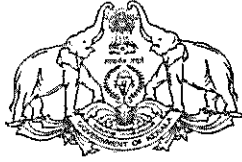


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Government of Kerala
2015



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA
Revenue (B) Department
NOTIFICATION

G. O. (P) No. 470/2015/RD. 19th September, 2015
Dated, Thiruvananthapuram, 3rd Kanni, 1191.

S. R. O. No. 628/2015.—In exercise of the powers conferred by section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the Government of Kerala After considering the objections and suggestions received on the draft proposal published in Notification No. 36253/B1/2014/RD, dated 27th November, 2014 in the Kerala Gazette Extraordinary No. 2890, dated 28th November, 2014 as required under section 112 of the said Act, hereby make the following rules, namely:—

RULES

CHAPTER I

1. *Short title and commencement.*—(1) These rules may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Kerala) Rules, 2015.

(2) They shall come into force at once.

2. *Definitions.*—(1) In these Rules, unless the context otherwise requires,—

(a) “Act” means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013);

(b) “Form” means a Form appended to these Rules;

(c) “Government” means the Government of Kerala;

(d) “Local Self Government Institution” means the Local Self Government Institution as defined in clause (21) of section 2 of the Kerala Municipality Act, 1994 (20 of 1994);

(e) “Social Impact Assessment” means an assessment as envisaged under section 4 of the Act;

(f) “Social Impact Assessment Unit” means a unit accredited by the Government to conduct the Social Impact Assessment Study about any proposed acquisition.

(2) The words and expressions used but not defined in these Rules but which are defined in the Act shall, unless the context otherwise requires, have the meanings respectively assigned to them in the Act.

CHAPTER II

REQUISITION FOR ACQUISITION AND COSTS THEREOF

3. *Requisition for acquisition.*—(1) The Government may designate any officer to perform the functions of a Collector under the Act by notification published in the Official Gazette in Form No. 1.

(2) The requisition for acquisition of land under the Act shall be made to the Collector within whose jurisdiction the land is situated in Form No. 2.

(3) Where the land to be acquired is spread over more than one district, the requisition for acquisition shall be made to the Collector of the district where major portion of the land is situated.

(4) If the Collector on receipt of the requisition for acquisition finds on verification that the land proposed to be acquired is not under the ownership or control of the Government, Local Self Government Institution, Government companies or any other person or organisation who had obtained the land by acquisition, he shall, transmit the request to the Government within three weeks from the date of receipt of the requisition.

4. *Deposit of the estimated cost of acquisition.*—(1) On receipt of a requisition for acquisition from the Requiring Body, the Collector shall cause to be prepared an estimate of the cost of acquisition of the proposed land as defined in clause (i) of section 3 of the Act.

(2) The Collector shall calculate the probable establishment charges for the acquisition at the rate of thirty per cent of the cost of compensation of the proposed acquisition, which shall be deposited by the Requiring Body in the appropriate Head of Account.

(3) The Collector shall calculate contingency charges for acquisition which shall be five per cent of the cost of compensation subject to a minimum of fifty thousand rupees, which shall be placed at his disposal in Treasury Savings Bank Account.

(4) The contingency charges shall be utilized for expenses in connection with stationery, communications, publications, manpower, travel, vehicles, expenses for Amins, Draughtsmen or other personnel engaged in the said acquisition process, for which true and correct accounts shall be maintained.

(5) The Collector shall forward the requisition for acquisition filed by the Requiring Body to the Government only on deposit by the Requiring Body of the probable establishment charges and contingency charges.

(6) No declaration under sub-section (1) of section 19 shall be made by the appropriate Government unless the Requiring Body deposits the entire cost of acquisition.

(7) Notwithstanding the deposit of the estimated amount as provided in sub-rule (5), the Requiring Body shall be liable to deposit all the remaining amount, if any, after final charges of acquisition are prepared or if any excess amount is awarded by the Authority or by a court of law.

(8) The Requiring Body shall also be required to deposit the amount calculated for rehabilitation and resettlement of the displaced persons before the final award is passed and the land is taken over.

(9) If the Requiring Body defaults in making the deposit of the excess amount as provided in sub-rule (6), the process of acquisition shall be stopped till such payment is made or the Notification lapses as provided in the Act.

(10) If the Notification lapses on account of the default of the Requiring Body in making payments, the amount deposited shall be refunded to the Requiring Body after deducting ten per cent of the amount deposited and after deducting the entire expenses incurred in the acquisition proceedings.

(11) Any amount payable to the Collector or the Government by any Requiring Body may be recovered from such body by either appropriating the said amount from any fund of the Requiring Body held by or under the control of the Government, Local Self Government Institutions or any other Government company or organisation.

(12) Any amount payable to the Collector or Government by any Requiring Body can be recovered from such body under the Kerala Revenue Recovery Act, 1968 (Act 15 of 1968), as if it is an arrear of revenue due on land.

CHAPTER III

CONSENT

5. Requirement for and the manner of obtaining consent.—

(1) When the land is proposed to be acquired for any public private partnership projects where the ownership of the land continues to vest with the Government or for any private entities for public purpose, as defined in clause (za) of section 3 of the Act, from,—

(a) families whose land or other immovable properties are being acquired, or

(b) families who have been assigned land by the Government or the Central Government under any of their schemes and which land is being acquired,—

prior consent, except for the projects specified under section 10A of the Act as required under sub-section (2) of section 2 of the Act, shall be obtained from the affected families contemporaneously with the Social Impact Assessment Study.

(2) The Requiring Body shall, in consultation with the Collector and the Social Impact Assessment unit concerned, initiate steps to obtain consent from the affected families by bringing to their notice the scheme of acquisition, the compensation estimated to be payable and the rehabilitation and resettlement package proposed for the project.

(3) The Social Impact Assessment unit engaged in the Social Impact Assessment study shall, before preparing the draft Social Impact Assessment study report, compile a list of affected families, the names and details of the members of the families, their nominees, if any, engaged by each family to represent them before the Collector or other authorities under the Act and the nature and extent of their land under acquisition, for the purpose of seeking consent to the land acquisition.

(4) The Collector shall verify the information supplied by the Social Impact Assessment unit with the revenue records and other relevant records maintained by the Government and correct any discrepancies.

(5) The Collector shall issue a notice in local language in a local newspaper having circulation in the affected area containing the details of the affected families, the approximate extent of land proposed to be acquired from each family and the total extent of land sought to be acquired. By the said notice, the Collector shall call upon all persons whose names have been left out in the notice or whose details are wrongly stated therein to update the revenue or other records of the Government and submit their claims in writing before him within three weeks from the date of publication of the notice for being included as a member of an affected family as defined in items (i) and (v) of clause (c) of section 3 of the Act.

(6) Every officer of the Government who is approached by any person claiming to be a member of an affected family under items (i) and (v) of clause (c) of section 3 of the Act to update official records, shall take immediate steps to verify the claim made by the claimant if it is within the jurisdiction of such Officer and if the claim is found justified, update the revenue or other records of the Government in accordance with the law for the time being in force, which shall be done as soon as may be but at any rate within three weeks from the date on which an application is made to such officer of the Government.

(7) For the purposes of this Chapter of the rules, references to the Government shall be construed also as references to Local Self Government Institutions whenever the context so requires.

(8) After updating the revenue and other records, an updated list of affected families as defined in items (i) and (v) of clause (c) of section 3 of the Act shall be compiled by the Collector to verify whether the minimum percentage of affected families have granted consent for acquisition as required under the Act.

(9) The notice inviting objections/corrections and updation of revenue and other records shall also be published in the website of the Collector, in the notice board of the Panchayats, Municipalities and Municipal Corporations affected by the proposed acquisition and by any other means deemed necessary by the Collector, to ensure sufficient notice to the affected families.

(10) The affected families as defined in items (i) and (v) of clause (c) of section 3 of the Act, who are willing to give consent to the acquisition shall do so in Form No. 3. The consent form shall include the photographs of all the members of the families, who shall sign the consent form in the presence of an officer not below the rank of Deputy Collector, who shall countersign the said form.

(11) The consent form shall be executed in quadruplicate and submitted to the Collector who shall countersign all the forms of which one each shall be sent by registered post with acknowledgement due to the nominated representative of the affected family and to the Requiring Body. One copy along with the social impact assessment study report shall be sent to the Government and one shall be retained in the office of the Collector.

