



GOVERNMENT OF KERALA

No. 36253/B1/14/RD.

Revenue (B) Department,
Dated :17/10/2015.

CIRCULAR

Sub:- Revenue Department - Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 - instructions for passing of Awards- Issued - reg.

Ref:- 1. G.O(P) No 470/ 15/RD dated 19-09-2015.
2. G.O. (Ms) 485/15/RD dated 23-09-2015.

Government have issued the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Kerala) Rules, 2015 and approved State Policy for compensation in land acquisition as per G.Os read as 1st and 2nd papers above respectively.

Since detailed procedure for making award is provided under section 20 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, these provisions were not incorporated in the rules framed by the State Government. Government now feel that there should be a uniform procedure and forms to be used for passing awards in land acquisition through out the State. Therefore, the following guidelines are issued along with necessary forms.

I Procedure for making Awards

- (1) The District Collector or any other officer empowered by him shall cause the land to be acquired to be surveyed, measured, marked out and shall prepare plans of the same.
- (2) The District Collector shall determine market value of the land to be acquired as envisaged in section 26 of the Act and approve basis for valuation of the property. He shall also approve a detailed valuation statement in Form No.1 as provided in Section 26 to 30 of the Act.

- (3) The District Collector shall publish on his website and cause public notices to be published in the offices of the Panchayats, Municipalities and Municipal Corporations as well as at or near the land to be acquired inviting claims for compensation, rehabilitation and resettlement for all interests in such land to be made to him. The Collector shall also cause the notice to be published in two Malayalam dailies having circulation in the affected area in Form No.2.
- (4) The notice shall state the particulars of the land being acquired and require all persons interested in the land to appear personally or by agent or by an advocate before the Collector at the time and place mentioned in the notice which shall not be more than thirty days from the date of notice.
- (5) The notice shall require all persons to state the nature of the respective interests in the land, particulars of their claim for compensation for such interest in accordance with the Act and Rules, the quantum of the compensation claimed, claims to rehabilitation or resettlement and any dispute as to the measurements made in the survey and plan prepared under Sections 12 or 20 of the Act. The objections or claims made to the Collector shall be in writing and signed by the claimant/objector or his agent or the advocate.
- (6) In addition to the public notice, the District Collector shall also serve individual notices to all occupiers of the land to be acquired and to all such persons known or believed to be entitled to act for persons so interested and on any agent authorized to receive notices on their behalf who are residing within the revenue district in which the land is situated.
- (7) If the owners or any other persons interested in the land reside outside the revenue district, the Collector shall cause notices to be sent to them at their last known address by registered post acknowledgment due as well as post them on his website. If the notice by registered post acknowledgment due is returned unserved, the District Collector shall cause such notices to owners of land or other persons known to have any interest in the land under acquisition to be published in two national daily newspapers one of which shall be in Malayalam.

- (8) In carrying out his functions under Sections 22 to 34 of the Act, the District Collector shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908.
- (9) If the District Collector fails to make an Award under the Act within a period of twelve months from the date of publication of the declaration under Section 19 of the Act then the entire proceedings for the acquisition of the land shall lapse.
- (10) The Government may at any date within the twelve months provided in Section 19 of the Act extend the time frame for making the award for periods not exceeding six months at a time.
- (11) The decision to extend the period shall be in writing and shall contain the circumstance which in the opinion of the State Government justifies the extension of time.
- (12) Each order extending the time frame for making the award shall be notified by the State Government in the Official Gazette and shall also be uploaded on the website of the State Government.
- (13) Before making the final Award the District Collector shall quantify the exact amount to be made available by the Requiring Body both as compensation and for rehabilitation and resettlement and for any other payment that may be due under the Act or Rules.
- (14) The final Award shall be passed by the District Collector only after receipt of the entire amount required for land acquisition under the Act and Rules from the Requiring Body.
- (15) The Requiring Body shall be liable to remit to the District Collector any further amounts that may be payable in respect of a land acquisition Award that has been passed either by way of enhanced compensation ordered by the Land Acquisition, Rehabilitation and Resettlement Authority, or by a Court of law or otherwise and the said amount shall become due and payable to the Government immediately on issuing notice by the District Collector to the Requiring Body.

