

THE KERALA RIGHT TO A SMALL FARM AND SHELTER BILL

A bill to provide a minimum extent of 5 cents of land and a small shelter to the landless and shelter less belonging to Below Poverty Line category of people as part of the constitutional right to lead a life with dignity.

BE it enacted in the Fifty Ninth Year of the Republic.

1. *Short title, extent and commencement of the Act.*—(1) This Act shall be called The Kerala Right to Small Farm and Shelter Bill—
(2) It shall extend to the whole of the State of Kerala.
(3) It shall come in to force on such date as the State Government may notify in the Gazette.

2. *Definitions.*—(a) *For the purposes of this Act unless the context otherwise requires.*—
‘Collector’ means the District Collector.
(b) ‘Family’ means a person his wife and minor children belonging to below poverty line category of families.
(c) ‘Person’ means a person belonging to the below poverty line category.
(c) ‘Shelter’ means a residential accommodation to accommodate an individual or a family consisting of not more than 4 persons, the cost of construction of which is not more than Rs. 50, 000 or such other amount which the Government may fix from time taking note of the cost of construction materials, the area in which the shelter is going to be put up etc.
(d) ‘Shelter Committee’ means a Committee constituted under Section 3 of this Act.
(e) ‘Small farm’ means a plot of land not exceeding 5 cents in extent and either suitable or which can be made suitable for putting up a shelter.

3. *Constitution of Shelter Committees.*—(a) Within a maximum period of 6 months from the date of Commencement of this Act, every Collector shall constitute for each Grama Panchayat within his jurisdiction, a Committee called ‘Shelter Committee’ consisting 5 members. Of the 5 members, three shall be the president, opposition leader and the secretary of the Grama Panchayat for which the Committee is constituted. The other two members may be nominated from a list of members of the village Panchayats situated within the area of the Grama Panchayat concerned preferably the presidents of two such Village Panchayats.

- (b) The terms and conditions of the members of the Committee may be as prescribed by the Government by rules.
(c) Shelter Committees shall function under the Collector in accordance with the Rules framed under this Act.

4. Application for allotment of land and or shelter.—(a) Any person or family having no land or land less than 3 cents in extent and no shelter may apply to the shelter committee in the prescribed form for allotment of a farm as defined in this Act with or without a shelter therein for the use of himself or his family. In the case of applicants owning land below 3 cents only such extent of land sufficient to make the total extent to be 5 cents, need be allotted.

(b) On receipt of an application under clause (a) above, the Committee shall cause such enquiries to be conducted as may be prescribed and pass orders after giving the parties an opportunity to be heard, giving reasons for their finding.

(c) In case an application is found to be allowable the Committee may direct allotment of 5 cents of land or such extent of land sufficient to have a farm to put up a shelter incurring an expenditure to the extent of Rs.50, 000 or such other amount determined by the Committee as reasonably sufficient for putting up a shelter for the applicant taking note of his or her needs.

(d) Any person aggrieved by an order passed under clause (b) may prefer an appeal before the collector within whose jurisdiction the Committee is functioning. The Collector may dispose of the appeal after hearing the parties, making such enquiries as he may consider fit to do and going through the report of the Committee if any submitted by the Committee on his request. The order passed by the Collector shall be final.

(e) Orders passed under this section shall be executed by the officer of the revenue notified by the Government for that purpose within a maximum period of 6 months from the date of the order.

(f) If any order passed under this Section remains unexecuted for more than 6 months the same can be brought to the notice of the Collector by the affected party and the Collector shall in such cases call for explanation from the concerned officer responsible for enforcement of the order and shall take appropriate disciplinary proceedings against him and if found guilty be dealt with appropriately.

5. Application for assistance to put up shelter.—(a) Any person or family having land not more than 5 cents may apply for financial assistance for putting up a shelter in the land scheduled to the application for an amount not exceeding Rs. 50, 000 or such other sum determined by the Committee for use as a shelter for himself and his family in the prescribed form along with an affidavit stating that he has no financial capacity to put a shelter within a reasonable period.

(b) On receipt of an application under clause (a) the Committee shall conduct such enquiries as may be prescribed and shall give the applicant a fair opportunity of being heard and pass appropriate orders allowing or rejecting the application within a maximum period of 6 months, giving reasons for its finding. The Committee may take its decision unanimously or by majority. If the application is found to be allowable an order for allotment of funds not more than Rs. 50, 000 or such other amount as determined by the Committee subject to such terms and conditions prescribed may be passed.

(c) Any person aggrieved may file an appeal before the Collector who shall dispose of the appeal after making such enquiries as found necessary. The order passed by the Collector in the appeal shall be final.

(d) The orders passed by the Committee under clause (b) or in the appeal under clause (c) shall be executed by the concerned officers of the revenue as early as possible at any rate within 3 months from the date of the order failing which the Collector shall take steps to call for explanations from the concerned officials and take appropriate disciplinary proceedings against the officer for dereliction of duty if any found.

6. Any person interested in the proceedings under Sections 4 and 5 may get impleaded in proceedings either to support or oppose it.—(a) Any person interested in opposing or supporting the prayer made in any application under Section 4 and 5 may intervene in the proceedings with the permission of the Committee and may bring to the notice of the Committee facts and circumstances in support of the prayer or to oppose it.

(b) If the Committee finds that the intervention was not bonafide, the intervener may be directed to pay costs to the applicant or the State as decided fit by the Committee.

7. Government may constitute Free Shelter Fund.—(a) On and after the commencement of this Act the Government may constitute a fund called Free Shelter Fund for acquiring land if Government land is not available for allotment and for allotting funds needed for putting up shelter in the land allotted to the applicants under this Act by making appropriate provisions in the budget or in any other manner found fit by the Government.

(b) Out of the fund constituted under clause (a) Government shall allocate such funds as are fund necessary by the Government to each Collector so that orders for allotment of land and money passed by the shelter Committees can be executed in time avoiding delay.

(c) To enable the Collector to make necessary requisition for amounts estimated to be needed for implementing the orders passed by the committee, the Secretary of the Committee shall forward copies of executable orders passed by the Committee as soon as the order is pronounced.

8. Shelter Committee shall keep a register of farm and shelters provided under the Act.—

(a) The Shelter Committee shall keep a registrar containing the prescribed details of the farm or/and shelter granted by it under the Act. The Committee shall also annually submit a report to the Collector and the Government containing the details of the applications filed before it and the farms and shelters allotted by it under the Act.

(b) On receipt of such report from the Committee, Government shall place a copy of such report before the Assembly.

9. Rule Making Power.—Government shall have power to frame appropriate Rules found necessary for implementing the provisions of the Act effectively
