

Kerala Conservation of Paddy Land and Wetland Act, 2008

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Act 28 of 2008

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Kerala Conservation of Paddy Land and Wetland Act, 2008(Act No. 28 of 2008)Last Updated 20th November, 2019[Dated 12.8.2008]An Act to conserve the paddy land and wetland and to restrict the conversion or reclamation thereof, in order to promote growth in the agricultural sector and to sustain the ecological system, in the State of Kerala.Preamble - Whereas, it has come to the notice of the Government that indiscriminate and uncontrolled reclamation and massive conversion of paddy land and wetland are taking place in the State;And Whereas, there is no existing law to restrict effectively, the conversion or reclamation of paddy land;And Whereas, the Government are satisfied that it is expedient, in public interest, to provide for the conservation of paddy land and wetland and to restrict the conversion or reclamation thereof, in order to promote agricultural growth, to ensure food security and to sustain the ecological system in the State of Kerala;Be it enacted in the Fifty-ninth Year of the Republic of India as follows:-

1. Short title and commencement.

(1)This Act may be called the Kerala Conservation of Paddy Land and Wetland Act, 2008.(2)It extends to the whole of the State of Kerala(3)It shall come into force at once

2. Definitions.

- In this Act, unless the context otherwise requires -(i)"Collector" means the Collector of the district and includes any other officer appointed or authorised by the Government to perform the functions of the Collector;(ii)"Committee" means the Local Level Monitoring Committee constituted under section 5;(iii)"conversion" means the situation whereby, land that has been under paddy farming and its allied constructions like drainage channels, ponds, canals, bunds and ridges are put to use for any other purpose;(iv)"district" means a revenue district;(v)"District Level Authorised Committee" means the District Level Authorised Committee to be constituted under section

9;(vi)"drainage channel" means the inlets or outlets for the flow of water to or from a paddy land [or un-notified land;] [Inserted by Act No. 41 of 2017, dated 30.12.2017](viA)["Fire value" means the fair value of the land fixed under section 28A of the Kerala Stamp Act, 1959 (17 of 1959) or where the fair value of the land has not been fixed, the fair value of the land fixed for similar and similarly situated land; [Inserted by Act No. 41 of 2017, dated 30.12.2017](viB)"Fund" means the Development Fund constituted under Section 27D;](vii)"Government" means the Government of Kerala;(viii)"holder of paddy land" means a person holding any paddy land whether as owner or under a legal right;(ix)"intermediary crop" means a short term crop, cultivated in between two paddy cultivation periods in an interchangeable manner according to the ecological nature of the paddy land like vegetables, pulses, plantain, fish, etc;(x)"Kudumbasree units" means the Kudumbasree unit functioning under the State Poverty Eradication Mission of the Government and includes the Self Help Groups;(xi)"Local Self Government Institution" means a Panchayat as defined in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a Municipality as defined in the Kerala Municipality Act, 1994 (20 of 1994);(xii)"paddy land" means all types of land situated in the State where paddy is cultivated at least once in a year or suitable for paddy cultivation but uncultivated and left fallow, and includes its allied constructions like bunds, drainage channels, ponds and canals;(xiii)"Padasekhara Samithi" means an organisation of farmers of a locality registered under any law for the time being in force, with the objective of promoting cultivation of paddy and allied crops;(xiv)"public purpose" means purposes [for the schemes and projects] [Substituted 'for the schemes' by Act No. 41 of 2017, dated 30.12.2017] undertaken or financed by the Centre State Governments, Government-Quasi-Government Institutions, Local Self Government Institutions, [statutory bodies or other schemes and projects] [Substituted 'Statutory Bodies and other schemes' by Act No. 41 of 2017, dated 30.12.2017] as may be specified by the Government from time to time;(xv)"reclamation" means such act or series of acts whereby a paddy land or a wetland as defined in this Act is converted irreversibly and in such a manner that it cannot be reverted back to the original condition by ordinary means;(xvi)"State Level Committee" means the State Level Committee constituted under section 8.(xvii)"wetland" means land lying between terrestrial and aquatic systems, where the water table is usually at or near the surface or which is covered by shallow water or characterized by the presence of sluggishly moving or standing water, saturating the soil with water and includes backwaters, estuary, fens, lagoon, mangroves, marshes, salt marsh and swamp forests but does not include paddy lands and rivers;(xviiA)["unnotified land" means the lands within the area of jurisdiction of the Committee which have been included as paddy land or wetland in the basic tax register maintained in Village Offices, but are not notified as paddy land or wetland under subsection (4) of Section 5; [Inserted by Act No. 41 of 2017, dated 30.12.2017](xviiB)"water conservancy measures" means and includes covered or uncovered rain water harvesting structures, surface or underground, including tanks, reservoirs, pits, trenches, ponds or any other structure suitable for collection of rain water or water flowing through paddy land or unnotified land without causing hindrance to the free flow of water to neighboring paddy lands and drainage channels;](xviii)"year" means a Malayalam calendar year.