- (16) If the Requisition Authority does not deposit the amount demanded by the District Collector within thirty days from the date of payment, the amount so due with interest at the rate of 12% per annum shall be deemed to be arrears of land revenue by the Requiring Body and can be recovered by the District Collector under the Revenue Recovery Act as if the dues were arrears of land revenue.

II Mode of payment of award

- (1) The amount required for payment or deposit of the award shall be drawn in favour of the payee by means of printed and machine numbered cheques to be obtained from the Treasury on proper indent through the District Collector or by depositing the same in bank account of the persons interested thereto .
- (2) The District Collector shall deposit the amount with LARR authority in case of dispute of title or non acceptance of compensation by the person interested.
- (3) The payment relating to an award shall be made or deposited within one month from the date of award.
- (4) A stock register of printed cheques shall be maintained in Form No.3. He shall also maintain a separate register of cheques issued giving reference to the details such as cheque number, the date of drawal, award number and date, name of payee, treasury drawn upon and amount.

III Taking possession of Land

- (1) As soon as the award is made, the District Collector shall take possession of the property after serving a notice in Form No.4 on all the parties interested in the land to hand over the possession of the same to the Requisition Authority under proper acknowledgment.
- (2) The District Collector shall ensure that the components of Rehabilitation and Resettlement package relating to infrastructural entitlements shall be provided within a period of 18 months from the date of award.

- (3) As soon as the land is taken possession of, intimation to that effect shall be given to the Sub Registrar concerned in Form No.5 under proper acknowledgement to enable the Registration Department to maintain the permanent land records in their office.

IV Reference to LARR

- (1) Reference to LARR under Section 64 or Section 73 of the Act shall be made in Form No.6 supported by information in the schedule attached to this form.
- (2) All reference application received should be entered in a Register. However applications not received in the above format shall not be rejected, but taken as a valid reference and further details if any missing shall be obtained by the Land Acquisition Officer from the Land owner filing reference petition.

V Re- determination of the amount of compensation on the basis of the award of LARR

- (1) On receipt of an application under section 73 from the persons interested within the stipulated period, the Collector shall conduct an enquiry after due notice to all the persons interested and after giving them a reasonable opportunity of being heard, make an award re-determining the compensation payable to each applicant. The award shall be decided upon by the District Collector taking into consideration all relevant facts and circumstances. Every award under this section shall be supported by a note to award giving justification in passing such award and shall be in Form No.7.
- (2) A register showing the details of application under section 73 shall be maintained by the Collector. Forms in respect of reference application shall be made available free of cost to applicants in the office of the concerned Land Acquisition Officer.

VI Post Award Actions

- 1) The District Collector should take possession of acquired land on the appointed date after giving notice to all interested parties and the Requisitioning Authority should take over possession of the acquired land on the same day from the designated officer of the Revenue Department.
- 2) On handing over of the land to the authorized representative of the Requisitioning Authority under proper acknowledgement, details available in the check memorandum should be recorded in the post award action file (Form No.8). Notice under section 9(2) of Survey & Boundaries Act, 1961 should be published so that any issue/objection/dispute with regard to the survey of the acquired land can be settled.
- 3) Two copies each of award, sketch approved by Superintendent of Survey, Check Memorandum of land acquisition should be sent to the Tahsildar concerned. On receipt of this, Tahsildar should send one copy each of all these to the Village Officer concerned directing him/her to effect necessary changes/entries in the concerned records within three months. The Sub Registrar concerned should also be requested to make necessary changes/entries in the concerned records. Statement of charges should be furnished by Land Acquisition Officer with number and date of award.
- 4) Utmost care should be taken while effecting changes/entries in Thandapper Register, Land Tax Register, Puramboke Register, Kooduthal Kuravu Register etc. If the land acquired is for Government Departments like PWD, the land should be placed on record as 'PWD Puramboke' While effecting changes/entries in Kooduthal - Kurvavu Register. The extent of land acquired should be exempted from remitting land tax and necessary entries should be made to this effect. During the next Jamabandi inspection, the matter should be brought to the notice of Jamabandi Officer and the extent of taxable land to be re-assessed.

