

The Kerala Land Reforms (Amendment) Act, 1971

Act 25 of 1971

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Act 25 of 1971**THE KERALA LAND REFORMS (AMENDMENT) ACT, 1971**[\[1\]](#)

An Act further to amend the Kerala Land Reforms Act, 1963

Preamble.—WHEREAS it is expedient further to amend the Kerala Land Reforms Act, 1963, for the purposes hereinafter appearing;

BE it enacted in the Twenty-second Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Kerala Land Reforms (Amendment) Act, 1971.

(2) Clause (b) of section 2, sections 3, 4 and 8, clauses (a) and (b) of section 10, section 12, clause (c) of section 13, section 14 to 18 (both inclusive) and sections 20 to 22 (both inclusive) shall be deemed to have come into force on the 1 st day of January, 1970 and the remaining provisions of this Act shall come into force at once.

2. Amendment of section 2.—In section 2 of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act),—

(a) in clause (25), after Explanation VI, the following Explanation shall be inserted, namely:—

“Explanation VII.—For the removal of doubts it is hereby declared that a person occupying a homestead or hut situate on a land held or owned by the Government of Kerala or the Government of any other State in India or the Government of India shall not be deemed to be a kudikidappukaran;”;

(b) in the Explanation to clause (33B), for the portion beginning with the words “but shall be deemed” and ending with the words “before such inclusion;”, the following shall be substituted, namely:—

“but shall be deemed,—

(i) where such area was within the limits of a local authority immediately before such inclusion, to continue within the limits of that local authority; and

(ii) where such area was not within the limits of a local authority immediately before such inclusion, to be within the limits of a panchayat;”.

3. Amendment of section 65.—In section 65 of the principal Act, in sub-section (1), after the proviso, the following Explanation shall be inserted namely:—

“Explanation.—In this sub-section, the expression “institution of a public nature” includes a public trust and a wakf.”

4. Amendment of section 72F.—In section 72F of the principal Act,—

(a) in sub-section (1), for the words “in the Gazette and also in such other manner”, the words “in such manner” shall be substituted;

(b) in sub-section (3) for the words, brackets and figure “in the Gazette under sub-section (1)”, the words, brackets and figure “in the manner referred to in sub-section (1)” shall be substituted;

(c) in sub-section (5),—

(i) in clause (h), the word “and” at the end shall be omitted;

(ii) after clause (h), the following clause shall be inserted, namely:—

“(hh) where the landowner or intermediary is a religious, charitable or educational institution of a public nature and is entitled to annuity instead of compensation, the amount of such annuity; and”.

5. Amendment of section 72N.—In section 72N of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A). An application from a religious, charitable or educational institution of a public nature for annuity pending or deemed to be pending on the date notified by the Government under sub-section (1) of section 72 shall, on the date of publication of the Kerala Land Reforms (Amendment) Act, 1971, in the Gazette, abate, and where any such application has been made after the date of such publication, that application shall abate on the date on which it is received by the Land Board.

(1B). For the removal of doubts it is hereby clarified that the annuity payable to a religious, charitable or educational institution of a public nature whose application abates under sub-section (1A) shall be determined by the Land Tribunal under section 72F and that section 66 will not apply for such determination.”.

6. Amendment of section 75.—In section 75 of the principal Act.—

(a) in sub section (3A) for the words “cost of acquisition of land”, the words “amount of compensation payable for acquisition of land” shall be substituted;

(b) after sub-section (3B), the following sub-section shall be inserted, namely:—

“(3BB) Where the kudikidappukaran does not shift to the land acquired in pursuance of sub-section (3B) within a period of one month from the date of service on

him of the acquisition under that sub-section, the officer referred to in that sub section shall cause him to be evicted from the existing kudikidappu.”;

(c) for sub-section (3D), the following sub-section shall be substituted, namely:—

“(3D) Where the kudikidappukaran shifts as required under sub-section (3B), or under sub-section (3BB), he shall be entitled to the ownership and possession of the land to which he shifts or is bound to shift, as the case may be, and also to the registry of such land in his name.”;

(d) in sub-section (3E), for the words “cost of the acquisition”, the words “amount of compensation payable for the acquisition” shall be substituted.

7. Substitution of new section for section 77.—For section 77 of the principal Act, the following section shall be substituted, namely:—

“77. Procedure to enforce shifting of kudikidappu in certain cases.—(1) If the kudikidappukaran does not comply with the requisition made under sub-section (2) or sub-section (4) of section 75 by the person in possession of the land to shift to a new site, such person may apply to the Land Tribunal having jurisdiction to entertain an application under section 80B in respect of the kudikidappu to be shifted, to enforce compliance with such requisition;

Provided that no application under this sub-section shall be made without giving the kudikidappukaran one month’s notice by registered post.

(2) The Land Tribunal, after such inquiry as it deems fit, and on being satisfied that the applicant has complied with all the conditions mentioned in sub-section (2) or sub-section (4), as the case may be, of section 75, may pass an order requiring the kudikidappukaran to shift the kudikidappu before such date as may be specified in the order:

Provided that no such order shall be passed in any case where a certificate of purchase has been issued under section 80C in respect of the kudikidappu.

(3) If the kudikidappukaran does not shift the kudikidappu before the date specified in the order under sub-section (2), the Land Tribunal shall cause the kudikidappukaran to be evicted from the kudikidappu.”

8. Amendment of section 80A.—In section 80A of the principal Act,—

(a) to sub-section (4), the following further proviso shall be added, namely:—

“Provided also that where any person in possession of any land in which there is a kudikidappu or more than one kudikidappu, has voluntarily transferred such land on or after the 1 st day of July, 1969 and before the 1 st day of January 1970 or voluntarily

transfers such land on or after the 1 st day of January, 1970, the kudikidappukaran or each of the kudikidappukarans shall be entitled to purchase such extent of land as he would have been entitled to purchase if such transfer had not taken place.”;

(b) after sub section (8), the following sub-section shall be inserted, namely:—

“(8A) Notwithstanding anything contained in sub-sections (7) and (8), the kudikidappukaran shall not be liable to pay his share of the purchase price in cases where the person in possession of the land in which the kudikidappu is situate or, where the person in possession of the land is holding such land under a landlord or more than one landlord and the right, title and interest of such landlord or landlords have not vested in the Government under section 72, the person in possession of such land and such landloard or landlords agrees or agree in writing that the kudikidappukaran need not pay his share of the purchase price.”.

9. Amendment of section 80B.—In section 80B of the principal Act, to sub-section (3), the following proviso shall be added, namely:—

“Provided that where an application under sub-section (1) of section 77 in respect of the kudikidappu is pending, the Land Tribunal shall not pass any order under this sub-section before the disposal of that application.”

10. Amendment of section 80C.—In section 80C of the principal Act,—

(a) in sub-section (1), for the words, brackets, figures and letter “The kudikidappukaran shall deposit the first instalment of the purchase price payable by him under sub section (8) of section 80A”, the words “Where the kudikidappukaran is liable to pay his share of the purchase price, he shall deposit the first instalment thereof” shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted namely:—

“(2) On the deposit of the first instalment of the purchase price as provided in sub-section (1) or on the deposit of the purchase price in a lump as provided in sub-section (8) of section 80A or, where the kudikidappukaran is not liable to pay his share of the purchase price or, where no purchase price is due from the kudikidappukaran after set-off as provided in sub-section (5) of section 80B, after the order of the Land Tribunal under sub-section (3) of section 80B, has become final, the Land Tribunal shall issue a certificate of purchase in such form and containing such particulars as may be prescribed, and thereupon the right, title and interest of the landowner, the intermediaries, if any, and the person in possession where he is not the landowner, in respect of the land allowed to be purchased, shall vest in the kudikidappukaran free from all encumbrances with effect from the date of such deposit or, as the case may be, the date on which the order of the Land Tribunal under the said sub-section (3) has become final.”;

(c) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) Where the certificate of purchase issued to the kudikidappukaran is in respect of another portion of the land and the kudikidappukaran does not vacate the existing kudikidappu with a reasonable time after the issue of such certificate, the Land Tribunal shall cause him to be evicted from the existing kudikidappu.”

