

പതിനാലാം കേരള നിയമസഭ

പതിനാറാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ : 3225

07.11.2019-ന് മറുപടിയ്ക്ക്

പൊതു ആവശ്യങ്ങൾക്ക് ഭൂമി ഏറ്റെടുക്കുന്നതിനുള്ള നടപടികൾ

<p>ചോദ്യം</p> <p>ശ്രീ സി. ദിവാകരൻ</p> <p>" ഇ.കെ.വിജയൻ</p> <p>" ഇ.ടി. ടൈസൺ മാസ്റ്റർ</p> <p>" എൽദോ എബ്രഹാം</p>	<p>ഉത്തരം</p> <p>ഇ.ചന്ദ്രശേഖരൻ</p> <p>(റവന്യൂവും ഭവന നിർമ്മാണവും വകുപ്പ് മന്ത്രി)</p>
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<p>(എ) വികസനപ്രവർത്തനങ്ങൾക്ക് ഭൂമി ഏറ്റെടുക്കുന്നതിൽ ഉണ്ടായിരുന്ന കാലതാമസം നീക്കി വികസന പ്രവൃത്തികളുടെ ഗതിവേഗം കൂട്ടുന്നതിന് സ്വീകരിച്ച നടപടികൾ വ്യക്തമാക്കുമോ;</p>	<p>(എ) വികസനപ്രവർത്തനങ്ങൾക്ക് ഭൂമി ഏറ്റെടുക്കുന്ന പ്രവൃത്തികളിലെ കാലതാമസം ഒഴിവാക്കാൻ വേണ്ടി എല്ലാ ആഴ്ചയിലും ജില്ലാ കളക്ടർമാരുടെ അധ്യക്ഷതയിൽ പ്രത്യേകം അവലോകന യോഗങ്ങൾ നടത്തി നടപടി സ്വീകരിച്ചുവരുന്നുണ്ട്. കൂടാതെ എല്ലാ മാസവും റിക്വിസിഷൻ അതോറിറ്റി ഉൾപ്പെടുന്നവരുടെ സാന്നിധ്യത്തിൽ അവലോകന യോഗം നടത്തി ഭൂമി ഏറ്റെടുക്കൽ നടപടികൾ ത്വരിതപ്പെടുത്തുന്നതിനുള്ള നടപടികളും ജില്ലാ കളക്ടർമാർ സ്വീകരിച്ചുവരുന്നു. ഭൂമി വിട്ടുതരുന്നതിന് ഭൂവുടമകളുടെ ഭാഗത്ത് നിന്നുള്ള നിസ്സഹകരണമാണ് ഭൂമി ഏറ്റെടുക്കലിൽ നേരിടുന്ന പ്രധാന തടസ്സം. കോടതി വ്യവഹാരങ്ങളും തടസ്സം വരുത്തുന്നു.</p> <p style="text-align: center;">വികസനപ്രവർത്തനങ്ങൾക്കായി ഭൂമി ഏറ്റെടുക്കുന്ന അവസരത്തിൽ LARR Act, 2013-ലെ ഷെഡ്യൂൾ 2 പ്രകാരമുള്ള പുനരധിവാസം 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 കുടിയൊഴിപ്പിക്കപ്പെടുന്ന കുടുംബങ്ങളെ പുനരധിവാസിപ്പിക്കുന്നതിനായി കൂടുതൽ തുക ഉൾപ്പെടുത്തിക്കൊണ്ട് ഉത്തരവായിട്ടുണ്ട്.</p>
<p>(ബി) നാഷണൽ ഹൈവേക്ക് ഉൾപ്പെടെ പൊതു ആവശ്യങ്ങൾക്ക് ഭൂമി ഏറ്റെടുക്കുന്ന നടപടികളുടെ പുരോഗതി വ്യക്തമാക്കുമോ;</p>	<p>(ബി) നാഷണൽ ഹൈവേക്ക് ഉൾപ്പെടെ പൊതു ആവശ്യങ്ങൾക്ക് ഭൂമി ഏറ്റെടുക്കുന്ന നടപടികളുടെ പുരോഗതി അനുബന്ധമായി ചേർത്തിരിക്കുന്നു.</p>
<p>(സി) ഭൂമി ഏറ്റെടുക്കൽ മൂലം വീട് നഷ്ടപ്പെടുന്നവർക്ക് വീട് നൽകുന്നതിന് പദ്ധതി നിലവിലുണ്ടോ;</p>	<p>(സി) ഉണ്ട്. എൽ.എ.ആർ.ആർ ആക്ട്, 2013-ലെ ഷെഡ്യൂൾ 2 പ്രകാരം വീട് നഷ്ടപ്പെടുന്നവർക്ക് വീട് ലഭിക്കുന്നതിന് അർഹതയുണ്ട്. കേരള സർക്കാരിന്റെ 29/12/2017-ലെ ജി.ഒ.(എം.എസ്)</p>

