

No. 65-05-LAQ/2019/3534

Date: 09 /03/2021

## **DECLARATION**

**[See Section 19 (2)]**

**WHEREAS**, vide Preliminary Notification No. 65-05-LAQ/2019/2170 dated 29/09/2020, it was Notified under section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, that the land described in the schedule hereto (hereafter referred to as the said land) were needed or likely to be needed for the public purpose, namely land Acquisition for Beautification of Nagoa Beach, Diu.

**AND WHEREAS**, as per Section 15(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, a report was submitted to appropriate Government i.e. Hon'ble Administrator of Dadra & Nagar Haveli and Daman & Diu to proceed with acquisition process and the same has been approved.


**AND WHEREAS**, as per Section 16(6) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Administrator (RR) submitted draft Rehabilitation and Resettlement Scheme after conducting public hearing to the Collector.

**AND WHEREAS**, as per Section 17(1), Collector has reviewed the draft Rehabilitation and Resettlement Scheme prepared by Administrator (RR) and submitted suggestions under Section 17(2) to the Commissioner Rehabilitation and Resettlement for approval and same has been approved by Commissioner Rehabilitation and Resettlement under Section 18 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 on 25/02/2021.

**AND WHEREAS**, the U.T. Administration of Dadra & Nagar Haveli and Daman & Diu is satisfied on the basis of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, that the Rehabilitation and Resettlement Scheme shall be applicable as per Second Schedule of RFCTLARR Act, 2013 as no family being displaced.

**AND WHEREAS**, as per Section 19(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the appropriate Government is satisfied that the said land is required for the public purpose.

**NOW, THEREFORE**, it is hereby declared under the provision of Section 19(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, that the said land is required for the public purpose, namely for the purpose of Land Acquisition for Beautification of Nagoa Beach, Diu.

 Cont...2/-

The Land Statement and Plan can be inspected in the office of the Collector, Diu during the office hours.

**SCHEDULE OF LAND**

U. T.	U.T. of Dadra & Nagar Haveli and Daman & Diu
District	Diu
Village	Nagoa
Approximately area	59.00 Sq. Mtrs.
Purpose	Land Acquisition for Beautification of Nagoa Beach, Diu

**DETAILS OF THE LAND**

Sr. No.	Survey No.	Name of Owner	Total Area (in Hectare)	Area to be acquired (in Sq.Mt.)
1.	88/3	Nathu Bhagwan Bamanian	00.59.00	59.00
			<b>Total Land</b>	<b>59.00</b>

Total acquired land admeasuring : 59.00 Sq. Mtrs.

  
(Saloni Rai, IAS)  
Land Acquisition Collector,  
Diu

To,  
All persons interested in land.

Copy to:

1. The Chief Executive Officer, District Panchayat, Diu....with a request to display on prominent place for wide publicity.
2. The Deputy Director of Planning and Statistics, Daman with a request to publish in the Official Gazette and supply copies of the Gazette to this office.
3. The Executive Engineer, PWD, Diu.
4. The Mamlatdar, Diu with a request to keep on notice board and to keepat prominent places at Diu and also requested to serveupon the persons interested in lands through the concerned Talathi.
- ✓ 5. The DIO, NIC, Diu with a request to upload on official Website.
6. The Asstt. Director, Official language, Diu with a request to get translation in Hindi.
7. The Information Assistant, Tourism Deptt., Diu with a request to publish in two local News Papers in Local Language.

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**Draft Report of the Administrator for Rehabilitation and Resettlement Scheme u/s 16 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 in respect of acquisition for Beautification of Nagoa Beach, Diu.**

**Preface:-**

Vide Notification No. 65-05-LAQ-2019/2170 dated 29/09/2020 admeasuring 59.00 sq. mtrs of Diu District was notified u/s 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 for public purpose, namely, Beautification of Nagoa Beach, Diu. The Collector, Diu is designated as Land Acquisition Collector under the RFCTLARR Act, 2013. The undersigned was appointed as the Administrator under sub section (1) of Section 43 of the said act for Rehabilitation and Resettlement of affected families due to acquisition of land Vide Notification No. 5/2/COL/Land/RFCTLARR/2015-16/2296 dated 05/08/2015.

**Introduction:-**

A proposal was received from the Public Works Department, Diu for acquisition of land admeasuring 59.00 sq. mtrs. in rural area of Diu District for Beautification of Nagoa Beach, Diu. Whole stretch of 59.00 sq. mtrs of land belongs to a private party.

As per the declared intent the land is proposed to be acquired for the project of Beautification of Nagoa Beach, Diu. It will help in the development of the region as the major tourist spot in West Coast of India and will to attract tourists from India as well as foreign countries. As Diu is having beautiful Beaches, Forts and Churches made with Portuguese art and culture, good circuit houses will boost Tourism Sector and due to this more livelihood options may be created and this will become more beneficial to boost the economy and income sources of the people of U.T.



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## **Methodology:-**

A Committee has been constituted by under signed Vide No.65-05-LAQ-2019/2785 dated 18/12/2020 for submission of report of Rehabilitation and Resettlement as per Section 16 of RFCTLARR Act, 2013. The committee has done the field survey & based on the survey submitted a report. Based on the inputs a draft Rehabilitation and Resettlement Scheme was published and all details were included including particulars of land and immovable properties being acquired of each affected family, Livelihoods primarily dependent on the lands being acquired public utilities and government building likely to be affected, common property resources, Amenities and infrastructure facilities.

