

THE KERALA LAND REFORMS (AMENDMENT) ACT, 1978
(Act 13 of 1978)

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THE KERALA LAND REFORMS (AMENDMENT) ACT, 1978 *

(Act 13 of 1978)

An Act 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 Twenty-ninth 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, 1978.

(2) It shall be deemed to have come into force on the 1st day of October, 1977.

2. *Amendment of section 85.*—In section 85 of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act),—

(a) in subsection (9), for the opening paragraph, the following paragraph shall be, and shall be deemed to have been, substituted with effect on and from the 1st day of January, 1970, namely :—

“The Taluk Land Board may, at any time, set aside its order under subsection (5) or subsection (7), as the case may be, and proceed afresh under that subsection if it is satisfied that—

(a) the extent of lands surrendered by, or assumed from, a person under section 86 is less than the extent of lands which he was liable to surrender under the provisions of this Act, or

(b) the lands surrendered by, or assumed from, a person are not lawfully owned or held by him; or

(c) in a case where a person is, according to such order, not liable to surrender any land, such person owns or holds lands in excess of the ceiling area.”;

(d) the *Explanation* after subsection (9) shall be numbered as *Explanation II* and before that *Explanation*, the following *Explanation* shall be inserted, namely :—

“*Explanation I.*—For the removal of doubts, it is hereby clarified that the references in this subsection to the Taluk Land Board shall, in cases in which the order under subsection (5) or sub-section (7) has been passed by the Land Board, be construed as references to the Land Board.”.

3. *Amendment of Section 103.*—In section 103 of the principal Act, after subsection (1A), the following subsection shall be, and shall be deemed to have been, inserted with effect on and from the 2nd day of November, 1972, namely:—

* Received the assent of the President on the 18th day of March, 1978 and published in the Kerala Gazette Extraordinary No. 192 dated 19th March, 1978.

“(1B) The Government may, within such time as may be prescribed, prefer a petition for revision to the High Court against any final order referred to in subsection (1), on any of the grounds mentioned in that subsection.”.

4. *Transitory provisions.*—(1) Notwithstanding anything contained in any law, or in any judgment, decree or order of any court, the Land Board or the Taluk Land Board, as the case may be, may set aside any order passed by it under subsection (5) or subsection (7), as the case may be, of section 85 of the principal Act and proceed afresh under that subsection if it is satisfied that any person who, according to such order, was not liable to surrender any land, had owned or held, on the date of such order, land in excess of the ceiling area.

Provided that the Land Board or the Taluk Land Board shall not—

(a) set aside any order under this subsection without giving the persons affected thereby an opportunity of being heard;

(b) initiate any proceedings under this subsection after the expiry of one year from the commencement of this Act.

(2) Notwithstanding anything contained in any law, or in any judgment, decree or order of any court,—

(a) the Government may, within one year from the commencement of this Act, prefer a petition for revision to the High Court against any final order referred to in subsection (1) of section 103 of the principal Act, passed before such commencement, on any of the grounds mentioned in that subsection;

(b) any petition for revision purported to have been preferred by the Government to the High Court under section 103 of the principal Act before the commencement of this Act shall be deemed to have been preferred under the said section as amended by this Act and accordingly—

(i) any such petition dismissed by the High Court before the commencement of this Act solely on the ground that the Government were not competent to prefer such petition shall, on application by the Government within ninety days from such commencement, be restored and proceeded with by that court,

(ii) any such petition pending before the High Court shall not be dismissed solely on the ground that the Government were not competent to prefer such petition.

5. *Repeal and saving.*—(1) The Kerala Land Reforms (Amendment) Ordinance, 1977 (17 of 1977), 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.