

THE KERALA LAND REFORMS (AMENDMENT) BILL, 2002

Background Note

The Kerala Land Reforms Act, 1963 provide for imposition of ceiling on holdings. However certain kinds of lands are exempted from ceiling limit. They interalia, include plantations, private forests etc. Lands principally cultivated with tea, coffee, cocoa, rubber, cardamom or cinnamon will come under plantation. At national and international level the production of tea, coffee, cocoa, etc has increased and the price of these commodities has come down. The landholders are therefore reluctant to cultivate the above items. Lands cultivated with plantation will not get the exemption from ceiling limits, if they are used for non-plantation purposes. Cashew estates having a contiguous extent of ten acres or more were originally exempted from ceiling limits. Act 35 of 1969 took this exemption away with effect from 1.1.1970. This has affected adversely the traditional cashew industry in our State. Further medicinal plants and vanilla are on great demand all over the world. The planters of these items have been seeking exemption of their lands from ceiling provisions. The committee has considered the present trends and demands of these commodities and recommends grant of exemption to lands planted with cashew, medicinal plants and vanilla from the ceiling provisions of the Kerala Land Reforms Act, 1963 prospectively and that the holders of these lands may be allowed to convert their lands for other plantation purposes or any other exempted category.

A Bill to amend the Kerala Land Reforms Act, 1963 for the above purposes is appended.

**THE KERALA LAND REFORMS (AMENDMENT) BILL,
2002**

**A
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 Fifty-third 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, 2002.

(2) It shall come into force at once.

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 clause (15) after the words "pepper vines" the words "vanilla plant" shall be inserted.

3. **Amendment of section 81.-** In section 81 of the principal Act, in sub-section (1),-

(a) after clause (e) the following clauses shall be inserted, namely:-

"(f) cashew estate;

Explanation.- For the purpose of this clause cashew estate shall mean dry land principally cultivated with not less than 150 cashew trees per hectare.

(g) vanilla gardens;

Explanation I.- For the purpose of this clause "vanilla gardens" shall mean a garden planted with not less than 2000 vanilla plants per hectare.

Explanation II.- For the purpose of this clause in calculating the number of vanilla plants in vanilla garden, the plants, if any trained on coconut trees or arecanut trees shall not be taken into account.

(h) lands principally cultivated with medicinal plants only;

Explanation.- For the purpose of this clause the lands principally cultivated with all kinds of species of medicinal plants will alone be taken into account."

4. **Amendment of section 82.-** In section 82 of the principal Act, in sub-section (4), the following proviso shall be added, namely:-

"Provided that nothing in this section shall apply to the conversion of any land into cashew estate or vanilla garden or for cultivation of medicinal plants,"

5. **Special Provision.**- Notwithstanding anything contrary contained in any other provisions of this Act or in any judgment, decree or order of any court or tribunal or Taluk Land Board or Land Board no ceiling case in respect of cashew estate or vanilla gardens which had been surrendered to the Government as excess land and the possession of such land had been taken over by the Government as per the provisions of the principal Act before the date of commencement of the Kerala Land Reforms (Amendment) Act, 2002 shall be reopened and accordingly,-

(a) all acts, proceedings or things done or taken by the Taluk Land Board or the Land Board or the Government in connection with the taking over the possession of such excess lands shall, for all purposes be deemed to be, and to have always been done or taken in accordance with law;

(b) no suit or other proceedings shall be maintained in any court or tribunal against the Government, the Taluk Land Board or the Land Board or any person or authority whatsoever for the recovery of possession of any such land; and

(c) no court or tribunal or authority shall enforce any order directing the re-conveyance of any such land.

STATEMENT OF OBJECTS AND REASONS

The Kerala Land Reforms Act, 1963 provides for imposition of ceiling on holdings. However certain kinds of lands are exempted from ceiling limit. They inter alia includes plantations, private forests etc. lands principally cultivated with tea, coffee, cocoa, rubber, cardamom or cinnamon will come under plantation. At national and international level the production of tea, coffee, cocoa etc has increased and the price of these commodities comes down. The landholders are therefore reluctant to cultivate the above items. Cashew estates having a contiguous extent of ten acres or more were originally exempted from ceiling limit. Act 35 of 1969 took this exemption away with effect from 1.1.1970. This has affected adversely the traditional cashew industry in our State. Further medicinal plants and vanilla are highly demanded items all over the world. The planters of these items of land are demanding to exempt their lands from ceiling provisions. Further land holders cultivated with plantation will not get the exemption from ceiling limit if they used the land for non plantation purposes. Therefore it was considered necessary to grant exemption to lands planted with cashew, medicinal plant and vanilla from ceiling provision and the holders of such land may be allowed to convert their lands for other plantation purposes.

2. The Bill seeks to amend the Kerala Land Reforms Act, 1963 for the above purposes.

FINANCIAL MEMORANDUM

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