3. Prohibition on conversion or reclamation of paddy land.

(1)On and from the date of commencement of this Act, the owner, occupier or the person in custody of any paddy land shall not undertake any activity for the conversion or reclamation of such paddy

land except in accordance with the provisions of this Act.(2)Nothing contained in sub-section (1) shall apply to the cultivation of any intermediary crops that are cultivated without changing the ecological nature of that paddy land or the strengthening of the outer bunds for protecting the cultivation.

3A. [[Omitted by Act No. 19 of 2016.]

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4. Incentives for paddy cultivation.

- The Government, shall take suitable measures, from time to time, in order to assist the farmers to augment the production of paddy in the State.

5. Constitution of Local level Monitoring Committee.

(1)There shall be a Local Level Monitoring Committee in each Panchayat or Municipality, consisting of the members specified in sub-section (2), for the purpose of monitoring the implementation of the provisions of this Act.(2)The composition of the Committee shall be as follows:-(i)The President or Chairperson/Mayor of the Grama Panchayat or the Municipality or the Corporation, as the case may be; - Chairman(ii)The Agricultural Officer/Officers having jurisdiction in the Grama Panchayat or Municipality/Corporation; - Member/Members(iii)Village Officer/Officers having jurisdiction in the said area; - Member/Members(iv)Three representatives of farmers in the Panchayat/Municipality/Corporation to be nominated in such manner, as may be prescribed.The Agricultural Officer shall be the Convenor of the Committee.(3)The Committee shall have the following powers, namely:-(i)[subject to the provisions of this Act, to recommend to the District Level Authorised Committee for the reclamation of paddy land, for construction of residential building for the owner of the paddy land: [Substituted by Act No. 41 of 2017, dated 30.12.2017]Provided that the Committee shall not recommend for filling of paddy land of more than ten cents in a Panchayat or five cents in a Municipality/Corporation, as the case may be, for the construction of residential building for the owner of the paddy land;(iA)subject to the provisions of this Act, to report to the State Level Committee for the reclamation of paddy lands for public purpose, within one month from the date of receipt of the application:Provided that the report shall contain the effect of such reclamation on the cultivation in adjoining paddy lands, the measures to be adopted to ensure free flow of water to the adjoining paddy lands, if any, and suitable water conservancy measures to be adopted, wherever necessary, and the area where such measures are to be adopted by the applicant;(iB)the Committee shall not recommend or report under item (i) and (iA) of subsection (3) unless the application is accompanied by a sketch of the land proposed to be reclaimed, duly prepared by a qualified surveyor or Village Officer, indicating the extent of land in each survey number for which sanction for filling up the paddy land has been sought;]Provided that the Committee shall not recommend for filling of paddy land of more than ten cents in a Panchayat or five cents in a Municipality/Corporation, as the case may be, for the construction of residential building for the owner of the paddy land;(ii)to inspect the paddy land situated within the jurisdiction of the Committee to monitor whether the provisions of this Act are being complied with

and to report to the Revenue Divisional Officer regarding violations, if any, of the provisions of this Act;(iii)to examine the complaints received from the public regarding the attempts to violate the provisions of this Act and to intervene in the issue to prevent such violation;(iv)to examine the reason for keeping the paddy land fallow and to suggest remedial measures so as to persuade the holder of paddy land to cultivate it with paddy or any intermediary crops;(4)The Committee shall perform the following functions, namely:-(i)to prepare the data-bank with the details of the cultivable paddy land and wetland, within the area of jurisdiction of the Committee, with the help of the map prepared or to be prepared by the State Land Use Board or Centre State Science and Technology Institutions on the basis of satellite pictures by incorporating the survey numbers and extent in the data-bank and get it notified by the concerned Panchayat/Municipality/Corporation, in such manner as may be prescribed, and exhibit the same for the information of the public, in the respective Panchayat/Municipality/Corporation Office and in the Village Office/Officers;(ii)to make alternate arrangements under section 16 where a paddy land is left fallow without taking steps in spite of the instructions given by the Committee under item (iv) of subsection (3);(iii)to prepare detailed guidelines for the protection of the paddy lands/wetlands in the areas under the jurisdiction of the Committee;(iv)[***] [Omitted by Act No. 41 of 2017, dated 30.12.2017](v)to perform such other functions, as may be prescribed from time to time.(5)The quorum for a meeting of the Committee shall be three and it shall meet as and when required and the venue for the meeting shall be the respective Panchayat Office and the time of meeting shall be fixed by the Chairman.(6)The Committee may decide the procedure for its meetings and the concerned Agricultural Officer shall keep the proper minutes of the meeting signed by every person attended.