(12) The details regarding the persons/families who have submitted consent forms meeting the requirements of the Act and the rules shall be published by the Collector in his official website, in two daily newspapers having circulation in the area under acquisition, at least one of which shall be a Malayalam daily, by publication in the official notice board of the Collector, and by publication in the official notice boards of the Panchayats, Municipalities or Municipal Corporations, as the case may be, in the affected area.

(13) Any person, who is notified to have granted consent, may within three weeks from the date of such publication, file an objection in writing to the Collector that he has not signed the consent form.

(14) The Collector shall either by himself or through any other officer, enquire into the objection so filed and if the objection is found to be genuine, cancel the consent of such person and publish the same in the same manner as provided in sub-rule (12).

(15) Before cancelling the consent, the Collector shall afford an opportunity of hearing to the person who had filed objection, the Requiring Body and the officer who countersigned the consent form.

(16) The Collector shall cancel the consent form only on the ground that the said form was not signed by the person purported to have signed the same.

(17) A consent form executed by a person cannot be revoked and will be valid and binding till the acquisition is completed or the scheme of the acquisition expires or is revoked in accordance with the provision of the Act.

6. *Consent for acquisition of land in Scheduled Areas.*—(1) In the case of acquisition of land in any Scheduled Area is contemplated, the consent of all Panchayats or other local self government institutions within the local limits of which the said area is situate has to be obtained.

(2) On receipt of a requisition for acquiring land in any Scheduled Area, the Collector shall forthwith forward the proposal to all the Panchayats or other Local Self Government Institution, within the local limits of which the said area situates.

(3) The Panchayats or other Local Self Government Institutions within the local limits of which the said area situates, shall hold a special meeting after giving three weeks notice to its members of the proposed acquisition, to either accord consent or reject consent to the proposal for acquisition.

(4) A consent once granted by a Panchayat or other Local Self Government Institution for acquiring land in a Scheduled Area cannot be revoked and will be valid and binding till the acquisition is completed or the scheme of the acquisition expires or is revoked in accordance with the provisions of the Act.

7. *Limits of area for private purchase as required in clause (a) of sub-section (3) of section 2 of the Act.*—Any private entity or a person specified in clause (b) of sub-section (6) of section 46 of the Act, which intends to purchase land through private negotiations, intends to purchase land equal to or more than 101.17 hectares in rural areas and 40.47 hectares in urban areas within the State of Kerala, shall comply with the provisions of the Act regarding rehabilitation and resettlement.

8. *Limits of area for acquisition of agricultural land.*—(1) No irrigated multi cropped land shall be acquired under the provisions of the Act unless the Government are satisfied that the land is absolutely necessary for public purpose in which case the total agricultural land acquired shall not exceed two per cent of the aggregate net sown area in a district and five per cent of the aggregate net sown area within the State.

(2) The Government may vary the above limit, if necessary for reasons to be recorded in writing:

Provided that the above limit shall not apply to projects which are linear in nature as decided by the Government.

CHAPTER IV

SOCIAL IMPACT ASSESSMENT

9. *Social Impact Assessment Units.*—(1) The Government shall for the purpose of conducting Social Impact Assessment study in accordance with the provisions of the Act invite applications from individuals and organizations with experience in conducting social impact assessment or related field-based assessments. The Government shall, after assessing the capacity of the applicants through an interview and assessment of their experience accredit them to conduct the Social Impact Assessment Study for the Project and draw out a list of Social Impact Assessment Units.

(2) The Government shall empanel these Social Impact Assessment units (SIA units) in various categories depending on the scale of the acquisition, the area of their operation or on other relevant criteria and update the panels from time to time.

10. *Notifying a Social Impact Assessment Unit for conducting Social Impact Assessment study.*—(1) As soon as may be, but at any rate within two weeks from the date of receipt by the Government of a proposal for acquisition forwarded by the Collector complete in all respects, the Government shall identify and entrust an appropriate Social Impact Assessment unit from the panel maintained by it, to conduct the Social Impact Assessment study in respect of the acquisition.

(2) No Social Impact Assessment unit which has any ties, connections, business relations with the Requiring Body or has any other conflict of interest should be entrusted with the Social Impact Assessment study for any acquisition.

(3) The Social Impact Assessment unit shall submit to the Government along with the cost of the Social Impact Assessment study a certificate to the effect that it has no ties, connections, business relations or conflict of interest with the Requiring Body in conducting the Social Impact Assessment study.

11. *Project specific terms of reference and deposit of the cost of conducting Social Impact Assessment study.*—(1) When the Government intends to acquire land, the proposal for land acquisition shall be sent along with all relevant documents to the Social Impact Assessment unit, which shall prepare a detailed project specific terms of reference, listing all the activities that must be carried out, indicate the appropriate unit size and profile of the unit members and stipulate the schedule and deadlines for key deliverables for the Social Impact Assessment study. The Government shall forward the proposal for acquisition to the appropriate Social Impact Assessment unit and require the said unit to submit to the Government their cost for the Social Impact Assessment study with detailed breakups for the components involved.

(2) The Government on receipt of the cost of Social Impact Assessment study submitted to it by various Social Impact Assessment units, shall entrust the study to the appropriate unit which agrees to conduct the study within the time limit stipulated in the Act.

(3) Within a week after the deposit of the cost of undertaking Social Impact Assessment study by the Requiring Body, the Government shall issue a notification in the Official Gazette in Form No. 4 entrusting the Social Impact Assessment unit the responsibility of conducting the Social Impact Assessment study and preparing a Social Impact Management Plan for the proposed acquisition.

(4) The Government shall notify and entrust the Social Impact Assessment unit only if the Requiring Body has deposited with the State Government the entire cost of conducting the Social Impact Assessment study for the said acquisition.

(5) The State Government shall forward a copy of the notification entrusting the Social Impact Assessment unit to all the Panchayats, Municipalities and Municipal Corporations in the affected areas and require the Social Impact Assessment unit to conduct the Social Impact Assessment studies in consultation with the said Panchayats, Municipalities or Municipal Corporations.

(6) The Panchayats, Municipalities or Municipal Corporations in the affected areas can nominate a representative each to work with the Social Impact Assessment unit in conducting the Social Impact Assessment study.

12. *The process of conducting Social Impact Assessment study.*—

(1) The Social Impact Assessment team shall collect and analyse a range of quantitative and qualitative data, undertake detailed site visits, use participatory methods such as focused group discussion, participatory rural appraisal techniques and informant interviews in preparing the Social Impact Assessment Report.

(2) All relevant project reports and feasibility studies shall be made available to the Social Impact Assessment process, as required. Any request for information from Social Impact Assessment Unit shall be met at the earliest and not later than ten days of its receipt. The District Collector shall be responsible for providing the information requisitioned by the Social Impact Assessment team.

(3) A detailed assessment based on a thorough analysis of all relevant land records and data, field verification, review and comparison with similar projects shall be conducted by the Social Impact Assessment unit. The assessment shall determine the following, namely:—

- (a) area of impact under the proposed project, including both land to be acquired and areas that will be affected by environmental, social or other impacts of the project;
- (b) quantity and location of land proposed to be acquired for the project;
- (c) the land proposed for acquisition is the bare minimum required;
- (d) possible alternative sites for the project and their feasibility;
- (e) whether, the land proposed for acquisition in Scheduled Area is a demonstrable last resort;
- (f) land, if any, already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project;
- (g) the possibility of use of any public, unutilized land for the project and whether any of such land is under occupation;
- (h) nature of the land, present use and classification of land and if it is an agricultural land, the irrigation coverage for the said land and cropping pattern;
- (i) the special provisions with respect to food security have been adhered to in the proposed land acquisition;
- (j) size of holdings, ownership patterns, land distribution, number of residential houses, and public and private infrastructure and assets; and
- (k) land prices and recent changes in ownership, transfer and use of lands over the last three years.

(4) Except for the projects specified under section 10A of the Act, the Social Impact Assessment unit shall conduct the Social Impact Assessment studies as provided under sub-section (4) and (5) of section 4 of the Act involving the nominated representatives of the Panchayats, Municipalities or Municipal Corporations in the affected areas.

(5) The Social Impact Assessment unit shall undertake site visits, collect relevant data on the project and the land proposed for acquisition is the bare minimum required for the project and whether alternate places have been considered and found not feasible for the proposed acquisition.

