

**Fourteenth Kerala Legislative Assembly**

**Bill No. 36**

---

---

**THE KERALA GOVERNMENT LAND ASSIGNMENT  
(AMENDMENT) BILL, 2016**

---

---

©

Kerala Legislature Secretariat

2016

KERALA NIYAMASABHA PRINTING PRESS.

**Fourteenth Kerala Legislative Assembly**

**Bill No. 36**

**THE KERALA GOVERNMENT LAND ASSIGNMENT  
(AMENDMENT) BILL, 2016**

**THE KERALA GOVERNMENT LAND ASSIGNMENT  
(AMENDMENT) BILL, 2016**

*A*

*BILL*

*further to amend the Kerala Government Land Assignment Act, 1960.*

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala Government Land Assignment Act, 1960 for the purposes hereinafter appearing;

Be it enacted in the Sixty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Government Land Assignment (Amendment) Act, 2016.

(2) It shall come into force at once.

2. *Amendment of section 7.*—In sub-section (1) of section 7 of the Kerala Government Land Assignment Act, 1960 (30 of 1960),—

(i) in clause (n), for the words “Board of Revenue” the words “Land Revenue Commissioner” shall be substituted;

(ii) the existing clauses (o), (p) and (q) shall be relettered as clauses (p), (q) and (r) respectively and before clause (p) as so relettered the following clause shall be inserted, namely:—

“(o) providing for revision by the Government suo motu or otherwise of any order passed by the Land Revenue Commissioner;” .

## STATEMENT OF OBJECTS AND REASONS

As per sub-rule (9) of rule 21 of the Kerala Land Assignment Rules, 1964, the Government was empowered to revise, cancel or alter on their own motion or otherwise any decision made or order passed by the Tahsildar, Revenue Divisional Officer, District Collector, Commissioner of Land Revenue at any time.

2. The Hon'ble High Court in WA No.610 of 1993 and OP No.11480 of 1993 has struck down the above rule as void and unenforceable as it is beyond the rule making power of Government under the Kerala Government Land Assignment Act, 1960.

3. As the Government is of view that the same would adversely affect the fate of many similar cases, it has decided to include an empowering provision in the Kerala Government Land Assignment Act, 1960 (30 of 1960) so that the Government shall have *suo motu* revision power over and above the revision by the Commissioner of Land Revenue provided in clause (n) of sub-section (1) of section 7 of the said Act.

4. The Bill is intended to achieve the above object.

## FINANCIAL MEMORANDUM

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

E. CHANDRASEKHARAN

EXTRACT FROM THE RELEVANT PORTIONS OF THE KERALA  
GOVERNMENT LAND ASSIGNMENT ACT, 1960

(30 OF 1960)

\*\*

\*\*

\*\*

7. *Power to make rules.*— (1) The Government may make rules, either prospectively or retrospectively,—

(a) prescribing the manner in which assignment of land may be made; whether by public auction or otherwise;

(b) prescribing the qualifications of persons to whom assignment of lands may be made;

(c) prescribing the order of priority for the assignment of land whether by public auction or otherwise;

(d) prescribing the authority by which such assignment may be made;

(e) prescribing the procedure to be followed in assigning the land;

(f) providing for the publication of notifications and service of notices;

(g) prescribing the procedure to be followed in the enquiry regarding claims preferred;

(h) prescribing the rates at which land may be assigned and tree growths may be valued, and the mode of recovery of the amounts due;

(i) providing for the protection of royalties on the land assigned;

(j) prescribing the restrictions, limitations and conditions subject to which an assignment can be made in any case or class of cases;

(k) providing for appeals from the orders of any authority competent to assign any land;

(l) prescribing the time within which appeals may be preferred;

(m) regulating the powers of the appellate authority and the procedure to be followed by such authority;

(n) providing for revision by the Board of Revenue of any order passed by the prescribed authority, and prescribing the time within which such revisional power may be exercised;

(o) regulating the issue of Pattah or other title deed evidencing the assignment;

(p) prescribing forms where forms are necessary; and

(q) generally for carrying out the purposes of this Act.

(2) All rules made under this Act shall be published in the Gazette and thereupon they shall have the force of law.

(3) All rules made under this Act shall be laid for not less than fourteen days before the Legislative Assembly, as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

\*\*

\*\*

\*\*

---