6. The term of the Local Level Monitoring Committee and other related matters.

(1)The term of office of the non-official members of the Local Level Monitoring Committee shall be three years from the date of its constitution. But after the expiry of the term of the Committee its non-official members may continue in office till the constitution of the next Committee.(2)A non-official member may resign his office at any time by giving letter in writing his hand.

7. Reporting Officers.

(1)The Agricultural Officers shall be the reporting officers, in respect of the paddy land in the area under their jurisdiction and it shall be their responsibility to report the Revenue Divisional Officer regarding any act in violation of the provisions of this Act, If any paddy land is kept fallow during any agricultural season, the Agricultural Officer shall inform that matter also to the Committee.(2)Willful omission to make a report under sub-section (1), regarding the contravention of the provisions of the Act shall be deemed to be an offence under section 23.

8. Constitution of State Level Committee.

(1)The Government shall, constitute a State Level Committee for furnishing report to Government after the detailed scrutiny of the applications recommended by the Committee regarding the filling

of paddy land for public purposes.(2)The Agricultural Production Commissioner, the Commissioner of Land Revenue and an expert in the field of environment and a Scientist in the field of paddy cultivation, to be nominated by the Government, shall be the Members of the State Level Committee and the Agricultural Production Commissioner shall be its Convenor.(3)[The State Level Committee shall scrutinize each report from the Committee for filling up or reclamation of paddy land for public purpose and shall examine in detail the effect of such reclamation on the cultivation in the adjoining paddy lands, the measures to be adopted to ensure free flow of water to the adjoining paddy lands and submit a report to Government with recommendations on suitable water conservancy measures and the area where such measures are to be adopted by the applicant, within two months from the date of receipt of the report of the Committee.(4)The order issued by the Government granting sanction for reclamation of paddy land on receipt of the report of the State Level Committee, shall clearly indicate the survey number and the extent of land in each survey number for which sanction has been accorded, the survey number and the extent of land in which water conservancy measures are to be adopted by the applicant and a sketch of such land indicating the aforementioned details shall be appended to the order.] [Substituted by Act No. 41 of 2017, dated 30.12.2017]

9. Constitution of District Level Authorised Committee.

(1)Notwithstanding anything contained in section 3, each Collector shall constitute in the District, District Level Authorised Committee for considering the applications for reclamation of paddy land for the construction of residential building to the owner of paddy land and for taking suitable decision:Provided that the District Level Authorised Committee shall not take any decision granting permission for the filling up of paddy land for the construction of residential building exceeding ten cents in a panchayat and five cents in a Municipality/Corporation, as the case may be.(2)The District Level Authorised Committee shall consist of the Revenue Divisional Officer, Principal Agricultural Officer and three paddy cultivators to be nominated by the Collector and the Revenue Divisional Officer shall be its Chairman and the Principal Agricultural Officer, shall be its Convenor:Provided that where there are more than one Revenue Divisional Officer in a District, the Collector shall nominate one among them to the District Level Authorised Committee.(3)The term of office of the nominated members shall be three years from the date of their assuming charge in the office. But after the expiry of the term they may continue in office till the succeeding members are nominated.(4)Nominated members may resign from the Committee at any time by giving letter under his hand to the Collector.(5)The District Level Authorised Committee shall take decision on the recommendation made available to it within one month.(6)Any person aggrieved by the decision of the District Level Authorised Committee, may prefer an appeal before the Collector within thirty days from the receipt of the decision, in such manner as may be prescribed.(7)The Collector shall take a decision thereon within one month from the date of receipt of the appeal and the decision of the Collector shall be final.(8)Notwithstanding anything contained in sub-section (1), no application shall be considered by the District Level Authorised Committee, unless the Local Level Monitoring Committee has recommended that -(i)such reclamation shall not adversely affect the ecological condition and the cultivation in the adjoining paddy land;(ii)the owner of the paddy land or his family do not own a suitable land for this purpose in the District;(iii)the building to be constructed is for his own purpose; and(iv)such paddy land is not situated surrounded by other paddy land.(9)[

The order issued by the District Level Authorized Committee under subsection (5) or the District Collector under sub-section (7) shall clearly indicate the survey number and the extent of the land in each survey number for which sanction has been accorded and a sketch of such land indicating the aforementioned details shall be appended to the order.] [Inserted by Act No. 41 of 2017, dated 30.12.2017]

10. [Power of Government to grant exemption. [Substituted by Act No. 41 of 2017, dated 30.12.2017]