11. Amendment of section 81.—In section 81 of the principal Act, in clause (a) of sub-section (1), after Explanation II, the following Explanation shall be inserted, namely:—

“Explanation III.—For the purposes of this clause, “other authority” shall include a corporation owned or controlled by the Government of Kerala or the Government of any other State in India or the Government of India.”

12. Amendment of section 82.—In section 82 of the principal Act, for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

“(3) In calculating the extent of land owned or held by a family or an adult unmarried person, the shares of the members of the family or the adult unmarried person, as the case may be, in the lands owned or held—

(a) by one or more of such members jointly with any person or persons other than a member or members of such family or by such adult unmarried person jointly with any other person or persons; or

(b) by a co-operative society or a joint family, shall be taken into account.

Explanation.—For the purposes of this sub-section, the share of a member of a family or an adult unmarried person in the lands owned or held jointly or by a co-operative society or a joint family shall be deemed to be the extent of land which would be allotted to such member or person had such lands been divided or partitioned, as the case may be, on the date notified under section 83.

(4) Where, after the commencement of this Act, any class of land specified in Schedule II has been converted into any other class of land specified in that Schedule or into a plantation, the extent of land liable to be surrendered by a person owning or holding such land shall be determined without taking into consideration such conversion.”

13. Amendment of section 85.—In section 85 of the principal Act,—

(a) in sub-section (2), in Explanation IV after the words “State Small Industries Corporation”, the words and figures “or to a scheduled bank as defined in the Reserve Bank of India Act, 1934, receiving assistance from the Agricultural Refinance Corporation established under the Agricultural Refinance Corporation Act, 1963” shall be inserted;

(b) in sub-section (6),—

(i) in the opening portion, the words, “as far as practicable,” shall be omitted;

(ii) In the proviso, for the words “Provided that”, the words “Provided further that” shall be substituted, and before that proviso, the following proviso shall be inserted, namely:—

Provided that the Land Board shall not be bound to accept such choice if—

(A) It has reason to believe that the person whose land is indicated to be surrendered has no good title to that land; or

(B) the land indicated to be surrendered is not accessible; or

(C) it considers for any other reason to be recorded in writing that it is not practicable to accept the choice or to take possession of the land;”;

(c) after sub-section (8) and before the Explanation thereunder, the following sub-section shall be inserted, namely:—

“(9) The Land Board may, if it is satisfied that the extent of lands surrendered by, or assumed from, a person under section 86 is less than the extent of lands which he was liable to surrender by, or assumed from, a person were not lawfully owned or held by him set aside its order under sub-section (5) or sub-section (7), as the case may be, in respect of such lands and shall proceed afresh under that sub-section:

Provided that the Land Board shall not set aside any order under this sub-section without giving the persons affected thereby an opportunity of being heard:

Provided further that the Land Board shall not initiate any proceedings under this sub-section after the expiry of three years from the date on which the order sought to be set aside has become final.”.

14. Amendment of section 86.—In section 86 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Notwithstanding anything contained in the foregoing provisions of this Act, where any land is indicated in the statement under sub-section (2) of section 85 as land proposed to be surrendered, the Land Board may, pending determination under sub-section (5) of section 85 of the extent and identity of the land to be surrendered by the person who has filed the statement or on whose behalf the statement has been filed, take possession of such land if it is satisfied that such person is in possession of the land and has legal title to such possession and that the land is fit for surrender, and thereupon the provisions of sub-section (4) shall, so far as may be, apply in respect of such land.”.

15. Amendment of section 88.—In section 88 of the principal Act, for sub-section (2) and (3), the following sub-sections shall be substituted, namely:—

“(2) The compensation payable to an owner for the surrender or assumption of ownership and possession of land shall be an amount calculated at the rates specified in Schedule IV.

(3) The compensation payable to the landowner, intermediary or cultivating tenant for the surrender, assumption, vesting in the Government or extinguishment of his rights shall be the portion of an amount calculated at the rates specified in Schedule IV that will fall to his share if such amount were apportioned among the landowner, cultivating tenant and intermediary, if any in respect of the land according to the following provisions:—

(i) ninety per cent of the portion of the compensation for the site of any homestead or hut in the occupation of a kudikidappukaran shall be deducted from the total amount of compensation;

(ii) the balance remaining after deducting the amount referred to in clause (i) shall be apportioned among the land owner, the intermediaries and the cultivating tenant in proportion to the profits derivable by them from the land immediately before the surrender, assumption or vesting in the Government, as the case may be.

Explanation.—‘Profits derivable from the land’ shall be deemed to be equal to (i) in the case of a landowner, the rent which he was entitled to get immediately before the 1 st day of January, 1970, from the tenant holding immediately under him; (ii) in the case of an intermediary, the difference between the rent which he was entitled to get immediately before the 1 st day of January, 1970, from his tenant and the rent for which he was liable to his landlord immediately before that day; and (iii) in the case of a cultivating tenant, the difference between the net income and the rent which he was liable to pay immediately before the said day.

(3A) Notwithstanding anything contained in sub-section (2) and (3), where the compensation due under those sub sections to an adult unmarried person, family or any other person (other than a joint family), as owner, landowner, intermediary or cultivating tenant or in any two or more of such capacities exceeds one lakh rupees, the compensation payable shall be limited to the amount specified in the Table below:

TABLE

Scales of compensation

Total amount of compensation	Rate
On the first Rs. 1 lakh	100 per cent
On the next Rs. 50,000	50 per cent

On the balance amount 25 per
cent:

Provided that the compensation payable shall in no case exceed Rs. 2 lakhs.”.

16. Amendment of section 96.—In section 96 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Land Board shall assign on registry, subject to such conditions and restrictions as may be prescribed, the lands vested in the Government under section 86 or section 87, as specified below:

(i) the lands in which there are kudikidappukars shall be assigned to such kudikidappukars;

(ii) the remaining lands shall be assigned to—

(a) landless agricultural labourers; and

(b) smallholders and other landlords who are not entitled to resume any land:

Provided that eighty-seven and a half per cent of the area of the lands referred to in clause (ii) available for assignment in the taluk shall be assigned to landless agricultural labourers of which one-half shall be assigned to landless agricultural labourers belonging to the Scheduled Castes or the Scheduled Tribes.

Explanation.—For the purposes of this section—

(a) a kudikidappukaran or the tenant of kudiyruppu shall be deemed to be a landless agricultural labourer if he does not possess any other land; and

(b) “Scheduled Castes” and “Scheduled Tribes” shall include converts to Christianity from such Castes and Tribes.

(1A) Notwithstanding anything contained in sub-section (1), the Land Board may, if it considers that any land vested in the Government under section 86 or section 87 is required for any public purpose, reserve such land for such purpose.”.

17. Amendment of section 97.—In section 97 of the principal Act, in sub-section (1), for the words “equal to fifty five per cent of the market value of the land and improvements, if any, thereon”, the words and figure “calculated at the rate specified in Schedule IV” shall be substituted.

