

The Kerala Land Development Act, 1964

Act 17 of 1964

Keyword(s):

Owner, Record of Rights

Amendments appended: 3 of 1969, 16 of 1973

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THE KERALA LAND DEVELOPMENT ACT, 1964 [\[1\]](#)

ACT 17 Of 1964

An act to unify and amend the law relating to the preparation and execution of Land Development Schemes including Schemes for the conservation and development of soil resources, the control and prevention of soil erosion and the reclamation of waste lands in the State of Kerala.

Preamble.- WHEREAS it is expedient to unify and amend the law relating to the preparation and execution of land development schemes including schemes for the conservation and development of soil resources, the control and prevention of soil erosion and reclamation of waste lands in the State of Kerala.

BE it enacted in the Fifteenth Year of the Republic of India as follows:-

1. Short title, extent and commencement .-(1) This Act may be called the Kerala Land Development Act, 1964.

(2) It extends to the whole of the State of Kerala .

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

[\[2\]](#) *Definitions.*- In this Act, unless the context otherwise requires,-

(a) "Board" means the Kerala Land Development Board constituted under section 3; ;

[\[3\]](#) ((b) "Collector" means the Member-Secretary of the District planning committee constituted under the Kerala Municipality Act, 1994 (20 of 1994) }

[\[4\]](#) ((c) "District Committee" means- the District Land Development Committee referred to in section 5.)

(d) "Executing Officer" means an Officer appointed under Section 13 to execute a scheme;

(e) "Inquiring Officer" means an Officer appointed as such by the District Committee;

(f) "owner" means any person for the time being receiving or entitled to receive, whether on his own account, or as agent, trustee, guardian, manager or receiver for another person, the rent or profit derivable from land and includes a tenant, an occupant or mortgage in possession of land;

[5](ff) "Padasekharam" means a collection of field or other areas of lands, with or without a common outer bund, which is suitable for the adoption of a common cultivation programme or common agriculture) operations including dewatering and irrigation;)

[6](fff) "Padasekharam committee" means a committee constituted under section 7A;)

(g) "prescribed" means prescribed by rules made under this Act;

(h) "record of rights" means the record of rights and liabilities prepared under Section 20;

(i) "scheme" means any Land Development Scheme prepared or to be prepared under this Act;

(j) "Work" means any work of public utility constructed, erected or carried out or to be constructed erected or carried out under any scheme under this Act.

[7](3. *Constitution of the Board* .-(1) The Government shall for the purpose of carrying out the provisions of this Act constitute Land development Board.

(2) The Board shall consist of-

(a) the Minister for Agriculture who shall be the Chairman;

(b) the Minister for the Local Self Government who shall be the co-chairman;

(c) the Agriculture Production Commissioner, *ex-officio*;

(d) the Secretary, Agriculture, *ex-officio* ;

(e) the Secretary, Local Self Government, *ex-officio* ;

(f) the Secretary to Government, Department of Irrigation, *ex-officio* ;

(g) the State Land Use Commissioner, *ex-officio* ;

(h) the Chief Engineer in-charge of irrigation, *ex-officio*;

(i) the Chief conservator of Forest , *ex-officio* ;

(j) the Director of Agriculture, *ex-officio*;

(k) the Vice Chancellor of Kerala Agriculture University, *ex-officio* ;

(l) the Director, Centre for Water Resources Development and Management, Kozhikode , *ex-officio* ;

(m) the Director, Centre for Earth Science studies, Thiruvananthapuram, *ex-officio*;

(n) the Director, Kerala Forest Research Institute, Peechi, *ex-officio*

(o) nominee of Indian council for Agriculture Research;

(p) nominee of National Remote Sensing Agency;

(3) The Agriculture Production Commissioner shall be the Member-Secretary to the Board.

(4) All communications and orders of the Board shall be issued by the Member-Secretary or by such officer subordinate to him as may be authorised by the Board in this behalf.

4 . *Functions of the Board* .-(1) The functions of the Board shall be,-

(a) to direct the District Committees for the preparation of draft schemes within their respective jurisdiction;

(b) to consider and approve the draft schemes prepared by the District committees.