(1)Notwithstanding anything contained in Section 3, the Government may grant exemption from the provisions of this Act, if such conversion or reclamation is essential for any public purpose and shall notify in the official gazette.(2)Government may grant such exemption after considering the report of the State Level Committee, if in its opinion, such conversion or reclamation will not adversely affect the cultivation of paddy in the adjoining paddy lands, if any, and free flow of water thereto:Provided that Government shall ensure suitable water conservancy measures, as required, are adopted by the applicant within the extent for which exemption is granted:Provided also that, if the area of such parcel of land where the exemption is granted is more than 20.2 ares, ten per cent of such land shall be set apart for water conservancy measures.(3)The decision of Government shall clearly indicate the survey number and the extent of land in each survey number for which exemption is granted, the survey number and the extent of land in which water conservancy measures are to be adopted by the applicant and a sketch of such land indicating the aforementioned details shall be appended to the order.(4)Government may, in case of non-receipt of report from the State Level Committee within the time specified in sub-section (3) of Section 8, call for a report from such other authority as may be prescribed, and proceed to make an order in writing for grant or refusal of exemption.(5)Government may either suo motu or on application from any aggrieved party cancel any order issued under this section if the conditions specified in the order of exemption are not complied by the applicant, either fully or partially.(6)No order of cancellation under sub-section (5) shall be made by the Government unless the applicant thereof has been given an opportunity of being heard in the matter.]

11. Prohibition on reclamation of wetland.

- On and from the date of commencement of this Act, the wetlands of the State shall be maintained as such and there shall be a total prohibition on reclamation of such wetland and removal of sand therefrom:Provided that nothing contained in this section shall affect the removal of slurry and mud to maintain the ecological condition of such wetland.

12. Appointment of Authorized Officers and their Powers.

(1)The Government may, by notification in the official Gazette, appoint such officers of the Revenue Department not below the rank of Revenue Divisional Officer as authorized officers and may determine the area of jurisdiction within which they shall exercise their powers under this Act.(2)The Authorized Officer may, for the purpose of inspecting whether any of the provisions of

this Act have been violated, or to prevent the commission of any of the offences under this Act-(a)enter any premises or any place connected therewith with such preparation as he thinks necessary for the inspection or investigation into the alleged offence under this Act;(b)require any person to stop any act in contravention of section 3 or section 11 ;(c)[seize any vessel, vehicle or other conveyance or any implements used or purported to be used in contravention of the provisions of this Act or seize any clay, sand, earth etc. used for filling up or removed from the paddy land or wetland in contravention of the provisions of this Act and send a report to the Collector for initiating proceedings for their confiscation;] [Substituted by Act No. 41 of 2017, dated 30.12.2017](d)require any person to furnish such information as he may consider necessary;(e)take photographs, make inventories or do other things necessary for collecting evidence regarding the commission of the offence and send a report to the Court of competent jurisdiction in order to prosecute the accused.(3)Any person required to produce any document or thing or to give any information to an authorised officer under this section shall be legally bound to do so within the meaning of section 175 and 176 of the Indian Penal Code, 1860 (Central Act 45 of 1860).(4)Every authorised officer appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).(5)If an officer authorised under sub-section (1), fails to take action on the basis of the report regarding the violation of the Act submitted by the reporting officer under section 7, he deemed to have committed an offence punishable under section 23.

13. Power of the District Collector.

(1)Notwithstanding anything contained in this Act, the [District Collector] [Substituted 'Collector' by Act No. 41 of 2017, dated 30.12.2017] may take such action, as he deems fit, without prejudice to the prosecution proceedings taken under the Act, to restore the original position of any paddy land reclaimed violating the provisions of this Act, and realize the cost incurred in this regard from the holder or occupier of the said paddy land, as the case may be, so reclaimed after giving him a reasonable opportunity of being heard.(2)[Where the decision is to restore the original position of paddy land or wetland, the District Collector may take any action in such manner, as may be prescribed, to dispose clay, sand, earth etc. removed from the paddy land or wetland in the process of such restoration and cause to remit the sums collected to the Fund.] [Inserted by Act No. 41 of 2017, dated 30.12.2017]

14. Refusal of licence by the Local Authority.

- Notwithstanding anything contained in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or in the Kerala Municipality Act, 1994 (20 of 1994) no Local Authority shall grant any licence or permit under the said Act for carrying out any activity or construction in a paddy land or a wetland [or an unnotified land] [Inserted by Act No. 41 of 2017, dated 30.12.2017] converted or reclaimed in contravention of the provisions of this Act.

15. Direction to cultivate paddy land left fallow.

- The Committee may direct the holder of any paddy land which is uncultivated and left fallow, to cultivate it by himself or through any other person of his choice, with paddy or any other intermediary crops under the provisions of this Act.