18. Amendment of section 98.—In section 98 of the principal Act, for the words and figures “section 94 and 96”, the word and figures “section 96” shall be substituted.

19. Amendment of section 109.—In section 109 of the principal Act, in clause (a) of sub-section (4), for the words “cost of acquisitions”, the words “amount of compensation payable for acquisitions” shall be substituted.

20. Amendment of section 112.—In section 112 of the principal Act,—

(a) after sub-section (5), the following sub-section shall be inserted, namely:—

“(5A) Notwithstanding anything contained in sub-sections (2) and (5), where the right, title and interest of the landowner and the intermediaries in respect of the land acquired have vested in the Government under section 72,—

(a) the compensation for any building or other improvements belonging to such landowner and intermediaries shall be awarded to the Government; and

(b) the balance remaining after deducting the compensation referred to in clause (a) and the value of the land occupied by the homestead or hut, if any, shall be apportioned between the cultivating tenant and the Government in proportion to the profits derivable by them from the land.

Explanation.— ‘Profits derivable from the land shall be deemed to be equal to—

(i) in the case of the cultivating tenant, the difference between the net income immediately before the acquisition and the rent which he was liable to pay immediately before the date on which the right, title and interest of the land-owner and the intermediaries have vested in the Government; and

(ii) in the case of the Government, such rent.”;

(b) in sub-section (6), for the brackets, figures and word “(3) and (5)”, the brackets, figures, word and letter “(3), (5) and (5A)” shall be substituted.

21. Insertion of new Schedule IV.—After Schedule III to the principal Act the following Schedule shall be inserted, namely:—

“SCHEDULE IV

[See section 88 (2)]

RATES OF COMPENSATION

Part I

Lands other than nilam

Class of land Rate per acre

Rs.

Trivandrum, Quilon, Alleppey, Kottayam, Ernakulam and Trichur Districts

1	Garden land:	
	(i) Land used principally for growing coconut trees	2,000
	(ii) Land used principally for growing arecanut trees	2,000
	(iii) Land used principally for growing peppervines	1,300
2.	Dry land principally cultivated with cashew	750
3.	Palliyal land	500
4.	Waste land (with or without scattered trees)	400
5	Land not falling under any of the above classes	500
Palghat, Malappuram, Kozhikode and Cannanore Districts		
1.	Garden land:	
	(i) Land used principally for growing coconut trees	1,600
	(ii) Land used principally for growing arecanut trees	3,000
	(iii) Land used principally for growing peppervines	700
2.	Dry land principally cultivated with cashew	500
3.	Palliyal land	400
4.	Waste land (with or without scattered trees)	200
5.	Land not falling under any of the above classes	300

PART II
Nilams

Sl. No.	Taluk	Rate per acre of double crop nilam	Rate per acre of single crop nilam
(1)	(2)	(3) Rs.	(4) Rs.
1	Neyyattinkara	2,000	1000
	Trivandrum		
	Nedumangad		
2	Chirayinkil		
	Quilon	2000	1000
	Kottarakara		
	Kunnathur		
	Pathanapuram		
3	Pathanamthitta		
	Karunagappally	2000	1000



	Karthigappally		
4	Mavelikkara Chengannur	2000	1200
	Thiruvalla		
5	Kuttanad Ambalapuzha	1300	800
6	Shertallai Changanacherry	2000	1000
	Kanjirappally		
	Peermade		
	Kottayam		
	Vaikom		
	Meenachil		
	Devikulam		
7	Udumbanchola Thodupuzha	2000	1000
	Moovattupuzha		
	Cochin		
8	Kanayannur Kunnathunad	1600	900
	Parur		
9	Alwaye Crangannur	1600	1000
	Mukundapuram		
	Trichur		
	Talappally		

10	Chittur	2000	1300
	Alathur		
	Palghat		
11	Ottappalam	2000	1000
	Perinthalmanna		
	Mannarghat		
	Ernad		
12	Chowghat	1600	900
	Ponnani		
	Tirur		
13	Kozhikode	1300	700
	Quilandy		
	Badagara		
14	South Wynad	1600	900
	North Wynad		
15	Tellicherry	1600	900.”.
	Cannanore		
	Taliparamba		
	Hosdrug		
	Kasargod		

22. Amendment of section 108, Act 35 of 1969.—In section 108 of the Kerala land Reforms (Amendment) Act, 1969 (35 of 1969),—

(a) in sub-section (2), after the words “on the application of such person”, the words “to the court which passed the decree” shall be inserted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) If in any suit, application, appeal revision, review, proceedings in execution of a decree or other proceedings pending at the commencement of this section before any court, tribunal, officer or other authority, any person claims any benefit, right or remedy

conferred by any of the provisions of the principal Act or the principal Act as amended by this Act, such suit, application, appeal, revision, review, proceedings in execution or other proceedings shall be disposed of in accordance with the provisions of the principal Act as amended by this Act.”.

23. Transitory provisions.— (1) Any suit instituted against a kudikidappukaran under section 77 of the principal Act and pending before any court at the commencement of this section shall be transferred to the Land Tribunal having jurisdiction, and such Land Tribunal shall dispose of such suit as if it is an application under section 77 of the principal Act as amended by this Act.

(2) Where a decree has been passed by any court before the commencement of this section in a suit instituted under section 77 of the principal Act for shifting a kudikidappu karan from his kudikiduppu, and an application under section 80B of the principal Act for purchase of such kudikidappu is pending before any Land Tribunal, the Land Tribunal shall dispose of such application subject to the terms of that decree.

24. Special Provisions regarding applications under Madras Acts XXXIII of 1951 and XXII of 1956.—(1) Notwithstanding anything contained in any judgment, decree or order of any court and notwithstanding the repeal of the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), by section 132 of the Kerala Land Reforms Act, 1963 (1 of 1964), section 52 of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951) and sub-section (2) of section 5 of the Malabar Tenancy (Amendment) Act, 1956 (Madras Act XXII of 1956), shall be deemed never to have been repealed; and accordingly no court shall dispose of any application, appeal, revision review or other proceeding on the basis that the said section 52 or sub-section (2) of section 5, as the case may be, is not in force.

(2) Notwithstanding anything contained in any judgment, decree or order of any court, any application, appeal, revision, review or other proceeding which has been disposed of by any court on or after the 1 st day of January, 1970, on the basis that section 52 or sub-section (2) of section 5, as the case may be, referred to in sub-section (1) of this section, has been repealed, shall, on the application by any person aggrieved by such disposal to the court which disposed of the application, appeal, revision , review or other proceeding, as the case may be, within ninety days from the commencement of this section be re-opened by that court and disposed of in accordance with the provisions of the said section 52 or sub-section (2) of section 5, as the case may be.

Act 11 of 1973

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

An act further to amend the Kerala Land Reforms Act, 1963.

Preamble.—*WHEREAS* it is expedient further to amend the Kerala Land Reforms Act, 1963, 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 Reforms (Amendment) Act, 1973.

(2) It shall be deemed to have come into force on the 16th day of December, 1972.

2. *Amendment of section 85A.*—In section 85A of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), in sub-section (1), for the words "forty-five days", the words "seventy-five days" shall be substituted.

3. *Repeal and saving.*— (1) The Kerala Land Reforms (Second Amendment) Ordinance, 1972 (10 of 1972), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Act 12 of 1973

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

An Act to amend the Kerala Land Reforms (Amendment) Act, 1972.

Preamble. —WHEREAS it is expedient to amend the Kerala Land Reforms (Amendment) Act, 1972, for the purposes 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 Reforms (Amendment) Amending Act, 1973.