(c) to devise ways and means for the speedy execution of schemes sanctioned by the Board of Government;

(d) to fix the physical and financial targets for each district;

(e) to perform such other functions as may be specified in this Act or in the rules made thereunder;

(f) to advise Government on the strategies to be followed for land and water conservation as well as eco-restoration; and

(g) to advise Government on the priority areas, technology options, research needs and provide feed-back on works taken up.

(2) Without prejudice to the functions specified in sub-section (1), if any grant is made or loan advanced to the District committee, or Padasekharam Committee under section 18 to carry out any scheme, the Board shall take necessary steps to carry out the scheme by the officer or Padasekharam Committee appointed for the purpose in accordance with the terms and conditions under which such grant or loan is made or advanced and for that purpose the Board shall be competent to issue necessary instructions which shall be complied with by such officer or the Padasekharam Committee, as the case may be.

5. *Constitution of District Committees* .-The District Planning Committee constituted under the Kerala Municipality Act, 1994 (20 of 1994) shall function as a District Land Development Committee in which the following person shall also be included, namely:-

- (a) the District Agriculture Officer;
- (b) the District Soil Conservation Officer;
- (c) the Executive Engineer in charge of Irrigation in the District;
- (d) the Divisional Forest Officer having jurisdiction in the District.).

[8](*****)

7. *Functions of the District Committee* .-The functions of the District committee shall be-

[9] ((1) to make recommendations to the Board as to the area in the district for which schemes may be prepared;)

[10](2) to prepare schemes for areas in the district on the direction of the Board;)

(3) to perform such other functions pertaining to land development as may be specified in this Act or in the rules made thereunder;

(4) to execute the sanctioned schemes; (and) [11]

[12]((5) to carry out the instructions issued by the Board from time to time.

((6) to issue approval for the schemes prepared)

[13](7A. *Padasekharam Committee* .-(1) The District Committee, wherever necessary or if directed by the Board or the Government, shall constitute a Padasekharam committee for the Padasekharam consisting of such number of members not exceeding twenty-one as may be fixed by the Government to be elected in the manner prescribed at a meeting of the owners of the Padasekharams from among themselves.

(2) The members of the Padasekharam Committee shall elect a president who shall preside over the meeting of the Committee and shall have and exercise a second or casting vote in the case of an equality of votes.

(3) Subject to the provisions of this section every member of the Padasekharam committee shall hold office for a period of three years from the date of the declaration of his election to the Padasekharam Committee but shall be eligible for re-election:

Provided that a member elected shall cease to be a member of the Committee-

(i) when he ceases to be the owner of any land in the Padasakharam

(ii) if he continuously absents himself from three consecutive meetings; of the Committee and if the Committee does not condone such absence.

(4) Any member of the Padasekharam Committee may resign by tendering his resignation in writing to the Chairman of the Committee and on such resignation being accepted by the committee, the member shall be deemed to have vacated his office.

(5) The Padasekharam Committee shall continue in office even after the expiry of its term till a new committee is duly constituted.

(6) When the office of any member of the Committee become vacant by resignation or death or otherwise, a new member shall be elected in the manner prescribed for the election of members and the members so elected shall hold office for the period for which the member in whose vacancy he is elected would have held office.

7B. Functions of the Padasekharam committee .-(1) Padasekaram Committee, on appointment by the District Committee as agents for the execution of any scheme, shall execute such scheme.

(2) The other duties and functions of the Padasekharam committee and the procedure to be followed in the meeting of such committee shall be as may be prescribed.

(3) Without prejudice to the provisions of this Act and the rules issued hereunder the Padasekharam Committee may make bye-laws which shall have to approval of the Government).

[14]*(7C. Watershed committee .-*(1) The District Planning Committee constituted under the Kerala Municipality Act, 1994 (20 of 1994) may constitute Watershed Committee to assist the District Land Development Committee.

(2) The manner of constitution of Watershed Committee shall be such as may be prescribed.

*7D. Functions of the Watershed Committee .-*The watershed committee shall exercise such powers and discharge such duties as may be prescribed.).

