

## **THE KERALA URBAN LAND (CEILING AND REGULATION) BILL**

A BILL to provide for the imposition of a ceiling on urban land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to prevent the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good.

Preamble.— WHEREAS it is expedient to provide for the imposition of a ceiling on urban land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith and

WHEREAS with a view to prevent the concentration of urban land in the hands of a few persons and speculation and profiteering therein and

WHEREAS with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good.

BE it enacted in the Fifty Ninth Year of the Republic of India as follows:

### **CHAPTER I**

#### **PRELIMINARY**

1. Short title, application and commencement.— (1) This Act may be called the Kerala Urban Land (Ceiling and Regulation) Act,\_\_\_\_\_.

(2) It applies to all the urban areas of the State as may be notified by the Government.

(3) It shall come in to force on such date as may be notified by the Government.

### **CHAPTER II**

#### **DEFINITIONS**

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “Board” means the Board constituted under Section 4.

(b) “Building regulation” means the regulations contained in the Development Plan (Master Plan) of the urban area or the building rules applicable to that area.

(c) “Ceiling limit” means the ceiling limits notified by the Government from time to time.

(d) “Competent authority” means any person or authority authorized by the Government by notification to perform the functions of the competent authority under this Act for such area as may be specified in the notification.

(e) “Dwelling unit” in relation to a building or a portion of a building means a unit of accommodation, in such building or portion of it, used solely for the purpose of residence.

(f) ‘Family’ in relation to a person, means the individual, the wife or husband, as the case may be, of such individual and their unmarried minor children.

Explanation: For the purpose of this clause, ‘minor’ means a person who has not completed age of eighteen years.

(g) “land appurtenant”, in relation to any building means the minimum extent of land required under the building rule to be kept as open space for enjoyment of such building, which in no case shall exceed the extent notified by the Government.

(h) “Development plan (master plan)” means Town Planning Scheme approved by the Government under this Act.

(i) “Notified” means notified in the Gazette.

(j) “Person” includes an individual, a family, a firm, a company or an association or body of individual whether incorporated or not.

(k) “Prescribed” means prescribed by the rules made under this Act.

(l) “Tribunal” means the Urban Land Tribunal constituted under Section 14.

(m) “Urban agglomeration” means that area coming under Calicut, Cochin and Trivandrum City and the peripheral Area of 5 kilometers and includes any other area notified by the Government for the purpose.

(n) “Urban land” means any land situated within the limits of an urban agglomeration.

(o) “Urbansiable land” means land situated within an urban agglomeration, but not being an urban land.

(p) “Vacant land” means land, not being mainly used for the purpose of agriculture, in an urban agglomeration, but does not include—

(i) Land on which construction of a building is not permissible under the building regulations in force in the area in which such land is situated; and

(ii) in an area where there are building regulations, the land occupied by any building which has been constructed before, or is being constructed, on

the appointed day with the approval of the appropriate authority, and the land appurtenant to such building; and

(iii) in an area where there are no building regulations, the land occupied by any building which has been constructed before, or is being constructed and the land appurtenant to such building:

Provided that where any person ordinarily keeps his cattle, other than for the purpose of dairy farming or for the purpose of breeding of live-stock, on any land situated in a village within an urban agglomeration (described as a village in the revenue records), then, so much extent of the land as has been ordinarily used for the keeping of such cattle immediately before the appointed day shall not be deemed to be vacant land for the purpose of this clause.

3. *No person to hold land in excess of the ceiling areas.*— With effect from such date as may be notified by the Government, no person shall be entitled to own or hold or to possess vacant lands in excess of the ceiling limit.

4. Constitution of the Board.— (1) Government shall constitute a Board to recommend to the Government the urban area where the land ceiling limit has to be implemented and the extent of ceiling limit to be fixed and to recommend to the competent authority the amount of compensation to be paid under Section 11.

(2) The Board shall consist of members nominated by the Government from experts in the field of Engineering, Architecture, Audit, Law and Revenue Departments.

(3) Nomination to the Board by the Government shall be made on the recommendation of a High Power Committee consisting of Chief Minister, Leader of Opposition and the Speaker of the Legislative Assembly.

5. Functions of the Board.—(1) The Board may classify the land into different zones having regard to the location, utility of the land, facilities available to it in the locality, road access and similar other features.

(2) The Board may fix different ceiling limit for different zones.