(6) The Social Impact Assessment unit shall request the land owners in the affected area to update their title or claims on the affected land with the appropriate authorities in Government to facilitate the land acquisition process.

(7) The Social Impact Assessment unit must compile a list of land owners affected by the Project so that consent if required under clause (b) of section 2 of the Act can be obtained from the appropriate land owners and other persons interested.

(8) The officers of the State Government shall respond promptly to request for information or assistance by the Social Impact Assessment unit conducting a Social Impact Assessment study entrusted to it.

13. Preparation of the draft Social Impact Assessment study report.—(1) The Social Impact Assessment unit shall prepare a draft Social Impact Assessment study report as required under the Act and these rules within six months from the date on which it is entrusted with the Social Impact Assessment study. A draft Social Impact Management Plan shall also be prepared within the said six months listing ameliorative measures required to be undertaken for addressing the social impact for each component referred to in sub-section (5) of section 4 of the Act.

(2) The draft Social Impact Assessment study report and the draft Social Impact Management Plan shall be published in the website of the Social Impact Assessment unit. They shall also be made available in the offices of the Panchayats, Municipalities and Municipal Corporations affected by the acquisition and in the office of the Collector or Collectors concerned for members of the public to peruse and collect information therefrom.

14. *Public hearing on Social Impact Assessment.*—(1) The Social Impact Assessment unit shall hold a public hearing in the affected areas after giving at least fifteen days notice in Form No. 5 in two Malayalam dailies in circulation in the area about the date, time and venue of the public hearing along with a brief description of the project, including the places at which and the website on which all relevant details regarding the project can be perused or accessed by the public, in order to ascertain the views of the affected families on the proposed acquisition.

(2) The public hearing shall be held in the affected area or as close to it as possible considering the ease of access, availability of resources, infrastructure etc., to conduct the public hearing.

(3) If the affected area encompasses more than one Panchayat, Municipality or Municipal Corporation the public hearing shall be held in each of the Panchayats, Municipalities or Municipal Corporations within which at least twenty five percent of the total area sought to be acquired is situated.

(4) If for any reason including law and order, breach of peace, disturbance or obstructions caused during the public hearing etc., the public hearing requires to be postponed, it shall be conducted after issuing notice in two Malayalam dailies referring to the earlier notification and announcing the postponed time and venue of the public hearing. The details required to be published in the first notice need not be repeated in the notice announcing the postponed public hearing.

(5) If on account of any breakdown in law and order, breach of peace or disturbance or obstruction created during public hearing etc., the public hearing cannot be conducted, the Social Impact Assessment unit may record the same and dispense with the public hearing.

(6) If the public hearing is so dispensed with, then the Social Impact Assessment unit shall publish notice in at least two Malayalam dailies having circulation in the area informing the public about the cancellation of the public hearing and inviting objections from the members of the public as well as the affected families to be sent to the Social Impact Assessment unit within two weeks from the date of publication.

(7) The members of the affected families or members of the public shall have in addition to their right to appear and present their views in the public hearing, the right to send their written objection/views/suggestions on the proposed acquisition to the Social Impact Assessment unit on or before the date of public hearing and the objections/views/suggestions shall also be considered by the Social Impact Assessment unit as if received during the public hearing.

(8) The Social Impact Assessment unit as well as the Requiring Body shall be represented by competent persons who are well versed with the project to answer the queries of the affected persons or other members of the public regarding the project.

15. Preparation of the Social Impact Assessment Report and the Social Impact Management Plan.—(1) As soon as may be after the public hearing, the Social Impact Assessment unit shall seek the remarks of the Requiring Body on the views or objections raised by the affected families or by any other person at the public hearing or received by it in writing.

(2) On receipt of the communication from the Social Impact Assessment unit, the Requiring Body shall answer each of the objections or views required to be answered by it.

(3) The Requiring Body shall submit its response in writing to the Social Impact Assessment unit within two weeks from the date of receipt of the request from the Social Impact Assessment unit.

(4) The views of the affected families and the members of the public received at the public hearing or in writing to the Social Impact Assessment unit shall be considered and addressed in the final Social Impact Assessment report after eliciting the response of the Requiring Body.

(5) The Social Impact Assessment unit shall within six months from the date on which it is entrusted with the Social Impact Assessment study prepare the final Social Impact Assessment report and submit it to the Government. The Social Impact Assessment unit shall also prepare a Social Impact Management Plan listing the ameliorative measures required to be undertaken for addressing the specific components listed in sub-section (5) of section 4 of the Act in Form No. 6 and submit it to the Government together with the Social Impact Assessment study report.

(6) If the Government is of the opinion that any Social Impact Assessment unit entrusted with a Social Impact Assessment study is unable to submit the Social Impact Assessment report and Social Impact Management Plan within the time limit of six months, it can with notice to the Social Impact Assessment unit concerned, cancel the notification issued under rule 11 and entrust the Social Impact Assessment study to any other Social Impact Assessment unit by making a fresh notification.

(7) If the Social Impact Assessment study report and the Social Impact Management Plan are made in English, true translations of the same in Malayalam shall also be prepared by the Social Impact Assessment unit and a copy of the Social Impact Assessment report and the Social Impact Management Plan in Malayalam shall also be made available to the Local Self Government Institutions affected by the acquisition as well as in the offices of the Collectors, the Sub Divisional Magistrates, the Tahsildars of the affected area. Copies of the Social Impact Assessment study report and Social Impact Management Plan along with connected documents should be made available for perusal by the Social Impact Assessment units on their website and shall also be published by the Government on the Government's website for the affected persons and members of the public. The Social Impact Assessment unit shall also forward a copy of the Social Impact Assessment study report and Social Impact Management Plan to any agency conducting an Environmental Impact Assessment study in respect of the same project under the provisions of any other law for the time being in force.

16. *Publication of the report of the Expert Group.*—(1) The recommendation of the Expert Group shall be made available in Malayalam to the Local Self Government Institutions affected by the acquisition in the offices of the Collectors, Sub Divisional Magistrates and Tahsildars in the affected areas.

(2) The recommendations of the Expert Group shall also be published in a Malayalam daily having circulation in the affected areas.

(3) The copy of the recommendation of the Expert Group shall also be uploaded on the website of the Government.

17. *Publication of the decision of the Government.*—(1) On receipt of the recommendation of the Expert Group, the Government shall take a final decision on the proposed acquisition in conformity with the provision in sub-sections (1) and (2) of section 8 of the Act.

(2) The decisions of the Government shall be made available in Malayalam to the Local Self Government Institutions affected by the acquisition, in the offices of the Collectors, Sub Divisional Magistrates and Tahsildars in the affected area and also published in a Malayalam daily having circulation in the affected area and uploaded in the Government website.

(3) The Government may, for reasons to be recorded in writing take a final decision against the recommendations of the Expert Group.

(4) The decision of the Government shall be final.

CHAPTER V

PRELIMINARY NOTIFICATION

18. *Publication of the Preliminary Notification.*—(1) Whenever the Government decides to proceed with the land acquisition, the Government shall publish a preliminary notification as provided in sub-section (1) of section 11 of the Act showing the details of the land proposed to be acquired, categorizing them separately as rural or urban areas as applicable in Form No. 7 and in the case of notifications as provided in sub-section (4) of section 40 of the Act in Form No. 7A.

(2) The date of publication of the notification shall be the date on which the latest publication was made among the various modes in which the notification as per clauses (a) to (e) of sub-section (1) of section 11 is published.

(3) Any person who owns land or has any other interest in the land covered by a Preliminary Notification, shall within fifteen days of the notice published by the Collector report to the concerned offices of the Government and stake his claim on the said land as provided under any law for the time being in force.

(4) All disputes arising out of any application made by any person claiming ownership or other interest in respect of any land included in the Preliminary Notification to update the concerned records with the Government or its officers, shall be referred by the officer concerned to the Collector who shall endeavor to resolve it in accordance with any law for the time being in force regarding resolution of such disputes.

(5) If for any reason the Collector concerned cannot resolve the dispute regarding the ownership or other interest claimed by any person in respect of any land covered in the Preliminary Notification, the Collector concerned shall make a report of the claim, the objections raised, if any, and the disputed questions and shall direct the parties concerned to have it resolved by a competent court of law or by any other Agency/Tribunal/Forum vested with jurisdiction to resolve the said dispute as per any law for the time being in force.