16. Fallow paddy land to be got cultivated.

(1) If the Committee is satisfied, on the basis of the reply furnished by the holder of the paddy land, that it was due to practical difficulties that he could not comply with the direction given under section 15, the Committee may request him to grant permission in writing to cause to cultivate the said paddy land through the Panchayat. (2) [On receipt of a letter under sub-section (1), the holder of paddy land shall give a reply in writing either granting or denying permission within fifteen days from the date of receipt of such letter.] [Inserted by Act NO. 41 of 2017, dated 30.12.2017] (3) If the holder of the paddy land grants permission to cultivate the said paddy land, the Committee may execute an agreement between the Panchayat and the holder of the paddy land, in such form and subject to such conditions as may be prescribed, entrusting the said paddy land to the Panchayat either to cultivate or to [get it cultivated for a period not exceeding two years at a time.] [Substituted 'get it cultivated for a fixed period' by Act No. 41 of 2017, dated 30.12.2017] (3A) [If the holder of the paddy land does not permit or does not reply to the direction under Section 15 or to the request under sub-section (1), the Committee may again request the holder of the paddy land to cultivate it by himself or through any other person of his choice or to grant permission to cause to cultivate the said paddy land through the Panchayat concerned. (3B) On receipt of a letter under sub-section (3A), the holder of paddy land shall give a reply in writing either granting or denying permission within fifteen days from the date of receipt of such letter. (3C) If the holder of paddy land fails to give a reply in writing within the period specified in sub-section (3B), it shall be deemed that the holder of the paddy land has granted permission and the Committee shall proceed under sub-section (3H). (3D) If the holder of the paddy land grants permission, the Committee may proceed as provided in sub-section (3). (3E) If the holder of the paddy land denies permission, the Committee shall refer the matter to the Revenue Divisional Officer. (3F) The Revenue Divisional Officer shall, on receipt of such reference, hear the parties concerned and dispose of the matter in thirty days and in so deciding the matter, the Revenue Divisional Officer shall take into consideration whether cultivation in such paddy land is indispensable for the cultivation of adjoining paddy land or for augmenting the paddy cultivation in the State or for such other reasons. (3G) The decision of the Revenue Divisional Officer shall be communicated to the parties concerned with reasons thereof and the order, denying or granting permission to the Committee for cultivation in such paddy land, shall be appealable before the District Court having jurisdiction as provided in Sections 104 and 107 read with Order XLIII of the Code of Civil Procedure, 1908 (Central Act 5 of 1908). (3H) If the Revenue Divisional Officer grants permission under sub-section (3F) or in the case of a deemed permission under sub-section (3C), the Committee may inform the Panchayat/Municipality/Corporation; as the case may be, in writing and the Panchayat/Municipality/Corporation may, by an order, entrust the right to cultivate the said paddy land, by auction or otherwise, for a maximum period of two years at a time and make arrangement for such cultivation as per sub-section (4): Provided that where such cultivation is ordered under sub-section (3H), out of the amount realized from such paddy

cultivation, the revenue due on the land and other dues to Government, if any, and expenses of paddy cultivation shall be first adjusted and out of the balance, ten per cent of the amount realized shall be defrayed for the agency entrusted with cultivation under sub-section (4) and the balance shall be paid to the holder of the paddy land: Provided further that, if any dispute arises relating to the amount payable to any of the parties concerned in respect of cultivation, or such other matter, it shall be adjudicated by a Civil Court having jurisdiction and if the holder of the paddy land does not accept his share as provided, such share shall be deposited in a Government account maintained by the Secretary of the Panchayat/Municipality/Corporation, as the case may be, till such time a claim is made by the holder of the paddy land or his legal heirs. (3I) Whenever a claim is made by the holder of the paddy land or his legal heirs, as the case may be, the Secretary of the Panchayat/Municipality/Corporation shall, in compliance of the judgement of the Civil Court, make payment. (3J) If the holder of the paddy land expresses his willingness to cultivate paddy in his land, at any time after entrusting the right to cultivate to any agency, the Committee shall ensure that the paddy land is restored to the holder on completion of the cultivation operations in progress, if any: Provided that, if any dispute arises regarding the date on which the cultivation process is completed or will be completed, the Committee shall obtain a report from the Agricultural Officer and shall decide the date of completion of such cultivation process and such decision shall be final.] [Inserted by Act No. 41 of 2017, dated 30.12.2017] (4) [If the Panchayat/Municipality/Corporation is not directly cultivating the paddy land entrusted to it under sub-section (3) or (3D) or (3G), it may make an order not inconsistent with the conditions of the agreement executed under sub-section (3), wherever applicable, entrusting the right to cultivate the said paddy land by auction or otherwise, for a maximum period of two years at a time and make arrangement for the same.] [Substituted by Act No. 41 of 2017, dated 30.12.2017] (5) [While entrusting the right to cultivate the said paddy land under sub-section (4), otherwise than by auction, the following order of priority of agencies shall be followed, namely:-(i) Padasekhara Samithis or Joint Farmers Societies; (ii) Self Help Groups; (iii) the Kudumbasree Units functioning in the Village Panchayat/Municipality/Corporation where the paddy land is situated; (iv) any other person: Provided that where such right is entrusted through an auction, any of the agencies specified above may participate in such auction.] [Substituted by Act No. 41 of 2017, dated 30.12.2017] (6) The [agency entrusted with the right] [Substituted 'person getting the right' by Act No. 41 of 2017, dated 30.12.2017] to cultivate the said paddy land under sub-sections (4) and (5) while returning the said paddy land shall neither cause any changes in the structure of the land making it unsuitable for cultivation nor convert or reclaim the same. (7) [The agency entrusted with the right to cultivate the paddy land under subsection (4) shall, wherever the holder of the paddy land grants permission to cultivate the said paddy land, pay in advance, the remuneration as per the agreement, to the holder of the paddy land and such sum shall form part of the cost of cultivation.] [Substituted by Act No. 41 of 2017, dated 30.12.2017] (8) Notwithstanding anything contained in this section, if an owner of paddy land is unable to cultivate his paddy land by himself, he may request the Committee if he so desires, to entrust his paddy land with the Panchayat for cultivation even without the receipt of a notice under this section. (9) [The holder of the paddy land whose paddy land has been entrusted for cultivation by the Panchayat/Municipality/Corporation with an agency under subsection (4) shall be deemed to be a licensor and the agency entrusted with such cultivation shall be deemed to be a licensee as envisaged in the Indian Easements Act, 1882 (Central Act V of 1882) and the provisions of the said Act, mutatis mutandis, shall apply to the disputes between the holder of the paddy land and the

