

## **Kerala Land Reforms (Amendment) Act, 1979**

**27 of 1979**

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## **Kerala Land Reforms (Amendment) Act, 1979**

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An Act further to amend the Kerala Land Reforms Act, 1963  
WHEREAS it is expedient further to amend the Kerala Land Reforms Act, 1963, for the purposes hereinafter appearing; BE it enacted in the Thirtieth 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, 1979.

(2) It shall be deemed to have come into force on the 7 th day of July, 1979.

### **2. Amendment Of Section 2 :-**

In section 2 of the Kerala Land Reforms Act, 1963 (1 of 1964)

(hereinafter referred to as the principal Act), in sub-clause (c) of clause (44), after the words Land Board, the words or the Taluk Land Board, as the case may be shall be inserted.

### **3. Insertion Of New Section 6C :-**

After section 6B of the principal Act, the following section shall be inserted namely:-

6C. Certain lessees who have made substantial improvements etc. to be deemed tenants . - Notwithstanding anything contained in section 74, or in any contract, or in any judgment, decree or order of any court or other authority, any person in occupation at the commencement of the Kerala Land Reforms (Amendment) Act, 1969, of the land of another person on the basis of a lease deed executed after the 1st day of April, 1964, shall be deemed to be a tenant if-

(a) he (including any member of his family) did not own or hold land in excess of four acres in extent on the date of execution of the lease deed; and

(b) he or any member of his family has made substantial improvements on the land.

Explanation.- For the purposes of this section, improvements shall be deemed to be substantial improvements if the value of such improvements is more than fifty per cent of the value of the land on the date of execution of the lease deed.

### **4. Amendment Of Section 19 :-**

In section 19 of the principal Act, after the words Land Board, the words or the Taluk Land Board, as the case may be, shall be inserted.

### **5. Amendment Of Section 26 :-**

In section 26 of the principal Act, for sub-section (3), the following sub section shall be substituted, namely:-

(3) The person liable to pay the amount determined under sub-section (2) shall deposit the same with the Land Tribunal which determined the amount within a period of six months from the date of such determination.

(3A) In the event of the failure to deposit the amount referred to in sub-section (3) within the time specified in that sub-section, such amount shall, on a written requisition from the Land Tribunal to the

District Collector, be recovered under the provisions of the Kerala Revenue Recovery Act, 1968, together with interest at the rate of six per cent per annum from the date of determination of the amount under sub-section (2).

#### **6. Amendment Of Section 27 :-**

In section 27 of the principal Act, Explanation II shall be, and shall be deemed to have been renumbered as Explanation III with effect on and from the 1<sup>st</sup> day of January, 1970 and before that Explanation , the following Explanation shall be and shall be deemed to have been, inserted with effect on and from the said date, namely:-

Explanation II.- Where in respect of a holding there is a stipulation in the contract of tenancy for the payment of interest by the transferor to the transferee on the consideration paid by, or due to, the transferee, or for the payment by the transferee of land tax due to the Government or any tax or cess due to a local authority, the contract rent of that holding shall, for the purpose of this section, be calculated after deducting such interest, tax and cess.

#### **7. Amendment Of Section 63 :-**

In section 63 of the principal Act, to sub-section (7) the following proviso and Explanation shall be added, namely: -

Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation.- For the purposes of the preceding proviso, member of family means wife or husband, son or daughter.

#### **8. Amendment Of Section 72H :-**

In section 72H of the principal Act, to sub-section (8), the following proviso and Explanation shall be added, namely:-

Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation.- For the purposes of the preceding proviso, member of family means wife or husband, son or daughter.

#### **9. Amendment Of Section 72I :-**

In section 72 I of the principal Act,-

(1) to sub-section (3), the following proviso shall be added namely:-

Provided that where the amount of compensation mentioned in the application as due to the applicant is not more than the amount of compensation determined by the Land Board it shall not be necessary to give the applicant an opportunity of being heard.;

(2) in sub-section (5) for the words on the date of expiry, the words before the date of expiry shall be substituted.

#### **10. Amendment Of Section 80E :-**

In section 80E of the principal Act, to sub-section (6), the following proviso and Explanation shall be added, namely:-

Provided that if such person has, in accordance with the rules made in this behalf, nominated any member of his family to receive the amount, the same shall be paid to such nominee.

Explanation.- For the purposes of the preceding proviso, member of family means wife or husband, son or daughter.