(2) It shall be deemed to have come into force on the 16th day of December, 1972.

2. *Amendment of section 38.*—In section 38 of the Kerala Land Reforms (Amendment) Act, 1972 (17 of 1972),—

(a) in sub-section (2), after the word and figures "section 85", the words "of the principal Act" shall be inserted ;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Any case in which the Land Board has, before the commencement of this Act, issued notice under sub-rule (1) of rule 12 of the Kerala Land Reforms (Ceiling) Rules, 1970, inviting objections to the draft statement of lands to be surrendered prepared under rule 10 of the said rules, shall be continued to be dealt with by the Land Board under the provisions of the principal Act as amended by this Act, as if—

(a) sub-sections (4) to (9) (both inclusive) of section 85 and section 90 of the principal Act had not been amended by this Act; and

(b) in section 86 of the principal Act, for the words 'Taluk Land Board' wherever they occur, the words 'Land Board' had been substituted."

3. *Repeal and saving.*—(1) The Kerala Land Reforms (Amendment) Amendment Ordinance, 1972 (11 of 1972), is, hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under section 38 of the Kerala Land Reforms (Amendment) Act, 1972 (17 of 1972) as amended by the said Ordinance shall be deemed to have been done or taken under the said section as amended by this Act.

THE KERALA LAND REFORMS (AMENDMENT) ACT, 1978 [\[1\]](#)

(ACT 13 OF 1978)

An Act further to amend the Kerala Land Reforms Act, 1963.

Preamble.— Whereas it is expedient further to amend the Kerala Land Reforms Act, 1963, for the purposes hereinafter appearing;

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

1. *Short title and commencement.* —(1) This Act may be called the Kerala Land Reforms (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 1st day of October, 1977.

2. *Amendment of section 85.* —In section 85 of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act),—

(a) in sub-section (9), for the opening paragraph, the following paragraph shall be, and shall be deemed to have been, substituted with effect on and from the 1st day of January, 1970, namely :—

“The Taluk Land Board may, at any time, set aside its order under subsection (5) or subsection (7), as the case may be, and proceed afresh under that subsection if it is satisfied that—

(a) the extent of lands surrendered by, or assumed from, a person under section 86 is less than the extent of lands which he was liable to surrender under the provisions of this Act, or

(b) the lands surrendered by, or assumed from, a person are not lawfully owned or held by him; or

(c) in a case where a person is, according to such order, not liable to surrender any land, such person owns or holds lands in excess of the ceiling area.” ;

(d) the *Explanation* after subsection (9) shall be numbered as *Explanation II* and before that *Explanation*, the following *Explanation* shall be inserted, namely: -

“ *Explanation I.*— For the removal of doubts, it is hereby clarified that the references in this subsection to the Taluk Land Board shall, in cases in which the order under subsection (5) or sub-section (7) has been passed by the Land Board, be construed as references to the Land Board.”.

3. *Amendment of Section 103* — In section 103 of the principal Act, after subsection (1A), the following subsection shall be, and shall be deemed to have been, inserted with effect on and from the 2nd day of November, 1972, namely: —

"(1B) The Government may, within such time as may be prescribed, prefer a petition for revision to the High Court against any final order referred to in subsection (1), on any of the grounds mentioned in that subsection."

4. *Transitory provisions.* —(1) Notwithstanding anything in any law, or in any judgment, decree or order of any court, the Land Board or the Taluk Land Board, as the case may be, may set aside any order passed by it under subsection (5) or subsection (7), as the case may be, of section 85 of the principal Act and proceed afresh under that subsection if it is satisfied that any person who, according to such order, was not liable to surrender any land, had owned or held, on the date of such order, land in excess of the ceiling area:

Provided that the Land Board or the Taluk Land Board shall not —

(a) set aside any order under this subsection without giving the persons affected thereby an opportunity of being heard;

(b) initiate any proceedings under this subsection after the expiry of one year from the commencement of this Act.

(2) Notwithstanding anything contained in any law, or in any judgment, decree or order of any court, —

(a) the Government may, within one year from the commencement of this Act, prefer a petition for revision to the High Court against any final order referred to in subsection (1) of section 103 of the principal Act, passed before such commencement, on any of the grounds mentioned in that subsection;

(b) any petition for revision purported to have been preferred by the Government to the High Court under section 103 of the principal Act before the commencement of this Act shall be deemed to have been preferred under the said section as amended by this Act and accordingly—

(i) any such petition dismissed by the High Court before the commencement of this Act solely on the ground that the Government were not competent to prefer such petition shall, on application by the Government within ninety days from such commencement, be restored and proceeded with by that court,

(ii) any such petition pending before the High Court shall not be dismissed solely on the ground that the Government were not competent to prefer such petition.

5. *Repeal and saving.*— (1) The Kerala Land Reforms (Amendment Ordinance, 1977 (17 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the principal Act as amended by said Ordinance shall be deemed to have been done or taken under this Act or, as the case may be, under the principal Act as amended by this Act.



THE KERALA LAND REFORMS (AMENDMENT) ACT, 1979 [\[1\]](#)

(ACT 27 OF 1979)

An Act further to amend the Kerala Land Reforms Act, 1963

Preamble.-WHEREAS it is expedient further to amend the Kerala Land Reforms Act, 1963, for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Kerala Land Reforms (Amendment) Act, 1979.

(2) It shall be deemed to have come into force on the 7th day of July, 1979.

2. Amendment of section 2.-In section 2 of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), in sub-clause (c) of clause (44), after the words "Land Board", the words "or the Taluk Land Board, as the case may be" shall be inserted.

3. Insertion of new section 6C.-After section 6B of the principal Act, the following section shall be inserted namely:-

"6C. Certain lessees who have made substantial improvements etc. to be deemed tenants . - Notwithstanding anything contained in section 74, or in any contract, or in any judgment, decree or order of any court or other authority, any person in occupation at the commencement of the Kerala Land Reforms (Amendment) Act, 1969, of the land of another person on the basis of a lease deed executed after the 1st day of April, 1964, shall be deemed to be a tenant if-

(a) he (including any member of his family) did not own or hold land in excess of four acres in extent on the date of execution of the lease deed; and

(b) he or any member of his family has made substantial improvements on the land.

Explanation.- For the purposes of this section, improvements shall be deemed to be substantial improvements if the value of such improvements is more than fifty per cent of the value of the land on the date of execution of the lease deed."

4. Amendment of section 19.-In section 19 of the principal Act, after the words "Land Board", the words "or the Taluk Land Board, as the case may be," shall be inserted.

5. Amendment of section 26.-In section 26 of the principal Act, for sub-section (3), the following sub section shall be substituted, namely:-

“(3) The person liable to pay the amount determined under sub-section (2) shall deposit the same with the Land Tribunal which determined the amount within a period of six months from the date of such determination.

(3A) In the event of the failure to deposit the amount referred to in sub-section (3) within the time specified in that sub-section, such amount shall, on a written requisition from the Land Tribunal to the District Collector, be recovered under the provisions of the Kerala Revenue Recovery Act, 1968, together with interest at the rate of six per cent per annum from the date of determination of the amount under sub-section (2).”.

6. Amendment of section 27.-In section 27 of the principal Act, *Explanation II* shall be, and shall be deemed to have been renumbered as *Explanation III* with effect on and from the 1 st day of January, 1970 and before that *Explanation* , the following *Explanation* shall be and shall be deemed to have been, inserted with effect on and from the said date, namely:-

“ Explanation II.- Where in respect of a holding there is a stipulation in the contract of tenancy for the payment of interest by the transferor to the transferee on the consideration paid by, or due to, the transferee, or for the payment by the transferee of land tax due to the Government or any tax or cess due to a local authority, the contract rent of that holding shall, for the purpose of this section, be calculated after deducting such interest, tax and cess.”.