			448/2017/RD പ്രകാരം ഭൂമി ഏറ്റെടുക്കൽ മൂലം വീട് നഷ്ടപ്പെടുന്നവർക്ക് ഗ്രാമീണ മേഖലയിൽ ഇന്ദിര ആവാസ് യോജനയുടെ നിബന്ധന പ്രകാരമുള്ള വീടോ, നഗര മേഖലയിൽ 50 സ്ക്വയർ മീറ്ററിൽ കുറയാത്ത വീടോ നിർമ്മിച്ചു നൽകാൻ വ്യവസ്ഥ ചെയ്തിട്ടുണ്ട്. വീട് സ്വീകരിക്കാൻ വിസമ്മതിക്കുന്നവർക്ക് 3 ലക്ഷം രൂപയിൽ കുറയാത്ത സാമ്പത്തിക സഹായം നൽകുന്നതിനും വ്യവസ്ഥ ചെയ്തിട്ടുണ്ട്.
(ഡി)	ഭൂമി ഏറ്റെടുക്കുമ്പോൾ ജീവനോപാധികൾ നഷ്ടപ്പെടുന്നവർക്ക് പ്രസ്തുത പദ്ധതി മൂലമുണ്ടാകുന്ന തൊഴിൽ അവസരങ്ങളിൽ മുൻഗണന നൽകുന്നുണ്ടോ;	(ഡി)	ഭൂമി ഏറ്റെടുക്കുമ്പോൾ ജീവനോപാധികൾ നഷ്ടപ്പെടുന്നവർക്ക് പ്രസ്തുത പദ്ധതി, തൊഴിൽ സൃഷ്ടിക്കുന്ന പദ്ധതിയാണെങ്കിൽ തൊഴിൽ അവസരങ്ങൾ സൃഷ്ടിക്കുന്ന പക്ഷം മുൻഗണന നൽകുന്നതിന് വ്യവസ്ഥയുണ്ട്.
(ഇ)	ഭൂമി നഷ്ടപ്പെടുന്നവർക്കുള്ള പുനരധിവാസ പാക്കേജിന്റെ വിശദാംശങ്ങൾ അറിയിക്കുമോ?	(ഇ)	29/12/2017-ലെ ജി.ഒ.(എം.എസ്) 448/2017/RD പ്രകാരമാണ് പുനരധിവാസ പാക്കേജ് അനുവദിച്ചു വരുന്നത് (പകർപ്പ് ഉള്ളടക്കം ചെയ്യുന്നു).



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

Signature valid

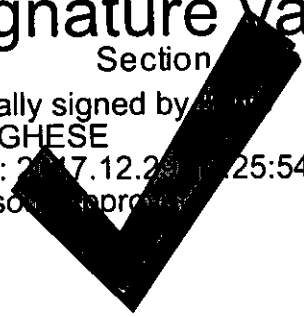
Section _____

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Date: 2017.12.29 12:25:54 IST

Reason: _____



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>

02/11/2019

NATIONAL HIGHWAYS AUTHORITY OF INDIA
REGIONAL OFFICE-KERALA

DETAILS OF DPR PROJECTS TO BE TAKEN UP

Sr. No.	Name of Project*	Length (km)	Civil Construction cost (in cr.)	Target for Award	District	Present Status
1	Thalapady Km. 17.200 to Changala Km. 57.200 of NH-66 (Old NH-17)	39.00	1113.11	Mar 2020	Kasaragod	<p>The project is under bidding. The last date of bid submission is on 05.11.2019. However the design is under revision.</p> <p>LA Status</p> <p>Total Land required (Ha) : 175.5 Total Additional Land required(Ha):35.66 3A Completed(Ha) : 35.66 (100%) 3D Completed(Ha) : 35.66 (100%) 3G Completed(Ha) : 21.55 (60.4%) Possession (Ha) : 11.53 (32.3%)</p> <p>Issues:</p> <p>Rate fixing of land by CALA is on higher side which makes it difficult to approve the award. CALA to speed up the award. Planned to award in this financial Year</p>
2	Changala Km. 57.200 to Neleshwaram Km. 95.650 of NH-66 (Old NH-17)	37.27	1116.70	Mar 2020	Kasaragod	<p>The project is under bidding. The last date of bid submission is on 05.11.2019.</p> <p>LA Status</p> <p>Total Land required(Ha) : 168 Total Additional Land required(Ha): 41 3A Completed(Ha) : 41 (100%) 3D Completed(Ha) : 41 (100%)</p>