agency entrusted with cultivation: Provided that in the event of the licensor alienating the paddy land by way of a sale, gift, mortgage or otherwise, during the period for which the cultivation is arranged by the Panchayat/Municipality/Corporation, the new holder of the paddy land shall be deemed to be the licensor for the remaining period of cultivation. (10) The agency to whom the cultivation of paddy land is entrusted under subsection (4) shall, - (i) be entitled to an undisturbed right to cultivate paddy for the period for which the cultivation is entrusted; (ii) be entitled to obtain crop insurance, relief from Disaster Response Fund or any other benefits or facilities provided to farmers by the State Government during the period for which the cultivation is entrusted; (iii) not cause any damage to the paddy land and shall be liable to the holder of the paddy land for damage caused, if any; (iv) not disturb the boundary of the land and survey stones during the period for which the cultivation is entrusted; (v) not extract sand or any minerals from the paddy land; (vi) not build permanent structures or fixtures on the paddy land without the written permission of the landowner: Provided that the permission granted to build permanent structures or fixtures shall not make the license irrevocable. (11) On the expiry of the period for which the paddy land is entrusted to the agency for cultivation, the license arrangement shall be deemed to have been terminated. (12) The cultivation by the Panchayat/Municipality/Corporation or the cultivation through auction or by an entrusted agency under sub-section (4) shall be subject to the condition that the paddy land is cultivated with paddy and on failure to do so, the Panchayat/Municipality/Corporation or the agency entrusted to cultivate shall be liable to be evicted summarily by the Revenue Divisional Officer, on application by the holder of the paddy land or the Committee or the Panchayat/Municipality/Corporation or upon his own knowledge, before the expiry of the period for which the cultivation is entrusted and such Panchayat/Municipality/Corporation or agency, as the case may be, shall also be liable for any loss arising out of such omission to cultivate: Provided that before such eviction, the Panchayat/Municipality/Corporation or the agency entrusted to cultivate shall be given an opportunity of being heard.] [Inserted by Act NO. 41 of 2017, dated 30.12.2017]

17. Eviction of Person to whom the right has been entrusted in certain cases.

- The person entrusted with the right to cultivate a paddy land shall have no right whatsoever, except to cultivate the same with paddy or such other crop as provided in this Act, and to take the proceeds thereof and after the expiry of the period for which such right has been accrued or after the termination of such right, as the case may be, he shall be liable to be summarily evicted, if he continues in possession of such paddy land after such expiry or termination.

18. Special power of the Collector.

(1) The Collector may take or cause to be taken proceedings as may, in his opinion, be reasonable for the compliance of an order issued under the provisions of this Act.

19. Power of entry and seizure.

(1) Any officer of the Revenue Department not below the rank of a Revenue Divisional Officer or any Officer authorised by the Government in this behalf or any police officer not below the rank of a Sub Inspector, with a view to ensure the compliance of the provisions of this Act, may enter and search

any premises and seize any vessel, vehicle or any other conveyance [or any clay, sand, earth etc. removed from the paddy land or wetland] [Inserted by Act No. 41 of 2017, dated 30.12.2017] or machinery used or deemed to have been used for any activity in contravention of the provisions of this Act, and a report regarding such seizure, whether prosecution proceedings have been initiated or not, shall be given to the Collector having jurisdiction over that area within forty eight hours of such seizure.(2)The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to search and seizure shall, so far as may be, apply to search and seizure under this Act.

