

**പതിനാലാം കേരള നിയമസഭ**

**പത്തൊമ്പതാം സമ്മേളനം**

നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ : 1186

05.03.2020-ലെ മറുപടിയ്ക്ക്

**2013-ലെ കേന്ദ്ര ഭൂമി ഏറ്റെടുക്കൽ നിയമപ്രകാരമുള്ള സംസ്ഥാന നയം**

<p><b>ചോദ്യം</b> <b>ശ്രീ.റോഷി അഗസ്റ്റിൻ</b></p>	<p><b>ഉത്തരം</b> <b>ഇ.ചന്ദ്രശേഖരൻ</b> (റവന്യൂവും ഭവനനിർമ്മാണവും വകുപ്പ് മന്ത്രി)</p>
-----------------------------------------------------	----------------------------------------------------------------------------------------------

(എ)	2013-ലെ കേന്ദ്ര ഭൂമി ഏറ്റെടുക്കൽ നിയമത്തിലെ 108-ാം വകുപ്പ് അനുസരിച്ച് കേരള സർക്കാർ സംസ്ഥാന നയം പുറപ്പെടുവിച്ചിട്ടുണ്ടോ; എങ്കിൽ പകർപ്പ് ലഭ്യമാക്കാമോ;	(എ)	2013-ലെ കേന്ദ്ര ഭൂമി ഏറ്റെടുക്കൽ നിയമത്തിലെ 108-ാം വകുപ്പ് അനുസരിച്ച് കേരള സർക്കാർ ജി.ഒ(എം.എസ്) 485/2015/RD തീയതി.29/09/2015 പ്രകാരം സംസ്ഥാന നയം പുറപ്പെടുവിച്ചിട്ടുണ്ട്. (പകർപ്പ് ഉള്ളടക്കം ചെയ്യുന്നു).
(ബി)	പ്രസ്തുത നയം അനുസരിച്ച് 19(1) വിജ്ഞാപനത്തിന് മുൻപ് ബന്ധപ്പെട്ട ഭൂ ഉടമകളുമായി നഷ്ടപരിഹാര തുക സംബന്ധിച്ച് ചർച്ച ചെയ്യുവാൻ വ്യവസ്ഥയുണ്ടോ;	(ബി)	പ്രസ്തുത നയത്തിൽ ഖണ്ഡിക 18 പ്രകാരം വിലയാധാരം ചമയ്ക്കുന്നതിന് മുമ്പായി സെക്ഷൻ 19 പ്രകാരമുള്ള ഡിക്ലറേഷൻ പുറപ്പെടുവിക്കണമെന്ന് വ്യവസ്ഥ ചെയ്തിട്ടുണ്ട്. ഭൂമി ഏറ്റെടുക്കണമോ എന്ന് തീരുമാനിക്കുന്നത് 19(1) പ്രഖ്യാപനം പുറപ്പെടുവിക്കുമ്പോൾ മാത്രമാണ്. ആയതിനാൽ തന്നെ ഭൂവില നിശ്ചയിക്കുക, ഭൂവുടമകൾ സമ്മതപത്രം നൽകുന്നപക്ഷം ഡി.എൽ.എഫ്.സി കൂടുന്ന കാര്യം തീരുമാനിക്കുക എന്നീ നടപടികൾ സാധാരണഗതിയിൽ 19(1) പ്രഖ്യാപനത്തിനു ശേഷമാണ് കൈക്കൊള്ളാറുള്ളത്.
(സി)	പ്രസ്തുത വ്യവസ്ഥയനുസരിച്ച് തിരുവനന്തപുരം വലിയമലയിലെ ഐ.എസ്.ആർ.ഒ. എൽ.പി.എസ്.സി യുടെ വികസനത്തിന് വേണ്ടി ഭൂമി ഏറ്റെടുക്കുന്നതിന്റെ ഭാഗമായി കിടയൊഴിപ്പിക്കപ്പെടുന്നവർ ചർച്ച നടത്തണമെന്ന് ആവശ്യപ്പെട്ട് റവന്യൂവകുപ്പ് മന്ത്രിക്ക് നിവേദനം നൽകിയിരുന്നോ;	(സി)	നൽകിയിരുന്നു. പ്രസ്തുത നിവേദനം തുടർ നടപടി സ്വീകരിക്കുന്നതിനായി തിരുവനന്തപുരം ജില്ലാ കളക്ടറുടെ കാര്യാലയത്തിലേയ്ക്ക് കൈമാറിയിട്ടുള്ളതാണ്. 19(1) പ്രഖ്യാപനത്തിനു ശേഷം നിലവിലുള്ള മാനദണ്ഡങ്ങൾക്കനുസൃതമായി ആവശ്യമായ നടപടികൾ സ്വീകരിക്കുന്നതാണ്.
(ഡി)	പ്രസ്തുത നിവേദനമനുസരിച്ച് സർക്കാർ എന്തെല്ലാം നടപടികൾ കൈക്കൊണ്ടിട്ടുണ്ട്; വ്യക്തമാക്കുമോ?		

