

**പതിനാലാം കേരള നിയമസഭ**

**പതിനാലാം സമ്മേളനം**

നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ : 1359. 04.02.2019-ന് മറുപടിയ്ക്ക്

**എൻ.എച്ച് 66 നായുള്ള ഭൂമി ഏറ്റെടുക്കൽ**

ചോദ്യം		ഉത്തരം ശ്രീ. ഇ. ചന്ദ്രശേഖരൻ (റവന്യൂവും ഭവന നിർമ്മാണവും വകുപ്പ് മന്ത്രി)	
(എ)	എൻ.എച്ച് 66 ന്റെ വികസനത്തിന് വേണ്ടി ഭൂമി ഏറ്റെടുക്കാൻ വിജ്ഞാപനം പുറപ്പെടുവിച്ചിട്ടുണ്ടോ; എങ്കിൽ ഏത് നിയമപ്രകാരമാണ് പ്രസ്തുത വിജ്ഞാപനം പുറപ്പെടുവിച്ചിട്ടുള്ളതെന്ന് അറിയിക്കുമോ;	(എ)	ഉണ്ട്. 1956-ലെ ദേശീയപാത നിയമപ്രകാരമാണ് വിജ്ഞാപനം പുറപ്പെടുവിച്ചിട്ടുള്ളത്.
(ബി)	1956 ലെ നാഷണൽ ഹൈവേ ആക്ട് അനുസരിച്ച് ഭൂമി ഏറ്റെടുത്താൽ 2013 ലെ ഭൂമി ഏറ്റെടുക്കൽ നിയമത്തിൽ വിഭാവനം ചെയ്യുന്ന സുതാര്യത, ശരിയായ നഷ്ടപരിഹാരം, പുനരധിവാസം, പുനക്രമീകരണം (റീസെറ്റിൽമെന്റ്) എന്നിവ ഉറപ്പ് നൽകുവാൻ കഴിയുമോ;	(ബി) യും (സി) യും	ദേശീയപാത വികസനത്തിനായി 1956-ലെ ദേശീയപാത നിയമപ്രകാരമാണ് ഭൂമി ഏറ്റെടുക്കുന്നത്. ദേശീയപാത നിയമപ്രകാരം ഭൂമി ഏറ്റെടുക്കുമ്പോൾ LARR Act, 2013-ലെ ഷെഡ്യൂൾ 1 പ്രകാരം കോംപൻസേഷനും ഷെഡ്യൂൾ 2 പ്രകാരം പുനരധിവാസവും നൽകണമെന്നാണ് നിയമം അനുശാസിച്ചിട്ടുള്ളത്. എന്നാൽ ജനസാന്ദ്രത കൂടിയ പ്രദേശമെന്ന നിലയിൽ കേരളത്തിന്റെ പ്രത്യേക സാഹചര്യം കണക്കിലെടുത്ത് LARR Act 2013-ലെ ഷെഡ്യൂൾ 2-ൽ പ്രതിപാദിച്ചിരിക്കുന്നതിനേക്കാൾ കൂടുതൽ തുക നൽകുന്നതിനായി തീരുമാനിക്കുകയും ആയതിന്റെ അടിസ്ഥാനത്തിൽ 29/12/2017-ലെ ജി.ഒ. (എം.എസ്) 448/2017/RD പ്രകാരം (പകർപ്പ് ഉള്ളടക്കം ചെയ്യുന്നു) കടിയൊഴിപ്പിക്കപ്പെടുന്ന കുടുംബങ്ങളെ പുനരധിവാസിപ്പിക്കുന്നതിനായി കൂടുതൽ തുക ഉൾപ്പെടുത്തിക്കൊണ്ട് ഉത്തരവായിട്ടുണ്ട്
(സി)	ദേശീയപാത എൻ.എച്ച് 966 എ യ്ക്കുവേണ്ടി കടിയറക്കപ്പെട്ടവരെ ഇപ്പോഴും പുനരധിവാസിപ്പിക്കാൻ കഴിയാത്ത സാഹചര്യത്തിൽ എൻ.എച്ച് 66 ന് വേണ്ടി കടിയറക്കപ്പെടുന്നവർക്ക്, കടിയറക്കപ്പെടുന്നതിന് മുൻപുതന്നെ പുനരധിവാസം ഉറപ്പാക്കാൻ പദ്ധതി തയ്യാറാക്കിയിട്ടുണ്ടോ;		
(ഡി)	2013-ലെ ആർ.എഫ്.സി.റ്റി.എൽ. എ.ആർ.ആർ ആക്ട് നിലനിൽക്കേ ദേശീയപാതാ പരിപാലനം മുഖ്യ ലക്ഷ്യമായിട്ടുള്ള 1956 ലെ നാഷണൽ ഹൈവേ ആക്ട് അനുസരിച്ച് ഭൂമി ഏറ്റെടുക്കാൻ തീരുമാനിച്ചത് ഏത് സർക്കാരിന്റെ/ഏജൻസിയുടെ (കേന്ദ്ര/സംസ്ഥാന) തീരുമാനം അനുസരിച്ചാണ് എന്ന് അറിയിക്കുമോ?	(ഡി)	ദേശീയപാത വികസനത്തിനായുള്ള ഭൂമി ഏറ്റെടുക്കൽ 1956-ലെ ദേശീയപാത നിയമപ്രകാരമാണ് നടന്നുവരുന്നത്. ഭാരതത്തിലെ ദേശീയപാതകൾ വികസിപ്പിക്കുന്നതിനും പുതിയ ദേശീയപാതകൾ നിർമ്മിക്കുന്നതിനുമായി 1956-ലെ ദേശീയപാത നിയമം വിഭാവനം ചെയ്തിരിക്കുന്നത്.

  
 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.

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**REVENUE (B) DEPARTMENT**

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

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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

Signature valid

Section Officer

Digitally signed by

VARGHESE

Date: 2017.12.20 12:25:54 IST

Reason: approved



## APPENDIX

Sl. No.	State Policy on Rehabilitation and Resettlement
1	<p><b>Provision of housing units in case of displacement:</b></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><b>Land for Land</b></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><b>Offer for developed Land:</b></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><b>Choice of Annuity or Employment:</b></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><b>Subsistence grant for displaced families for a period of one year</b></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><b>Transportation cost for displaced families:</b></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><b>Cattle Shed/Petty Shops cost:</b></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><b>One time grant to artisan, small traders and certain others:</b></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><b>Fishing Rights:</b></p> <p>In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs.</p>
10	<p><b>One time Resettlement Allowance:</b></p> <p>Each affected family shall be given a one-time "Resettlement Allowance" of fifty thousand rupees only.</p>
11	<p><b>Commercial Tenants</b></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 &amp; large shops having a carpet area of more than 2000 sq.ft.</p>
12	<p><b>Employees working in commercial establishments</b></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><b>Residential family Tenants</b></p> <p>They will provided a one time shifting allowance of Rs.30,000/- ( Rupees thirty thousand only)</p>
14	<p><b>Encroachers who live or run their business on puramboke</b></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"><li>1. Rs. 5,000/- p.m ( Rupees Five thousand only) for 6 months.</li><li>2. Value of Structure/improvements on land valued as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act.</li></ol>
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>



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