(3) The Board, after fixing the areas where the ceiling has to be applied and the ceiling limit, recommend to the Government accordingly.

(4) Where any land is vested with the Government under sub-section (3) of Section 10, the Board shall fix an amount to be paid to the persons interested in the land concerned considering the locality, market value and other similar features.

(5) The Board shall inform the competent authority the amount so fixed.

6. *Notification of the ceiling limit.*—(1) Government shall, on receipt of the recommendation of the Board, notify the area and the extent of the ceiling limit fixed in respect of the area concerned.

(2) Government may deviate from the recommendation of the Board for reasons to be recorded in writing.

7 *Transfer of land.*—(1) Where any person who had held land in excess of the ceiling limit at the commencement of this Act has transferred such land or part thereof by way of sale, mortgage, gift, lease or otherwise, the extent of land so transferred shall also be taken in to account in calculating the extent of land held by such person and the excess land in relation to such person shall, for the purpose of this Chapter be selected out of the vacant land held by him excluding the land so transferred and in cases the entire excess vacant land cannot be so selected, the balance, or where no vacant land is held by him after transfer, the entire excess vacant land, shall be selected out of the vacant land held by the transferee:

Provided that where such person has transferred his vacant land to more than one person, the balance, or, as the case may be, the entire excess vacant land aforesaid, shall be selected out of the vacant land held by each of the transferees in the same proportion of the area of the vacant land transferred to him bears to the total area of the land transferred to all the transferees.

(2) Where any excess vacant land is selected out of the vacant land transferred under sub-section (1), the transfer to that extent shall stand null and void. (3) No person holding vacant land in excess of the ceiling limit immediately before the commencement of this Act shall transfer any such land or part thereof by way of sale, mortgage, gift, lease or otherwise until he has furnished a statement under Section 6 and a notification regarding the excess vacant land held by him has been published under sub-section (1) of Section 10 and any such transfer made in contravention of this provision shall be deemed to be null and void.

8. *Persons holding vacant land in excess of ceiling limit to file statement.*— (1) Every person holding vacant land in excess of the ceiling limit at the commencement of this Act shall, within such period as may be prescribed, file a statement before the competent authority having jurisdiction specifying the location, extent, value and such other particulars as may be prescribed of all vacant lands and of any other land on which there is a building whether or not with a dwelling unit therein held by him (including the nature of his right, title or interest therein) and also specifying the vacant lands within the ceiling limit which he desires to retain.

(2) If the competent authority is of opinion that any person holds, at the commencement of this Act vacant land in excess of the ceiling limit, then, notwithstanding anything contained in sub-section (1), it may serve a notice upon such person requiring him to file, within such period as may be specified in the notice, the statement referred to in sub-section (1).

(3) The competent authority may, if it is satisfied that it is necessary so to do, extend the date for filing the statement under this section by such further period or periods as it may think fit, so however, that the period or the aggregate of the periods of such extension shall not exceed three months.

(4) *The statement under this section shall be filed,—*

(a) in the case of an individual, by the individual himself; or where the individual is absent from India, by the individual concerned or by some person duly authorized by him in this behalf; and when the individual is mentally incapacitated from attending to his affairs, by his guardian or any other person competent to Act on his behalf;

(b) in the case of a family, by the husband or wife and when the husband or wife is absent from India or is mentally incapacitated from attending to his or her affairs, by the husband or wife who is not so absent or mentally incapacitated and where both the husband and the wife are absent from India or are mentally incapacitated from attending to their affairs, by any other person competent to act on behalf of the husband or wife or both;

(c) In the case of a company, by the principal officer thereof;

(d) In the case of a firm, by any partner thereof;

(e) In the case of any other association, by any member of the association, or the principal officer thereof; and

(f) In the case of any other person, by that person or by a person competent to act on his behalf.

*Explanation.*—For the purpose of this sub-section, “Principal Officer”,—

(i) In relation to a Company means the Secretary, Manager, Managing Director of the Company;

(ii) In relation to any association, means the Secretary, Treasurer, Manager or agent of the association, and includes any person connected with the management of the affairs of the company or the association as the case may be upon whom the competent authority has served a notice of the intention of treating him as the principal officer thereof.

