

**പതിമൂന്നാം കേരള നിയമസഭ**

**എട്ടാം സമ്മേളനം**

മുഖ്യമന്ത്രി ചിഹ്നമിടാത്ത ചോദ്യം 02.04.2013 ൽ മറുപടി നൽകേണ്ടിയിരുന്നത് നമ്പർ :2797

**പുതുവൽഭൂമി കൈവശക്കാരുന് പതിച്ചുനൽകുന്നതിനുള്ള മാനദണ്ഡങ്ങൾ**

**ചോദ്യം**

ശ്രീ.എൻ.എ. നെല്ലിക്കുന്ന് :

**മറുപടി**

ശ്രീ.അടൂർ പ്രകാശ്  
(റവന്യൂവും കയറും വകുപ്പ് മന്ത്രി)

(എ) ബെനിഫിറ്റ് എൻജോയ്മെന്റ് സ്കീം (എ) അനുസരിച്ച് പുതുവൽഭൂമി കൈവശക്കാരുന് പതിച്ചു നൽകുന്നതിനുള്ള മാനദണ്ഡങ്ങൾ എന്തെല്ലാമാണെന്ന് വിശദമാക്കുമോ ;

1964-ലെ കേരള ഭൂമി പതിവ് നിയമം ചട്ടങ്ങൾ 6 പ്രകാരം സർക്കാർ ഭൂമി പട്ടയ ഭൂമിയുടെ ഗുണപരമായ വിനിയോഗത്തിനായി (Beneficial Enjoyment) പഞ്ചായത്ത് പ്രദേശങ്ങളിൽ 15 സെന്റും, മുനിസിപ്പൽ പ്രദേശങ്ങളിൽ 10 സെന്റ് വരെയും കോർപ്പറേഷൻ പ്രദേശങ്ങളിൽ 5 സെന്റ് വരെയും പതിച്ച് നൽകാവുന്നതാണ്.

(ബി) മേൽപ്പറഞ്ഞ സ്കീം നിർത്തലാക്കി (ബി) കൊണ്ട് ഏതെങ്കിലും ഉത്തരവ് നിലവിലുണ്ടോ ; എങ്കിൽ പകർപ്പ് വരുമാക്കുമോ ;

ഭൂമിയുടെ ലഭ്യത കുറഞ്ഞുവരുന്ന സാഹചര്യത്തിൽ ഭൂരഹിത കുടുംബങ്ങൾക്ക് വീട് വയ്ക്കുന്നതിന് പതിച്ച് കൊടുക്കുന്നതിന് മുൻഗണന നൽകി വരുന്നു. [(G.O.(Ms)280/2011, dated 27.07.2011) അനുബന്ധമായി ചേർത്തിരിക്കുന്നു]

(സി) വർഷങ്ങളായി കൈവശത്തിലിരിക്കുന്നതും തൊട്ടുചേർന്നുള്ള പതിവു ഭൂമിയുടെ ഉപയോഗത്തിന് അത്യന്താപേക്ഷിതവുമായ നിലയിൽ വഴി മുതലായവപോലെ ഉപയോഗിക്കുന്നതുമായ 10 സെന്റിൽ താഴെയുള്ള പുതുവൽഭൂമി കൈവശരേഖയുടെ അടിസ്ഥാനത്തിൽ പതിച്ചു നൽകുന്നതിന് നടപടി സ്വീകരിക്കുമോ?

നിയമാനുസൃതം അർഹത പരിശോധിച്ച് നടപടി സ്വീകരിക്കുന്നതാണ്.

  
സെക്ഷൻ ഓഫീസർ



പരമേശ്വരൻ

## GOVERNMENT OF KERALA

### Abstract

Revenue Department- Protection of Public /Revenue Land-Orders issued.

Revenue (U) Department

S.O(MS) 280/2011/RD Dated, Thiruvananthapuram, 27-07-2011

### ORDER

The availability of public lands has been shrinking over the years. There has been no attempt to assess, manage and plan out the use of public lands. The first and only such attempt happened with the settling up of Land Bank making the Commissioner, Land Revenue responsible to inventorise and protect all public lands and put them to optimal use.

2) Large extent of public lands have been assigned to the landless based on the Kerala Land Assignment Act for residential purpose and personal cultivation. In the present times when the availability of land is reduced considerably, assignment is possible only for residential purpose and to those who are landless. Unfortunately, Government programme for land assignment to the landless ends with the assignment; little attempt is made to follow-up cases and to link them with Government housing and agro-based programme. Nor has any follow-up taken place to ensure that the assigned lands are not alienated. For this reason, the assignees are rendered landless sometimes as early as within a few days of the assignment. What also is a matter of strong concern is that as part of the nefarious activities of land grabbers, land is got assigned for benami applicants, plots consolidated and activities such as construction of resorts, hotels, commercial complexes, etc carried out which have no benefit for the landless and is a blatant misuse of public lands.

