SOCIAL IMPACT ASSESSMENT OF LAND ACQUISITION FOR DEVELOPING A BIO-DIVERSITY PARK, CIVIL SERVICE RESIDENTIAL COMPLEX, FIRE STATION, POLICE STATION ETC. BY KINFRA UNDER IDZ SCHEME IN PINARAYI VILLAGE OF KANNUR DISTRICT

FINAL REPORT

Centre for Management Development
Thiruvananthapuram
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EXECUTIVE SUMMARY

Background

The proposed project area is intended for developing a Bio-diversity Park, Civil Service Residential Complex, Fire Station, Police Station etc. by KINFRA under the Industrial Development Zone (IDZ) scheme, in Pinarayi Village of Kannur District.

Government of Kerala has accorded administrative sanction for land acquisition for the work vide G.O. (Ms) No. 664/2018/ID dated 13/06/2018 to acquire a total area 532.98 ares of land spread over Pinarayi village in Kannur district. In compliance with Section 4 of the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act (RFCTLARR) 2013, the present Social Impact Assessment (SIA) of the project was undertaken by Centre for Management Development, Thycaud, Thiruvananthapuram as per the Govt. of Kerala vide G.O. (P) No. 87/2018/RD dated 17/12/2018 at Pinarayi Village of Kannur district.

The SIA was carried out with the objectives of identifying the potential socio economic positive and negative impacts of Land acquisition and developing attainable mitigation measures to enhance positive impacts and reduce or avoid negative impact and thereby ensuring a participative, informed and transparent process of land acquisition for developing a Bio-diversity Park, Civil Service Residential Complex, Fire Station, Police Station etc. by KINFRA under the Industrial Development Zone (IDZ) scheme, besides designing a Management Plan as mitigation measures. An inclusive approach was followed taking discussions and grievances from Representatives and affected citizens. Primary affected Persons were identified and relevant information was compiled. Data collection involved multiple step process of site visits and surveys.

The proposed project requires acquisition of 532.98 ares of land from Pinarayi village of Kannur district. The proposed site encompasses numerous trees and water resources (5 wells and 1 pond). The project should be implemented without any damage to the ecosystem. The water resources can be utilised for the implementation of the project and for future needs.
The mitigation measures suggested to reduce the impact of land acquisition included fair and enhanced compensation for the land and assets which has to be distributed without much delay, establishing a grievance handling mechanism, support services for shifting materials from present house (if any), accommodation facility during the transition period between displacement and resettlement. Employment opportunities to be reserved for the affected population in the project, offering skill training to the needy on selected vocational skills and provision of resettlement site which is reasonably close to the present location can also mitigate the negative effect of acquisition.
CHAPTER 1

PROJECT DESCRIPTION

Background

1.1 The term development defines a process that creates growth and progress in terms of the quality of human life, with respect to its physical, economic, environmental and social components. However, the process also brings ever increasing impact, leading to adverse changes in environmental conditions, human health and social conditions. In order to ascertain the impacts due to the implementation of the development projects, impact assessments form significant tools to provide a rational approach and to devise strategies for the mitigation of the adverse effects.

1.2 Social Impact Assessment (SIA) is a process of assessing, in advance, the social changes that are likely to result from the implementation of various projects, and forms an important tool to foresee and assess the social repercussions and the negative impacts, that are likely to follow, and forms an aid to the decision making regarding the mitigation of negative impacts. It also helps in the mapping of the affected people and coordinates the participation of all concerned stakeholders. In order to assess all the probable impacts, the assessment is carried out at household, community, village/LSG and area levels, thus forming a strong foundation for the Resettlement (and Rehabilitation) Action Plan (RAP).

1.3 In order to construct a Bio-diversity Park, Civil Service Residential Complex, Fire Station, Police Station etc. through KINFRA under the Industrial Development Zone (IDZ) scheme in Kannur district, decision had been made to acquire the land required to complete the project. The proposed project is intended to provide improved infrastructural benefits and an overall development for the district itself.

Project Objectives

1.4 The objectives of the project are:

- To enhance economic growth and improve the quality of life through the development of industrial development zone.
To increase the operational efficiency of the Government Facilities and Services.

To improve the life of citizens of the State

Rationale for the Study

1.5 In order to improve the operational efficiency, Government of Kerala (GoK) had initiated various measures to modernize the industrial infrastructure. The proposed project of developing various infrastructure facilities by KINFRA in Pinarayi village is in this backdrop. The project, therefore, intends to enable the citizen better access to facilities like Bio-Diversity park, Civil Service Residential Complex, Fire Station, Police Station etc and, at the same time, to enhance the infrastructure of the state.

1.6 As part of the decision to develop various infrastructure facilities including Bio-Diversity Park, Civil Service Residential Complex, Fire Station, Police Station etc. by KINFRA under the Industrial Development Zone (IDZ) scheme, the Government of Kerala had accorded administrative sanction vide G.O.(Ms) No. 664/2018/ID dated 13/06/2018 to acquire a total area of 532.98 ares of land in Pinarayi village of Kannur district. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, enacted by the Government of India, has mandated the conduct of Social Impact Assessment study prior to the land acquisition. In this context, the District Collector, Kannur had invited proposals vide letter no. DCKNR/8300/2016-C6 dated 03-11-2018 for conducting the Social Impact Assessment for 532.98 ares of land in the Pinarayi village.

