



The Kerala Land Acquisition (Amendment) Act, 1966

Act 4 of 1966

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ACT 4 OF 1966

THE KERALA LAND ACQUISITION (AMENDMENT) ACT, 1966 [\[1\]](#)

Enacted by the president in the seventeenth year of the republic of india.

An Act to amend the Kerala Land Acquisition Act, 1961.

In exercise of the powers conferred by section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965 (12 of J 965), the President is pleased to enact as follows :—

1. *Short title and commencement.* —(1) This Act may be called the Kerala Land Acquisition (Amendment) Act, 1966.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendment of section 6.*—In section 6 of the Kerala Land Acquisition Act, 1961 (Kerala Act 21 of 1962), (hereinafter referred to as the principal Act),—

(i) to sub-section (1), the following proviso shall be added, namely :—

" Provided that no such declaration shall be made in respect of a land after the expiry of a period of two years from the date of the publication of the notification under subsection (1) of section 3 in respect of such land.";

(ii) after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) Where no declaration under this section is made in respect of a land within the period specified in the proviso to sub-section (1), the notification under sub section (I) of section 3 in respect of such land shall be deemed to have been cancelled.”.

3. *Amendment of section 43.*—In sub-section (1) of section 43 of the principal Act, after clause (a), the following clause shall be inserted, namely :—

" (aa) that such acquisition is needed for the construction of some building or work for a company which is engaged, or is taking steps for engaging itself, in any industry or work which is for a public purpose, and that the building or work which such company is intending to construct is meant to subserve the public purpose of the industry or work for which it is being constructed, or "

4. *Amendment of section 44.*—In section 44 of the principal Act,—

(a) for the words “ the purpose of the proposed acquisition is to obtain land for the erection of dwelling-houses for workmen employed by the company or for the provision

of amenities directly connected therewith, or that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, or that the proposed acquisition is for a purpose calculated to promote and develop agriculture, industry or co-operation", the words, brackets, letters and figures" the proposed acquisition is for any of the purposes referred to in clause (a) or clause (aa) or clause (b) or clause (c) of sub-section (1) of section 43 " shall be substituted ;

(b) in clause (4), the word "and " occurring at the end shall be omitted, and after that clause, the following clause shall be inserted, namely :—

" (4A) where the acquisition is for the construction of any building or work referred to in clause (aa) of sub section (1) of section 43, the time within which, and the conditions on which, the building or work shall be constructed or executed ; and "

5. *Insertion of new sections 45 A and 45B.*—In Part VII of the principal Act, after section 45, the following sections shall be inserted, namely:—

"45A. *Restriction on transfer, etc.*— No company for which any land is acquired under this Part shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise, except with the previous sanction of the Government.

45B. *Land not to be acquired under this Part except for certain purpose for private companies other than Government companies.* —Notwithstanding anything contained in this Act, no land shall be acquired under this Part, except for the purpose mentioned in clause (a) of sub-section (1)

of section 43 for a private company which is not a Government company.

Explanation,—" Private company" and "Government company " shall have the meanings respectively assigned to them in the Companies Act, 1956 (Central Act I of 1956).'

6. *Substitution of new sections for sections 46 to 48.*—For sections 46 to 48 of the principal Act, the following sections shall be substituted, namely : —

'46. *Provisions of this Part applicable in the case of specified projects.* —The provisions of this Part shall apply to the acquisition of land in such project area as may be specified by the Government by notification under section 47 A :

Provided that such provisions shall not apply to any acquisition of land in a project area where the notification under sub-section (1) of section 3 in respect of the acquisition is not published within three years from the date of the publication of the notification under section 47A.

47. *Definitions.* —In this Part, unless the context otherwise requires,—

(i) " project area " means the area covered by one or more revenue villages or survey numbers, the whole or any portion of which is needed or is likely to be needed for a project purpose ;

(ii) " project purpose " means the purpose of execution, expansion or development of a project.

47A. *Notification declaring projects to which the provisions of this Part shall apply.*— Where the Government are of opinion that as a result of a project undertaken or proposed to be undertaken by them, there is likelihood of a speculative rise in the land value in the project area, they may, by notification in the Gazette, specify the project area.

48. *Acquisition of land in project areas.* —Whenever land is proposed to be acquired in a project area, the provisions of this Act shall apply subject to the following modifications, namely :—

(1) for section 11, the following section shall be substituted, namely :—

'11. *Enquiry and award by Collector.* —On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into—

(a) the objections, if any, which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8 ;

(b) the value of the land at the date of the publication of the notification under section 47 A;

(c) the value of any improvements to the land effected after the date referred to in clause (b) and before the date of the publication of the notification under sub-section (1) of section 3 ;

(d) where there has been a normal rise in land value in the locality in which the project area lies after the date of the publication of the notification under section 47A and before the date of the publication of the notification under sub-section (1) of section 3, such rise in price ;

(e) the value of the land at the date of the publication of the notification under sub-section (1) of section 3; and