8. Matters for which a scheme may provide.- A scheme made under this Act may provide for all or any of the following matters, namely:-

(a) control and prevention of soil erosion;

(b) preservation and improvement of soil;

- (c) reclamation of waste, saline or water-lodged areas;
- (d) improvement in the methods of cultivation and extension of cultivation;
- (e) construction of earth and masonry works in fields, gullies and ravines including construction of catch water drains and contour bunding, wherever necessary;
- (f) construction of permanent bunds in water logged lands for increasing agricultural production;
- (g) regulation or prohibition of cutting down or destroying of trees and other growths; setting on fire of trees, timber, forest produce or other wild growths;
- (h) planting or growing of trees, shrubs or grasses for the purpose of afforesting uncultivable land or for providing shelter belts against wind or sand or for any other purpose;
- (i) control and maintenance of tree growth;
- (j) improvement of water supply;
- (k) consolidation of the holdings of cultivators in an area for the better use of land;
- (l) training of canals, streams and rivers to prevent bank erosion;

[\[15\]](#)(*****)

[\[16\]](#)((m) providing pumpsets and platforms for the erection of such pumpsets for dewatering process;

(n) providing channels for watering and dewatering purposes; and.)

[\[17\]](#)(o)) such another matters not inconsistent with the objects of this Act, as may be prescribed.

9. *Preparation of scheme* .- [\[18\]](#){(1) On receipt of an order from the Government under section 4, or if the Board is satisfied on the recommendation of the District Committee or Padasekharam Committee or otherwise, that it is necessary to do so, it shall direct the District committee to prepare a draft scheme in consultation with the Padasekharam Committee for the specified area in that district.)

(2) On the receipt of a direction under sub-section (1), the District committee shall prepare a draft scheme containing the following particulars:-

- (a) the objects of the scheme;
- (b) the boundaries and approximate area of the lands to be included in the scheme;
- (c) the persons, including the Government, who will be affected by the scheme;
- (d) the work to be carried out under the scheme;
- (e) the agency or agencies through which the work shall be carried out; and
- (f) such other particulars as may be prescribed.

(3) On preparation of the draft scheme the District Committee shall appoint an Officer called the Inquiring Officer, for the purposes hereinafter specified.

10. *Publication of scheme and inviting objections* .-(1) Copies of the draft scheme together with the connected maps and plans, if any, shall be made available by the Collector for inspection by the public, free of charge in every village and at the headquarters of the taluk, in which the land included in the scheme are situated, at such places as he may direct

(2) A general notice shall be published in two newspapers having circulation in the locality, as the Collector may direct-

(a) intimating that the draft scheme has been prepared and the copies thereof have been kept and may be inspected by the public, free of charge, at the places aforesaid;

(b) requiring all persons affected by the draft scheme who wish make any objections to it or any party thereof to submit their objections in writing to the Inquiring Officer or to appear before him and state their objections within thirty days of the publication of the notice.

(3) Separate notices to the same effect shall also be served in the prescribed manner on all owners of the lands affected by the scheme.

11. *Report of the Inquiring Officer* .-The Inquiring Officer shall enquire into the objections received or recorded by him and submit them to District Committee together with his report thereon and his recommendations, if any for the modification of the draft scheme.

12. [\[19\]](#). *Power of the District committee to sanction schemes* .-After considering the objections and the report and recommendations of the Inquiry Officer the District Committee may sanction a scheme:

Provided that every scheme sanctioned by the District Committee shall be registered in the sub-Registry Office concerned in the manner prescribed.]

13. *Appointment of Executing Officer* .-When a scheme comes into force the District committee shall appoint an officer, not below the rank of a [20](District Soil conservation Officer) [21] (or the Padasekharam committee as the agents of the District Committee) to execute the scheme.

14. *Power to enforce scheme*.- (1) Every owner of land included in the scheme shall pay the cost or part of the cost, as the case may be, of the work which under the scheme is carried out by the [22] (District committee) in his land at the cost or part of the cost of the owner.

[23] (2) (*****))

(5) Where the owner of any land included in the scheme is the Government, the Department of the Government which has the control or the management of such land or the Executing Officer, if so directed in this behalf by the District Committee, [24] (the Board) of the Government, shall carry out the works which the Government as the owner of the land is liable to carry out under the Scheme.