7. Amendment of section 63.-In section 63 of the principal Act, to sub-section (7) the following proviso and Explanation shall be added, namely: -

“Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation.- For the purposes of the preceding proviso, “member of family” means wife or husband, son or daughter”.

8. Amendment of section 72H.-In section 72H of the principal Act, to sub-section (8), the following proviso and Explanation shall be added, namely:-

“Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation.- For the purposes of the preceding proviso, “member of family” means wife or husband, son or daughter”.

9 . Amendment of section 72I.-In section 72 I of the principal Act,-

(1) to sub-section (3), the following proviso shall be added namely:-

“Provided that where the amount of compensation mentioned in the application as due to the applicant is not more than the amount of compensation determined by the Land Board it shall not be necessary to give the applicant an opportunity of being heard.”;

(2) in sub-section (5) for the words “on the date of expiry”, the words “before the date of expiry” shall be substituted.

10. Amendment of section 80E.-In section 80E of the principal Act, to sub-section (6), the following proviso and *Explanation* shall be added, namely:-

“Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation.- For the purposes of the preceding proviso, “member of family” means wife or husband, son or daughter.”.

11. Amendment of section 84.-After sub-section (1) of section 84 of the principal Act, the following sub-section shall be, and shall be deemed to have been, inserted with effect on and from the 1 st day of January, 1970, namely:-

“(1A) Notwithstanding anything contained in sub-section (1), or in any judgment, decree or order of any court or other authority, any voluntary transfer effected by means of a gift deed executed during the period commencing on the 1 st day of January, 1970 and ending with the 5 th day of November, 1974, by a person owning or holding land in excess of the ceiling area in favour of his son or daughter or the son or daughter of his predeceased son or daughter shall be not deemed to be, or ever to have been, invalid-

(a) if the extent of the land comprised in the gift does not exceed the ceiling area specified in clause (a) of subsection (1) of section 82; and

(b) if the extent of the land comprised in the gift exceeds the ceiling area specified in the said clause, to the extent of that ceiling area:

Provided that nothing contained in this sub-section shall apply-

(a) to a transfer in favour of a person who was an unmarried minor on the 1 st day of January, 1970;

(b) in respect of any land which has been assigned on registry under section 96, before the commencement of the Kerala Land Reforms (Amendment) Act, 1979.”

12. Amendment of section 85.-In section 85 of the principal Act, the following sub-sections shall be inserted at the end, namely:-

“(10) Any person who, by virtue of the provisions of sub-section (1A) of section 84, is entitled to the restoration of the ownership or possession or both of any land may, within sixty days from the commencement of the Kerala Land Reforms (Amendment) Act, 1979, apply to the Land Board or the Taluk Land Board, as the case may be, for such restoration.

(11) An application under sub-section (10) shall be in such form, shall contain such particulars and shall be verified in such manner as may be prescribed.

(12) On receipt of an application under sub-section (10), the Land Board or the Taluk Land Board, as the case may be, shall, after giving the applicant or any other person likely to be affected, an opportunity of being heard and after such inquiry as it deems necessary, by order, restore the ownership or possession, or both, as the case may be, of the land.”.

13 . Amendment of section 87.-In section 87 of the principal Act, the Explanation to sub-section (1) shall be numbered as *Explanation I* and after that *Explanation* , the following *Explanation* shall be inserted, namely:-

“Explanation II.-Where, after the date notified under section 83, any class of land specified in Schedule II has been converted into any other class of land specified in that Schedule or any land exempt under section 81 from the provision of this Chapter is converted into any class of land not so exempt and in consequence thereof the total extent of land owned or held by a person exceeds the ceiling area, so much extent of land as is in excess of the ceiling area, shall be deemed to be land acquired after the said date.”.

14. Amendment of section 98A.-To section 98A of the principal Act, the following *Explanation* shall be added, namely:-

“Explanation.- If any question arises as to whether an institution is an institution of a public nature for religious and charitable purposes maintained by a religious denomination or any section thereof, the question shall be decided by the Government and such decision shall be final.”.

15. Amendment of section 101.-In section 101 of the principal Act, in clause (3) of sub-section (2), the words “on its own motion or” shall be inserted at the beginning.

16. Insertion of new section 108A.-After section 108 of the principal Act, the following section shall be inserted, namely:-

“108A. Section 11 of Code of Civil Procedure to apply to proceedings before Land Tribunal.- The provisions of section 11 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), shall, so far as may be, apply to proceedings before the Land Tribunal.”.

17. Transitory provision.- (1) Notwithstanding anything contained in any contract, or in any judgment, decree or order of any court or other authority, where the right, title and interest in respect of a holding referred to in *Explanation II* to section 27 of the principal Act as amended by this Act has been assigned in favor of a cultivating tenant and the purchase price and compensation or annuity payable in respect of such holding has been determined on the basis of contract rent calculated without deducting the interest, tax or cess referred to in the said *Explanation*, the Land Tribunal may, on application made by the cultivating tenant to whom such right, title and interest have been assigned or by his successor-in-interest within a period of one year from the commencement of this Act, by order, re-determine the purchase price and compensation or annuity payable in respect of such holding on the basis of contract rent calculated after deducting such interest, tax or cess.

(2) An application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) No order shall be passed under sub-section (1) without giving any person affected thereby an opportunity of being heard.

(4) Where an order has been passed under sub-section (1),-

(a) any amount paid to a land owner or intermediary as compensation in excess of the amount payable under such order shall be refunded by the land owner and the intermediary, if any, to the Government within such period as may be prescribed and if the land owner or intermediary makes default in the payment of such amount on or before the date fixed for refund, the same shall be recoverable from him under the provisions of the Kerala Revenue Recovery Act, 1968, as if it were an arrear of public revenue due on land;

(b) any amount paid by the cultivating tenant in excess of the amount payable by him under the said order shall be refunded to him within such period as may be prescribed.

18. Repeal and saving.- (1) The Kerala Land Reforms (Amendment) Ordinance, 1979 (8 of 1979), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under this Act, or, as the case may be, under the principal Act as amended by this Act.

THE KERALA LAND REFORMS (AMENDMENT) ACT, 1981 [\[1\]](#)

(Act 19 of 1981)

An Act further to amend the Kerala Land Reforms Act, 1963 .

Preamble .- WHEREAS it is expedient further to amend the Kerala Land Reforms Act, 1963, for the purposes hereinafter appearing;

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

1. *Short title and commencement .-*(1) This Act may be called the Kerala Land Reforms (Amendment) Act, 1981.

(2) Sections 2 to 5 (both inclusive) shall be deemed to have come into force on the 1 st day of January, 1970 and the remaining provisions of this Act shall be deemed to have come into force on the 22 nd day of June, 1981.

2. *Insertion of new section 72QQ .-*After section 72Q of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:-

“72QQ.- *Cultivating tenant not liable to pay rent if resumption application is rejected.* -Notwithstanding anything contained in any law for the time being in force, or in any contract, custom or usage, or in any judgment, decree or order of any court or Land Tribunal, in the case of a holding or part of a holding in respect of which an application for resumption under the provisions of this Act is rejected, the cultivating tenant shall not be liable to pay any rent for such holding or part of the holding, as the case may be, with effect on and from the date notified under subsection (1) of section 72.”.