(6) Till the dispute is resolved by a court of law, or by any other Agency/Tribunal/Forum, the land in question shall be marked in the revenue records as disputed property for the purpose of the Act and these rules. Any claims for compensation, rehabilitation or resettlement in respect of any person interested in a land over which any right is disputed shall only be settled after the dispute is resolved by a competent court of law or by any Agency, Tribunal or Forum empowered to settle such disputes under any law for the time being in force.

CHAPTER VI

SURVEY AND DEMARCATION

19. *Preliminary survey of land.*—(1) For the purpose of enabling the Government to determine the extent of land to be acquired, the Collector may either personally or through any other officer of the Government or through any other persons or organizations undertake all such steps as are necessary to survey and demarcate the land concerned in the manner provided in section 12 of the Act.

(2) The notice to land owners as provided in second and third provisos to section 12 of the Act shall be given either by delivery on them in person, by registered post or by affixing notices on the premises witnessed by two independent residents of the locality.

(3) The Collector may, in addition to or in place of the notice to be issued under sub-rule (2) issue notice either to one or more land owners by publication in a Malayalam daily having circulation in the area, informing them about the steps proposed to be taken under section 12 and requiring them or their duly authorised agents to be present at the date, time and place to be given in the notice, as provided in the second and third provisos to section 12 of the Act.

(4) The Collector or any other persons authorised by him may take the assistance of the police or any other officers of the Central or State Government in carrying out their duties under the Act and these Rules.

(5) The police and all other officers shall be duty bound to provide all such assistance as are required by the Collector or other person empowered by him to undertake the survey of land in connection with the proposed acquisition provided that the assistance requested is within the powers and functions of the officer concerned conferred on him by any law for the time being in force.

(6) The Collector or any other person empowered by him in this regard to conduct the survey of land for the purpose of acquisition, shall have the power to enter such other lands adjacent to or situated close to the land proposed to be acquired, in the same manner as if they were lands covered by the Preliminary Notification and all the powers under section 12 of the Act as well as under these rules shall apply to the entry by the Collector or other persons authorized by him to the adjacent or surrounding land.

*Explanation:—*For the purpose of this Chapter of these rules, "person" includes any officer of the Government or any other person or entity or agency authorised or empowered by the Collector to undertake any work in relation to survey and demarcation of land, and structures thereon.

(7) If the Collector or any person authorised by the Government, is of the opinion that any damage will be caused to any land in conducting the survey or in demarcation of the land for the proposed acquisition, the Collector or the authorised person shall pay the estimated amount of damages to the land owner at the time of entry into the said land.

(8) If the owner of the land refuses to receive the damages for any reason or is not to be found at the time of entry, the estimated damages shall be retained by the Collector for payment to the land owner.

(9) If any land owner disputes the quantum of damages payable to him as estimated by any person authorised by the Government, he can prefer an appeal before the Collector whose decision on the quantum of damages shall be final.

CHAPTER VII

HEARING OF OBJECTIONS

20. *Hearing of objections on the Preliminary Notification.*—(1) The objection made by a person interested in any land shall clearly state the kind of interest the person has in the land which has been notified together with supporting documents to prove the same.

(2) No objection received from any person who has no interest in any land which has been notified under sub-section (1) of section 11 will be considered by the Collector.

(3) If the Collector is satisfied that the person who prefers an objection has any interest in any land which has been notified under sub-section (1) of section 11, he shall afford him an opportunity of being heard in person or through any person authorized by him or by an Advocate for which at least seven day's notice shall be given in Form No. 8.

(4) After the personal hearing, the Collector shall submit a report to the Government about the objections filed as well as additional objections made during the personal hearing, along with his remarks on the objections.

(5) Before formulating the report, the Collector may also make such enquiries as he deems necessary.

(6) If any material or relevant fact is disclosed during the enquiry conducted by the Collector adverse to the person who has submitted the written objections, the said person shall be put to notice about the result of the enquiry and a reasonable opportunity shall be offered to him to dispute the said material or relevant fact before formulating the report.

(7) The Collector may make individual reports based on the written objections and hearing conducted in respect of different parcels of land covered by the Preliminary Notification or make a consolidated report in respect of all land which has been covered under the Preliminary Notification as he deems appropriate in the facts and circumstances of the case.

(8) Even when the Collector makes a consolidated report, individual objections and the remarks against each objection has to be separately stated.

(9) The report of the Collector under sub-rule (4) shall be forwarded as soon as may be, but at any rate within three weeks from the date of the last personal hearing, to the Government along with copies of all the objections and submissions received in writing from persons interested in any land covered under the Preliminary Notification and the result of any enquiry conducted by the Collector.

(10) The Collector shall also forward a separate report giving therein the approximate cost of the proposed land acquisition estimated as per the provisions of the Act and these rules, particulars as to the number of affected families likely to be resettled and reconfirming whether consent has been obtained from the requisite percentage of affected families as provided in sub-section (2) of section 2 of the Act, if applicable.

(11) On receipt of the reports from the Collector under sub-rules (4) and (10), the Government shall, as soon as may be but at any rate within four weeks from the date of receipt of all requisite records, take a decision as to whether the objections raised are sustainable.

(12) If the Government are of opinion that any of the objections raised in the report of the Collector are valid and require the proposal for land acquisition to be dropped or altered, then the Government shall summarise its *prima facie* opinion and send a notice to the Requiring Body to state in writing, its objections/suggestions on the *prima facie* findings.

(13) The Requiring Body, on receipt of the aforesaid notice by the Government shall submit its objections/suggestions, if any, within three weeks from the date of receipt of a copy of the notice and shall also intimate the Government whether it requires a personal hearing before a final decision is taken by the Government.

(14) If no personal hearing is requested by the Requiring Body, the Government shall consider whether in the light of the report of the Requiring Body the proposal for acquisition has to be revoked or altered. If a personal hearing is availed of by the Requiring Body, the views expressed in the personal hearing shall also be taken into consideration by the Government before issuing final orders.

(15) The final orders of the Government shall be communicated to the Requiring Body, the Collectors concerned, the Panchayats, Municipalities and Municipal Corporations in the area notified to be acquired and shall also be published in the website of the Government.

(16) If the final order of the Government directs the land acquisition proposal to be stopped or altered, the Collector and all other officers of the Government shall be duty bound to implement the same within four weeks from the date of receipt of the copy of the order.

CHAPTER VIII

REHABILITATION AND RESETTLEMENT

21. *Procedure for Rehabilitation and Resettlement.*—(1) The Government shall, before the publication of the Preliminary Notification for acquisition of land under sub-section (1) of section 11 of the Act appoint an officer not below the rank of Deputy Collector in the Revenue Department in the district concerned to be the Administrator for Rehabilitation and Resettlement for the said project. The name and designation of the Administrator shall be published in the Preliminary Notification as required under sub-section (3) of section 11 of the Act.

(2) Where the land acquisition is spread over two districts or more, the Administrator for Rehabilitation and Resettlement shall be an officer not below the rank of Deputy Collector in the district where the major part of the land under acquisition is situated.

(3) Subject to the superintendence, direction and control of the Government and the Commissioner for Rehabilitation and Resettlement, the Administrator for Rehabilitation and Resettlement shall be responsible for the formulation, execution and monitoring of the rehabilitation and resettlement scheme for the project under him.

(4) The Administrator shall be responsible for preparation of the draft rehabilitation and resettlement scheme as required under section 16 of the Act.

(5) In preparing the draft rehabilitation and resettlement scheme the Administrator may seek the assistance of the Social Impact Assessment unit engaged in the Social Impact Assessment study report as well as the Local Self Government Institutions in the affected area and the draft rehabilitation and resettlement scheme shall be prepared indicating a time limit for implementation of the same.

(6) The draft rehabilitation and resettlement scheme shall be published in the affected areas by publication in a Malayalam daily having circulation in the local area as well as by publication in the offices of the Local Self Government Institutions in the affected areas. The draft rehabilitation and resettlement scheme shall also be published in the website of the Government.

(7) Along with publication of the Rehabilitation and Resettlement Scheme, the Administrator shall also announce the conduct of a public hearing/public hearings giving at least two weeks' time from the date of publication to the date of the public hearing in Form No. 9.