Details of the Project Area

1.7 The land to be acquired is spread over an area of 532.98 ares in Pinarayi village of Kannur district. The area is residential in nature, with the premises employed for non-commercial farming.
Applicable Legislation

1.8 The land acquisition for the proposed project is governed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, and its amendments.

Fig. 1.1 Photographs of Project Area
CHAPTER 2

APPROACH AND METHODOLOGY

Background

2.1 As part of its decision for the development of various infrastructure facilities by KINFRA (Kerala Industrial Infrastructure Development Corporation) in Kannur District, Government of Kerala (GoK) had accorded administrative sanction vide G.O.(Ms) No.664/2018/ID dated 13/06/2018 to acquire a total area of 532.98 ares of land spread over Pinarayi village of Thalassery taluk in Kannur district. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act 2013, enacted by the Government of India, has mandated the conduct of Social Impact Assessment study prior to the land acquisition. GoK vide G.O.(P) No. 87/2018/RD dated 17/12/2018 had accorded sanction to the Centre for Management Development, Thiruvananthapuram to conduct SIA in this regard and to prepare a Social Management Plan for the same.

Team Composition

2.2 The details of the team members involved in the SIA are given in Annexure III.

Objectives of the Study

2.3 The broad objective of Social Impact Assessment (SIA) is to identify the social and economic impacts of proposed land acquisition, for developing various infrastructure facilities including Bio-diversity Park, Civil Service Residential Complex, Fire Station, Police Station etc by KINFRA under the Industrial Development Zone (IDZ) Scheme in Pinarayi village of Kannur district on people and communities facing displacement, besides designing a Management Plan as mitigation measures.

2.4 The specific objectives of the study are:

➢ To build trust and cooperation among inhabitants of the affected area in the implementation of project;

➢ To identify the families/people, community structures and common properties anticipated to be affected by the development of infrastructure facilities by KINFRA.
To make an assessment of the socio-economic conditions of the people who will be affected by the project,

To determine the anticipated impact of project on people in terms of socio-economic aspect, and

To develop a Social Impact Management Plan indicating measures to mitigate the impact.

**Study Approach**

2.5 An inclusive and participatory approach through involvement of multiple stakeholders such as elected representatives, members of the requiring body and project affected people, at appropriate stages of the project.

**Methodology and Data Collection**

**Methods and Tools**

2.5 Qualitative information will be gathered along with the field survey through public consultation/Focus Group Discussions (FGDs) with all relevant stakeholders. The public consultation will encompass the project components as well as its socio-economic impacts. The SIA team had preliminary discussions with the key officials of the district administration and gathered information regarding the status of the government procedures, the project area and intensity of the acquisition. The team also made a preliminary site visit with the officials for physical inspection and information dissemination purposes. The existing conditions of land, status of infrastructure/structures, land use pattern and the facilities available to people residing in the project area were analysed.

2.6 The quantitative information regarding the families affected by the project is being collected through household surveys, in the form of filled in structured questionnaires. The survey will be completed in all the households of the persons affected by the project. The results of the survey will provide information pertaining to the demography, socio-economic status and livelihood status of the target community, and will form the basis for development of Social Impact Management Plan.
Public Hearing

2.7 The Section 5 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which envisages that whenever a SIA study is required to be conducted, the Government shall ensure a Public Hearing is held at the affected area to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report. In accordance with the same a Public Hearing was conducted on 26/03/2019 at Pinarayi Grama Panchayath hall by Centre for Management Development for the affected population to collect the views and opinions on the draft report and on any other additional issues related to acquisition. The draft report was made available to the public through the Collectorate, Panchayath Office, Village Office, Municipality, KINFRA and was published for perusal at the website of Centre for Management Development. Prior intimation was given to all the stakeholders regarding the date and venue of the public hearing through advertisements in leading newspapers, individual letters and/or over telephone.

2.8 The CMD officials present at the public hearing gave a brief introduction about the objective and purpose behind the hearing along with a presentation on the major highlights of the study. Afterwards, the floor was open for discussion and for raising their issues and comments on the draft report and other allied matters. All the comments raised and issues put forward were recorded and transcribed.
Table 2.1: Comments from Public Hearing

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Name</th>
<th>Issues Raised by the Respondents</th>
<th>Remarks of the Officials</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Mr. K. Anup</td>
<td>The owners of the land including my mother, siblings and I have already considered this area for another private project. And we are on the process to complete the particular project very soon. So, the decision regarding acquiring this land is a burden for us. Kindly give some time to do the procedures related to our plan and conduct one more public hearing after 23/04/19.</td>
<td>These are official Government tasks, and as such we cannot postpone important meetings without valid reasons. The present meeting was scheduled according to the law, by following the rules of the act. The affected should express their concerns and decisions regarding the land acquisition, so that we can consider all your concerns when future proceedings are underway.</td>
</tr>
</tbody>
</table>

Fig. 2.1 Photographs from Public Hearing
CHAPTER 3

PROFILE OF THE PROJECT AREA

Introduction

3.1 The proposed project of development of infrastructure facilities by KINFRA will require 532.98 ares of land to be undertaken in Pinarayi village of Kannur district. This chapter discusses the characteristics of the land to be acquired for the proposed project.

Land Requirement for the Project

3.2 In order to complete the development of infrastructure facilities through KINFRA in Pinarayi village of Thalassery taluk, a total area of 532.98 ares of land has to be acquired. The sketches showing the plots to be acquired for the proposed construction of facilities under the Industrial Development Zone scheme are given in Annexure-V.

