

പതിനാലാം കേരള നിയമസഭ
പത്താം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ. 5721

28.03.2018 ൽ മറുപടിക്ക്

തിരുവനന്തപുരം അന്താരാഷ്ട്ര വിമാനത്താവള വികസന പദ്ധതി

ചോദ്യം

മറുപടി

ശ്രീ. കെ. മുരളീധരൻ

പിണറായി വിജയൻ
(മുഖ്യമന്ത്രി)

- (എ) തിരുവനന്തപുരം അന്താരാഷ്ട്ര വിമാനത്താവളത്തിന്റെ വികസന പദ്ധതികൾക്കായി പതിനെട്ട് ഏക്കർ സ്ഥലം ഏറ്റെടുക്കുന്നതിനുള്ള ഫീൽഡ് സർവ്വെ പൂർത്തിയായിട്ടുണ്ടോ;
- (എ) പൂർത്തിയായിട്ടുണ്ട്.
- (ബി) ഭൂമി ഏറ്റെടുക്കുന്നതിന് സാമൂഹ്യ ആഘാതപഠനം പൂർത്തിയാക്കിയിട്ടുണ്ടോ;
- (ബി) ഉണ്ട്.
- (സി) വികസനപദ്ധതികൾക്കായി നൽകുന്നവർക്ക് പാക്കേജ് വിശദമാക്കുമോ;
- (സി) 2013 ലെ എൽ.എ.ആർ.ആർ ആക്ട് പ്രകാരം വികസന പദ്ധതികൾക്കായി ഭൂമി വീട്ടു നൽകുന്നവർക്കുള്ള പുനരധിവാസപാക്കേജ് 29.12.2017 ലെ സ.ഉ. (കെ) നം. 448/2017/റവ ഉത്തരവ് പ്രകാരം പ്രഖ്യാപിച്ചിട്ടുള്ളതാണ്. ഉത്തരവിന്റെ പകർപ്പ് അനുബന്ധമായി ചേർക്കുന്നു.
- (ഡി) അന്താരാഷ്ട്ര വിമാന മുമ്പ് സ്ഥലം വിട്ട് അധിക നഷ്ടപരിഹാര നൽകാനുള്ള നടപടി ഏത് ഘട്ടത്തിലാണ്; വെളിപ്പെടുത്തുമോ?
- (ഡി) അധികനഷ്ടപരിഹാര തുകയ്ക്കായി എൽ.എ.ആർ. കേസുകളിൽ ബഹു. കോടതികളിൽ നിന്നും അന്തിമ വിധി ലഭ്യമാകുന്ന മുറയ്ക്ക് തുക കോടതികളിൽ കെട്ടി വച്ചു വരുന്നു.

S.P.A.T.

സെക്ഷൻ ഓഫീസർ



GOVERNMENT OF KERALA

Abstract

Revenue Department - Rehabilitation and Resettlement Package for acquisition of Land in the State in lieu of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 - Approved - Orders issued.

REVENUE (B) DEPARTMENT

G.O.(Ms)No. 448/2017/RD Dated, Thiruvananthapuram, 29/12/2017

Read: 1 G.O (Ms) No 419/11/RD dated 15.11.2011.

- 2 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
- 3 Minutes of the meeting convened by ACS (Revenue) on 29.05.2017

ORDER

Land acquisition for public purpose in the State is done by invoking the provisions contained in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, National Highways Act, 1956 and by Direct/Negotiated purchase. In view of the introduction of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 the necessity for a clear and transparent policy for rehabilitation and resettlement was felt.

The meeting convened by Additional Chief Secretary (Revenue) on 29.05.2017 inviting Finance Secretary, Law Secretary, Secretary PWD, Transport Secretary, Commissioner, Land Revenue & District Collector, Thiruvananthapuram discussed the various issues related to the formulation of State Policy on Rehabilitation & Resettlement in lieu of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The Committee observed that the State of Kerala is facing several problems with regard to Land Acquisition. Stiff resistance from all corners are being faced by the Land Acquisition Officers (LAO). The Committee viewed that organized resistance from petty traders, shop owners are faced during this entire process. Owing to the experience gained over a past couple of years, the Committee decided to slightly deviate from those

provided under the 2nd schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and give more compensation to the affected parties considering the prevailing conditions existing in the State. On serious and deliberate discussions the Committee unanimously came to the conclusion for providing more assistance rather than included in the 2nd. schedule of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Government have examined the matter in detail and are pleased to approve a comprehensive Rehabilitation and Resettlement Policy as appended to this order for land acquisition in the State slightly deviating from those provided under the 2nd schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and give more compensation to the affected parties considering the prevailing conditions existing in the State. This Rehabilitation and Resettlement Policy will be applicable to all land acquisition cases in the State, ie, by invoking the provisions contained in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, National Highways Act, 1956 and by Direct/Negotiated purchase. This Rehabilitation and Resettlement Policy will have effect from the date of this order where the land acquisition award has not been passed.