3. *Amendment of Section 72 S .-*Section 72S of the principal Act shall be re-numbered as subsection (1) of that section and, after subsection (1) as so re-numbered, the following subsection shall be inserted, namely:-

“(2) In the case of a holding or part of a holding in respect of which an application for resumption under the provisions of this Act is rejected, the cultivating tenant shall be liable to pay the basic tax and other taxes and cesses in respect of such holding or part of the holding, as the case may be, with effect on and from the date notified under subsection (1) of section 72.”.

4. *Amendment of section 84 .-*In section 84 of the principal Act after the proviso to subsection (1A), the following *Explanation shall be inserted, namely :-*

“ *Explanation .-* For the purposes of clause (b), a land shall be deemed to have been assigned on registry if the purchase price payable for the assignment of that land or

the first instalment thereof has been deposited as required by the rules made under this Act.”.

5. *Amendment of section 85* .-In section 85 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:-

“(6A) For the removal of doubts it is hereby declared that proceedings for the determination of the extent and other particulars of any land, the ownership or possession or both of which is or are to be surrendered by an adult unmarried person or a family, shall not abate on the death of that adult unmarried person or, as the case may be, the sole surviving member of that family where it consists of only one person, or the member of that family who filed the statement under this section or under section 85A in the case of any other family, but shall be continued against the legal representatives of such adult unmarried person or sole surviving member or the remaining member or members of such family as the case may be, and such legal representatives or remaining member or members shall be bound to surrender the same extent of land as such adult unmarried person or sole surviving member or such family would have been liable to surrender, if such adult unmarried person or sole surviving member or the person who filed such statement, as the case may be, were alive on the date of determination of the extent and other particulars of the land.”.

6. *Amendment of section 109A* .-In subsection (1) of section 109A of the principal Act,-

(a) in the first proviso, for the words “five hundred rupees”, the words “one thousand five hundred rupees” shall be substituted;

(b) in the second proviso, in clause (a), for the words “two thousand rupees”, the words “five thousand rupees” shall be substituted.

7. *Transitory provisions* .- Notwithstanding anything contained in any judgment, decree or order of any court or other authority, where any proceeding under the principal Act for the determination of the extent and other particulars of any land, the ownership or possession or both of which is or are to be surrendered by an adult unmarried person or a family, has been discontinued on the ground that such adult unmarried person, or the sole surviving member of the family in the case of a family having only one member, or the person who filed the statement under section 85 or under section 85A of the principal Act in the case of any other family, has died before such determination, the Land Board or the Taluk Land Board, as the case may be, shall within a period of one year from the date of publication of the Kerala Land Reforms (Amendment) Ordinance, 1981, in the Gazette, restore to file such proceeding and continue the same impleading the legal representatives of such adult unmarried person or sole surviving member or the remaining member or member of that family, as the case may be, and such legal representatives or as the case may be, the remaining member or members shall be bound to surrender the same extent of land as such adult unmarried person or sole surviving member or the family, as the case may be, would have been liable to surrender if such adult unmarried person or sole

surviving member or the person who filed such statement, as the case may be, were alive on the date of determination of the extent and other particulars of the land:

Provided that nothing contained in this section shall be deemed to affect a *bona fide* purchaser for consideration of and land from such legal representatives or the remaining member or members of such family.

8. *Repeal and saving* .- (1) The Kerala Land Reforms (Amendment) Ordinance, 1981 (5 of 1981), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under this Act or, as the case may be, under the principal Act as amended by this Act.



THE KERALA LAND REFORMS (AMENDMENT)

ACT, 1989 [\[1\]](#)

(ACT 16 OF 1989)

An Act further to amend the Kerala Land Reforms Act, 1963.

Preamble .—WHEREAS it is expedient further to amend the Kerala Land Reforms Act, 1963, for the purposes hereinafter appearing;

BE it enacted in the Fortieth Year of the Republic of India as follows: —

1. *Short title and commencement* . — (1) This Act may be called the Kerala Land Reforms (Amendment) Act, 1989.

(2) It shall come into force at once.

2. *Amendment of section 2* . — In section 2 of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), to clause (23A), the following *Explanation* shall be added, namely: —

“ *Explanation* . — For the purpose of this clause, so much of the land appurtenant to the land under Karaima belonging to the landlord or any person claiming through him and in the possession and beneficial enjoyment of the Karaima holder or his legal representative or any other person claiming through him as on the 24 th day of January, 1989 shall, subject to a maximum of three cents in Corporation area, five cents in Municipal area and ten cents in Panchayath area, inclusive of the land under the Karaima, be deemed to be Karaima:

Provided that where the extend of the land appurtenant in the possession and beneficial enjoyment is in excess of the extend specified above as on the 24 th day of January, 1989, such land shall also be deemed to be Karaima;”.

3. *Amendment of section 3* . — For the first proviso to clause (vi) of sub-section (1) of section 3 of the principal Act, the following proviso shall be substituted, namely: —

“Provided that this clause shall not apply to a tenancy created by any person who was governed by the Madras Aliyasanthana Act, 1949:”.

4. *Amendment of section 7B* . — After sub-section (2) of section 7B of the principal Act, the following sub-section shall be added; namely: —

“(3) Notwithstanding anything to the contrary contained in this Act or in any other law or in any contract, custom or usage or in any judgment, decree or order of any court, any person in occupation of land on the basis of an oral permission or a deed purporting

to be lease deed, granted by a person governed by the Madras Aliyasanthana Act, 1949 shall be deemed to be tenant, if he or his predecessor-in-interest was in occupation of such land at the commencement of the Kerala Land Reforms (Amendment) Act, 1969”

5. *Amendment of section 72D.* — In section 72D of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely: —

“(1A) Where the total extent of land held as tenant by a cultivating tenant is one hectare or below, he shall not be liable to pay purchase price under sub-section (1)

Explanation.— For the removal of doubt it is hereby clarified that the benefit conferred to a cultivating tenant under this sub-section shall not affect the eligibility of the land owner or intermediary, if any, to receive compensation to which he is entitled under the Act.”.

6. *Amendment of section 80 A.* — In section 80 A of the principal Act, for sub-section (8) and the proviso there under, the following sub-section shall be substituted, namely: —

“(8) The purchase price payable by the kudikidappukaran shall be met from the Kudikidappukar's benefit. Fund constituted under section 109.”.

7. *Amendment of section 80 C.*— (1) In section 80C of the principal Act, sub-section (1), (5) and (6) shall be omitted.

8. *Omission of section 80 D.*— Section 80 D of the principal Act shall be omitted.

9. *Amendment of section 80G* —In section 80 G of the principal Act, the proviso under sub-section (1) shall be omitted.

10. *Amendment of section 85 .*—In section 85 of the principal Act, —

(a) in the second proviso to sub-section (9), for the words “after the expiry of three years “, the words “after the expiry of seven years” shall be substituted;

(b) after sub-section (9), the following sub-section shall be inserted, namely: —

“(9A) *Power of Taluk Land Board to review its decision.*— Notwithstanding anything contained in this Act or in the Limitation Act, 1963, (Central Act 36 of 1963), or in any other law for the time being in force, or in any judgement, decree or order of any Court or other authority, the Taluk Land Board may, if it is satisfied that its decision under sub-section (5) or sub-section (7) or sub-section (9) requires to be reviewed on the ground that such decision has been made due to the failure to produce relevant data or other particulars relating to ownership or possession before it, or by collusion or fraud or any suppression of material facts the Taluk Land Board may review such decision after

giving an opportunity to the parties of being heard and pass such orders as it may think fit:

Provided that the Taluk Land Board shall not reopen any such case after the expiry of three years from the date of coming into force of the Kerala Land Reforms (Amendment) Act, 1989.”.