Alternate Land Considered

3.3 No land was considered as an alternate option for this project. KINFRA have identified this land for the development of various infrastructure facilities including Biodiversity Park, Civil Service Residential Complex, Fire Station, Police Station etc. under the Industrial Development Zone (IDZ) scheme mainly because the general public can reach these services very easily. The better transportation facilities presently available to reach the identified project area were also a factor for selecting this area for the particular project.

Nature of Land and Cropping Pattern

3.4 The land identified for acquisition is predominantly used for non-commercial agricultural purposes. The owners of the property still enjoy benefits from non-commercial farming within their compounds, nearly a thousand coconut trees and trees of various types contribute to the wide range of productive flora within the project area. With regards to irrigation of the land for cultivation, the presence of ponds and wells in their area were observed. Water from these sources was used for irrigation purposes within the property.
Ownership Pattern, Land Distribution and Number of Residential Houses

3.5 The land acquisition will affect 5 families in the project area. The list of land holders and the extent of holding with survey numbers is given in the Annexure-1. It is observed from the preliminary site visit that no land transaction or maintenance of the residential structures had recently, owing to the speculation regarding implementation of the proposed project. The only structure identified in the area was utilized as residential building.

Nature of Ownership

3.6 The property that demands acquisition for project completion is owned by five siblings. They have reported to purchasing the particular land before 40 years.

Residential Houses and Structures

3.7 The project area was owned by five family members, yet no family member resides within the premises. The land is mainly used for cultivation of coconut trees. A house built in the year 1934 is also included in the land. In addition to that there are five wells, one pond, one store room, car shed and one old cattle shed is there in the land. The whole area is covered with compound wall with single entry point.

Limitations of the study

3.8 The owners of the land were not forthcoming with details during surveys or later through phone calls by the SIA team. When contacted for public hearing after issuing notice through newspapers 15 days prior to the meeting, only one owner out of five attended the public hearing.
CHAPTER 4

ESTIMATION AND ENUMERATION

Introduction

4.1 The proposed project of development of infrastructure facilities by KINFRA will require 532.98 ares of land to be undertaken in Pinarayi village of Kannur district. The acquisitions of land have direct or indirect consequence on the settlement. This chapter discusses about an estimation of units affected by the construction of projects.

Estimation of properties and families affected

4.2 Property area of 532.98 ares that comes under the purview of SIA study is fully affected by the proposed project. The land is spread through 3 survey numbers, owned by 5 individuals. Acquisition of this land for the project will affect them in terms of land and deduction in their source of income.

Ownership of the land

4.3 The area in need for acquisition for the proposed project accounts to 532.98 ares and is solely owned by private parties.

Vulnerable groups affected

4.4 Amongst the landholders at the project site, the family belongs to Other Backward class only. It was noted that there is no representation from Scheduled Tribes or Scheduled Castes communities.

Residences or structures affected

4.5 The land is mainly used for the non-commercial agricultural purposes and the main cultivation is coconut trees. There was a house built in the year 1934 and they are still maintaining it with frequent cleaning and maintenance, but only a caretaker of the particular land was living there. Also, the area consists of five wells, a pond, a store room, a car shed and old cattle shed. Proper resettlement, as enacted by LARR Act is suggested.
Direct and Indirect impact

4.6 Property belonging to 5 families and their dependents will be lost on acquisition. About 800-1000 productive coconut trees are there in the area, keeping the land profitable. In addition to that there are many wide varieties of plants and trees. A loss in supply of natural water from wells and pond is observed.

Inventory of assets

4.7 Properties of 5 members spread over 3 survey numbers will be affected by the project. The entire property belonging to these families and the surrounding premises is affected as it lies within proposed project area, a total loss in building and surrounding properties will be observed.
CHAPTER 5
SOCIO-ECONOMIC AND CULTURAL PROFILE

Introduction

5.1 Establishing the baseline conditions is essential for describing the receiving environment, the status quo and for identifying and predicting potential impacts. An accurate baseline condition is essential to extrapolate prediction of change in relation to the frame of reference.

5.1 The Social Impact Assessment unit, in compliance with section 7 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules 2015 (Amendment), conducted the socio-economic survey and collected data on relevant socio-economic conditions of the project affected population including family details, demographic information on social classification, education and occupation of family members, total family income from all sources, identification of vulnerability, key issues likely to be faced with regards to land acquisition and compensation, quantification and criteria of people impacted by the project and the relevant strategies for minimizing impact on current land usage activities or cultural heritage. This chapter provides a summary of the baseline information on the findings of the socio-economic survey.

Demographic Profile of Proposed Area

5.2 The household survey was targeted to cover the identified properties with a representation of cent percent of the directly affected families who have residence or holds ownership over land in the project area. Information related to various socio-economic aspects was gathered from the adult members of the each household. Detailed and relevant baseline information on affected population is discussed.
Social Profile

Religion

5.3 The respondents residing in proposed project adheres to the Hindu faiths amongst the surveyed households.

Age of the Respondents

5.4 The average age of the respondents who participated in the SIA study was middle aged citizens. In consonance with the average age, majority of the respondents from both the groups were in age bracket of 40-60 years.

Literacy level of Respondent

5.5 Among the directly affected, respondents possessed Under Graduation or Post Graduation levels of education.

Monthly Income of the Households

5.6 Monthly income constitute all the earnings derived from occupation, added with the earnings from other sources namely agriculture and/or livestock.

Sources of Income

5.7 Employment/occupation of the respondents is through business ventures which contribute to the source of income for the surveyed household in the directly affected group. Besides that, income derived from the land, at the project site, through cultivation was observed.

