

**Thirteenth Kerala Legislative Assembly**

**Bill No. 243**

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**THE KERALA LAND REFORMS (AMENDMENT) BILL, 2013**

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2013

KERALA NIYAMASABHA PRINTING PRESS.

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*BILL*

*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 Sixty-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, 2013.

(2) Section 2 shall be deemed to have come into force on the 18th day of October, 2006 and section 3 shall be deemed to have come into force on the 19th day of June, 2012.

2. *Amendment of section 7E.*—In section 7E of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), for the words “four hectares” the words and figures “1 hectare 61 ares and 87 square metres” shall be substituted.

3. *Amendment of section 81.*—In section 81 of the principal Act, in sub-section (4) for the words “may use”, the words “may, subject to such restrictions and conditions as may be prescribed, use” and for the words “agricultural crops”, the words “agricultural crops or for conducting dairy farms” shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

Section 7E of the Kerala Land Reforms Act, 1963 as amended by Act 21 of 2006 provides that a person who 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 person holding land in excess of the ceiling area during the period between the date of commencement of Kerala Land Reforms Act, 1963 and the date of commencement of Kerala Land Reforms (Amendment) Act, 2005 (21 of 2006) shall be deemed to be a tenant. As the said provision would result in reducing the availability of excess land for distribution to the poor landless people as envisaged by the Zero landless programme and for the development activities of the Government. Therefore Government have decided to limit the extent of land, a person can hold as per section 7E from 4 hectares to 1 hectare 61 ares and 87 square metres (4 acres).

2. As per sub-section (4) of section 81 of the said Act inserted vide Act 6 of 2012, 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. The said relaxation caused severe problems relating to environment protection, pollution control, conservation of forest and also led to large scale conversion of plantations for non plantation activities. Hence Government have decided to impose restrictions on the use of the aforesaid extent of land through rules and for that purpose to amend sub-section (4) of section 81 suitably.

3. The Bill seeks to amend the Kerala Land Reforms Act, 1963, 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.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (4) of section 81 of the Kerala Land Reforms Act, 1963 proposed to be amended by clause 3 of the Bill seeks to empower the Government to impose restrictions and conditions on the use of five per cent of the land held by a person for plantation purpose under the said sub-section, for the purposes provided therein.

2. The rules to be made under the Act, will be subject to scrutiny of the Legislative Assembly after they are made. The delegation of Legislative power is, thus, of a normal character.

ADOOR PRAKASH.

EXTRACT FROM THE RELEVANT PORTIONS OF  
THE KERALA LAND REFORMS ACT, 1963  
(1 OF 1964)

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*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 person 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.

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CHAPTER III

RESTRICTION ON OWNERSHIP AND POSSESSION OF LAND IN EXCESS OF  
CEILING AREA AND DISPOSAL OF EXCESS LANDS

81. *Exemptions.—*(1)\*\*

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(2) [\* \* \* \*]

(3) The Government may, if they are satisfied that it is necessary to do so in the public interest—

(a) on account of any special use to which any land is put; or

(b) on account of any land being bona fide required for the purpose of conversion into plantation or for the extension or preservation of an existing plantation or for any commercial, industrial, educational or charitable purpose, by notification in the Gazette, exempt such land from the provisions of this Chapter, subject to such restrictions and conditions as they may deem fit to impose:

Provided that the land referred to in clause (b) shall be used for the purpose for which it is intended within such time as the Government may specify in that behalf; and, where the land is not so used within the time specified, the exemption shall cease to be in force.

(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 judgment, 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.

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