20. Confiscation of vessel, vehicle, etc.

(1)After obtaining a report regarding seizure under section 12 or section 19, the [District Collector] [Substituted 'Collector' by Act No. 41 of 2017, dated 30.12.2017] may, if he thinks fit, order confiscation of the object seized:Provided that the owner or the person in custody of the same, shall be given an option to pay, in lieu of its confiscation, a sum equal to one and a half times the value of the seized articles, as may be determined by the District Collector.[Provided further that the District Collector may take any action, in such manner' as may be prescribed, to dispose the seized clay, sand, earth etc. and cause to remit the sums collected to the Fund.] [Inserted by Act No. 41 of 2017, dated 30.12.2017](2)No order of confiscation under sub-section (1) shall be made by the District Collector unless the owner thereof has been given an opportunity of being heard in the matter.(3)No order of confiscation under sub-section (1) shall be invalid merely by reason of any defect or irregularity in the notice given under sub-section (2), if the provisions have been substantially complied with.

21. Appeal against confiscation.

- Any person aggrieved by an order of confiscation under section 20 may within thirty days from the date of communication to him of such order, appeal to the District Court having jurisdiction over the area in which the articles were seized and the District Judge shall, after giving the parties a reasonable opportunity of being heard issue such order either confirming, amending or annulling the order appealed against.

22. Award of confiscation not to interfere with other punishments.

- The award of any confiscation under this Act by the District Collector shall not affect the infliction of any punishment to which the person affected thereby is liable under this Act.

23. Penalty.

- Any person who in violation of the provisions of this Act converts or reclaims any paddy land or wetland notified under sub-section (4) of section 5, shall on conviction be punishable with imprisonment for a term which may extend to [three years] [Substituted 'two years' by Act No. 41 of 2017, dated 30.12.2017] but shall not be less than six months and with fine which may extend to one lakh rupees but shall not be less than fifty thousand rupees.

24. Offences by Companies.

(1) If the person contravening the provisions of this Act is a company, every person who, at the time when the contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the Company, as well as the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the contravention took place without his knowledge or that he had exercised due diligence to prevent such contravention. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation. - For the purpose of this section - (a) 'Company' means a body corporate and includes a firm or other association of individuals; and (b) Director in relation to a firm means a partner in the firm.

25. [[Omitted by Act No. 41 of 2017, dated 30.12.2017]

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25. Cognizance of offence.- No court below the rank of Chief Judicial Magistrate Court shall take cognizance of any offence punishable under this Act except on a report in writing of the fact constituting such offence by an officer authorised under sub-section (1) of section 12.

26. Grant of injunction etc., by civil courts.

- No civil court shall grant an injunction or make any order for any other relief against the Government or any officer authorised under this Act, in respect of any act done or purporting to be done by the Government or such officer under this Act or the rules or notifications made thereunder, unless notice of such injunction or other relief has been given to the Government or such officer, as the case may be.

27. Sums due recoverable as arrears of land revenue to Government.

- Any amount due to the Government under the provisions of this Act shall be deemed to be arrears of revenue due on land and shall, without prejudice to any other mode of recovery, be recoverable under the Revenue Recovery Act for the time being in force.

27A. [Change of nature of unnotified land. [Inserted by Act No. 41 of 2017, dated 30.12.2017]

(1) If any owner of an unnotified land desires to utilise such land for residential or commercial or for other purpose, he shall apply to the Revenue Divisional Officer for permission in such manner as