  
 സെക്ഷൻ ഓഫീസർ

13856  
14/10/15-



**GOVERNMENT OF KERALA**

**Abstract**

Revenue Department - State policy for Compensation and Transparency in Land Acquisition - Approved - Orders issued.

**REVENUE (B) DEPARTMENT**

G.O.(Ms) No.485/2015/RD.

Dated, Thiruvananthapuram, 23/09/2015.

Read :- G.O.(P) No.470/2015/RD dated 19/09/2015.

**ORDER**

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted with the objective of ensuring just and fair compensation and rehabilitation for the affected families due to compulsory acquisition of land for public purpose. This Act came into force w.e.f. 01/01/2014. The State Government as per G.O. read above has approved Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Kerala) Rules, 2015.

2. Section 108 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides for framing a state law/policy which provides higher compensation than that calculated under this Act for the acquisition of land so that the affected person or his family or member of his family can opt to avail such a higher compensation under such state policy.

3. Therefore, in order to speed up and simplify the procedures of land acquisition for public purpose, Government are now pleased to approve a state policy for compensation in land acquisition as appended to this order. The important objective of this policy is to conduct negotiations with the land owners and reach consensus on compensation and rehabilitation by the District Level Fair compensation, rehabilitation and resettlement committee (DLFC) and approval of the same by the State Level Empowered Committee (SLEC).


(By Order of the Governor)

Dr. Vishwas Mehta  
Principal Secretary to Government

To

The Commissioner, Land Revenue, Thiruvananthapuram  
All District Collectors  
The Public Works /Water Resources/Industries/Power/Transport/  
Local Self Government/IT Departments  
The Accountant General (Audit/A&E) Kerala, Thiruvananthapuram  
The Finance Department  
General Administration (SC) Department  
Information & Public Relations (W&NM) Department  
Stock File/Office Copy.

Forwarded/By Order:

  
Section Officer

**Policy of the State of Kerala for compensation in land acquisition**

**Introduction**

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted with the objective of ensuring adequate compensation and Rehabilitation & Resettlement to Land owners whose land are compulsorily acquired by the State for bonafide public purposes. Section 108 of the Act empowers the Government to frame law or policy which provides a higher compensation than calculated under this Act for the acquisition of land and thereby enabling the land ouster to exercise option either to avail such higher compensation for Rehabilitation and Resettlement under such policy of the State or to go by the provisions of the Act. Kerala is a State with high population density and whenever Government resorts to acquisition of land for public purpose, families get displaced from their ancestral properties and lose lands which are often their sole livelihood. In order to ensure that immediate relief by providing enhanced compensation and Rehabilitation & Resettlement package to such affected families, Government of Kerala felt the need for framing an adequate policy on the subject.

**Objectives**

Government aims to ensure the following relief to the land losers through this policy.

1. The land losers are provided with just and reasonable compensation for land acquired, relieving them from the burden of approaching judicial forums for enhancement of compensation.
2. Rehabilitation & Resettlement policy as provided in the Act along with additional packages including employment/stake holdings in eligible cases according to the nature of the project.
3. Disbursement of compensation before taking possession of land and ensuring Rehabilitation and Resettlement packages including infrastructural amenities as provided in the third schedule of the Act within 18 months of the date of publication of DD.
4. Transparency in procedures and less negative impact ensuring the land losers that their socio-economic status does not fall below what it was before the acquisition.

**Frame work of the policy**

The general provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to all land acquisitions. Social Impact Assessment (SIA) study shall be conducted in projects where it is mandatory and preliminary notification under Section 11 of the Act shall be published after approval of the project by the Expert Committee.

- (1) The Government shall constitute a District Level Fair Compensation, Resettlement and Rehabilitation Committee in every District.
- (2) The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall have the following Members:

- i) District Collector
- ii) Administrator for Resettlement and Rehabilitation
- iii) Land Acquisition Officer
- iv) Finance Officer
- v) Representative of the Requiring Body empowered to take financial decisions on its behalf.
- vi) Representative of the Local Self Government Institution of the area where the land is situated.

Provided that where the affected area covers more than one district, the District Level Fair Compensation, Resettlement and Rehabilitation Committee of the district, where major portion of the land to be acquired belongs to, shall function as District Level Fair Compensation, Resettlement and Rehabilitation Committee to take action in the matter.