15.] *Power of Government to carry out works under a scheme* .-(1) Notwithstanding anything contained in this Act, the [25] (District committee) may, in the case of any scheme which has come into force under sub-section (5) of section 12, direct either by order or by notification in the Gazette that any work under the scheme to be carried out by the owners of the lands, shall be carried out by the [26] (District Committee) with such alteration or modification as the [27] (District committee) deem necessary, and that the cost of such work shall be recovered in whole or in part from the owners of the land included in the scheme in such proportion as [28] (the Padasekharam Committee may, with the approval of the District Committee fix) having regard to the area or assessment, or both, of the lands included in the scheme [29] (if the Padasekharam Committee fails to fix the proportion of the cost to be recovered from the owners within such time as may be prescribed, the Government may fix such proportion having regard to the matters specified above.)

[30] ('Provided that the [31] (District Committee) may appoint the Padasekharam committee as agents to execute any work to be carried out by the [32] (District Committee)')

(2) The cost directed to be recovered under sub-section (1) together with interest at such rate as the Government may determine , shall be recoverable from the owners concerned in such number of equated annual instalments payable on the date as may be prescribed:

Provided that where a person commits default in the payment of three consecutive instalments, the entire unpaid balance shall become immediately payable, unless otherwise ordered by the [33] (District Committee).

[34] (15A. *Power of Government to direct local authority to take up schemes .-* Notwithstanding anything contained in this Act, the Government may direct any local authority as defined in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) to take up schemes for watershed management in the priority areas based on the advice of the Board.)

16. *Liability of persons whose lands are not included in the scheme to contribute .-*

[35] (1) If, in consequence of any work carried out under section 14 at the expense of the owner of any land under the scheme, any person (including the (District Committee) other than the owner of the land in which the work is done, is or is likely, in the opinion of the District Committee, to be benefited by such work, such person shall pay, by way of contribution such amount, with-in such time and in such manner, as the District Committee may determine to the owner of the land if the work is carried out by him, or to the **[36]** (District Committee) if the work is carried out by the Executing Officer.

Provided that, before any person is required to pay any such contribution, he shall be given a reasonable opportunity of making his representation, if any, in regard to the matter.

Provided further that the **[37]** (District Committee) may, in such case as they deem fit, waive in whole or in part their claim for contribution by any person in respect of any work carried out by the Government on lands owned by them.

(2) If default is made in the payment of such contribution within the time determined in that behalf in pursuance of sub-section (1), the Collector or any person authorised by him in this behalf shall recover the amount from him and shall pay the same to the owner.

17. *Reference to Court.*-(1) Any owner or other person liable to pay the expenses under section 14 or to contribute towards expenses under section 15, who objects to the amount of such liability may, by written application to the District Committee, stating the grounds on which objection is taken, require that the matter may be referred for the determination of the Court.

(2) The application shall be presented within a period of one month from the date of the order fixing the liability; but the District Committee may admit an application presented after the expiry of the said period if it is satisfied that the applicant had sufficient cause for not presenting it within the said period of one month.

The District Committee shall thereupon, cause a reference to be made to the Court by the Collector.

(3) The procedure laid down under the Kerala Land Acquisition Act 1961 relating to references to Court under the said Act shall, as far as may be, apply to references to Court under this section.

Explanation.- " Court" in this section shall mean the District Court having jurisdiction over the whole or major portion of the area in which such work is carried out.

[38] [18. *Power to make, grant or advance loan* .-The Government may make a grant or advance a loan to a District Committee or a Padasekharam Committee or any person or stand guarantee for the payment of any loan advanced by any bank or other financial institution to a District Committee or a Padasekharam Committee or any person for carrying out any work under any scheme sanctioned under this Act on such terms and conditions as may be prescribed].

19. *Right of entry* .-For the purpose of preparing, sanctioning, inquiring into or executing any scheme or for inspecting any work, any of the following officers or persons may, after giving such notice as may be prescribed, to the owner, enter upon, survey and mark out such land and do all such other acts as may be necessary for the purpose of preparing, inquiring into or executing any scheme or for the purpose of inspecting works already carried out. as the case may be, under a scheme:

- (a) the Executing Officer;
- (b) the Inquiring Officer;
- (c) the Collector:

[39] (d) the President or Secretary of the District Committee or any officer or person authorised by them)

20. *Records of rights and liabilities* .- **[21]** ["(1) The Executing Officer or the Padasekharam Committee, as the case may be, executing the work, shall, as soon as may be after the completion of the work in any land included in a scheme, prepare a statement setting out--

- (a) the name of the owner of such land;
- (b) the nature and extent of the work carried out in such land;
- (c) the total amount to be recovered from the owner;
- (d) the period within which such amount is to be recovered;
- (e) the person or person liable to maintain and repair the work;
- (f) the rights, if any, of the owner as regards the use of the work; and
- (g) such other matters as may be prescribed.

