

Fifteenth Kerala Legislative Assembly

Bill No. 173

**THE KERALA GOVERNMENT LAND ASSIGNMENT
(AMENDMENT) BILL, 2023**

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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 Seventy-fourth 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, 2023.

(2) It shall come into force at once.

2. *Insertion of new section 4A after section 4.*—After section 4 of the Kerala Government Land Assignment Act, 1960 (30 of 1960) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

“4A. *Usage of assigned land for any other purposes.*—(1) Notwithstanding anything contained in this Act or in any other law or rules, order, judgment or decree of any Court for the time being in force, it shall be competent for the Government to regularize any contraventions of the conditions attached to the patta and that of the rules, made thereunder which are in force, on the date of the commencement of the Kerala Government Land Assignment (Amendment) Act, 2023 (... of 2023), in the manner as may be prescribed.

(2) Notwithstanding anything contained in this Act or in any other law or rules, order, judgment or decree of any Court for the time being in force, it shall be competent for the Government, if satisfied for the reasons to be recorded in writing to permit the assignee to use the land assigned under this Act and the rules made

thereunder till the date of commencement of the Kerala Government Land Assignment (Amendment) Act, 2023 (... of 2023) for purposes other than for which the land was assigned, on such terms and conditions, as may be prescribed.

3. *Amendment of section 7.*—In section 7 of the principal Act, after clause (o) of sub-section (1), the following clauses shall be inserted, namely:—

“(oa) prescribing the procedure to be followed in regularizing any contraventions of the conditions attached to the patta and any of the rules made thereunder;

(ob) prescribing the procedure to be followed to permit the use of land assigned under this Act and the rules made under for the purposes other than for which the land was originally assigned.”.

STATEMENT OF OBJECTS AND REASONS

As per the Kerala Government Land Assignment Act, 1960, the land assigned shall be used only for the purpose for which it was assigned. But it has come to notice that for the last sixty years assignees under this Act have been using the land for purposes other than for which the land was assigned. Moreover, it has also come to notice that the assignees have also violated the conditions attached to the patta.

While considering various cases related to unauthorised land encroachment in Idukki district, the Hon'ble High Court ordered that the department concerned shall ensure the construction works shall be carried out only after getting Non Objection Certificate from various departments. In pursuance of this, the Government had imposed certain restrictions for the construction works which had affected the people severely.

The parties concerned again approached the Hon'ble High Court alleging that the order issued by the Government is not in consonance with the decision of the Hon'ble High Court and the court considered this matter and ordered that the Government have concrete and effective steps to ensure that the land issue in

Munnar area is to finally settled. Based on the decision of the court and on the opinion of the Advocate General, the Government have decided to make suitable amendment in the said Act.

The Bill seeks to achieve above objects.

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

Clause 4A (1) which is proposed to be inserted by clause 2 of the Bill authorising the Government to regularise any contravention of the conditions attached to the patta and that of the rules made thereunder.

Clause 4A (2) which is proposed to be inserted by clause 2 of the Bill authorise the Government to permit the assignee to use the land assigned for purposes other than for which the land was assigned.

The matters in respect of which rules may be made or notifications may be issued are matters of procedure and are of routine or administrative nature. Further, the rules or notifications after they are made, are subject to scrutiny by the Legislative Assembly. The delegation of legislative power is, therefore, of a normal character.

K. RAJAN

EXTRACT FROM THE KERALA LAND ASSIGNMENT ACT, 1960
(30 OF 1960)

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4. *Procedure to be followed before Government lands are assigned.*—(1) When any Government land is proposed to be assigned by the prescribed authority, otherwise than by way of lease or licence, the Tahsildar of the taluk in which the land is situate or any officer empowered by the Government in this behalf shall notify in the prescribed manner that such land will, by public auction or otherwise, be assigned, and call upon those who have got any claim to such land to prefer to him their objections, if any, in writing, within a time which shall be specified in such notification.

(2) If any objection is preferred within the time specified in the notification, the Tahsildar or such other officer shall enquire into the same and pass an order in writing either accepting or rejecting the claim in full or in part and intimate in writing the fact of such disposal to the claimant.

(3) For the purposes of the enquiry under sub-section (2) the officer making the enquiry shall have all the powers conferred upon the Collectors and Tahsildars by the law for the time being in force regarding summoning of persons for disposal of matters connected with revenue administration.

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

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

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