11 . *Substitution of new section for section 92.*—(1) For section 92 of the principal Act, the following section shall be substituted, namely: —

“92. *Payment of compensation and amount of encumbrance.*— (1) The compensation or amount of encumbrance, as the case may be, shall be paid, —

(a) where the person entitled to receive the compensation or the amount of encumbrance is not a private trust or endowment or a body corporate, the compensation or the amount of encumbrance shall be paid either in cash or in negotiable bonds redeemable after the expiry or sixteen years and carrying simple interest at the rate of four and a half percent per annum with effect from the date on which the ownership or possession or both of the land has or have vested in the Government under section 86 or section 87 or partly in cash and partly in such bond, in such manner as may be prescribed;

(b) where the person entitled to receive the compensation or the amount of encumbrance is a private trust or endowment or a body corporate, the compensation or the amount of encumbrance shall be paid in cash or in treasury certificate to be encashed after the expiry of sixteen years and carrying simple interest at the rate of four and a half percent per annum with effect from the date on which the ownership or possession or both of the land has or have vested in the Government under section 86 or section 87 or partly in cash and partly in such treasury certificate, in such manner as may be prescribed.

(2) Where the person entitled to receive the compensation or the amount of encumbrance is a minor or a person suffering from some legal disability or a limited owner, the compensation or the amount of encumbrance, either in cash or in negotiable bond or partly in cash and partly in such bond as may be payable under sub-section (1), shall, notwithstanding anything contained in any law, but subject to any general directions that the Government may give, be deposited for and on behalf of the person with such authority or bank as may be prescribed.

(3) Where a person entitled to the compensation or the amount of encumbrance under sub-section (1) dies before it is paid to him, it shall be paid to his legal representatives:

Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation .—For the purposes of the preceding proviso, “member of family” means wife or husband, son or daughter of such person.

(4) Where before any court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the compensation or the amount of encumbrance, the court or authority may require the Land Board to place at its disposal the amount so payable and thereupon the same shall be disposed of in accordance with the orders of the court or authority.”.

12. *Amendment of section 109* .—In section 109 of the principal Act, in clause (b) of sub-section (4), the words “one half of” shall be omitted.



THE KERALA LAND REFORMS (SECOND AMENDMENT) .

ACT, 1989 [\[1\]](#)

(Act 2 of 1990)

An Act further to amend the Kerala Land Reforms Act, 1963.

Preamble.—WHEREAS it is expedient further to amend the Kerala Land Reforms Act, 1963, for the purposes hereinafter appearing;

BE it enacted in the Fortieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—This Act may be called the Kerala Land Reforms (Second Amendment) Act, 1989.

(2) It shall come into force on such date as the Government may by notification in the Gazette appoint:

Provided that different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act, shall be construed as a reference to the coming into force of that provision.

2. *Substitution of new sections for section 103.*—For section 103 of the Kerala, Land Reforms Act, 1963 (1 of 1964), the following sections shall be substituted, namely:—

"103. *Establishment of State Land Reforms Tribunal.*—The Government may, by notification in the Gazette, establish a State Land Reforms Tribunal to exercise the jurisdiction, powers and authority conferred on the State Land Reforms Tribunal by or under this Act.

103A. *Jurisdiction, powers and authority of State Land Reforms Tribunal.*—(1) Save as otherwise expressly provided in this Act, the State Land Reforms Tribunal shall exercise, all the jurisdiction, powers and authority exercisable by all courts (except the Supreme Court under article 32 and article 136 of the Constitution) in relation to the matters enumerated in sub-section (2) to (6).

(2) Any person aggrieved by—

(i) any final order passed in an appeal against the order of the Land Tribunal; or

(ii) any final order passed by the Land Board under this Act; or

(iii) any final order of the Taluk Land Board under this Act; may, within such time as may be prescribed, prefer a petition to the State Land Reforms Tribunal against the order on the ground that the appellate authority or the Land Board or the Taluk Land Board, as the case may be, has either decided erroneously, or failed to decide any question of law.

(3) In any petition for revision preferred under sub-section (2), the Government shall be made a party.

(4) The Government may, within such time limit as may be prescribed, prefer a petition for revision to the State Land Reforms Tribunal against any final order referred to in sub-section (2) on any of the grounds mentioned in that sub-section.

(5) The State Land Reforms Tribunal may, after giving an opportunity to the parties to be heard, pass such orders as it deems fit and the orders of the appellate authority or the Land Board or the Taluk Land Board, as the case may be, shall wherever necessary, be modified accordingly.

(6) The State Land Reforms Tribunal may, for the purpose of satisfying itself that an order made by the Land Tribunal under section 26 in case where the amount of arrears of rent claimed does not exceed five hundred rupees was according to law, call for the records and pass such order with respect thereto as it thinks fit.

103B. *Composition of the State Land Reforms Tribunal.*—(1) The State Land Reforms Tribunal shall consist of a Chairman, who shall be a Judge of a High Court and two other members, of whom one shall be a person who is, or has been, or is qualified to be, a Judge of the High Court and the other shall be a person who is, or has been, an officer of the Government not below the rank of a Secretary to the State Government as the Government may think to appoint to perform the functions assigned to the State Land Reforms Tribunal by or under this Act:

Provided that appointment of Chairman and other members shall be made in consultation with the Chief Justice of the High Court of Kerala.

(2) Any vacancy in the office of a member of the State Land Reforms Tribunal shall be filled by the Government.

(3) (a) Subject to the provisions of clause (b), the functions of the State Land Reforms Tribunal may be performed—

- (i) by a Bench consisting of the Chairman and any other member; or
- (ii) by a Bench consisting of the Chairman and two other members; or
- (iii) by a Bench consisting of two members other than the Chairman.

(b) The powers of the State Land Reforms Tribunal under this Act may be exercised by a Bench consisting of the Chairman or a single member.

(4) If any case which comes up before a Bench consisting of a single member other than the Chairman, or a Bench consisting of more than one member, of which the Chairman is not a member, involves a question of law, the Bench may, in its discretion, reserve such case for decision by the Chairman or by a Bench to be constituted under sub-section (5), of which the Chairman shall be a member.

(5) The Bench or Benches of the State Land Reforms Tribunal shall be constituted by the Chairman in accordance with the provisions of this Act or the rules made thereunder.

(6) If the members of a Bench differ in opinion on any point, the point shall be decided according to the opinion of the majority, if there is a majority, and if the members are equally divided, they shall state the point or points on which they differ and such point or points shall be heard—

- (i) when the Chairman is not a member of that Bench, either by the Chairman or by the Chairman and any other member as the Chairman may direct; and
- (ii) when the Chairman is a member of that Bench, by any other member to whom the case is referred by the Chairman and such point or points shall be decided according to the opinion of the majority of the members of the Tribunal who have heard the case, including those who first heard the case.

(7) Any member who has previously dealt with any case coming up before the State Land Reforms Tribunal, in any other capacity or is personally interested in any case coming up before the State Land Reforms Tribunal shall be disqualified to hear that case.

(8) Where any case is heard by a Bench consisting of two members and the members are divided in their opinion on any point and the other member or members of the State Land Reforms Tribunal are disqualified under sub-section (7) to hear the case, the Government may appoint a person who is or has been a judge of a High Court to be an additional member of the Tribunal and the point shall be decided in accordance with the opinion of the majority of the members of the State Land Reforms Tribunal who have heard the case including those who first heard it.