Place of Stay

5.8 The place of stay of respondents is not sited within the project area. The affected group owns an ancestral house of pucca nature. Pucca in the sense, houses are strong and permanent, terraced and tiled.

Vulnerable Group

5.9 The affected families had representation from the Other Backward class alone.
CHAPTER 6

SOCIAL IMPACT MANAGEMENT PLAN

Background

6.1 In compliance with Section 4 of The Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act of 2013, the present social impact assessment was undertaken by Centre for Management Development, Thiruvananthapuram for the land acquisition for developing various Infrastructure facilities by KINFRA, in Pinarayi village of Kannur district. The study was conducted with the objective of assessing the socio economic impacts of the proposed land acquisition and preparing a Social Impact Management Plan. This chapter discusses the identified impacts of land acquisition and the recommended mitigation measures.

Approach to Mitigation

6.2 The CMD team made use of a combination of two research approaches i.e., quantitative and qualitative, for the identification of various social impact and the mitigation measures. Adoption of a combination of both qualitative and quantitative methodology was indented to obtain a more comprehensive data and more holistic result without excluding any important area of assessment.

Social Impact

6.3 A total area of 532.98 ares of land has to be acquired for the proposed project, from 3 survey numbers. Information collected through structured questionnaires revealed that the respondents were against in welcoming the project, they also expressed various concerns regarding the land acquisition as well as implementation of the project. The identified impacts are discussed below:

Negative impacts

6.4 The land being acquired for the proposed construction under Industrial Development Zone scheme is mainly residential in nature, with the premises being employed for non-commercial farming. One of the major impacts of the proposed land acquisition will be the reduced usability of the land after the acquisition. The identified negative impacts of the proposed land acquisition are as follows:
Impact on livelihood

6.5 The family that owns the only property within the project area enjoys a constant source of income through the land, the wide variety of trees that numbers over a thousand is a testament to that. Loss of valuable assets in the form of an ancestral home built in 1934, wells and a pond with clean natural water will be lost as well.

Impact on land

6.6 The area identified for the proposed project is used for residential purposes. The land belonging to the family is employed for non-commercial purpose only.

Impact on Common Property Resources

6.7 The proposed land acquisition has no impact on any common property resource.

Displacement

6.8 A major negative impact of project implementation is related to the acquisition of a single house within the area identified. The families that own the property and surrounding premises do not reside within the property, and as such no provision has to be made to arrange for rehabilitation or displacement of the families. The project area encompasses an 85 years old home that serves as an ancestral property of the affected.

Positive impacts

6.9 The positive impacts that will result with the developing Industrial Development Zone include:

a. Better infrastructure and operational facilities

b. Better access for citizens to Government Facilities and services

c. Overall development for Pinarayi village and hence for the district as well.
Impact Mitigation/Management Plan

6.10 Based on the desk research, field investigations and consultations undertaken during the Social Impact Assessment study towards the development of various Infrastructure facilities by KINFRA, the following Social Impact Mitigation Plan has been developed to mitigate negative social impacts that may arise from project completion. The responsibility for the incorporation of mitigation measures for the project implementation lies with the district administration and the proponent. This mitigation plan is devised to reduce negative social impacts associated with the acquisition of 532.98 ares of land in Pinarayi village. Following are the measures suggested.

Economic Measures

6.11 The most significant social impact through the implementation of the project at the present location is the loss of property for 5 members and their dependents. Loss of property and the assets due to acquisition of land for the development of Infrastructure facilities should be compensated as mandated by the Act under sections 26-31 and which are listed in the first schedule of the Act for these families.

Rehabilitation Measures

6.12 Proper rehabilitation measures shall be devised as per the provisions under the Act for the household affected by the proposed land acquisition. The rehabilitation measures to be undertaken were a major part of the agenda for the public hearing. Since the affected families do not reside within the project area, there arises no need for displacement or subsequent rehabilitation.

Environmental Measures

6.13 At the designing and construction phase of the project, care should be given to make the design in order to minimize the impact on surrounding flora and fauna. During the operational phase, the Bio-diversity Park may use sustainable energy options for various operations, including for power supply and for waste management. The water resources within the property can be utilised for the
implementation of the project and for future needs. The pond within the property is a valuable asset and requires management.

Measures to Avoid, Mitigate and Compensate

Mitigation Measures

6.14 The proponent should ensure that a proper mechanism is in place to solve public grievances.

6.15 A public redressal mechanism should be designed at the project site to address the concerns of the indirectly affected population (if any) during the implementation stage of the project.

6.16 Comparing/weighing the positive against the negative impacts, it can be observed that even though compensation needs to be provided to the affected, there exists no need for rehabilitation after acquisition, furthermore, the implementation of the project will result in higher operational efficiency of the district and acts as a significant economic development. Thus it can be concluded that the former outweigh the latter reaffirming the identified site as the most suitable and apt one for the construction under the Industrial Development Zone scheme. The families that are affected would require adequate and fair resettlement. Other negative impact on land, livelihood, physical resources, public facilities or culture is comparatively lesser in relation. It is observed that many of the negative impacts highlighted in this chapter can be minimized or reduced with effective and relevant mitigation measures and strategies mentioned.

