SSA 004-00-000-05 LA for Government purposes	
III	Amount already released	
IV	Balance available	
V	Approx. amount proposed to be released for compensation in the present case	
VI	Amount recommended for release	
VII	Whether percentage of increase is justified	
VIII	Decision of SLEC	Approved. Recommended to place before the Cabinet. Returned to DLPC with remarks Not approved.

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Sahit
ombr no 2, 28 mb.



GOVERNMENT OF KERALA

Abstract

Revenue Department - Negotiated purchase of missing parcels of land for completion of KSTP II - Special sanction - accorded - Orders issued.

Revenue (B) Department

G.O.(Rt) No.3269/14/RD. Dated, Thiruvananthapuram,22/07/2014

Read :- 1. Lr.No. KSTP/PMT/2172/14/SOC dated 5/05/2014 from the Project Director KSTP, Thiruvananthapuram
2. G.O.(Rt) No.1806/14/RD. dated, 06/05/2014

ORDER

The Land Acquisition Act, 1894, has been repealed and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has come into force w.e.f. 01/01/2014.

2. The Project Director, KSTP has reported that for the successful completion of KSTP -II, acquisition of missing parcels of land that has been left out during the main acquisition, which are under different stages of acquisition need to be carried out. Government is not in a position to proceed with land acquisition as per the new Act without framing Rules. In view of this, Government are pleased to accord sanction to the Project Director, KSTP to resort to direct purchase of additional land/ left out land required for completion of KSTP -II as per the procedure detailed below:-

- i. The Requisitioning Authority/District Collector would identify the land necessary for the implementation of the project.
- ii. After verifying the title deeds, the Land Acquisition Officer will place the documents with the sale deeds of similarly placed land before the District Level Purchase Committee.
- iii. The DLPC already in existence for land acquisition will conduct negotiations with the land owners and would reach consensus with them regarding land value.

- iv. The land value so proposed by the DLPC would be examined by the State Level Empowered Committee (SLEC) for approval.
- v. The Requisitioning Authorities can purchase land at the rate approved by the SLEC and an agreement be entered with the land owners that further compensation, if any, eligible to them would be paid only after framing Rules under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- vi. The District Collectors will provide Rehabilitation to the evictees as per the provisions under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(By Order of the Governor)

P.S. Suresh,

Joint Secretary to Government.

To

The District Collector, Ernakulam/Kottayam/Pathanamthitta/
Kannur/Kollam.

~~The Commissioner of Land Revenue, Thiruvananthapuram.~~

~~The Public Works Department.~~

Stock File/Office copy.

Forwarded/By Order,



Section Officer.



Omamb 21/2/13