(1A) The amount specified in the statement prepared under sub-section (1) as the total amount to be recovered from the owner shall be liable to be enhanced or reduced if on the apportionment of the total cost of the scheme among the beneficiaries it is found that such amount is less or more than the amount due from such owner.

(1B) The statement prepared under sub-section (1) shall be communicated by the Executing Officer or the Padasekharam Committee, as the case may be, to the owner of the land in which the work has been carried out.).

(2) After a statement as aforesaid has been prepared, a notice shall be published in the manner prescribed intimating that a statement has been prepared and that it may be inspected at such places as may be specified in the notice.

(3) An appeal shall lie to the Collector within two months from the date of publication of the notice referred to in sub-section (2) in respect of any error which may have occurred in the preparation of the statement. referred to in sub-section (1) If the Collector is satisfied that the error is real, he may revise the statement with a view to rectify such error. Whenever the statement is revised as aforesaid, notice shall be given of the fact of such revision in the prescribed manner.

21. *Obligation of owners of lands to maintain and repair of works* .-(1) Every person shown in the statement prepared under section 20 as liable to maintain and repair any work shall to the satisfaction of the Collector, maintain and repair the work in his own land and in any other land in respect of which he is shown as liable in the said statement..

(2) If any such person fails to maintain or repair the work, the Collector shall issue notice to him to maintain or repair it within a period to be specified and, on his failure to comply with such direction within the time fixed by the Collector, the Collector shall cause the work to be maintained or repaired and the expenses incurred thereby, shall be recovered from the owner and such other persons, if any, liable to contribute.

(3) Any dispute as to the amount to be recovered under sub-section (2) shall be decided by the Collector and his decision shall be final.

22. *Notification of areas and control over them* -Whenever it appears that in any area it is desirable to provide for the conservation of sub soil water or the prevention or mitigation of erosion of lands, the Government shall, by notification in the Gazette declare that area as a notified area for the purposes of this Act.

23. *Power to regulate, restrict, or prohibit certain matters within the notified area*.-In respect of such area as notified in Section22 or part thereof, the (District Committee), may by order published in the Gazette, regulate, restrict or prohibit-

- (a) the clearing or breaking up of land or the cultivation of lands;
- (b) the quarrying of stones or burning of lime;

(c) the cutting of trees and timber, collection, removal or subjection to any manufacturing process otherwise than as prescribed in clause (b), of any forest produce for the purpose;

(d) the setting on fire of trees, timber or forest produce;

(e) the admission, hearing, pasturing or retention of cattle or any class or description of cattle; and

(f) the grant of permits to the inhabitants of towns and villages situated within the limits or in the vicinity of the areas specified in the order-

(i) to take any tree, timber or forest produce, for their own use; or

(ii) to pasture cattle; or

(iii) to erect buildings in such areas, and the production and return of such permits by such persons.

24. Proclamation of order under section 23 and admission of claims for compensation.- (1) Upon the publication of an order under section 23, the Collector shall cause to be published in every Village or Town in which any part of the area specified in such order is situated a proclamation in the language of the locality as provided in sub-section (2).

(2). The proclamation referred to in sub section (1) shall contain the terms of the order and shall also require every person claiming any compensation in respect of any right, the exercise of which is restricted or prohibited by the order, to prefer his claim to the Collector with such particulars and within such period as may be prescribed.

(3) Any claim not preferred within the prescribed period shall be rejected:

Provided that the Collector may admit a claim after such period if he is satisfied that the claimant had sufficient cause for not preferring the claim within such period.

25. Inquiries into claims and award of compensation ,-(1) The Collector shall proceed to inquire in the prescribed manner into every claim admitted under section 24.