Institutional Framework

6.17 Following the desk studies, field investigations and public consultations undertaken in this study, a Social Impact Mitigation Plan has subsequently been developed. The plan provides a general outlay of the social aspects, potential impacts and mitigation measures. The responsibility for the incorporation of mitigation measures for the project implementation lies with the Institutional Framework and Key persons designated by the Government for the said purpose in accordance with the Sub-section (1) of section 44 of the Right to Fair

**Institutional Structures & Key persons**

6.18 The Government of Kerala has set up a well-established institutional framework for the implementation of social impact mitigation/management plan and to perform the functions under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. The Kerala State Policy for Compensation and Transparency in Land Acquisition published as per G.O. (Ml) No.485/2015/RD, dated 23/09/2015 constituted a State level Empowered Committee with its members as Chief Secretary, Revenue Secretary, Secretary of the Administrative department, Law secretary and Finance secretary to perform the functions designated to them in relation to RFCTLARR.

As per the same policy at the district level a Fair Compensation, Rehabilitation and Resettlement Committee with its members as District Collector, Administrator for resettlement and rehabilitation, Land Acquisition Officer, Finance Officer, Representatives of the requiring body to take financial decisions on its behalf and Representatives of Local Self-Government Institutions has been set up to undertake various functions under the Act. The Administrator in the committee appointed in line with sub-section (I) of section 43 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act.

6.19 The **Administrator** in the committee appointed in line with sub-section (I) of section 43 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013), is responsible for the rehabilitation and resettlement formulation execution and monitoring of the rehabilitation and resettlement scheme in respect of land acquisition. Government of Kerala as per G.O (P) M. No. 590/2015/RD dated 11 November 2015 has appointed the Deputy Collector (Land Acquisition) in each District as the Administrator for rehabilitation and resettlement for performing the functions under the said Act and rules made there under in respect of the persons who are involuntarily displaced due to acquisition of land. Besides as per G. O. (P) M.
589/2015/RD dated 11 November 2015, has appointed the Land Revenue commissioner as the Commissioner for Rehabilitation and Resettlement in accordance with sub-section (1) of section 44 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (CentralAct30of2013), for supervising the formulation of Rehabilitation and Resettlement scheme or plans, proper implementation of the same and to carry out post-implementation of social audit.

6.20 At the district level as per G O. (P) No.649/2015/RD dated 4 December 2015, the Government of Kerala in exercise of the powers conferred by clause (g) of Section 3 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (CentralAct30of2013), r/w sub-rule (1) of rule 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Kerala) Rules, 2015 has appointed Special Tahsildar LA & Deputy Collector LA Kannur 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 section 12 in respect of any land within their respective jurisdiction for the acquisition of which a notification under sub-section (1) section ll of the above Act. The district level committee is mandated to ensure finalization of Fair compensation and appropriate Resettlement and Rehabilitation package and Mitigation measure and its proper implementation from the construction phase onwards.

Monitoring and Evaluation

6.21 Monitoring is a long-term process, which should begin from the start of construction of the infrastructure projects and should continue throughout the life of the project. Its purpose is to establish benchmarks so that the nature and magnitude of anticipated social impacts can be continually assessed. Monitoring involves the continuous or periodic review to determine the effectiveness of recommended mitigation measures. The types of parameters that can be monitored may include mitigation measures or design features, or actual impacts.
However, other parameters, particularly those related to socio-economic and ecological issues can only be effectively assessed over a more prolonged period of say 3 to 5 years. The government of Kerala in accordance with the State Policy for Compensation and Transparency in Land Acquisition frame in connection with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), has established district and state level mechanisms for reporting and monitoring the land acquisition process and the implementation of various social mitigation measures. It includes the following: At the state level as per G. O. (P) M. 589/2015/RD dated 11 November 2015, the Land Revenue Commissioner appointed as the Commissioner for Rehabilitation and Resettlement in accordance with sub-section (1) of section 44 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), is responsible for supervising the formulation of Rehabilitation and Resettlement schemes or plans, proper implementation of the same and to carry out post-implementation of social audit.

6.22 At the district level, the Administrator appointed in line with sub-section(1) of section 43 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013), is responsible for the rehabilitation and resettlement formulation execution and monitoring of the rehabilitation and resettlement scheme in respect of land acquisition. Besides, the Fair Compensation, Rehabilitation and Resettlement Committee at the District level and State Level Empowered Committee is authorized to ensure finalization, implementation and monitoring of the compensation, rehabilitation & resettlement package and mitigation measures.

The District level committee is expected to finalize the fair and reasonable price of land and compensation along with the Rehabilitation and Resettlement package to be given to the affected person/family. The committee shall ensure that eligible affected family is given Rehabilitation & Resettlement as envisaged in the second and third schedule of the Act. The state level empowered committee is expected to approve or return the estimate prepared and submitted by the District level Fair
compensation, Resettlement and Rehabilitation committee with suggestions/observations.

Analysis of Costs and Benefits

6.23 The construction of various infrastructure facilities through KINFRA under the Industrial Development Zone scheme will act as an important milestone in the economic development of Kannur district. As per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 the Government authorized for the acquisition of any land for the concerned public purpose by adhering to the due compensation, rehabilitation and resettlement measures as mandated by the Act. The establishment of such infrastructure facilities will modernise the life of citizens in Kannur and paves way for a life of ease. There is a notable avenue for socio economic development due to the implementation of the project.