(8) In case the area under acquisition is spread over more than one Panchayat, Municipality or Municipal Corporation, public hearings shall be conducted in every Panchayat, Municipality and Municipal Corporation where more than twenty five per cent of land belonging to that Panchayat, Municipality or Municipal Corporation are being acquired ensuring that no two public hearings are conducted on the same day.

(9) On completion of the public hearing, the Administrator shall submit the draft rehabilitation and resettlement scheme along with a specific report on the objections/suggestions or claims received during the public hearing, to the Collector.

(10) The Collector shall, as soon as may be, after receipt of the draft rehabilitation and resettlement scheme and the report of the Administrator, at any rate within two months from the date of its receipt submit the draft rehabilitation and resettlement scheme along with his remarks thereon to the Commissioner for Rehabilitation and Resettlement for approval of the scheme.

(11) The Collector may make such enquiries as he deems fit and obtain such details as may be necessary for him to offer his views on the draft rehabilitation and resettlement scheme before transmitting it to the Commissioner for Rehabilitation and Resettlement.

(12) The draft scheme for rehabilitation and resettlement prepared shall include a breakup and estimate of the cost of rehabilitation and resettlement and identify the alternate land/infrastructure required to effectuate the rehabilitation and resettlement.

(13) The Commissioner for Rehabilitation and Resettlement shall examine the draft rehabilitation and resettlement scheme submitted by the Collector and either approve the same with or without modifications, reject the same or require a better scheme to be prepared.

(14) If the Commissioner for Rehabilitation and Resettlement accepts the scheme as such or with modifications, the Collector shall intimate the Requiring Body about the cost for rehabilitation and resettlement to be deposited with him for proceeding with the land acquisition.

(15) The Commissioner for Rehabilitation and Resettlement shall approve the rehabilitation and resettlement scheme and make it available in Malayalam to the Panchayat, Municipality and Municipal Corporation within the affected area and also in the offices of the Collector, the Sub Divisional Magistrate and Tahsildar concerned. The Rehabilitation and Resettlement Scheme shall be published in a Malayalam daily having circulation in the local areas and shall also be uploaded in the website of the Government.

(16) The appropriate Government shall publish a declaration of the land needed for a public purpose along with the declaration of land identified as the Resettlement area as required under sub-section (1) of section 19 of the Act, in Form No. 10 after it is satisfied that the Requiring Body has deposited in full the estimated cost of acquisition. However, in projects where land is acquired in stages, the cost of Rehabilitation and Resettlement may also be paid in stages as provided in sub-section (3) of section 19 of the Act.

The following documents are to be attached with the declaration prepared in Form No. 10 while forwarding the same to the Government for approval and publication:—

- (a) an attested copy of the requisition;
- (b) attested copy of Gazette and paper cuttings containing published copies of the preliminary notification;
- (c) served and published copies of notices referred to in rule 5;
- (d) the sketch of the site;
- (e) extract from the Village Settlement/Adangal/Land Tax Register relating to the land;
- (f) sub-division statement;
- (g) the objection petitions (in original);
- (h) the record of enquiry under section 15(2);
- (i) statement reconciling difference between the particulars shown in the preliminary/composite notification and the declaration together with a certificate that the difference has been reconciled;
- (j) a confidential note on the nature and weight to be attached to the existence of religious-buildings, tombs, graveyards etc., if any on the land under acquisition;
- (k) copy of Social Impact Assessment Report and Social Impact Management Plan;

- (l) copy of publication of the Social Impact Assessment Report and Social Impact Management Plan;
- (m) approved Rehabilitation and Resettlement Scheme;
- (n) draft declaration in triplicate with Rehabilitation and Resettlement summary.

(17) The appropriate Government shall publish a declaration as required under sub-section (1) of section 19 of the Act, if land is needed urgently at any time after the date of the publication of the preliminary notification under sub-section (1) of section 11 in Form No. 11.

CHAPTER IX

ADMINISTRATOR

22. *Powers and duties of the Administrator.*—(1) The Administrator appointed under sub-section (1) of section 43 of the Act shall have the following powers and duties namely:—

- (a) to prepare a draft Rehabilitation and Resettlement Scheme;
- (b) to make known to the people about the draft Rehabilitation and Resettlement Scheme;
- (c) to make available the draft Rehabilitation and Resettlement Scheme to the concerned persons and authorities;
- (d) to issue and publish notices for public hearings on the draft Rehabilitation and Resettlement Scheme in the affected areas;
- (e) to conduct public hearings on the draft Rehabilitation and Resettlement Scheme in the affected areas;
- (f) to give an opportunity to the requiring Body to make suggestions and comments on the draft Rehabilitation and Resettlement Scheme;
- (g) to submit the draft Rehabilitation and Resettlement Scheme to the Collector;

- (h) to publish the approved Rehabilitation and Resettlement Scheme in the affected area;
- (i) to help and assist the Collector in preparing the Rehabilitation and Resettlement award;
- (j) to monitor and supervise the progress in Rehabilitation and Resettlement study;
- (k) to assist in post implementation audit of Rehabilitation and Resettlement; and
- (l) any other work required to be done for Rehabilitation and Resettlement.

(2) For the discharge of his functions under the Act and these rules the Administrator for Rehabilitation and Resettlement shall have full authority to seek the assistance of any police officer in the State.

(3) The police officer in the State to whom a request is made in writing by the Administrator for Rehabilitation and Resettlement shall be bound, subject only to the limitations on his functions and powers conferred by any other law to provide immediate and effective assistance as requested by the Administrator.

(4) All officers and employees of the Government shall be bound to assist the Administrator for Rehabilitation and Resettlement in the discharge of his functions, if so requested by him, provided that the service requested comes within the powers conferred on him by any law for the time being in force.

(5) Any officer or employee of the Government including police officers who fails to provide any assistance required by the Administrator in writing shall be liable to be proceeded against in a departmental proceeding for the imposition of a major penalty under the departmental rules applicable to him unless the failure on his part was on account of factors beyond his control.

(6) The Administrator shall report to the Collector any failure on the part of any officer or employee of the Government including any member of the police force to render timely and effective assistance to him despite a request made in writing.

(7) If the Collector is satisfied that the complaint of the Administrator is genuine, he shall forward a report to the Head of the Department of the officer/employee of the Government who shall on receipt thereof be required to initiate departmental proceedings for the imposition of a major penalty on the concerned officer.

23. *Rehabilitation and Resettlement Committee.*—(1) The Government shall constitute a Rehabilitation and Resettlement Committee at project level to monitor and review the progress of implementation of the Rehabilitation and Resettlement Scheme and to carry out post-implementation social audits in consultation with the Village Panchayat in rural areas and Municipal Council/Corporation in urban areas. The travelling allowance payable to the members of the Committee and the sitting fee payable to non official members of the Committee shall be specified in the order by which the Committee is constituted.

(2) The Committee shall have its first meeting when a draft Rehabilitation and Resettlement Scheme has been prepared by an Administrator. The Committee shall discuss the Scheme and make suggestions and recommendations. Thereafter, in subsequent meetings, the Committee shall discuss the progress of the Rehabilitation and Resettlement once in a month till the process of resettlement is concluded.

(3) For the purpose of discussing the post-implementation of social audits, the Committee shall meet once in three months.

(4) The Committee may visit the affected area and meet the affected families if it so desires and pay site visits to the resettlement areas to monitor the resettlement process.

24. *The State Monitoring Committee for rehabilitation and resettlement.*—(1) The State Monitoring Committee to be constituted by the Government under section 50 of the Act shall meet at least once in six months and the quorum for the meeting of the Committee shall be not less than one half of the total number of members.

(2) The State Monitoring Committee for Rehabilitation and Resettlement shall examine either *suo motu* or on request, any rehabilitation scheme/plan implemented in the State.

(3) The Committee may at any time call for the records relating to the implementation of the rehabilitation plan of the project/the scheme concerned and review the same. The Committee may for this purpose call for the report of the Commissioner for Resettlement and Rehabilitation appointed under section 44 of the Act or the Rehabilitation and Resettlement Committee at project level constituted under section 45 of the Act.

(4) The Committee may, if it so desires, visit the affected areas, discuss with the affected families, record statements from the project affected people and may give necessary instructions to the Rehabilitation and Resettlement Committee at the project level.

(5) The Committee may make recommendations to Government regarding the corrective measures to be taken up in respect of any rehabilitation plan/scheme implemented in the State.

(6) The experts in the Committee shall be entitled to get an allowance of ₹ 2,000 per sitting or the amount for which such person is eligible, subject to revision by Government from time to time.