(2) For the purpose of such inquiry the Collector shall exercise all or any of the powers of a civil court, for the trial of suits under the Code of Civil Procedure, 1908.

(3) The collector shall after such enquiry make an award in writing with respect to each such claim, setting out therein the following particulars, namely:-

- (i) the person making the claim;
- (ii) the nature and extent of the right claimed;
- (iii) the extent to which the claim is upheld;
- (iv) the amount of compensation awarded and the person to whom it is payable.

(4) The Collector shall give notice in the prescribed manner of his awarded to claimants or their representatives and to persons to whom compensation is payable.

26. Method of awarding compensation .-(1) In determining the amount to compensation the Collector shall be guided, so far as may be, by the provisions of the Kerala Land Acquisition Act, 1961 and as regards matters which cannot be dealt with under these provisions, by what is just and reasonable in the circumstances of each case.

(2) If in any case the exercise of any right is prohibited or restricted for a time only, compensation shall be awarded only in respect of the period during which the exercise of such right is so prohibited or restricted.

[42] (27. *Amount to be recoverable as arrears of Land revenue .-* All amounts payable to or recoverable by the District Committee or any officer of the District Committee under this Act, shall be recoverable in the same manner as arrears of land revenue.)

28. Permission to owners to increase rent on account of improvements effected .-(1) Notwithstanding anything contained in the Kerala Land Reforms Act, 1963 or in any other law for the time being in force or in any contract, it shall be lawful for the owner of any land, included in a scheme as liable to carry out any work, to enhance the rent payable by a tenant holding under him, if such tenant is benefited by the work under the scheme and there has been increase in the yield of the holding. The enhancement of rent shall be in proportion to the increase in the yield and subject to such conditions as may be prescribed.

(2) The District Committee shall decide whether or not there has been any increase in yield and if there has been, the quantity of such increase and the extent to which the tenant has benefited thereby, and the decision of the District Committee shall be final.

29. Certain officer to be public servants .- **[43]** (The President and members of the District Committees) and all officers and persons authorised or appointed under any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

30. Protection of persons acting in good faith-limitation of suits and prosecutions .-(1) No suit or other proceeding shall lie against the Government or the Board or a District Committee for any act done or purporting to be done under this Act or any rule made thereunder.

(2) No suit, prosecution or other legal proceedings shall be instituted against any public servant or person duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder.

(3) No suit or prosecution shall be instituted against any public servant or person duly authorised under this Act in respect of anything done or intended to be done under this Act unless the suit or prosecution has been instituted within six months from the date of the act complained of.

31. Vacancies amongst members for defect in the constitution not to invalidate proceedings of [44] (***) or [45] (The District Committee or the Padasekharam Committee).-No proceedings of [46] (*****) or a District Committee [48] (or the Padasekharam Committee) shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof [49] (*****).

(3) The District Committee so directed shall prepare a draft scheme as if the same relates to areas entirely within its jurisdiction and thereafter the provisions of this Act and the rules made thereunder shall, so far as may be apply in respect of such scheme.

33. *Power to make rules* .-(1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under this section shall be laid as soon as possible before the Legislative Assembly while it is in session for a total period of fourteen days which may be, comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly make any modification in the rule, or decide that the rule should not be issued, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

34. *Repeal.-The Travancore -Cochin Land Development Act, 1950 (Act XXXVI of 1950), and the Madras Land Improvement Schemes (Contour Bounding and Contour Trenching Schemes) Act, 1949 (Act, XXII of 1949) as in force in the Malabar District referred to in sub-section (2) of Section 5 of the State Reorganisation Act, 1956 (Central Act 37 of 1956), are hereby repealed.*

35. *Certain schemes etc. deemed to have been prepared under this Act and saving of work carried out under the Travancore-Cochin Land Development Act, 1950* .-(1)Any scheme prepared, any proceeding or action taken and anything done in pursuance of any agreement executed by any owner relating to soil conservation before the commencement of this Act, shall notwithstanding anything to the contrary in such agreement, be deemed to have been prepared, taken or done under this Act by the Board and shall have effect accordingly, not withstanding that it is inconsistent with this Act.