Recommendation on acquisition

6.24 The most significant challenge or negative impact with the establishment of the project is its impact on family that has an ancestral home and land within the project area. Around 5 families are affected by loss in property and loss of assets. Rehabilitation and Resettlement measures needs to be followed according to standardized norms and procedures to assist the displaced persons with certain benefits for livelihood restoration. Under Section 26 of land Acquisition act of the Land Acquisitions, Rehabilitation, And Resettlement Act, 2013- “Determination of market value of land by collector” gives the District Collector authority to adopt a set criteria in assessing and determining the market value of land in question. It is determined by analysing the minimum land value specified as per the Indian Stamp Act, 1899 for registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated, the average sales price for similar type of land situated in the nearest village or nearest vicinity area or the consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects. The amount chosen shall be the highest among the sub
categories, provided that the date for determination of market value shall be the date on which the notification has been issued under section 11.
SIA of Land Acquisition for developing various Infrastructure facilities by KINFRA in Pinarayi Village

ANNEXURES

i. Details of the land in the SIA study area for Pinarayi Village

ii. List of key informants contacted and interacted

iii. SIA Team members

iv. G.Os on Implementation and monitoring system

v. Plots to be acquired

vi. Questionnaires used for survey

vii. Newspapers Articles regarding Public Hearing

viii. List of Participants from Public hearing
ANNEXURE-I

Details of the land in the SIA study area for Pinarayi Village

<table>
<thead>
<tr>
<th>Village</th>
<th>Survey No.</th>
<th>Extent (In ares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pinarayi Village</td>
<td>2/1, 4/1, 4/2</td>
<td>532.98</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>532.98</td>
</tr>
</tbody>
</table>
ANNEXURE-II

List of key informants contacted and interacted

1. K. V. Gangadharan, Advisor (L. M.) KINFRA,
2. K. P. Raghunath, KINFRA
3. Deputy Collector, LA Kannur
4. Special Thasildhar, LA
5. Deputy Thasildhar, LA
ANNEXURE-III

SIA Team members

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name</th>
<th>Designation</th>
<th>Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Dr. G. Suresh</td>
<td>Project Director</td>
<td>Ph. D.</td>
</tr>
<tr>
<td>2</td>
<td>Shri. Riyas K. Basheer</td>
<td>Project Coordinator</td>
<td>MBA, B.Tech.</td>
</tr>
<tr>
<td>3</td>
<td>Dr. S. Remadevi</td>
<td>Domain Expert</td>
<td>Ph. D.</td>
</tr>
<tr>
<td>4</td>
<td>Shri. Suradh K. Surendran</td>
<td>Field Coordinator</td>
<td>M. Tech.</td>
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<tr>
<td>5</td>
<td>Shri. Albin M.</td>
<td>Field Investigator</td>
<td>MBA</td>
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<tr>
<td>6</td>
<td>Shri. Nounith Noble</td>
<td>Field Investigator</td>
<td>MSW</td>
</tr>
<tr>
<td>7</td>
<td>Shri. Josukutty Kurian</td>
<td>Field Investigator</td>
<td>MSW</td>
</tr>
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</table>
ANNEXURE-IV

Government Order portraying the structure/person for the implementation and monitoring of Social Impact Management Plan

GOVERNMENT OF KERALA

Abstract

Revenue Department
State policy for Compensation and Transparency in Land Acquisition Approval of Order issued.

REVENUE (H) DEPARTMENT

GOV.No. 105/2013/Rev.

Dated: Thiruvananthapuram, 23/06/2015.


ORDER

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

2. Section 10(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides for framing a state policy which provides higher compensation than that calculated under this Act for the acquisition of land so that the affected person or his family member or member of his family may opt to avail such a higher compensation under such state policy.

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

(By Order of the Governor)

Dr. V. Sreesinha
Principal Secretary to Government

To:
The Commissioner, Land Revenue, Thiruvananthapuram
All District Collectors

The Commissioner, Land Revenue, Kerala, Thiruvananthapuram

The Finance Department

General Administration (EA) Department

Information & Public Relations (WAPR) Department

Office of the Chief Minister

Centre for Management Development, Thiruvananthapuram
Policy of the State of Kerala for compensation in land acquisition

Introduction

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

Objectives

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

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

Frame work of the policy

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

(1) The Government shall constitute a District Level Fair Compensation, Resettlement and Rehabilitation Committee in every District.

(2) The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall have the following Members:
SIA of Land Acquisition for developing various Infrastructure facilities by KINFRA in Pinarayi Village

-3-

j) District Collector
k) Administrator for Resettlement and Rehabilitation
l) Land Acquisition Officer
m) Finance Officer
n) Representative of the Requiring Body empowered to take financial decisions on its behalf.

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

(3) The District Collector will verify the title deeds, non-encumbrance certificate, basic tax receipt, building tax receipt, possession certificate and other relevant records of each parcel of land to be acquired.

(4) The District Government Pleader or any other advocate specially authorised by the District Collector in this behalf will scrutinize the title deeds, and other documents relating to ownership and possession and give necessary recommendation to the District Collector.

(5) The District Collector shall, within 7 days of the preliminary notification under Section 11, send the SIA Report and other relevant documents to the District Level Fair Compensation, Resettlement and Rehabilitation Committee.

(6) The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall for the parameters and shall define criteria for categorization of land as per the local needs to fix land value and the same may be approved by the Committee. The Committee should take utmost care in determining the criteria for categorization. There should not be any ambiguity regarding classification. The authority to change the categorization once approved by the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall rest only with the SLEC.

(7) After categorization of lands, land value shall be arrived at as per the provisions of the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and keeping this as the basis land value and taking into consideration the existing market value of the land make negotiation with the land owners and reach consensus with them on the final land value.