may be prescribed.(2)Notwithstanding anything contained in any judgement, decree or order of any Court or Tribunal or any other authority, the Revenue Divisional Officer may, after considering the reports of the Village Officer concerned, pass such orders as deemed fit and proper, on such applications, ensuring that there is no disruption to the free flow of water to the neighbouring paddy lands, if any, through such water conservancy measures as is deemed necessary:Provided that, if the area of such parcel of land where the application is allowed is more than 20.2 ares, ten per cent of such land shall be set apart for water conservancy measures.(3)If the application is allowed, the applicant shall be liable to pay a fee at the rate of fifty per cent of the fair value of such parcel of land, for effecting changes in revenue records.(4)If the application is allowed, the Revenue Divisional Officer shall ensure that the reclamation in the un-notified land shall not adversely affect the cultivation of paddy or any other crops, if any, in the adjoining land and shall specify such water conservancy measures as is necessary to ensure such cultivation:Provided that in specifying such water conservancy measures, the Revenue Divisional Officer may, if he deems fit, refer to satellite maps of the area maintained by Government agencies.(5)No permission under this section shall be necessary where the purpose for which the un-notified land is converted or attempted to be converted or utilized or attempted to be utilized is for paddy cultivation.(6)No permission under this section shall be necessary for constructing a residential building having a maximum area of 120 square metres situated in a maximum extent of 4.04 ares of land or a commercial building having a maximum area of 40 square metres situated in a maximum extent of 2.02 ares of land:Provided that the construction of a housing complex or complexes or flats or multi-storied residential complexes shall not come within the meaning of residential building specified in this sub-section:Provided further that this exemption shall be granted only once.(7)The exemption under sub-section (6) shall be applicable only to owners of un-notified lands as on the date of commencement of this Ordinance:Provided that if the area of the residential building or commercial building exempted under sub-section (6) is subsequently increased by new extension, the exemption under sub-section (6) shall cease to have effect and the owner of the land as on the date of detection of the new extension shall be liable to pay fee as per sub-section (3).(8)Where conversion of an un-notified land is required for any public purpose, the Revenue Divisional Officer shall submit a report to Government outlining the measures to be adopted to ensure that the reclamation shall not disrupt the free flow of water to the neighbouring paddy lands, if any, and shall suggest such water conservancy measures as is necessary to ensure this.(9)Government may, on receipt of a report under sub-section (8), issue permission to reclaim un-notified land for public purpose:Provided that where permission is granted, Government may make necessary modifications to the recommendations of the Revenue Divisional Officer as deemed fit:Provided further that, if the area of such parcel of land where the application is allowed is more than 20.2 ares, ten per cent of such land shall be set apart for water conservancy measures.(10)The order issued under sub-section (2) and (9) shall clearly indicate the survey number of the lands and the extent of the land in each survey number for which sanction has been accorded, the extent of the land in which water conservancy measures are to be adopted by the applicant and a sketch of such land indicating the aforementioned details shall be appended to the order.(11)The Revenue Divisional Officer may, either suo moto or on the application of any aggrieved party, cancel any order issued under sub-section (2) if the conditions specified in the order issued therein are not complied by the applicant, either fully or partially.(12)No order of cancellation under sub-section (11) shall be made by the Revenue Divisional Officer unless the applicant thereof has been given an opportunity of

being heard in the matter.

27B. Appeal.

(1) Any person aggrieved by an order of the Revenue Divisional Officer under sub-section (2) of Section 27A may prefer an appeal to the District Collector within thirty days from the date of receipt of the order. (2) Every appeal preferred under sub-section (1) shall be accompanied by a certified copy of the order appealed against and an appeal fee of rupees five thousand. (3) The District Collector may, after giving an opportunity to the appellant to be heard, dispose of the appeal as expeditiously as possible. (4) The order in appeal shall be final and shall not be challenged in any Civil Court.

27C. Changes in records.

(1) Notwithstanding anything contained in any other law for the time being in force or in any judgement, decree or order of any Court, Tribunal or any other Authority, wherever a part of a survey number or subdivision is permitted to be converted under Sections 8, 9, 10 or 27A of this Act, a new subdivision shall be created for the extent for which such orders for conversion are issued. (2) Where the paddy land or un-notified land is duly converted as per the provisions of this Act, the Tahsildar shall reassess the land tax under Section 6A of the Kerala Land Tax Act 1961 (13 of 1961) and make necessary entries in revenue records relating to such lands. (3) Where such changes are recorded in revenue records, the number and date of the order and the authority granting sanction, the survey number of the lands for which sanction has been accorded, extent of the land in each survey number for which sanction has been accorded and the revised land tax shall be clearly recorded ensuring that the old entries are legible. (4) Tahsildar shall conduct periodical checks to ensure that changes in revenue records are in accordance with sub-section (3). (5) No attempt shall be made to alter or change or modify the revenue records relating to the paddy land or wetland or unnotified land otherwise than in accordance with sub-section (3).

27D. Establishment of a Development Fund.

(1) There shall be established a Development Fund, referred to as "the fund", for the purposes of this Act. (2) All sums realized under this Act shall be deposited in the fund. (3) The fund shall be utilized for the expenditure necessary to, - (i) undertake development schemes in the State; (ii) restore a paddy land or wetland or un-notified land to its original position; (iii) audit accounts, under sub-section (4); (iv) meet any other expense incurred by the Collector for the purposes of this Act; (v) meet any other expenses as Government may order in public interest. (4) The management of the fund shall be vested with a State level officer designated by the Government, and shall be audited annually by a Chartered Accountant and also liable to be audited by the Accountant General. (5) The collection, management and utilization of the Fund shall be in such manner, as may be prescribed.]

28. Revision.

- The Government may either suo motu or on application from any aggrieved party call for the records of any act or proceedings of the Collector in any case under this Act, and pass such orders thereon, as it may deem fit.

29. Protection of action taken in good faith.

(1) No suit, prosecution for other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any provisions of this Act. (2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any provisions of this Act or the rules made thereunder.

30. Power to make rule.

(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act. (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.