

Thirteenth Kerala Legislative Assembly
Bill No. 18

**THE KERALA CONSERVATION OF PADDY LAND AND
WETLAND (AMENDMENT) BILL, 2011**

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Kerala Legislature Secretariat
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[Translation in English of “2011-ലെ കേരള നെൽവയൽ—തണ്ണീർത്തട സംരക്ഷണ (ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

**THE KERALA CONSERVATION OF PADDY LAND AND WETLAND
(AMENDMENT) BILL, 2011**

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BILL

to amend the Kerala Conservation of Paddy Land and Wetland Act, 2008.

Preamble.—WHEREAS, it is expedient to amend the Kerala Conservation of Paddy Land and Wetland Act, 2008 (28 of 2008) for the purposes hereinafter appearing ;

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

1. *Short title and commencement.*—(1) This Act may be called the Kerala Conservation of Paddy Land and Wetland (Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 12th day of August, 2008.

2. *Amendment of section 12.*—In sub-section (1) of section 12 of the principal Act, for the words “not below the rank of Revenue Divisional Officer”, the words “not below the rank of Village Officer” shall be substituted.

3. *Amendment of section 13.*—In section 13 of the principal Act, for the words “any paddy land”, the words “any paddy land or wetland” and for the words “the said paddy land”, the words “the said paddy land or wetland” shall, respectively, be substituted.

4. *Amendment of section 19.*—In sub-section (1) of section 19 of the principal Act, for the words “of a Revenue Divisional Officer”, the words “of Village Officer” shall be substituted.

5. *Repeal and saving.*—(1) The Kerala Conservation of Paddy Land and Wetland (Amendment) Ordinance, 2011 (38 of 2011) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been 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.

STATEMENT OF OBJECTS AND REASONS

As per section 12 of the Kerala Conservation of Paddy Land and Wetland Act, 2008 it has been authorised to appoint an officer of the Revenue Department not below the rank of Revenue Divisional Officer as the authorised officers. It is the said authorised officers to inspect whether any provisions of the Act has been violated and also to take initial steps to seize and confiscate any vehicles or instruments used or intended to be used. The power to enter any premises and to inspect for the said purpose is also with such officer. Usually the illegal reclamation are reported before the Village Officer. Since the actions taken as per this by the Village Officer or Deputy Tahasildar or Tahasildar is not in accordance with the existing provisions, "the actions taken by such officers will become violative of law. Further, since the officers below the Revenue Divisional Officer do not now have the power to enter in to any premises and to conduct inspection and seize the vehicles and instruments etc. used against the provisions of the Act as per section 19 of the Act also, the Government consider it necessary to empower the Government to appoint an officer not below the rank of Village Officer for the purposes of the said sections. As per section 13 of the Act, the Collector is empowered only to take appropriate steps to restore to the original position of any paddy land reclaimed. The Government have decided to give this power in the matter of reclamation of wetland also. The Government consider that the said amendments are necessary to implement the provisions of the Act more effectively.

As the Legislative Assembly of the State of Kerala was not in session and the above proposal had to be given effect to immediately, the Kerala Conservation of Paddy Land and Wetland (Amendment) Ordinance 2011, (38 of 2011) was promulgated by the Governor of Kerala on the 27th day of April, 2011 and the same was published in the Kerala Gazette Extraordinary No. 929 dated the 28th day of April, 2011.

The Bill seeks to replace Ordinance No. 38 of 2011 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

THIRUVANCHOOR RADHAKRISHNAN