(8) The Committee will finalize the estimate of a fair and reasonable price of land and compensation along with the Rehabilitation and Resettlement package to be given to the affected person/family. The Committee shall ensure that eligible affected family is given Rehabilitation & Resettlement envisaged in the second and third schedule of the Act.

(9) The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall send the estimate arrived as above, in Annexures I & II to the State Level Empowered Committee for approval.
(10) The Government shall constitute a State Level Empowered Committee which shall have the following members:

(i) Chief Secretary
(ii) Revenue Secretary
(iii) Secretary of the Administrative Department
(iv) Law Secretary
(v) Finance Secretary

(11) The State Level Empowered Committee shall approve the estimate or return it for reconsideration by the District Level Purchase Committee with suggestions/observations that it thinks fit.

(12) The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall, within 15 days of the receipt of such approval with or without changes, send individual notices to the affected families and affected persons apprising them of the provisions of the law or policy and giving them a date to appear before it on a specified date for the purpose of considering settlement of compensation and resettlement and rehabilitation claims on the basis of the policy.

(13) On the date fixed as above, the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall explain the policy to the affected family or affected person and give them an estimate of the compensation and resettlement and rehabilitation package worked out under the policy.

Provided that the date so fixed may be adjourned for another date for reasons to be recorded. Provided further that the proceedings shall not be adjourned for more than a period of 30 days in all from the first date.

(14) At the proceedings, the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall present the estimated compensation and resettlement and rehabilitation package to the affected family or affected person and explain the terms and conditions of the same.

Provided that the District Level Fair Compensation, Resettlement and Rehabilitation Committee may change the compensation and relief and resettlement package for the benefit of the affected family or affected persons to the extent of 10% in order to arrive at a mutually acceptable settlement. If the District Level Fair Compensation, Resettlement and Rehabilitation Committee feels that a higher payment exceeding 10% is absolutely necessary, then the proceedings may be recorded and sent to SLEC for approval.

(15) The affected family or affected persons shall thereupon submit their consent to having their claims settled according to such law or policy of the State instead of settling the same under the Act.

Provided that the affected families or affected persons who earlier rejected the negotiated settlement may, by a written application to the Collector, shall choose the option of the State policy at any time before passing the final award under Sections 30 and / or 31.

(16) Upon receiving the consent of the affected person or affected family, the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall submit the consent along with minutes of its proceedings to the Collector for finalizing the conveyance of land in terms of the consent.
The Collector, upon receiving the consent, shall cause a Sale Deed in terms of the settlement arrived at in the proceedings before the District Level Fair Compensation, Resettlement and Rehabilitation Committee to be executed and registered between himself and the affected family or affected person.

The Collector shall ensure that the draft declaration under Section 19 of the Act has been published before proceeding with the execution of the sale deed.

The designated officer of the concerned project authority will take steps to effect necessary changes in the classification of land through the Taluk Tahsildar on the basis of the copy of the registered deed obtained from the Office of the Sub Registrar.

The Compensation or package received by the affected family or affected person shall not be subject to income tax or any other levy.

The compensation and package agreed upon shall be paid into the bank account the details of which shall be submitted by the affected family or affected person along with the consent.

On completion of the conveyance the Collector shall take possession of the land immediately, provided that the Collector may, on a written application by the affected family or affected person, accord sanction for extension of taking of possession of the land by a period not exceeding 30 days.

No conveyance made under these rules shall be called in question in any court of law on any ground except that the same was executed by a person other than the one who was competent to do so.

Appendix I

Check List for District Level Purchase Committee

1. Whether the title of the land is clear :

2. Whether any Government land is involved :

3. Criteria for categorization :

4. Criteria for fixing land value :

5. Decision of the DLPC :
ANNEXURE-V

PLOTS TO BE ACQUIRED
ANNEXURE- VI

Questionnaires used for survey

SIA of Land Acquisition for developing various Infrastructure facilities by KINFRA in Pinarayi Village

Centre for Management Development, Thiruvananthapuram
**SIA of Land Acquisition for developing various Infrastructure facilities by KINFRA in Pinarayi Village**

<table>
<thead>
<tr>
<th>#</th>
<th>Name of the Landowner</th>
<th>Date of Acquisition</th>
<th>Location / Description</th>
<th>Type of Land</th>
<th>Purpose of Land Use</th>
<th>Status of Land</th>
<th>Project Date</th>
<th>Remarks</th>
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</table>

**Note:**

- The table should be filled with specific details related to land acquisition and infrastructure development by KINFRA in Pinarayi Village.
- Ensure all columns are properly filled with relevant information.
- The table includes fields for name of the landowner, date of acquisition, location, type of land, purpose of land use, status of land, project date, and remarks.

---

**Centre for Management Development, Thiruvananthapuram**

**TRIVANDRUM**
<table>
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<tr>
<th>ക്യാമറ / ആലിപ്പിക്കപ്പെട്ടതുള്ളവ</th>
<th>സഹായത്തോ</th>
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(1) എല്ലാവരും സംസ്ഥാപിക്കപ്പെട്ടതുള്ളവ സംസ്ഥാപിക്കപ്പെട്ടവ സമാഹാരം (സംസ്ഥാപിച്ചവരും അറിയൽ) 1 ചതുരാശി = 200000 രൂപ

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(2) എല്ലാവരും സംസ്ഥാപിക്കപ്പെട്ടതുള്ളവ സംസ്ഥാപിക്കപ്പെട്ടവ സമാഹാരം (സംസ്ഥാപിച്ചവരും അറിയൽ)

