

GOVERNMENT OF KERALA

ABSTRACT

Assignment- Assignment of land outside the forest and project areas- Government orders for assignment of land- Clarifications- issued.

REVENUE (A) DEPARTMENT

G.O. Ms. 790/65/RD

Dated, Trivandrum, 9-10-1965.

- Read:-
1. G.O.(P) 98/Agri. Dated 30-1-1963.
 2. G.O.MS. 221/63/Agri. Dated 2-3-1963.
 3. G.O.(P) 200/Rev. dated 23-3-1964.
 4. Letter LRJ 1-39432/64 dated 27-8-1964 from the Board of Revenue.
 5. Letter G1- 40586/64 dated 24-2-1964 from the Chief Conservator of Forests.

ORDER

In the Government orders read as first and second papers above the Government issued orders on the report of the Forests presentation Committee, for the protection of Forest and project areas and for the settlement of the human problems raised by a large number of settlers. In the G.O. read as third paper above , Government issued the Kerala Land Assignment Rules 1964 prescribing the procedure to be followed in the assignment of Government lands in rural areas. In the letter read as Forth paper the Board of Revenue has reported that there are points of conflict between the Kerala Land Assignment Rules, 1964 and the orders in G.O. (P) 68/63/Agri, dated 31-1-1963.The Government have examined the points raised by the Board of Revenue and are pleased to issue the following Clarifications:-

1. It is stated that a crucial date of occupation has been fixed in G.O. (P) 98/63/Agri. Dated 30-1-1963 namely 1-1-1960. Occupations prior to 1-1-1960 and occupations after 1-1-1960 are treated differently. No such date has been fixed under the land Assignment Rules.

The Board of Revenue is informed that there is no contradiction between the Kerala Land Assignment rules 1961 and G.O. (P) 98/Agri, dated 30-1-1963 on this point. Under the Land Assignment Rules only those in occupation of assignable land are eligible to get the Lands assigned in their favors subject to other conditions. The G.O. is applicable for the rehabilitation of those evicted from areas to be preserved as forests or required for projects. Obviously these lands are not assignable lands. The G.O. lays down that when persons in occupation of such lands are evicted as a matter of concession, those who were

in occupation prior to 1-1-1960 will be rehabilitated and assigned lands as specified in the G.O. Thus the fixing of a crucial date in the G.O. for determining the eligibility of an evicted person for alternate land is not against the Land Assignment rules.

(ii) The Board of Revenue has stated that the principles laid down in the two orders regarding the maximum extent of land that can be assigned to an individual are different.

The Board is informed that the provisions in G.O. (p) 98/63/Agri. Dated 30-1-1963 regarding the extent of land should prevail in the case of persons evicted for purpose of projects and for preservation, subject to the ceiling area applicable to such family under the Kerala Land reforms Act 1963.

The extent mentioned in the rule G.O. is in terms of dry lands. The ratio between dry and wet lands mentioned in the noted under sub- rule 1 of rule 5 of Land Assignment rules may be adopted for the purpose of the above G.O.

(iii) In G.O. (P) 98/63/ Agri. Dated 30-1-1963 the land value at a rate varying from Rs. 25/- to Rs 100/- per acre according to different categories of soil is mentioned without specifying the categories of land and the rates of land value payable to each.

The land value is fixed for different categories of land in rule 10 (2) of the land Assignment rules and this rate is applicable in the case of assignment of land to those evicted in pursuance of the G.O.

(iv) There is no provision in G.O. (p) 98/63/Agri dated 30-1-1963 for levy of survey and demarcation charges. The Board of Revenue is informed that the survey and demarcation charges are to be levied as provided for in the Land Assignment Rules.

(v) The issue of Provisional patta as per G.O.(P) 98/63/ Agri. Dated 30-1-1963 is conditional on the payment of arrears of land tax with effect from 1-1-1960. The doubt raised is whether nothing is to be realized by any by way of arrears of land tax for the period of occupation, if any , prior to 1-1-1960. Para 20 of the G.O. does not relate to persons who have been evicted from areas to be preserved and assigned Lands elsewhere. Arrears mentioned therein relates to arrears on land to be assignment. This is applicable only in preserved refereed to in paras 17, 18, and 19 of the G.O. The arrears in such cases will be collected as mentioned in para 20.

(vi) Another point raised by the Board is that the G.O. does not contemplate facilities for payment of areas of assignment , three value etc. in installments in deserving cases as in the Land Assignment Rules.

The Board is informed that the assignment of lands transferred from the Forest Department is also to be made under the Land Assignment rules and as such installment payment can be allowed as per rules.

(vii) No concession is contemplated in G.O. (P) 98/63/Agri, dated 30-1-1963 in the matter of assignment to scheduled castes and Tribes.

The Board of Revenue is informed that the concessions applicable to the scheduled castes and Tribes under the Land Assignment Rules are applicable in the assignment Rules are applicable in the assignment id lands under the G.O.

(viii) No application for assignment of land has been prescribed in G.O. (P) 98/63/Agri. Dated 30-1-1963.

The Board is informed that applications are prescribed in the Land Assignment Rules are to be obtained for the assignment of lands.

(ix) The authority for the grant of land under G.O.(P) 98/63/Agri. Dated 30-1-1963 has not been specified in the G.O.

The Board of Revenue is informed that there is no necessity to specify the authorities in the above G.O. since the assignment is to be made under the L.A. rules by the authorities competent under the rules.

(By order of the Governor)

Sd/- Revenue Secretary.

Endt. On G1-40586/64 dated 26-10/4-11-1965.

Copy to all sub offices for information.
Copy to D1, G2, G3& G5 Supdt. And stock file.

Chief Conservators office
Trivandrum.

Sd/-

For Chief Conservator of Forests.

Endt. On F.Dis. (ML) 20616/65 dated 9-11-1965.

Copy to /all Divisional Forest officers.
Copy to Section TR, Ch and KT.
Copy to Stock and Circular files.

Conservators office,
Chalakudy.

For Conservator of Forests.