3) Land Assignment for religious and political institutions has also been done by the Government exercising

powers under Rule 24 and Rule 21 of the respective Kerala Land Assignment Rules. Land is assigned to educational institutions without always assessing whether the land is required as per norms and whether such land is required for other more important public needs.

4) Land cost in Kerala being unusually high there is more pressure on public lands through encroachments and using various tactics to get public lands assigned. There is also a strong linkage between land encroachment, land transaction and criminal activities.

In order to ensure that there is a uniform, transparent and rational policy for the use and assignment of public lands to curb the tendency to get lands assigned to the ineligible and to ensure that public lands are assigned for public use, the following guidelines are issued :-

- 1) Land assignment on patta ( registry) will be only to the landless and for self-housing.
- 2) All assignment except those made to the landless as eligible under KLA Act for personal housing will be on lease basis.
- 3) Such lands will not be alienable for a minimum of 25 years. If not utilized for the purpose assigned the land will be resumed by Government. The power to assign land for housing purpose will be exercised by District Collectors alone regardless of the value of the land until further orders.
- 4) Assignment of land for institutional purpose i.e., for purpose other than personal housing will continue to be exercised in Government in Revenue Department. Lease orders issued in the past by any other authority will stand cancelled and the lessee will need to apply to Government which will be examined based on the present guidelines.
- 5) For land leased for commercial purpose lease may extend upto a maximum of 10 years. Land leased for infrastructure requirements viz. schools, hospitals etc may extend upto a maximum of 30 years.

- 6) Public land given on lease shall be utilized only for the purpose(s) for which it is leased and cannot be alienated. The land, if left unutilized for six months, shall be resumed and returned to the State Land Bank.
- 7) Lease rent shall be as laid down in the regulations under the KLA Rules. Lease will be payable in advance by the 30<sup>th</sup> of April, of each year.
- 8) The land may be leased on a nominal rent only in exceptional cases where land is put to a non commercial use or for providing basic services to the public. The nominal lease rent is fixed at Rs. 100/- per Are per annum.
- 9) Where land is transferred to any other Department, for public use, the land will continue to be with Government in Revenue Department; only the possession will be transferred to the concerned Department, for a specific use. Where the transferee Department, does not utilize the land within a maximum of one year, possession of the same will be transferred back to Revenue Department. While the land is in possession of a transferee Department, it will be the responsibility of that Department to ensure that the land is duly protected and utilized. In case of any misuse or encroachment on the land during this period, the transferee Department will be responsible to carry out eviction or meet the cost whereafter the possession of land will be resumed by Revenue Department.
- 10) Regular inspection of all public lands on lease or otherwise will be carried out according to the following schedule and report submitted to State Land Bank in the attached proforma.

Village Officer	:	At least once every month
Tahsildar	:	At least once every quarter (4 times a year)
Deputy Collector (LR)	:	At least once every 6 months (twice a year)
District Collector	:	At least once a year

In addition, all such lands will be personally inspected by the Jamabandhi Officer before signing the Jamabandhi inspection Certificate.

- 11) Special Officer, Land Bank will maintain updated data on all public lands and will submit monthly status reports to Government on the first working day of the month.
- 12) Each District will assess all cases of public lands on lease and ensure that the lease rent is collected in advance by 30<sup>th</sup> day of the month of April, each year. The lease rent paid after 30<sup>th</sup> April will carry an interest of 10 % . District Collectors will report all cases of non-payment of lease by the lessees, to the Commissioner, Land Revenue by 1<sup>st</sup> July every year. Commissioner, Land Revenue will initiate action by sending notice to the party. Where the party fails to pay lease even after due notice, such cases will be reported to the Government for cancellation of the lease.
- 13) Land Assigned on lease will always be for a specific purpose. Where the land is not utilized for the purpose for which it is assigned and the work started within a maximum of six months from the date of lease, Commissioner, Land Revenue will hereby be authorised to cancel the lease, bring the land into the Land Bank and report compliance to Government.

Commissioner, Land Revenue will collect leased land status report from all District Collectors (preferably through E-mail) and submit a monthly report to Government by the 5<sup>th</sup> of every month (through E-mail )

(By Order of the Governor)

Dr. Nivedita P. Haran,  
Additional Chief Secretary

To

The Commissioner, Land Revenue, Thiruvananthapuram  
The Assistant Commissioner (LA) & Special Officer, Land  
Bank, Thiruvananthapuram, O/o, Commissioner

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Land Revenue, Thiruvananthapuram  
 The Secretary, Land Board, Thiruvananthapuram  
 The Director, Survey & Land Records, Survey & Land  
 Records Department, Vazhuthacaud,  
 Thiruvananthapuram  
 All District Collectors  
 Stock File /Office Copy

Forwarded / By Order

Section Officer

Copy to : PS to Minister (Revenue)  
 PA to ACS (Revenue)  
 CA to DS-I  
 Revenue (A, L & P) Department

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