- 5) As soon as changes are effected in the Village Records, the Village Officer should intimate the same to the Tahsildar concerned and Tahsildar in turn should keep the sketch of the acquired land and incorporate it in the Taluk Sub - Division Register and a new number should be assigned to the acquired land. In case the land acquired belongs to town survey, a new number should be assigned to acquired land and a new sketch is to be drawn and entered in Register, and if necessary sketches where changes are made should be sent to Superintendent of Survey for making corrections if any. On receipt of Sub numbers given in Sub Division Statement or Land Register back from Survey Superintendent, the same number should be entered in the respective Field Measurement Book and Basic Tax Register.
- 6) The Taluk Tahildar concerned should fill in the answers to the questions from 27 to 31 of Land Acquisition Check Memorandum and Surveyor of the Land Acquisition Officer should prepare draft notification under section 13 of Survey and Boundaries Act 1961.
- 7) After completion of three months from the date of publication of notification under section 9(2) of Survey & Boundaries Act and on completion of all action required, notification under section 13 should be published in Kerala Gazette and on the Notice Board of the respective Village Office. (The Village Officer should keep the notified copy in the report file). The Land Acquisition Check Memorandum duly filled in must be sent to the concerned District Collector and the file be closed as R.Dis.

Dr. Vishwas Mehta,
Principal Secretary to Government.

To

The Commissioner of Land Revenue, Thiruvananthapuram.
All District Collectors
Accountant General (Audit) Kerala, Thiruvananthapuram
Accountant General (A&E) Kerala, Thiruvananthapuram
The Information & Public Relations (W&NM) Department
SF/OC.

Forwarded/By Order,

Section Officer.

FORM No.1**VALUATION STATEMENT OF LANDS PROPOSED TO BE
ACQUIRED FOR.....**

Sl No	Taluk	Village	Survey Sub division No	Tenure	Classification	Land		
			or letter			Area under acquisition Hect.Are	Rate per H.are Sq.M Rs.P.	Amount of estimated Compensa tion Rs.P.
(1)	(2)	(3)	(4)	(5)	(5a)	(6)	(7)	(8)

FORM No.1 (Cond.)

Trees			Buildings		Total of Columns (8), (11) and (13) Rs.P.	100 % of solatium market value shown in column (14)	Total of columns (14)+(15)
Description	No.	Amount of estimated compensa tion Rs.P.	Description	Amount of estimated compensation Rs.P.			
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

FORM No.1 (Cond.)

Name of Pattadar	Name of the person in possession	Remarks
(17)	(18)	(19)

Revenue Inspector**Valuation Assistant****Land Acquisition Officer**

FORM No.2

NOTICE UNDER SECTION 26 OF THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 [Central Act 30 of 2013]

Notice is hereby given that the Government intend to take possession of the land mentioned in the list below, which is required for a public purpose under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013). All the persons interested in the land are required to appear in person or by authorised agent on.....before the.....at (Place) and to state/put in a statement in writing signed by themselves or their agents, showing the nature of their respective interests in the land, the amount and particulars of their claims to compensation for such interests, in the land and their objections, if any, to the measurements made under Section 20 of the Act.

PARTICULARS OF LAND

District & Taluk	Village	Name of owner, occupier or other persons interested in the land or entitled to act for persons so interested	Description of land	Sy No.	Extent
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Land Acquisition Officer

Place:

Date:

FORM NO.2 (a)**NOTICE**

No.....

The following award has been passed by the undersigned in the matter of the acquisition of the lands noted below and situated in Village.....Taluk.....

Sy. No & Sub Division No	Extent Are Sqm.	Amount Awarded (Rs.)	Persons to who award is made
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You are hereby informed that the amount shown above has been deposited in the Treasury as Revenue Deposit/.....account of the.....

Place:

Land Acquisition Officer

Date:

FORM NO.3**STOCK REGISTER OF FORM D CHEQUES IN THE OFFICE OF THE.....**

Receipt into stock					Date	Issue from Stock		
Nos.	Sl, No. of Forms		Nos.	Sl, No. of Forms				
	From	To		From		To		
Date	From whom received	Books	Forms	Books	Forms	Balance of stock receipt into stock or issue from stock	Initials of the Land Acquisition Officer	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

FORM NO.4**NOTICE OF TAKING OVER POSSESSION OF THE LAND TO
ALL INTERESTED PERSONS.**

No.....