25. *Manner of recovery of excess compensation.*—Where any excess amount of compensation is proved to have been paid to any person as result of correction under sub-section (1) of section 33, the excess amount so paid shall be refunded within one month and in the case of default or refusal to pay such amount by the person concerned, the same shall be recovered as if it is arrears of revenue due on land.

26. *The salary and allowances of Land Acquisition, Rehabilitation and Resettlement Authority and its officers and employees.*—(1) The Presiding Officer of the Land Acquisition, Rehabilitation and Resettlement Authority appointed under sub-section (1) of section 53 of the Act shall be entitled to the pay of a District Judge in the super time scale and other allowances admissible to a District Judge holding the same rank. In case, the Presiding Officer appointed is a District Judge retired from service, the aforementioned pay shall be reduced by the amount of pension drawn by him as per the provisions in Part III of the Kerala Service Rules.

(2) The categories of posts of officers and other employees of the Authority and their method of appointment shall be as specified in the Table given below:—

<i>Sl. No.</i>	<i>Name of Post/Category</i>	<i>No. of Posts</i>	<i>Method of Appointment</i>
1	Registrar	1	By deputation from the category of Deputy Collector in the Land Revenue Department or from any other category of Officers of equivalent rank in the state Government Service.
2	Sheristadar	1	By deputation from among the officers in the rank of Tahsildar or Senior Superintendent of Land Revenue Department, or from any other category of Officers of equivalent rank in the State Government Service.
3	Junior Superintendent	1	By deputation from among the Junior Superintendent in the Land Revenue Department or from any other category of equivalent rank in the State Government Service.
4	Head Clerk	1	By deputation from among the Head Clerks in the Land Revenue Department or from any other category of equivalent rank in the State Government Service.
5	Upper Division Clerk	4	By deputation from among the Upper Division Clerks in the Land Revenue Department or from any other category of equivalent rank in the State Government Service.

<i>Sl. No.</i>	<i>Name of Post/Category</i>	<i>No. of posts</i>	<i>Method of appointment</i>
6	Lower Division Clerk	4	By deputation from among the Lower Division Clerks in the Land Revenue Department or from any other category of equivalent rank in the State Government Service.
7	Confidential Assistant	1	By deputation from among the employees holding equivalent post in the Kerala Subordinate Service.
8	Computer Assistant	1	By deputation from among the employees holding equivalent post in the Kerala Subordinate Service.
9	Attender	1	By deputation from among the employees holding equivalent post in the Kerala Subordinate Service.
10	Office Attendant	4	By deputation from among the employees holding equivalent post in the Kerala Subordinate Service.
11	Driver	1	By deputation from among the employees holding equivalent post in the Kerala Subordinate Service.
12	Part Time Sweeper	1	In the manner as provided in the Kerala Part Time Contingent Service Rules.
Total		21	

(3) The conditions of service of staff on deputation basis including leave and other benefits, shall be as per the Kerala Service Rules.

CHAPTER X

LAND ACQUISITION AWARDS AND FINANCIAL POWER THEREOF

27. In cases where the award amount exceeds rupees ten crores in an individual award, the Collector shall forward the draft award for prior approval in form No. 12 to,—

(1) The Commissioner for Rehabilitation and Resettlement where the award amount exceeds rupees ten crores.

(2) The Government where the award amount exceeds rupees twenty crores.

FORM No. 1

[See rule 3(1)]

NOTIFICATION

In exercise of the powers conferred by clause (g) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the Government of Kerala hereby appoint the officers specified in column (2) of the Schedule below to perform any one or more functions of a Collector under the said Act within the area specified in column (3) thereof and authorize them, their servants and workmen to exercise the powers conferred by the section 12 in respect of any land within their respective jurisdiction for the acquisition of which a notification under sub-section (1) of Section 11 has been published.

SCHEDULE

<i>Sl. No.</i>	<i>Designation of the Officer</i>	<i>Area of Jurisdiction</i>
(1)	(2)	(3)
(2).....etc.		

By order of the Governor,

.....

Secretary to Government.

FORM OF REQUISITION FOR ACQUISITION OF LAND

1. Name of district, taluk and village in which the land proposed to be acquired is situated :
2. Survey Number(s) of the land proposed to be acquired :
3. Extent of land to be acquired (Place with measurements and demarcations approved by a competent officer is attached) :
4. Purpose for which it is to be acquired :
5. (a) Name and designation of the departmental officer, if any, deputed for the joint inspection with the revenue officer :
- (b) Whether it is necessary to take possession of the land in advance by invoking the urgency clause under section 40 of the Land Acquisition Act. :
- (c) The special reasons for invoking urgency clause :
6. Whether the resolution of the Local Self Government Institution to use the land for the specific purpose is attached :
7. If required on behalf of Panchayat or a Municipal Council or Corporation, whether the certificates regarding the suitability of the site are appended :

8. (a) Whether the sanction of the competent authority has been obtained— :
- (i) for the work for which the land is required :
- (ii) for the requisition of the land in question :
- (b) Whether necessary budget provision exists for meeting the cost of acquisition :
9. Whether objection of the owners of the land have been considered :
10. Whether any other suitable site is available :
11. Whether the Local Self Government Institution concerned has agreed is abide by the conditions that may be imposed for alienation of the land after acquisition. :

Declaration

Certified that all the facts stated above are true to the best of my knowledge and information.

(Office Seal)

*Signature and Designation of the
Requisitioning Authority*

A. PRIOR WRITTEN CONSENT/DECLARATION FORM

Sl. No.	<i>Details of persons concerned</i>	
1	Name of the person(s) in whose name the land is registered	
2	Name of the spouse	
3	Name of father/mother	
4	Address	
5	Village	
6	Grama Panchayat/Municipality/Corporation	
7	Taluk	
8	District	
9	(a) Scheduled Tribe : Yes/No (Attach authenticated copy of Certificate) (b) Other Traditional Forest Dweller : Yes/No If a spouse is a Scheduled Tribe (attach authenticated copy of Certificate)	
10	Name of other members in the family with age (including children and adult dependents)	
11	Extent of land owned (a) for habitation (b) for self-cultivation or farming, if any	
12	Disputed land, if any	
13	Pattas/leases/grants, if any	

Sl. No.	<i>Details of persons concerned</i>	
14	Any other right, including tenancy, if any	
15	Evidence in support	
16	Any other information	
	Whether the terms of the acquisition have been read out and explained to the person(s) and they have been understood by them to the best of their knowledge and agreed	
	Signature/Thumb Impression of the members of the family(s)	
17	Photographs of the person who gives consent	

Declaration

I hereby declare that all the facts stated above are true and correct to the best of my information, knowledge and belief and no material has been concealed therefrom.

I have read the contents of this consent form/the contents of this consent form have been read out to me and explained to me inlanguage and I agree/do not agree to give my consent to the proposed acquisition of the land described above in my ownership. I also undertake that after giving consent as abroad, no further claim shall lie for withdrawal of consent.

Signature of the person(s) giving the declaration:

Name(s) :

Countersigned by :

Deputy Collector

Countersigned by :

District Collector

FORM No. 4

[See rule 11(3)]

NOTIFICATION

No. Thiruvananthapuram, Dated.....

WHEREAS, it appears to the Government of Kerala that the land specified in the Schedule below is needed or likely to be needed for a public purpose, to wit for

AND WHEREAS, in exercise of the powers conferred in sub-section (1) of section 4 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), Government of Kerala have decided to conduct a Social Impact Assessment in the area specified in the schedule below.

NOW, THEREFORE, sanction is accorded to the District level Social Impact Assessment Unit, District to conduct a Social Impact Assessment Study and to prepare a Social Impact Management Plan as provided in the Act. The process shall be completed within a period of months, not exceeding six months in any case.

SCHEDULE

District :

Taluk :

Village or Amsom and Desom :

(The extent given is approximate)

Serial No.	Survey No.	Description	Extent
			H. Are Sq. Meter
			Total

By order of the Governor,

Secretary to Government.

FORM No. 5
[See rule 14 (1)]

NOTICE

No.

Dated:

Notice is hereby given that the land specified in the appended schedule and situated in Village in Taluk of District is needed or likely to be needed for a public purpose, to wit for i n accordance with the notification No. published, under sub-section (1) of section 4 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) at pages of Part I Kerala Gazette dated All persons interested in the said land are accordingly required to appear before the..... on..... at, for a public hearing in connection with the preparation of Social Impact Assessment Report.