						Planned to award in this financial Year
5.	Azhiyur to Vengalam Km 188+000 to 230+400 NH-66) (Old NH-17)	40.80	1204.31	Mar 2021	Kozhikode	<p>LA Status</p> <p>Total Land required (Ha) : 176 Total Additional Land required (Ha):108 3A Completed(Ha) : 108 (100%) 3D Completed(Ha) : 100 (93%) 3G Completed(Ha) : 12 (11%)</p> <p>Possession (Ha) : 1 (0.93%)</p> <p>CALA to speed up the work for publishing of 8 Ha 3D Notification</p>
6.	Construction of Minor Bridge (Paloli Palam) at Km 203.160, Major Bridge (Moodadi) at Km 204.895 & allied works like 4 lane Main Carriageway with Service Road (Old NH-17)	2.10	51.67	Mar 2020	Kozhikode	<p>The project is under Bidding. The last date of bid submission is on 14.11.2019</p> <p>LA Status</p> <p>Total Land required (Ha) : 9.45 Total Additional Land required(Ha):5.11 3A Completed(Ha) : 4.34 (100%) 3D Completed(Ha) : 4.25 (98%) 3G Completed(Ha) : 1.11 (25.5%)</p> <p>Possession (Ha) : 0 (0%)</p> <p>Rate fixing of land by CALA is on higher side which makes it difficult to approve the award.</p>
7.	Ramanattukara to Kuttippuram from 258.800 to 318.000 of NH-66 (Old NH-17)	53.14	2210	Mar 2022	Kozhikode	<p>Draft DPR submitted by M/s Feedback Infra Pvt. Ltd. Final DPR under preparation.</p> <p>LA Status</p> <p>Total Land required (Ha) : 241 Total Additional Land required(Ha):175 3A Completed(Ha) : 172 (99%) 3D Completed(Ha) : 160 (93%) 3G Completed(Ha) : 0 (0%)</p> <p>Pending 3D uploaded in Bhoomirashi for publication.</p>
					Malappuram	


8.	Kuttippuram - Kappirikkad from Km 318.000 to Km 349.190 of 66 (Old NH- 17 & 47)	23.85	899	Mar 2022	Malappuram	LA Status Total Land required (Ha) : 110 Total Additional Land required(Ha):46 3A Completed(Ha) : 44 (96%) 3D Completed(Ha) : 36 (78%) 3G Completed(Ha) : 0 (0%) Pending 3D uploaded in Bhoomirashi Portal
9.	Kappirikkad - Edapally from Km 349.190 to Km 438.600 of 66 (Old NH-17 & 47)	89.00	3559	Mar 2022	Thrissur Ernakulam	LA Status Total Land required(Ha) : 453 Total Additional Land required(Ha):270 3A Completed(Ha) : 245(91%) 3D Completed(Ha) : 146 (54%) 3G Completed(Ha) : 0 (0%) Balance 3A Uploaded in the Thrissur District. 3A under preparation in Ernakulam district.
10.	Thuravoor Km. 379.100 - Paravoor Km. 417.000 of NH-66 (Old NH-47)	37.90	1275	Mar 2021		Final Feasibility Report submitted. Draft DPR under preparation by M/s SMEC International Pty. Ltd., Haryana LA Status Total Land required (Ha) : 171 Total Additional Land required(Ha):47 3A Completed(Ha) : 25 (53%) 3D Completed(Ha) : 25 (53%) 3G Completed(Ha) : 0 (0%)
11.	Paravoor Km. 417.000- Kottankulangara Km. 454.500 of NH-66 (Old NH-47)	37.500	1192	Mar 2021		LA Status Total Land required(Ha) : 169 Total Additional Land required(Ha):56 3A Completed(Ha) : 23 (41%) 3D Completed(Ha) : 23 (41%) 3G Completed(Ha) : 0 (0%)

12.	Kottankulangara Km. 454.500 - Start of Kollam Bypass Km. 486.000 of NH-66 (Old NH-47)	31.500	969	Mar 2021	LA Status Total Land required(Ha) : 142 Total Additional Land required(Ha):47 3A Completed(Ha) : 40.27 (86%) 3D Completed(Ha) : 5 (11%) 3G Completed(Ha) : 0 (0%)
13.	Start of Kollam Bypass Km. 486.000 - Kadambattukonam Km. 517.800 of NH-66 (Old NH-47)	31.800	1300	Mar 2021	LA Status Total Land required(Ha) : 143 Total Additional Land required(Ha):27 3A Completed(Ha) : 27(100%) 3D Completed(Ha) : 0 (0%) 3G Completed(Ha) : 0 (0%)
14.	Kadambattukonam Km. 517.800 - Kazhakuttam Km. 547.320 of NH-66 (Old NH-47)	29.280	915	Mar 2021	LA Status Total Land required(Ha) : 139 Total Additional Land required(Ha):77 3A Completed(Ha) : 0 (0%) 3D Completed(Ha) : 0 (0%) 3G Completed(Ha) : 0 (0%)
15.	Cochin Bypass- Angamaly-Kundannur	47.00	Under Finalization		Feasibility Report under preparation by M/s Louis Berger. Consent for alignment approval received from Govt of Kerala. Consent for sharing 50% of LA cost awaited from Govt of Kerala

The land Acquisition was standstill due to revision of Policy Guidelines by NHA/ MoRTH.

As per the existing norms the Projects are getting approval based on the viability of the Project. Due to the High land Acquisition Cost in Kerala Projects are non viable.

As per the new guidelines Land acquisition can be proceed for the Projects which have completed 100% 3D. For other projects prior permission from NHA HQ needed. However all the works are taken up by the PIUs , all pending Land acquisition i.e, 3A and 3D are being uploaded in Bhoomirashi.


Omair B. B. B. B.