(f) the respective interest of the persons claiming the compensation, and shall make an award under his hand of—

(i) the true area of the land;

(ii) the compensation which in his opinion shall be allowed for the land; and

(iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

Explanation.— For the purposes of this section and clause *first* of sub-section (1) of section 25, the expression "land value" shall mean value of land not including improvements thereon. ';

(2) in sub-section (1) of section 25, for clause *first*, the following clause shall be substituted, namely:—

"first, (a) the market value of the land at the date of the publication of the notification under section 47A, the value of any improvements to the land effected after that date and before the date of the publication of the notification under sub-section (1) of section 3, and, where there has been a normal rise in land value in the locality in which the project area lies after the date of the publication of the notification under section 47A and before the date of the publication of the notification under sub-section (1) of section 3, such rise in price subject to a maximum of twenty per cent, of the market value of the land at the date of the publication of the notification under section 47A, or

(b) the market value of the land at the date of the publication of the notification under sub-section (1) of section 3, whichever is less;"

7. *Validation of certain acquisitions.* —Notwithstanding any judgment, decree or order of any court, every acquisition of land for a company made or purporting to have been made under Part VII of the principal Act or under the corresponding provisions of any of the Acts repealed by the principal Act before the date of the commencement of this Act shall, in so far as such acquisition is not for any of the purposes mentioned in clause (a) or clause (b) or clause (c) of sub-section (1) of section 43 of the principal Act, or the corresponding provisions of any of the Acts repealed by the principal Act, be deemed to have been made for the purpose mentioned in clause (aa) of the said sub-section,

and accordingly every such acquisition and any proceeding, order, agreement or action in connection with such acquisition shall be, and shall be deemed always to have been as valid as if the provisions of sections 43 and 44 of the principal Act, as amended by this Act, were in force at all material times when such acquisition was made or proceeding was held or order was made or agreement was entered into or action was taken.

Explanation.— In this section, "company" has the same meaning as in clause (4) of section 2 of the principal Act.

THE KERALA LAND ACQUISITION (AMENDMENT) ACT 1980 [\[1\]](#)

(Act 3 of 1981)

An Act further to amend the Kerala Land Acquisition Act, 1961 .

Preamble. -WHEREAS it is expedient further to amend the Kerala Land Acquisition Act, 1961, for the purposes hereinafter appearing;

BE it enacted in the Thirty-first Year of the Republic of India as follows:-

1. *Short title and commencement* .-(1) This Act may be called the Kerala Land Acquisition (Amendment) Act, 1980.

(2) Section 6 shall be deemed to have come into force on the 1 st day of May, 1977 and the remaining provisions of this Act shall be deemed to have come into force on the 4 th day of November, 1980.

2. *Amendment of section 3* .-In section 3 of the Kerala Land Acquisition Act, 1961 (21 of 1962) (hereinafter referred to as the principal Act), in subsection (1), after the words “in the Gazette”, the words “or in two daily newspapers having wide circulation in that locality” shall be inserted.

3. *Amendment of section 5*.-In section 5 of the principal Act, in sub section (1), for the words “issue of the notification”, the words “publication of the notification” shall be substituted.

4. *Amendment of section 6*.-In section 6 of the principal Act,-

(a) in the proviso to sub-section (1), for the words “two years”, the words “three years” shall be substituted;

(b) in sub-section (2), after the words “in the Gazette”, the words “or in two daily newspapers having wide circulation in the locality in which the land to which the declaration relates is situate” shall be inserted.

5. *Amendment of section 9*.-In section 9 of the principal Act, in sub-section (5), after the words “in the Gazette”, the words “or in two daily newspapers having wide circulation in the locality in which such land is situate” shall be inserted.

6. *Amendment of section 16*.-In section 16 of the principal Act,-

(a) in sub-section (1),-

(i) for the words “agree as to the amount of compensation”, the words, brackets and figures “agree, whether before or after the date of publication of the notification under subsection (1) of section 3, as to the amount of compensation” shall be substituted:

(ii) the following proviso shall be inserted at the end, namely:-

“Provided that an agreement executed before the date of publication of the notification under subsection (1) of section 3 shall not be binding on the persons interested after the expiry of four years from such date.”;

(b) in subsection (2), for the words “shall be conclusive evidence”, the words, brackets and figure ‘shall, subject to the proviso to sub-section (1) be conclusive evidence’ shall be substituted.

7. Validation .-Notwithstanding anything contained in any judgment decree or order of any court, any agreement as to the amount of compensation to be allowed for any land to be acquired under the principal Act executed after the 1 st day of May, 1977 and before the date of commencement of this section shall not be deemed to be invalid or ever to have been invalid merely by reason of the fact that such agreement was executed before the date of publication of the notification under sub-section (1) of section 3 of the principal Act in respect of such land.

8. Repeal and saving .-(1) The Kerala Land Acquisition (Amendment) Ordinance, 1980 (6 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

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