#### **11. Amendment Of Section 84 :-**

After sub-section (1) of section 84 of the principal Act, the following sub-section shall be, and shall be deemed to have been, inserted with effect on and from the 1 st day of January, 1970, namely:-

(1A) Notwithstanding anything contained in sub-section (1), or in any judgment, decree or order of any court or other authority, any voluntary transfer effected by means of a gift deed executed during the period commencing on the 1 st day of January, 1970 and ending with the 5 th day of November, 1974, by a person owning or holding land in excess of the ceiling area in favour of his son or daughter or the son or daughter of his predeceased son or daughter shall be not deemed to be, or ever to have been, invalid-

(a) if the extent of the land comprised in the gift does not exceed the ceiling area specified in clause (a) of subsection (1) of section 82; and

(b) if the extent of the land comprised in the gift exceeds the ceiling area specified in the said clause, to the extent of that ceiling area:

Provided that nothing contained in this sub-section shall apply-

(a) to a transfer in favour of a person who was an unmarried minor or the 1 st day of January, 1970;

(b) in respect of any land which has been assigned on registry under section 96, before the commencement of the Kerala Land

Reforms (Amendment) Act, 1979.

**12. Amendment Of Section 85 :-**

In section 85 of the principal Act, the following sub-sections shall be inserted at the end, namely:-

(10) Any person who, by virtue of the provisions of sub-section (1A) of section 84, is entitled to the restoration of the ownership or possession or both of any land may, within sixty days from the commencement of the Kerala Land Reforms (Amendment) Act, 1979, apply to the Land Board or the Taluk Land Board, as the case may be, for such restoration.

(11) An application under sub-section (10) shall be in such form, shall contain such particulars and shall be verified in such manner as may be prescribed.

(12) On receipt of an application under sub-section (10), the Land Board or the Taluk Land Board, as the case may be, shall, after giving the applicant or any other person likely to be affected, an opportunity of being heard and after such inquiry as it deems necessary, by order, restore the ownership or possession, or both, as the case may be, of the land.

**13. Amendment Of Section 87 :-**

In section 87 of the principal Act, the Explanation to sub-section (1) shall be numbered as Explanation I and after that Explanation , the following Explanation shall be inserted, namely:-

Explanation II.-Where, after the date notified under section 83, any class of land specified in Schedule II has been converted into any other class of land specified in that Schedule or any land exempt under section 81 from the provision of this Chapter is converted into any class of land not so exempt and in consequence thereof the total extent of land owned or held by a person exceeds the ceiling area, so much extent of land as is in excess of the ceiling area, shall be deemed to be land acquired after the said date.

**14. Amendment Of Section 98A :-**

To section 98A of the principal Act, the following Explanation shall be added, namely:-

Explanation.- If any question arises as to whether an institution is an institution of a public nature for religious and charitable purposes maintained by a religious denomination or any section

thereof, the question shall be decided by the Government and such decision shall be final.

**15. Amendment Of Section 101 :-**

In section 101 of the principal Act, in clause (3) of sub-section (2), the words on its own motion or shall be inserted at the beginning.

**16. Insertion Of New Section 108A :-**

After section 108 of the principal Act, the following section shall be inserted, namely:-

108A. Section 11 of Code of Civil Procedure to apply to proceedings before Land Tribunal.-The provisions of section 11 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), shall, so far as may be, apply to proceedings before the Land Tribunal.

**17. Transitory Provision :-**

(1) Notwithstanding anything contained in any contract, or in any judgment, decree or order of any court or other authority, where the right, title and interest in respect of a holding referred to in Explanation II to section 27 of the principal Act as amended by this Act has been assigned in favor of a cultivating tenant and the purchase price and compensation or annuity payable in respect of such holding has been determined on the basis of contract rent calculated without deducting the interest, tax or cess referred to in the said Explanation , the Land Tribunal may, on application made by the cultivating tenant to whom such right, title and interest have been assigned or by his successor-in-interest within a period of one year from the commencement of this Act, by order, re-determine the purchase price and compensation or annuity payable in respect of such holding on the basis of contract rent calculated after deducting such interest, tax or cess.

(2) An application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) No order shall be passed under sub-section (1) without giving any person affected thereby an opportunity of being heard.

(4) Where an order has been passed under sub-section (1),-

(a) any amount paid to a land owner or intermediary as compensation in excess of the amount payable under such order shall be refunded by the land owner and the intermediary, if any, to the Government within such period as may be prescribed and if

the land owner or intermediary makes default in the payment of such amount on or before the date fixed for refund, the same shall be recoverable from him under the provisions of the Kerala Revenue Recovery Act, 1968, as if it were an arrear of public revenue due on land;

(b) any amount paid by the cultivating tenant in excess of the amount payable by him under the said order shall be refunded to him within such period as may be prescribed.

### **18. Repeal And Saving :-**

(1) The Kerala Land Reforms (Amendment) Ordinance, 1979 (8 of 1979), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under this Act, or, as the case may be, under the principal Act as amended by this Act.