

Copy of Government circular No.68/86/Fin. dated 27-9-1986 from the Government of Kerala, Finance (Budget Wing) Department, Trivandrum.

Sub:- Land Acquisition - providing of funds Instruction – regarding.

The Land acquisition Act 1984 (Central Act 1 of 1984) came into force in the State with effect from 24-9-1984 by the enactment of the Land acquisition (amendment) Act 1984. Section 11 A of the act stipulates that Land acquisition awards should be passed within a period of two years from the date of publication of the declaration under section 6(1). If no award is made within that period, the entire proceedings for the requisition of the land will lapse and fresh proceedings have to be initiated,.

2. It has also been provided that in cases where the declaration has been published before the commencement of the Amendment Act the award should be made within a period of two years from such commencement. By virtue of this provision all land acquisition proceedings in which the declarations under section 6(1) have been passed before 24-9-1984 and where awards have not been passed before 24-9-1986 have lapsed. If the land acquisition proceedings are to be continued in any of these cases it would have to be by initiating fresh proceedings under the Act.

The above provision has been brought to the notice of hands of departments through various circular instructions from the revenue department. Despite these instructions several Administrative Departments came up with last minute requests to the Finance Department for allocation of funds to complete Land Acquisition proceedings. The many of the cases, it was seen that the Land Acquisition proceedings were started without consulting the Finance/Planning Departments and without ensuring adequate budgetary allocations. Similarly, in certain cases it was observed that land acquisition is ordered without getting orders of the competent authority even on items involving 'New Service'. According to the Business Rules, if the non-recurring expenditure on New /service exceeds Rs.. 50,000/- approval of Council of Ministers is necessary. Hence the requests of the Administrative Department for the enhancement of plan ceiling. The following instructions are therefore issued for the future.

- i) The Administrative Department should invariably obtain the clearance of Planning and Economic Affairs Department and Finance Department prior to commencement of the Land Acquisition Proceedings and the approval of council of Ministers, if expenditure is on 'New Service'. In the case of Land Acquisition for non-play item, the clearance of Finance Department should be obtained.
- ii) As regards cases which have lapsed by 24th September, 1986 their revival would be subject to close scrutiny for which in the Administrative Departments should undertake a critical reappraisal of the need to revise the Land Acquisition proceedings. If the decision is to revive the proceedings, a time span in which the Land Acquisition proceedings can be completed should be determined and adequate provision should be proposed in the budget for 1987-88 with connected files obtained for the proposed land acquisition.

The concerned heads of Departments should ensure in all such cases that adequate budgetary a location for the purpose is proposed in their draft plan proposals showing the priority of each cases.

V. Ramachandran,
Chief Secretary.

To

All Heads of Department.

Endt. on L5-35987/86 dated 23-10-86.

Chief Conservator's Office,
Trivandrum

Copy forwarded to Conservator of Forests, Quilon, and Kottayam, Trichur, Kozhikode, Vested Forest Kozhikode and Field Director (Project Tiger) Kottayam.

Copy to all Divisional Forest Officers. (Copy)

Endt. on D-4628/86 dated 22-11-86

Copy to TR, GH, VC, ML Sections.

For Conservator of Forests, Trichur