- (3) The District Collector will verify the title deeds, non-encumbrance certificate, basic tax receipt, building tax receipt, possession certificate and other relevant records of each parcel of land to be acquired.
- (4) The District Government Pleader or any other advocate specially authorized by the District Collector in this behalf will scrutinize the title deeds, and other documents relating to ownership and possession and give necessary recommendation to the District Collector.
- (5) The District Collector shall, within 7 days of the preliminary notification under Section 11, send the SIA Report and other relevant documents to the District Level Fair Compensation, Resettlement and Rehabilitation Committee.
- (6) The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall fix the parameters and shall define criteria for categorization of land as per the local needs to fix land value and the same may be approved by the Committee. The Committee should take utmost care in determining the criteria for categorization. There should not be any ambiguity regarding classification. The authority to change the categorization once approved by the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall rest only with the SLEC.
- ✓(7) After categorization of lands, land value shall be arrived at as per the provisions of the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and keeping this as the basis land value and taking into consideration the existing market value of the land make negotiation with the land owners and reach consensus with them on the final land value.
- (8) The Committee will finalise the estimate of a fair and reasonable price of land and compensation along with the Rehabilitation and Resettlement package to be given to the affected person/family. The Committee shall ensure that eligible affected family is given Rehabilitation & Resettlement as envisaged in the second and third schedule of the Act.
- (9) The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall send the estimate arrived as above, in Annexures I & II to the State Level Empowered Committee for approval.

- (10) The Government shall constitute a State Level Empowered Committee which shall have the following members:
- (i) Chief Secretary
  - (ii) Revenue Secretary
  - (iii) Secretary of the Administrative Department
  - (iv) Law Secretary
  - (v) Finance Secretary
- (11) The State Level Empowered Committee shall approve the estimate or return it for reconsideration by the District Level Purchase Committee with suggestions/observations that it thinks fit.
- (12) The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall, within 15 days of the receipt of such approval with or without changes, send individual notices to the affected families and affected persons apprising them of the provisions of the law or policy and giving them a date to appear before it on a specified date for the purpose of considering settlement of compensation and resettlement and rehabilitation claims on the basis of the policy.
- (13) On the date fixed as above, the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall explain the policy to the affected family or affected person and give them an estimate of the compensation and resettlement and rehabilitation package worked out under the policy.
- Provided that the date so fixed may be adjourned for another date for reasons to be recorded, Provided further that the proceedings shall not be adjourned for more than a period of 30 days in all from the first date.
- (14) At the proceedings, the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall present the estimated compensation and resettlement and rehabilitation package to the affected family or affected person and explain the terms and conditions of the same,
- Provided that the District Level Fair Compensation, Resettlement and Rehabilitation Committee may change the compensation and relief and resettlement package for the benefit of the affected family or affected persons to the extent of 10% in order to arrive at a mutually acceptable settlement. If District Level Fair Compensation, Resettlement and Rehabilitation Committee feels that a higher payment exceeding 10% is absolutely necessary, then the proceedings may be recorded and sent to SLEC for approval.
- (15) The affected family or affected persons shall thereupon submit their consent to having their claims settled according to such law or policy of the State instead of settling the same under the Act
- Provided that the affected families or affected persons who earlier rejected the negotiated settlement may, by a written application to the Collector, shall choose the option of the State policy at any time before passing the final award under Sections 30 and / or 31.
- (16) Upon receiving the consent of the affected person or affected family, the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall submit the consent along with minutes of its proceedings to the Collector for finalizing the conveyance of land in terms of the consent.

- (17) The Collector, upon receiving the consent, shall cause a Sale Deed in terms of the settlement arrived at in the proceedings before the District Level Fair Compensation, Resettlement and Rehabilitation Committee to be executed and registered between himself and the affected family or affected person.
- (18) The Collector shall ensure that the draft declaration under Section 19 of the Act has been published before proceeding with the execution of the sale deed.
- (19) The designated officer of the concerned project authority will take steps to effect necessary changes in the classification of land through the Taluk Tahsildar on the basis of the copy of the registered deed obtained from the Office of the Sub Registrar.
- (20) The Compensation or package received by the affected family or affected person shall not be subject to income tax or any other levy.
- (21) The compensation and package agreed upon shall be paid into the bank account the details of which shall be submitted by the affected family or affected person along with the consent.
- (22) On completion of the conveyance the Collector shall take possession of the land immediately, provided that the Collector may, on a written application by the affected family or affected person, accord sanction for extension of taking of possession of the land by a period not exceeding 30 days.
- (23) No conveyance made under these rules shall be called in question in any court of law on any ground except that the same was executed by a person other than the one who was competent to do so.

*Appendix-I*

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

**FORMAT FOR SUBMITTING PROPOSALS FOR SLEC**

I.

Category	Total Extent of land in Ares	No. of title holders	No. of title holders who have given consent	Land value as per BVR in Ares	Land Value 100%+ solatium + 12% additional land value	Land value decided by the DLPC (per Acre)	% of increase	Existing fair value
A								
B								
C								
D								
Total								

II Budget provision under H/A 5054-80-800-65 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

  
Omizant BonAmro