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(3) എല്ലാവരും സംസ്ഥാപിക്കപ്പെട്ടതുള്ളവ സംസ്ഥാപിക്കപ്പെട്ടവ 

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 Centre for Management Development, Thiruvananthapuram
### SIA of Land Acquisition for developing various Infrastructure facilities by KINFRA in Pinarayi Village

<table>
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<tr>
<th>വിവരണം</th>
<th>കാരണങ്ങളുടെ തുള്ളം</th>
<th>താഴ്ചകൾ കാണുക</th>
<th>കാരണങ്ങളുടെ നിരക്ക്</th>
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<td>പാപ്പടിക്കുന്ന പാപ്പടിക്കാൻ അനുമാനം ചെയ്യുന്ന അനുമാനമാണ്‍ ?</td>
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<td>ശ്രമിക്കുന്ന പാപ്പടിക്കാൻ കഴിയുന്ന അനുമാനമാണ്‍ ?</td>
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- വിവരങ്ങളിൽ അടത്തിയ കാരണങ്ങളും അനുമാനങ്ങളും സമർപ്പിക്കുന്നത്

1. താഴ്ച സമ്പദാനം സമമായി എങ്ങനെയാണ്‍ ഉപയോഗിക്കുന്നത്

2. കാരണം / ഫാക്ടോറി

3. കാരണമായിരുന്നു ഫാക്ടോറി എങ്ങനെ

4. പാപ്പടിക്കുന്ന കാരണമാണ്‍ എങ്ങനെ

5. താഴ്ച പാപ്പടിക്കുന്ന അനുമാനം എങ്ങനെ

6. കാരണമാണ്‍ എങ്ങനെ പാപ്പടിക്കുന്നത് എങ്ങനെ കാണുന്നത് (സമയത്താനുസരിച്ച്)

7. താഴ്ച എങ്ങനെ പാപ്പടിക്കാൻ കാരണമാണ്‍ 

8. താഴ്ച കാരണമാവുന്നത് എങ്ങനെ / (സമയം / കാരണം)

9. സാമ്പത്തികഗാമത്തിൽ എത്രയും കാരണം എങ്ങനെ

10. കാരണങ്ങളുടെ അനുമാനങ്ങളും പ്രഖ്യാപിക്കുന്നത്

1. കാരണം എങ്ങനെ പ്രഖ്യാപിക്കുന്നു / പ്രഖ്യാപിക്കുന്നു / പ്രഖ്യാപിക്കുത്തീ / പ്രഖ്യാപിക്കുലാറി

2. എടുക്കുന്ന കാരണങ്ങളും എടുക്കുന്ന കാരണങ്ങളും (പിന്തുണയായി)

3. കാരണമായിരുന്നു എന്നതാണ്‍ എങ്ങനെ പ്രഖ്യാപിക്കുന്നത്

4. താഴ്ച എങ്ങനെ പാപ്പടിക്കാൻ കാരണമാണ്‍ 

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Centre for Management Development, Thiruvananthapuram
**SIA of Land Acquisition for developing various Infrastructure facilities by KINFRA in Pinarayil Village**

6. കള്ളിക്കൽ ഉദ്യോഗതാ ശേഖരണം ചെയ്യുന്നത് ?
   - വലുത് / പ്രധാന / കെ.എൻ.പി / കെ.എൻ.പി സ്ഥാനം (സുപരിപാലനം)

7. കള്ളിക്കൽ ഉദ്യോഗതാ ശേഖരണം ചെയ്യാനുള്ള കാര്യാലയ ഉപകരണം? പ്രധാനം / ഹോം ഓഫീസ് / പ്രധാന കാര്യാലയം

8. കള്ളിക്കൽ ഉദ്യോഗതാ ശേഖരണം ചെയ്യാനുള്ള കാര്യാലയ ഉപകരണം? പ്രധാനം / ഹോം ഓഫീസ് / പ്രധാന കാര്യാലയം

9. മുസിരിൽ ഉദ്യോഗതാ ശേഖരണം ചെയ്യാനുള്ള കാര്യാലയ ഉപകരണം? പ്രധാനം / ഹോം ഓഫീസ് / പ്രധാന കാര്യാലയം

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<th>വിശദീകരണം</th>
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10. മുസിരിൽ ഉദ്യോഗതാ | VMD | 

**Centre for Management Development, Thiruvananthapuram**
2. പട്ടണപ്രവൃത്തിക്കാരന്റെ സവാരികളുടെ കൂട്ടാലുകളിൽ നിന്നും (അന്തരിച്ച് ഫാബർ അൽബോർണ്)

നിയമം വെച്ച്, സമയത്തെ സമാന്തരരൂപത്തിൽ വെച്ചു വരി നടത്തി

നിയമം വെച്ച്, നാലാഴ്ചുകളായി വിശദീകരണത്തെയും അറിയിപ്പുകളെയും പ്രസിദ്ധീകരിച്ച

Centre for Management Development, Thiruvananthapuram
ANNEXURE- VII

Newspapers Articles regarding Public Hearing

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<td>Madhyamam</td>
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Centre for Management Development, Thiruvananthapuram
### Annexe VIII

List of Participants from Public hearing

**Public Hearing on Social Impact Assessment**

Date: 20-06-2017

<table>
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<tr>
<th>Sl. No.</th>
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<td>1</td>
<td>K. V. George</td>
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<td>2</td>
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<td>R. Additional</td>
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<td>C. B. Kumar</td>
<td>KINFRA</td>
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*Centre for Management Development, Thiruvananthapuram*