(2) Notwithstanding the repeal of the Travancore-Cochin Land Development Act, 1950, where any scheme has been prepared relating to soil conservation under the said Act, and any work, which a land owner is liable to carry out under the scheme, has been taken in hand or carried out by the Government or any officer subordinate to them in any land included in the scheme, then any work taken in hand may be completed and the cost of any work so carried out, or completed, may be recovered under sub-section (3) of section 9 of the said Act from the hand owner liable to execute such work, notwithstanding the fact that no notice as required under sub-section (2) of the said section 9 had been served on the owner, or that the owner had not failed to carry out the work.



ACT 3 OF 1969**THE KERALA LAND DEVELOPMENT (AMENDMENT)****ACT, 1969**[\[1\]](#)

An Act to amend the Kerala Land Development Act, 1964.

Preamble . —WHEREAS it is expedient to amend the Kerala Land Development Act, 1964 for the purposes hereinafter appearing;

it is enacted in the Nineteenth Year of the Republic of India as follows: —

1. Short title and commencement .— (1) This Act may be called the Kerala Land Development (Amendment) Act, 1969.

(2) It shall come into force at once.

2. Amendment of Section 2. —In section 2 of the Kerala Land Development Act, 1964 (17 of 1964) (hereinafter referred to as the principal Act), after clause (f), the following clauses shall be inserted, namely: —

“(ff) "Padasekharam" means a collection of fields contiguously situated with a common outer bund and with all or any of the agricultural operations like pumping operation done jointly by all the owners.

(fff) "Padasekharam committee" means a committee constituted under section 7A;”.

3. Amendment of section 3 .— In sub-section (2) of section 3 of the principal Act, for item (a), the following items shall be inserted, namely: —

"(a) the Minister for Agriculture who shall be the Chairman;

(aa) the Commissioner for Agricultural Production who shall be the Vice-Chairman, ex-officio;”.

4. Amendment of section 5 .—Section 5 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely: —

(2) Without prejudice to the functions specified in sub-section (1), if any grant is made or loan advanced to the District Committee or Padasekharam Committee under section 18 to carry out any scheme the Board shall take necessary steps to carry out the scheme by the officer or Padasekharam Committee appointed for the purpose in

accordance with the terms and conditions under which such grant or loan is made or advanced and for that purpose the Board shall be competent to issue necessary instructions which shall be complied with by such officer or the Padasekharam Committee, as the case may be."

5 Amendment of Section 6. —In section 6 of the principal Act after sub-section (5), the following sub-sections shall be inserted namely:—

"(6) A non-official member absenting himself from attending three consecutive meetings of the District Committee, shall cease to be a member of the respective District Committee if the committee does not condone such absence.

(7) Nomination to vacancies under sub-section (6) shall be made by the Government."

6. Insertion of new sections after section 7.—After section 7 of the principal Act, the following sections shall be inserted, namely: —

"7A. Padasekharam Committee.— (1) The District Committee wherever necessary or if directed by the Board or the Government shall constitute a Padasekharam Committee for the Padasekharam consisting of such number of members not exceeding twenty-one as may be fixed by the Government to be elected in the manner prescribed at a meeting of the owners of the Padasekharams from among themselves.

(2) The members of the Padasekharam Committee shall elect a president who shall preside over the meetings of the Committee and shall have and exercise a second or casting vote in the case of *an* equality of votes.

(3) Subject to the provisions of this section every member the Padasekharam Committee shall hold office for a period of three years from the date of the declaration of his election to the Padasekharam Committee but shall be eligible for re-election:

Provided that a member elected shall cease to be a member of the Committee—

(i) when he ceases to be the owner of any land in the Padasekharam;

(ii) If he continuously absents himself from three consecutive meetings of the committee and if the Committee does not condone such absence.

(4) Any member of the Padasekharam Committee may resign by tendering his resignation in writing to the Chairman of the Committee and on such resignation being accepted by the Committee, the member shall be deemed to have vacated his office.

(5) The Padasekharam Committee shall continue in office even after the expiry of its term till a new committee is duly constituted.

(6) When the office of any member of the Committee becomes vacant by resignation or death or otherwise, a new member shall be elected in the manner prescribed for the election of members and the member so elected shall hold office for the period for which the member in whose vacancy he is elected would have held office.