SCHEDULE

<i>Serial No.</i>	<i>Survey No.</i>	<i>Description</i>	<i>Extent required in hectares</i>	<i>Name of Owners of Land/Interested Persons</i>
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Chairman,
Social Impact Assessment Unit.

[See rule 15(5)]

TABLE OF CONTENTS OF SOCIAL IMPACT ASSESSMENT REPORT AND
SOCIAL IMPACT MANAGEMENT PLAN

<i>Chapter</i>	<i>Contents</i>
Executive Summary	<ul style="list-style-type: none"> • Project and public purpose • Location • Size and attributes of land acquisition • Alternatives considered • Social Impacts • Mitigation measures.
Detailed Project Description	<ul style="list-style-type: none"> • Background of the project, including developers background and governance/management structure • Rationale for project including how the project fits the public purpose criteria listed in the Act • Details of project size, location, capacity, outputs, production targets, cost, risks • Examination of alternatives • Phases of project construction • Core design features and size and type of facilities • Need for ancillary infrastructural facilities • Work force requirements (temporary and permanent) • Details of Social Impact Assessment/ Environment Impact Assessment if already conducted and any technical feasibility reports • Applicable law and policies.

<i>Chapter</i>	<i>Contents</i>
Team composition approach, methodology and schedule of the Social Impact Assessment	<ul style="list-style-type: none"> • List of all team members with qualifications • Description and rationale for the methodology and tools used to collect information for the Social Impact Assessment • Sampling methodology used • Overview of information/data sources used • Schedule of consultations with key stakeholders and brief description of public hearings conducted.
Land Assessment	<ul style="list-style-type: none"> • Describe with the help of the maps, information from land inventories and primary sources • Entire area of impact under the influence of the project (not limited to land area for acquisition) • Total land requirement for the project • Present use of any public, utilized land in the vicinity of the project area • Land (if any) already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project • Quantity and location of land proposed to be acquired for the project • Nature, present use and classification of land and if agricultural land, irrigation coverage and cropping patterns • Size of holding, ownership patterns, land distributions and number of residential houses • Land prices and recent changes in ownership, transfer and use of lands over the last three years

<i>Chapter</i>	<i>Contents</i>
Estimation and enumeration (where required) of affected families and assets	<ul style="list-style-type: none"> • Estimation of families,— (a) Families which are directly affected (own land that is proposed to be acquired): <ul style="list-style-type: none"> • Family of Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights • Families which depend on common property resources which will be affected due to acquisition of land for their livelihood • Families which have been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition • Families which have been residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land • Families which have depended on the land being acquired as a primary source of livelihood for three years prior to the acquisition (b) Families which are indirectly impacted by the project (not affected directly by the acquisition of own lands) (c) Inventory of productive assets and significant lands.
Socio-economic and cultural profile (affected area and resettlement site)	<ul style="list-style-type: none"> • Demographic details of the population in the project area • Income and poverty levels • Vulnerable groups • Land use and livelihood • Local economic activities

<i>Chapter</i>	<i>Contents</i>
	<ul style="list-style-type: none"> • Factors that contribute to local livelihoods • Kinship patterns and social and cultural organization • Administrative organisation • Political organisation • Community based and civil society organisations • Regional dynamics and historical change processes • Quality of the living environment.
Social Impact Management Plan	<ul style="list-style-type: none"> • Approach to mitigation • Measures to avoid, mitigate and compensate impact • Measures that are included in the terms of Rehabilitation and Resettlement and Compensation as outlined in the Act. • Measures that the Requiring Body has stated it will introduce in the Project Proposal • Alterations to project design and additional measures that may be required to address the extent and intensity of impacts across various groups as identified during the Social Impact Assessment process • Detailed mitigation plan must include: <ul style="list-style-type: none"> detailed activities to be carried out for each mitigation strategy, timelines for each mitigation strategy. • The Social Impact Management Plan must clearly indicate which measures the Requiring Body has committed to undertake and those that have been proposed, but not committed to be undertaken by the Requiring Body.

<i>Chapter</i>	<i>Contents</i>
Social Impact Management Plan Institutional framework	<ul style="list-style-type: none"> • Description of institutional structures and key person responsible for each mitigation measures • Specify role of Non Governmental Organisations etc., if involved • Indicate capacities required and capacity building plan, including technical assistance, if any • Timelines for each activity.
Social Impact Management Plan Budget and financing of Mitigation, Plan	<ul style="list-style-type: none"> • Costs of all resettlement and rehabilitation costs • Annual budget and plan of action • Funding sources with breakup.
Social Impact Management Plan Monitoring and Evaluation	<ul style="list-style-type: none"> • Key Monitory and Evaluative indicators • Reporting mechanisms and monitoring roles • Plan for independent evaluation.
Analysis of costs and benefits and recommendation on acquisition	<ul style="list-style-type: none"> • Final conclusions on : Assessment of public purpose, less displacing alternatives, minimum requirements of land, the nature and intensity of social impacts, and viable mitigation measures and the extent to which mitigation measures will address costs • The above analysis will use the equity principle as a framework of analysis for presenting a final recommendation on whether the acquisition should go through or not.
References and Annexures	For reference and further information.

[See rule 18(1)]

FORM OF PRELIMINARY NOTIFICATION TO BE ISSUED BY THE COLLECTOR UNDER SUB-SECTION (1) OF SECTION 11

NOTIFICATION

No. Place Dated:

WHEREAS, the Government of Kerala have as per notification No. dated appointed the to perform the functions of a Collector for the purpose of land acquisition under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

AND WHEREAS, the Government hereby appoint.....as the Administrator for the purpose of Rehabilitation and Resettlement to the proposed acquisition.

AND WHEREAS, it appears to the Government that the land specified in the schedule below is needed or is likely to be needed for public purpose to wit for.....

Now, THEREFORE, notice is hereby given to that effect to whomsoever it may concern, in accordance with the provisions of sub-section (1) of section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

All persons interested in the said land are accordingly required to lodge before the.....within 15 days from the date of publication of the above notification, or after giving public notice regarding this whichever is later, a statement in writing of their objections, if any, regarding the updation of land records or title in respect of the land proposed for acquisition. Any objection/statement which is received after the due date or which does not clearly explain as to how the objector is interested in the land is liable to be summarily rejected.

A summary of the Social Impact Assessment Report is given below, which is available in the official website.....

SCHEDULE

*District:**Taluk:**Village or Amsom and Desom:*

(The extent given is approximate)

<i>Serial No.</i>	<i>Survey No.</i>	<i>Description</i>	<i>Extent H.Are Sq.Meter</i>	<i>Nature of Public purpose</i>	<i>Reasons for displacement of affected families</i>	<i>Names of owners/ interested persons</i>
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.....

Total.....

Summary of Social Impact Assessment Report.

By order of the Governor,

Collector/Secretary to Government.

FORM OF COMPOSITE NOTIFICATION TO BE ISSUED BY
THE LAND ACQUISITION OFFICER UNDER SUB-SECTION (1)
OF SECTION 11 AND SUB-SECTION (4) OF SECTION 40

NOTIFICATION

No. Place..... Dated.....

WHEREAS, the Government of Kerala have in notification No. dated.....appointed the..... to perform the functions of a Collector for the purpose of land acquisition under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

AND WHEREAS, the Government of Kerala hereby appointas the Administrator for the purpose of Rehabilitation and Resettlement to the proposed acquisition.

AND WHEREAS, it appears to the Government of Kerala that the land specified in the schedule below is needed or is likely to be needed for public purpose to wit for.....

NOW, THEREFORE, notice to that effect is hereby given to all whom it may concern, in accordance with provisions of sub-section (1) of section 11 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

In view of the urgency of the case, the Government under sub-section (4) of section 40 of the said Act has directed that the provisions of Chapter II to Chapter VI of the Act shall not apply to this case.

SCHEDULE

*District:**Taluk:**Village or Amsom and Desom:*

(The extent given is approximate)

<i>Serial No.</i>	<i>Survey No.</i>	<i>Description</i>	<i>Extent H.Are Sq.Meter</i>	<i>Nature of Public purpose</i>	<i>Reasons for displacement of affected families</i>
.....					
Total.....					