To

Take notice that the below noted property has been acquired by Government under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).....as per notification in the Kerala Gazette dated.....at page.....part.....daily dated.....and daily dated.....and that you should vacate and deliver possession of it before the evening of the....to thewho has received necessary instructions in the matter. If you fail to do so thewill be addressed to enforce the surrender of the property to the Department under Section 9 of the Act.

District

Village

Survey No.

Extent
(Ha.)

Place:

Land Acquisition Officer

Date:

FORM No.5**FORM OF INTIMATION TO SUB-REGISTRAR**

Name and Description of property acquired					Boundaries				Extent	Classification of land as wet dry or garden
Name & Designation of the officer who made the award	Date of award	Name of the Sub- District & Village	Name of the land if any	Survey No. or Sub No.	North	East	South	West		
(1)	(2)	(3a)	(3b)	(3c)	(3d)	(3e)	(3f)	(3g)	(3h)	(3i)
Nature of the interest in immovable property transferred, the purpose. etc					Name and Description of person to whom the property belonged					
(4a)	(4b)	(4c)	(4d)	(5a)	(5b)	(5c)	(5d)	(5e)	(5f)	(6)

Note:- A copy of this return should be sent to every Sub-Registrar in whose Sub- District any portion of the property referred to in the award is situated.

FORM No.6**FORM FOR REFERENCE TO COURT**

In the Court of the District/Subordinate judge of.....Reference made under Section.....of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

By whom referred (name & designation of the referring officers)

No. & date of reference

Sl No..... of Award No.....dated.....

Village:

Particulars of land acquired		Particulars of trees, buildings, Well etc.	Particulars of Compensation awarded under Section 11	Date of Possession under the Act
Sy No.	Nature Extent			
(1)	(2)	(3)	(4)	
Hect.Ares			Land value	
Dry. Wet			Damages	
Garden			100% Solatium	
or Inam			12% increase Interest	
Nature of persons interested			Description and Address	
(5)			(6)	

Reasons for reference

Schedule of information under clause 12 of section 65 attached in a separate sheet.

Signature & Designation of the Referring Officer

FORM No.6(a)**SCHEDULE OF INFORMATION FOR REFERENCE TO COURTS**

From whom	Date of Statement	Date of receipt	Abstract of Statement	Remarks
(1)	(2)	(3)	(4)	(5)

Date.....

Land Acquisition Officer

FORM OF SCHEDULE OF INFORMATION FOR REFERENCE TO COURT

Description of Notice	Date	Name of person	When received	How served
Notice under Section 23 of the Act				
Notice under Section 37(2) of the Act				
Other Notice if any				
Date.....2000.....				

Land Acquisition Officer

FORM NO. 7**AWARD**

No.

Made by

Under section 73 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the amount of compensation awarded in LA Case No.....by undersigned in respect of the Scheduled landed property including improvements/structures is re-determined in the name of person/persons interested as detailed below on the basis o the award of the Court in LAR cases No...

- I**
- (i) The true area of the land in hectares/ares
 - (ii) The compensation allowed for the land is Rs.....as shown below:
 - (a) Market value of the land at Rs..... per hectare/are
 - (b) Factor by which market value is to be multiplied
 - (c) Value of improvements
 - (d) market value of land (total a, 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

- II** Amount of compensation awarded by the LARR. Case No.
- (i) The true area of the land in hectares/ares
 - (ii) The compensation allowed for the land is Rs.....as shown below:
 - (a) Market value of the land at Rs..... per hectare/are
 - (b) Factor by which market value is to be multiplied
 - (c) Value of improvements
 - (d) market value of land (total a, 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

III Award on Re-determination

- (i) The true area of the land in hectares/ares
- (ii) The compensation allowed for the land is Rs.....as shown below:
 - (a) Market value of the land at Rs..... per hectare/are
 - (b) Factor by which market value is to be multiplied
 - (c) Value of improvements
 - (d) market value of land (total a, 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

District Taluk & Village (1)	Sy.No. (2)	Extent (3)	Name of registered holder or occupier. (4)
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Land Acquisition Officer.