A public notice along with the draft Rehabilitation and Resettlement Scheme was published in prominent places in Diu District and an opportunity for public meeting to the affected parties was given on 25/01/2021.

## **Details of Public Hearing:**

At the outset, undersigned welcomed all present interested parties.

The undersigned discussed draft Rehabilitation and Resettlement Scheme with the interested parties. They have been informed that as per the survey report submitted by the RR committee there are existing permanent structures on the said land and the said land is lying vacant and no any business is being carried out at present and thereafter

On the above, the parties present in the meeting submitted as follow:-

- i) Shri Rama Nathu legal heirs of Shri Nathu Bhagwan Bamaniam demanded that Government may provide two food stalls at Nagoa Beach in lieu of land.
- ii) Smt. Raji Bava & Bharat Bava wife and son of late Shri Bava Nathu legal heirs of Shri Nathu Bhagwan Bamaniam demanded that Government may provide the land in lieu of the acquired land for business purpose.

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As no other objection was raised the undersigned ended the public hearing with vote of thanks to the affected parties.



(Photo of Public Hearing held on 25/01/2021 at Collectorate Conference Hall)

### **Rehabilitation and Resettlement Plan**

As per chapter VI, procedure and manner of Rehabilitation and Resettlement Section 43 of RFCTLARR Act, 2013, the under signed has been appointed as the Administrator for drafting Rehabilitation and Resettlement scheme. This Rehabilitation and Resettlement scheme (RR Scheme) is being drafted in consonance with section 16,17,18,19,31,41 and 42 (if applicable), 43, Second Schedule the RFCTLARR Act, 2013 and rules 7,8,9,(if applicable) 16 Form IV (if applicable) and Form VII of RFCTLARR (Compensation, Rehabilitation and Resettlement and Development Plan) Rules 2015.

### **Findings:-**

As per the section 3(k) of RFCTLARR Act 2013, “Displaced Family” means any family who on the account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. In the present case the land being acquired is Agriculture and for which compensation shall be paid as and when the Collector, Diu announces the Award. Therefore, it is evident that the affected family may not need relocation and resettlement because they are either not losing their complete house / land or are left with some land after acquisition or in some cases they are having alternate Residential option. However, I am of the opinion no case for Resettlement is made out for the project affected families. I am of the opinion that the affected families may be considered for Rehabilitation only.

*[Handwritten signature]*

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The Rehabilitation & Resettlement is prepared based on the Second Schedule (ELEMENTS OF REHABILITATION AND RESETTLEMENT ENTITLEMENTS FOR ALL THE AFFECTED FAMILIES (BOTH LAND OWNERS AND THE FAMILIES WHOSE LIVELIHOODS IS PRIMARILY DEPENDENT ON LAND ACQUIRED) IN ADDITION TO THOSE PROVIDED IN THE FIRST SCHEDULE). Based on the Second Schedule the Rehabilitation and Resettlement Scheme is drafted and summarised in the format (enclosed) and recommended for review by Land Acquisition Collector u/s 17 of RFCTLARR Act 2013.

No. 65-05-LAQ-2019/  
Dated: 9/02/2021

**Submitted by**



**(Harminder Singh)**  
**Administrator for Rehabilitation and**  
**Resettlement,**  
**U/s RFCTLARR Act, 2013, Diu**

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**Annexure - A**  
**Summary format for Rehabilitation and Resettlement Scheme**  
**(ELEMENTS OF REHABILITATION AND RESETTLEMENT**  
**ENTITLEMENTS FOR ALL THE AFFECTED FAMILIES)**

1.	Name of the Project : Beautification of Nagoa Beach, Diu		
2.	Name/ Names of persons interested in the land and the nature of their respective claim for rehabilitation and resettlement: as in SI. No. 4		
3.	Time limit for provisions of Rehabilitation and Resettlement entitlements given to the affected family: as soon as possible		
4.	<b>Sr. No.</b>	<b>Specification Provision</b>	<b>Recommendation</b>
	1	<p>Provision of housing units in case of displacement</p> <p>(1) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area.</p> <p>(2) The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area: Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees: Provided further that if any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house:</p> <p>Provided also that no family affected by acquisition shall be given more than one house under the provisions of this Act.</p> <p><b>Explanation.—The houses in urban areas may, if necessary, be provided in multi-storied building complexes.</b></p>	Not Applicable, as no family/families is being displaced due to proposed acquisition.
	2	<p>Land for Land</p> <p>In the case of irrigation project, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired:</p> <p>Provided that in every project those persons losing land and belonging to the Scheduled Castes or Scheduled Tribes will be provided land equivalent to land acquired or two and a one half acres, whichever is lower.</p>	Not Applicable as it is not an irrigation project.
	3	<p>Offer for Developed Land</p> <p>In case the land is acquired for Developed urbanisation purposes, twenty Land per cent of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal</p>	Not applicable as land is not being acquired for urbanization purpose

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