7B. Functions of the Padasekharam Committee .— (1) The Padasekharam Committee, on appointment by the District Committee as agents for the execution of any scheme, shall execute such scheme.

(2) The other duties and functions of the Padasekharam Committee and the procedure to be followed in the meeting of such committee shall be as may be prescribed.

(3) Without prejudice to the provisions of this Act and the rules issued hereunder the Padasekharam Committee may make bye-laws which shall have the approval of the Government."

7. Amendment of section 8 .—In section 8 of the principal Act,—

(a) in item (1) the word "and" occurring at the end shall be omitted.

(b) item (m) shall be renumbered as item (o) of that section and before item (o) as so renumbered, the following items shall be inserted, namely:—

"(m) providing pumpsets and platforms for the erection of such pumpsets for dewatering process;

(n) providing channels for watering and dewatering purposes; and."

8. Amendment of section 9.—In section 9, for sub-section the following sub-section (1) shall be substituted, namely: —

“(1) On receipt of an order from the Government under section 4, or if the Board is satisfied on the recommendation of the District Committee or Padasekharam Committee or otherwise that it is necessary to do so, it shall direct the District Committee to prepare a draft scheme in consultation with the Padasekharam Committee for the specified area in that district.”.

9. Amendment of section 13.— In section 13 of the principal Act, after the words

“District Agricultural Officer” the words “or the Padasekharam Committee “shall be inserted.

10. Amendment of section 15 .—In section 15 of the principal Act. —

(1) in sub-section (1),—

(a) for the words "the Government may fix" the words "the Padasekharam Committee may, with the approval of the District Committee, fix" shall be substituted;

(b) the following sentence shall be inserted at the end, namely:—

"If the Padasekharam Committee fails to fix the proportion of the cost to be recovered from the owners within such time as may be prescribed, the Government may fix such proportion having regard to the matters specified above."

(2) to sub-section (1) the following proviso shall be added, namely:—

"Provided that the Government may appoint the Padasekharam Committee as agents to execute any work to be carried out by the Government."

11. Amendment of section 18.—For section 18, the following section shall be substituted namely:—

"18. Power to make, grant or advance loan. —The Government may make a grant or advance a loan to a District Committee or a Padasekharam Committee or any person or stand guarantee for the payment of any loan advanced by any bank or other financial institution to a District Committee or a Padasekharam Committee or any person for carrying out any work under any scheme sanctioned under this Act on such terms and conditions as may be prescribed."

12. Amendment of section 19.—In section 19 of the Principal Act, —

(a) in item (d), after the words "District Committee" the words "or any member or President of the Padasekharam Committee", shall be inserted;

(b) in item (e), after the words "District Committee or" the words "Padasekharam Committee or" shall be inserted.

13. Amendment of section 20.—In sub-section (1) of section 20 of the principal Act,—

(a) for the words "The Executing Officer shall" the words "The Executing Officer or the Padasekharam Committee, as the case may be, executing the work shall" shall be substituted;

(b) in clause (e), for the word "acre" the word "hectare" shall be substituted.

14. Amendment of section 27.—In section 27 of the principal Act, after the words "the District Committee or" the words "the Padasekharam Committee or" shall be inserted.

15. Amendment of section 31.— In section 31 of the principal Act,—

(a) in the marginal heading, for the word "Committee" the words "the District Committee or the Padasekharam Committee" shall be inserted;

(b) after the words "District Committee" the words "or the Padasekharam Committee" shall be inserted.



Act 16 of 1973

THE KERALA LAND DEVELOPMENT (AMENDMENT) ACT, 1973^[1]

An Act further to amend the Kerala Land Development Act, 1964.

Preamble.— WHEREAS it is expedient further to amend the Kerala Land Development Act, 1964, for the purpose hereinafter appearing;

Be it enacted in the Twenty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Land Development (Amendment) Act, 1973.

(2) It shall come into force at once.

2. *Amendment of section 2.*—For clause (ff) of section 2 of the Kerala Land Development Act, 1964 (17 of 1964), the following clause shall be substituted, namely:—

"(ff) 'Padasekharam' means a collection of fields or other areas of lands, with or without a common outer bund, which is suitable for the adoption of a common cultivation programme or common agricultural operations including dewatering and irrigatio