FORM NO. 8
Land Acquisition Check Memorandum

Questions	Answers
1. Number and name of the Village and name of the Taluk	
2. Survey Number of the lands acquired	
3. Date of application for the acquisition of the land	
4. The purpose for which land is required	
5. Date of publication of the notification under Section 11 of the LARR Act.	
6. Date of publication of the notification under Clause I to Section 3 of the Survey & Boundaries Act.	
7. Date of publication of the notification under section 6 of the Survey and Boundaries Act. In the Village Officer's certificate of publication in the file.	
8. Date of preparation of the plotted sketch by the Revenue Inspector, Surveyor or Village Assistant	
9. Does the plotted sketch or demarcation sketch in the case of acquisition for large projects bear the certificate of demarcation? What is the date of it?	
10. Date of counter-signature by the Superintendent of Survey of the sketch in token of technical scrutiny.	
<i>Note:- Even sketches of entire old fields or registered sub - divisions require technical scrutiny. They should also bear the Certificate of demarcation referred to in question 9 (nine)</i>	
11. Date of enquiry under Section 15 of the Act.	
12. Date of publication of the declaration under section 19 of the LARR Act., and the area notified for acquisition - Date of publication of the notice mentioned in Section 19(4) of the LARR Act. Is the Village Officer's certificate of publication in the file. Date of service of the notices under section 19(4) of the LARR Act. Are the acknowledgements in respect of them in the file? Date of the Gazette in which the notice under section 19(4) was published.	
13. Is the certificate required under section 9(1) or 10(1) of the Survey & Boundaries Act available in the file?	
14. Date of service of the notice under section 9(2) or 10(1) of the Survey and Boundaries Act. Are the acknowledgements in respect of them in the file.	
15. Date of the award enquiry under section 21 of the LARR Act.	
16. Does the Land Acquisition file contain extracts from the Village and Taluk Land Tax Registers or Settlement Register of the Village	
17. Area withdrawn from acquisition, if any, and date of publication of the notification under section 93(1) of the LARR Act.	
18. (a) Date of passing the award and the areas acquired. (b) Name of the Officer passing the award and designation	
19. Is the award drawn up in the prescribed form and is a copy of the proceedings discussing the grounds of valuation in the file.	

20. Have notice under the LARR Act and Rules. been issued promptly wherever necessary and are their acknowledgements in the file?
21. Have references to Court been made where necessary and the amounts covered by the reference deposited in Court and acknowledged by it.
22. Date of handing over possession of the land to the department requiring it.
23. Date of submission of proposals to the Controller for the grant of beriz deduction or for the reduction of quitrent and the date of receipt of the District Collector's orders thereon.
24. Date of despatch of intimation to the Registration Department.
25. If the acquisition involved new field or sub division has the case been entered in Taluk Sub Division Register, if so, what number of the item in the register?
26. Date of (a) the insertion of the new field maps or the plotting of the new sub division in the village copy of the field measurement book (or the record of measurement and revenue map in a surveyed town and (b) entry in the Land Tax Register.
27. Date of (a) plotting of the new fields or sub divisions in the Town Surveyor's copy of the record of measurement and revenue map and the Chairman's copy of revenue map (b) entry in Town Survey Register in a surveyed town.
28. Were the survey records sent to the Superintendent of Survey after the incorporation of changes in the Village accounts for final scrutiny and for correction of the maintained set of village maps where necessary ? What is the number of the item in the Sub Division Register of the Superintendent of Survey ?
29. Date of (a) the insertion of the new field maps or the plotting of the new sub divisions in the Taluk copy of field measurement book (or the record of measurement and revenue map in a surveyed town) and (b) entry in the Land Tax Register.
30. Date of the publication of the notification under section 13 of the Survey and Boundaries Act in the Gazette and in the Village.
31. Date on which the land acquisition file was closed and its disposal number.
32. Date on which copy of the check memorandum was submitted to the District Collector.

Land Acquisition Officer