By order of the Governor
P H KURIAN

ADDITIONAL CHIEF SECRETARY

To:- The Commissioner of Land Revenue, Thiruvananthapuram.
All District Collectors.
The Public Works/Water Resources/Industries/Power/Transport/Local
Self Government/IT Departments.
The Principal Accountant General (Audit), Kerala,
Thiruvananthapuram.
The Accountant General (A&E), Kerala, Thiruvananthapuram.
The Finance Department (Vide UO No 514877/Exp-A1/267/201 dated
20.07.2017)
General Administration (SC) Department (Vide Item No 1784 dated
26.12.2017)
Information and Public Relations Department
Stock File / Office Copy

Copy To:-

PS to Chief Minister
PS to Minister (Revenue)
AS to Chief Secretary
PA to ACS (Rev & DM)
CA to Principal Secretary (Finance)
CA to Principal Secretary (PWD/Transport)
CA to Additional Secretary (Revenue/LA)

Forwarded/By order

Sd

Section officer

APPENDIX

Sl. No.	State Policy on Rehabilitation and Resettlement
1	<p>Provision of housing units in case of displacement:</p> <p>1. If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 Sq mts in plinth area.</p> <p>2. The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area.</p> <p>PROVIDED that any such family in urban /rural areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than Rs 300000(three lakhs rupees only) irrespective of their annual financial income.</p>
2	<p>Land for Land</p> <p>In the case of irrigation project, affected family owing agricultural land in the affected area and whose land has been acquired or lost, or who has, as consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired:</p> <p>PROVIDED that in every project those persons losing land and belonging to the Scheduled Castes or Scheduled Tribes will be provided land equivalent to land acquired or two and a one half acres, whichever is lower.</p>
3	<p>Offer for developed Land:</p> <p>In case the land is acquired for urbanization purposes, twenty percent of the developed land will be reserved and offered to</p>

	<p>land owing project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development.</p> <p>PROVIDED that in cases the land owing project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it.</p>
4	<p>Choice of Annuity or Employment:</p> <p>The appropriate Government shall ensure that the affected families are provided with the following options:</p> <p>(a). Where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or</p> <p>(b) One time payment of five lakhs rupees per affected family; or</p> <p>(c) Annuity policies that shall pay not less than three thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for agricultural Labourers.</p>
5	<p>Subsistence grant for displaced families for a period of one year</p> <p>Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to five thousand rupees per month for a period of one year from the date of award.</p> <p>In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.</p>
6	<p>Transportation cost for displaced families:</p> <p>Each affected family which is placed shall get a one-time financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building, materials, belongings and cattle.</p>

7	<p>Cattle Shed/Petty Shops cost:</p> <p>Each affected family having cattle or having a petty shop shall get one-time financial assistance subject to a minimum of twenty five thousand rupees and maximum of Rs. 50,000/- (Fifty thousand rupees) for construction of cattle shed or petty shop as the case may be.</p>
8	<p>One time grant to artisan, small traders and certain others:</p> <p>Each affected family of an artisan, small trader or self employed person or an affected family which owned non agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land acquisition, shall get one-time financial assistance of fifty thousand rupees.</p>
9	<p>Fishing Rights:</p> <p>In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs.</p>
10	<p>One time Resettlement Allowance:</p> <p>Each affected family shall be given a one-time "Resettlement Allowance" of fifty thousand rupees only.</p>
11	<p>Commercial Tenants</p> <p>One time assistance of Rs. 2,00,000/- (Rupees Two lakhs only) to meet all shifting charges and social costs. Provided, such assistance would not be provided to companies, banks, financial institutions & large shops having a carpet area of more than 2000 sq.ft.</p>
12	<p>Employees working in commercial establishments</p> <p>Rs.6,000/-(Rupees Six thousand only) p.m for 6 months for loss of livelihood for the employees working in the said commercial establishment for 3 years prior to acquisition.</p>
13	<p>Residential family Tenants</p> <p>They will provided a one time shifting allowance of Rs.30,000/- (Rupees thirty thousand only)</p>
14	<p>Encroachers who live or run their business on puramboke</p>

	<p>land for a minimum period of 3 years preceding the date of 4(1) notification of Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or date of Preliminary Notification of the concerned Act as the case may be:</p> <ol style="list-style-type: none">1. Rs. 5,000/- p.m (Rupees Five thousand only) for 6 months.2. Value of Structure/improvements on land valued as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act.
15	<p>Place of worship.</p> <p>In addition to land and structural value, shifting charge of actual expenditure subject to a maximum of Rs. 1,00,000/- (Rupees One lakh only) wherever necessary.</p>

R.T.

നവാബ് വിദ്വാന