Collector

By order of the Governor,

Secretary to Government.

[See Rule 20(3)]

NOTICE

No.

Dated:

Pursuant to the notice in respect of the acquisition of land mentioned in the Schedule below, issued under sub-section (1) of Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and under thereof, objections have been received from the following persons:

- (a)
- (b)
- (c)
- (d)

2. Notice is hereby given to the above persons that their objections will be enquired into by the at on when they will be at liberty to appear in person or by pleader and to adduce any oral or documentary evidence in support of their objections.

3. Copies of the above objections are herewith forwarded to the** who may file, on or before the date specified in Paragraph 2 above, a statement by way of answer to the objections and also depute a representative to attend the enquiry.

**Departmental Officer or Local Self Government Institution as the case may be.

SCHEDULE

District :

Taluk:

Village:

(The extent given is approximate)

Serial No.	Description	Extent (in hectares)

Place:

Date:

Land Acquisition Officer.

[See Rule 21(7)]

NOTICE

No.

Dated:

Notice is hereby given that the land specified in the appended schedule and situated in the Village of in the Taluk in the District of is needed or likely to be needed for a public purpose, to wit for in accordance with the notification No. published, under sub-section (1) of Section 4 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) at pages of Part I, Kerala Gazette dated All persons interested in the said land are accordingly required to appear for a public hearing before the on at for finalisation of the Rehabilitation and Resettlement Scheme to the proposed acquisition of the said land.

SCHEDULE

<i>Serial No.</i>	<i>Survey No.</i>	<i>Description</i>	<i>Extent required in hectares</i>	<i>Name of Owners/ Interested Persons</i>

Administrator.

**FORM OF DECLARATION UNDER SECTION 19 OF THE ACT
DECLARATION**

No.

Dated:

WHEREAS, under sub-section (1) of Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, Notification No. datedin respect of the land specified in the schedule below has been published.

AND WHEREAS, the appropriate Government is satisfied after considering the report made by the Collector under sub-section (1) of Section 15 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, that the land specified in the schedule below has to be acquired for a public purpose.

NOW, THEREFORE, the hereby declares under Section 19 of the Act, that the land specified in the Schedule below and measuringhectares ares to be the same, a little more or less, is needed for a public purpose, to witand direct theto take order for the acquisition of the land.

A plan of the land is kept in the Office of the and may be inspected at any time during office hours.

SCHEDULE I

Details of Land under Acquisition

District :

Taluk:

Village:

(The extent given is approximate)

<i>Serial No.</i>	<i>Description</i>	<i>Extent H. Are Sq. M.</i>
	
Total.....	

SCHEDULE II

Details of Land for Resettlement Area*District :**Taluk:**Village:*

(The extent given is approximate)

<i>Serial No.</i>	<i>Description</i>	<i>Extent H. Are Sq. M.</i>
	
	
		Total

SCHEDULE III

Summary of Rehabilitation and Resettlement Scheme*District :**Taluk:**Village:*

(The extent given is approximate)

<i>Serial No.</i>	<i>Description</i>	<i>Extent H. Are Sq. M.</i>
	
	
		Total.....

Land Revenue Commissioner.

[See Rule 21(17)]

FORM OF DECLARATION TO BE ISSUED BY GOVERNMENT UNDER SECTION 19 OF THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION REHABILITATION AND RESETTLEMENT ACT, 2013 WHEN THE ACQUISITION IS UNDER THE URGENCY CLAUSE

DECLARATION

No.

Dated:

WHEREAS, under sub-section (1) of section 11 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) Notification No. dated in respect of the land specified in the Schedule below has been published as S.R.O. No. in the Kerala Gazette No.dated the

AND WHEREAS, sub-section (1) of section 40 of the said Act the Government of Kerala have directed that in view of the urgency of the case the provisions of Chapter II to VI of the Act shall not apply to the land specified, in the Schedule below;

AND WHEREAS, the Government of Kerala are satisfied that the said land has to be acquired for a public purpose.

NOW, THEREFORE, the Government of Kerala hereby declare under section 19 of the Act that the land specified in the Schedule below and measuring hectares Ares be the same a little more or less is needed for a public purpose, to wit and under section 19 of the Act direct the to take order of acquisition of the land. Further, under sub-section (1) of section 40 of the said Act the Government direct that the Collector may take possession of the land on the expiry of fifteen days from the date of publication of the notice mentioned in sub-section (2) of section 21 of the Act.

A plan of the land is kept in the Office of the and may be inspected at any time during Office hours.

SCHEDULE I

Details of Land under Acquisition*District :**Village:**Taluk:*

(The extent given is approximate)

<i>Serial No.</i>	<i>Description</i>	<i>Extent H. Are Sq. M.</i>
	
	
		Total

SCHEDULE II

Details of Land for Resettlement Area*District :**Village:**Taluk:*

(The extent given is approximate)

<i>Serial No.</i>	<i>Description</i>	<i>Extent H. Are Sq. M.</i>
	
	
		Total

SCHEDULE III

Summary of Rehabilitation and Resettlement Scheme*District :**Village:**Taluk:*

(The extent given is approximate)

<i>Serial No.</i>	<i>Description</i>	<i>Extent H. Are Sq. M.</i>
	
	
		Total

By order of the Governor,

Secretary to Government.

FORM No. 12

[See Rule 27]

AWARD

No.

Made by

Under Section 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

Where an extent of land measuring..... and situated in the Village of..... in the Taluk ofin the District of..... and registered in the name of, or occupied by the persons specified below has been declared by Government at page..... of the Gazette Part.....dated.....daily dated..... and.....daily dated..... to be need for the undersigned after full enquiry into the case and on due consideration of various circumstances connected with the acquisition as hereto before setforth makes the following award under his hand:

I. Compensation of land

(i) The true area of the land in hectares/ares.

(ii) The compensation allowed for the land is ₹.....as shown below:

(a) Market value of the land at ₹per hectare/are

(i) the damage sustained by the person interested, by reason of the taking of any standing crops and trees which may be on the land, if any:

(ii) the damage sustained by the person interested, by reason of severing such land from his other land, if any:

- (iii) the damage sustained by the person interested, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings, if any:
- (iv) reasonable expenses incidental to due to the change of residence or place or business of the person interested, if any:
- (v) the damage bona fide resulting from diminution of the profits of the land between the time of the publication of the declaration under section 19 and the time of the Collector's taking possession of the land, if any:
- (b) Factor by which market value is to be multiplied
- (c) Value of improvements
- (d) Market value of land (total $a \times b + c$)
- (iii) 100% Solatium on (d)
- (iv) Increase on market value @ 12% per annum under section 30(3)
- (v) Other component if any

Total—[items (ii) (d) + (iii)+(iv)+(v)]

<i>District Taluk and Village</i>	<i>Survey No.</i>	<i>Extent</i>	<i>Name of registered holder or Occupier</i>
(1)	(2)	(3)	(4)

- (vi) The persons or person to whom the compensation is due.

<i>Serial Number</i>	<i>Name</i>	<i>Rs. P.</i>

The undersigned certifies that:

- (a) notices have been promulgated or served in accordance with Section 9 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and that evidence for such promulgation or service forms part of the record.
- (b) There is a plotted plan of the land or lands to be acquired.

II. Rehabilitation and Resettlement Award

- (a) rehabilitation and resettlement amount payable to the family;
- (b) bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
- (c) particulars of house site and house to be allotted, in case of displaced families;
- (d) particulars of land allotted to the displaced families;
- (e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;
- (f) particulars of payment for cattle shed and petty shops, if any;
- (g) particulars of one-time amount to artisans and small traders, if any;
- (h) details of mandatory employment to be provided to the members of the affected families, if any;
- (i) particulars of any fishing rights that may be involved, if any;
- (j) particulars of annuity and other entitlements to be provided, if any;
- (k) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided.

In case any of the matters specified under clauses (a) to (k) are not applicable to any affected family the same shall be indicated as “not applicable”.

Land Acquisition Officer

By order of the Governor,

DR. VISHWAS MEHTA,
Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) has come into force on the 1st January, 2014 and section 109 of the Act empowers the Government to make rules for the implementation of various provisions of the Act. As per section 112 of the Act, Government have published the draft rules inviting objections and suggestions from the general public on 28th November, 2014 in Gazette Extraordinary No. 2890 dated 28-11-2014.

The notification is intended to achieve the above object.