(9) The additional member appointed under sub-section (8) shall cease to hold office on the disposal of the case for which he was appointed.

(10) The State Land Reforms Tribunal shall, with the previous sanction of the Government, make regulations consistent with the provisions of this Act and the rules made thereunder, for regulating its procedure and the disposal of its business.

(11) The regulations made under sub-section (10) shall be published in the Gazette.

103C. *Term of office.*—The Chairman or other member shall hold office as such or a term of three years from the date on which he enters upon his office or until he attains the age of sixty-five years.

103D. *Salaries and other terms and conditions of services of the Chairman and other members.*—The salaries and allowances payable to, and the other terms and conditions of service of, the Chairman and other members shall be such as may be prescribed by the Government.

103E. *Financial and Administrative powers of Chairman.*—The Chairman shall exercise such financial and administrative powers as may be vested in him under the rules made by the Government.

103F. *Staff of the Tribunal.*—(1) The Government shall determine the nature and categories of the officers and other employees required to assist the State Land Reforms Tribunal in the discharge of its functions and provide the Tribunal with such officers and other employees as it may think fit.

(2) The salaries and allowances and the method of appointment and other conditions of service of the officers and other employees of the Tribunal shall be such as may be specified by rules made by the Government.

103G. *Transfer of pending cases.*—Every revision petition pending before the High Court of Kerala filed under the provisions of this Act immediately before the establishment of the State Land Reforms Tribunal under this Act shall stand transferred to and will be decided by the State Land Reforms Tribunal constituted under this Act.

103H. *Proceedings before the State Land Reforms Tribunal to be judicial Proceedings.*—All proceedings before the State Land Reforms Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

103I. *Members and staff of the State Land Reforms Tribunal to be Public Servants.*—The Chairman and other members and officers and other employees provided under section 103F to the State Land Reforms Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

103J. *Exclusion of jurisdiction of Civil Courts and High Court.*— On and from the date from which any jurisdiction, powers and authority becomes exercisable under this Act by the State Land Reforms Tribunal in relation to any of the matters covered by this Act, no civil court including the High Court (except the Supreme Court under article 32 and article 136 of the Constitution) shall have, or be entitled to exercise any jurisdiction to settle, decide or deal with any question or determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Land Tribunal or the appellate authority or the Land Board or the Taluk Land Board or the State Land Reforms Tribunal or the Government or an officer of the Government."

THE KERALA LAND REFORMS (AMENDMENT) ACT, 2005 [\[1\]](#)

(ACT 21 OF 2006)

An Act further to amend the Kerala Land Reforms Act, 1963.

Preamble.- WHEREAS, it is expedient further to amend the Kerala Land Reforms Act, 1963 (1 of 1964), for the purposes hereinafter appearing;

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

1. *Short title and commencement.*- (1) This Act may be called the Kerala land Reforms (Amendment) Act, 2005

(2) It shall come into force at once.

2. *Amendment of section 2.*- In section 2 of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), in clause (57), in items (j), after the word, figure and letter “section 7D”, the word, figure and letter “section 7E” shall be inserted.

3. *Insertion of new section 7E.*--After section 7D of the principal Act, the following section shall be inserted, namely:-

“7E. *Certain persons who acquired lands to be deemed tenants.*- Notwithstanding anything to the contrary contained in section 74 or section 84 or in any other provisions of this Act, or in any other law for the time being in force or in any contract, custom or usage, or in any judgment decree or order of any court, tribunal or other authority, a person who at the commencement of the Kerala Land Reforms (Amendment) Act, 2005, is in possession of any land, not exceeding four hectares in extent acquired by him or his predecessor in interest by way of purchase or otherwise on payment of consideration from any persons holding land in excess of the ceiling area, during the period between the date of the commencement of the Kerala Land Reforms Act, 1963 (1 of 1964), and the date of commencement of the Kerala Land Reforms (Amendment) Act, 2005, shall be deemed to be a tenant.”.

4. *Amendment of section 84.*- In section 84 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:-

“(4) Notwithstanding anything contained in sub-sections (1), (1A) or (2), or in any judgment, decree, or order of any court, tribunal or other authority, no acquisition of land referred to in section 7E shall be deemed to be invalid or ever to have been invalid by reasons only of the fact that the land so acquired was found included as, or forming part of, the land liable to be surrendered by the transferor as excess land under the provisions

of this Act and no suit or other proceedings including proceedings for eviction relating to the said land shall be instituted, maintained or continued in any court or tribunal against any person who is a deemed tenant under section 7E and every such suit or proceedings pending shall stand abated:

Provided that no ceiling cases wherein excess land has been physically taken over and distributed to landless labourers or reserved for public purposes as provided in this Act shall be reopened:

Provided further that if the Taluk Land Board is satisfied that the transfer of land made by a person, in possession of excess land is calculated to defeat the ceiling provisions, it may take into account the land so transferred in determining his ceiling area, and may direct him to surrender such extent of land held or possessed by him.

Provided also that no ceiling cases or proceedings in which any land has already been surrendered by or assumed from a person as excess land before the commencement of the Kerala Land Reforms (Amendment) Act, 2005, shall be reopened.”.

5. *Insertion of new section 106B.*- After section 106A of the principal Act, the following section shall be inserted, namely:-

“106B. *Special provision for issue of certificate of title.*- (1) Notwithstanding anything to the contrary contained in any other provisions of this Act or in any other law for the time being in force, a person claiming to be a deemed tenant under section 7E may apply, within such time and in such manner as may be prescribed, to the Land Tribunal having jurisdiction over the area, for a certificate of title in respect of the land held by him.

(2) On receipt of an application under sub-section (1) the Land Tribunal shall, within a period of six months from the date of application, pass orders thereon after verifying the records as it may deem fit and where the application is allowed, issue a certificate of title in such manner as may be prescribed.”.

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2012



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KERALA GAZETTE
കേരള ഗസറ്റ്
EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 9207/Leg.B2/2010/Law. *Dated, Thiruvananthapuram, 19th June, 2012*
29th Jyaishta, 1934.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 4th day of June, 2012.

By order of the Governor,
C. K. PADMAKARAN,
Special Secretary (Law).

ACT 6 OF 2012

THE KERALA LAND REFORMS (SECOND AMENDMENT) ACT, 2005

An Act further to amend the Kerala Land Reforms Act, 1963.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Land Reforms Act, 1963 for the purposes hereinafter appearing;

BE it enacted in the Fifty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Land Reforms (Second Amendment) Act, 2005.

(2) It shall come into force at once.

2. *Amendment of section 81.*—In section 81 of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act),—

(a) in sub-section (1), after clause (e), the following clause shall be inserted, namely :—

“(f) cashew estate

Explanation: For the purpose of this clause “cashew estate” shall mean any land principally cultivated with not less than 150 cashew trees per hectare.”;

(b) after sub-section (3), the following sub-section shall be inserted, namely :—

“(4) Notwithstanding anything contained in this Act or in any other law for the time being in force or in any contract or other documents or in any judgement, decree or order of any Court or Tribunal or Taluk Land Board or Land Board or other authority, a person holding plantation and lands ancillary thereto or interspersed within such plantation, may use not exceeding five per cent of the extent of such holding for floriculture or for the cultivation of Vanilla or medicinal plants or other agricultural crops or for establishing hotels or resorts or other tourism projects and for purposes ancillary or connected therewith.”.

3. *Amendment of section 82.*—In section 82 of the principal Act, to sub-section (4), the following proviso shall be added, namely:—

“Provided that nothing contained in this section shall apply to the conversion of any land into cashew estate.”.