*9. Filing of statement in cases where vacant land held by a person is situated within the jurisdiction of two or more competent authorities.*—(1) Where a person holds vacant land situated within the jurisdiction of one or more competent authorities, then he shall file his statement under sub-section (1) of Section 6 before the competent authority within the jurisdiction of which the major part thereof is situated and thereafter all subsequent proceedings shall be taken before the competent authority to the exclusion of the other competent authority or authorities concerned and the competent authority before which the statement is filed, shall send intimation thereof to the other competent authority or the authorities concerned.

(2) When the extent of vacant land held by a person and situated within the jurisdiction of two or more competent authorities are equal, he shall file the statement under sub-section (1) of Section 6 to any one of the competent authority with intimation thereof to the other competent authority or authorities concerned.

10. *Preparation of draft statement as regards vacant land held in excess of ceiling limit.*—(1) On the basis of the statement filed under Section 6, and after such enquiry as the competent authority may deem fit to make, the competent authority shall prepare a draft statement in respect of the person who has filed the statement under Section 6.

(2) Every statement prepared under sub-section (1) shall contain the following particulars, namely:—

- (i) The name and address of the person;
- (ii) the particulars of all vacant lands and any other land on which there is a building or not with a dwelling unit there in, held by such person;
- (iii) The particulars of the vacant lands which such person desires to retain within the ceiling limit;
- (iv) The particulars of the right, title or interest of the person in the vacant land;
- (v) Such other particulars as may be prescribed.

(3) The draft statement shall be served in such manner as may be prescribed on the person concerned together with a notice stating that any objection to the draft statement shall be preferred within thirty days of the service thereof.

(4) The competent authority shall duly consider any objection received, within the period specified in the notice referred to in sub-section (3) or within such further period as may be specified by the competent authority for any good and sufficient reason from the person on whom a copy of the draft statement has been served under that sub-section and the competent authority shall after giving the object or a reasonable opportunity of being heard pass such orders as it deems fit.

11. *Final Statement.*—After disposal of the objections, if any, received under sub-section (4) of Section 8, the competent authority can make the necessary alterations in the draft statement in accordance with the orders passed on the objections aforesaid and shall determine the vacant land held by the person concerned in excess of the ceiling limit and cause a copy of the draft statement as so altered to be served in the manner referred to in sub-section (3) of Section 8 on the person concerned and where such vacant land is held under a lease or mortgage, or a hire purchase agreement or on an irrecoverable power of attorney, also on the owner of such vacant land.

12. *Acquisition of vacant land in excess of ceiling limit.*—(1) As soon as may be after the service of the statement under Section 9 on the person concerned, the competent authority shall cause a notification giving the particulars of the vacant land held by such person in excess of the ceiling limit and stating that,—

(i) such vacant land shall be vested in the Government;

(ii) the claim of all person interested in such vacant land may be made by them personally or by their agents giving particulars of their nature of interest in such land, to be published for information of the public in the Gazette in such manner as may be prescribed.

(2) After considering the claim of the persons interested in the vacant land, made to the competent authority in pursuance of the notification published under subsection (1), the competent authority shall determine the nature and extent of such claims and pass such orders as it deems fit.

(3) At any time after the publication of the notification under subsection (1) the competent authority may by notification declare that the excess vacant land referred to in the notification shall, with effect from such date as may be specified in the declaration, be deemed to have been vested with the Government free from all encumbrances with effect from the date so notified.

(4) During the period commencing on the date of publication of the notification under subsection (1) and ending with the date specified in the declaration under sub-section (3),—

(i) No person shall transfer by way of sale, mortgage, gift, lease or otherwise any excess vacant land including any part thereof specified in the notification aforesaid and any such transfer made in contravention of this provision shall be deemed to be null and void; and

(ii) No person shall alter or cause to be altered the use of such excess vacant land.

(5) Where any vacant land is vested in the Government under sub-section (3), the competent authority may, by notice in writing, order any person who is in possession of such land to surrender or deliver possession thereof to the Government or to any person duly authorized by the Government in this behalf within thirty days of the service of notice.

(6) If any person refuses or fails to comply with an order made under subsection (5), the competent authority may take possession of the vacant land or cause it to be given to the Government or to any person duly authorized by the Government in this behalf and may for that purpose use such force as may be necessary.

13. *Payment of amount for vesting of land.*—(1) Where any vacant land is deemed to have been vested with the Government under sub-section (3) of Section 10, the Government shall pay to the person or persons having interest therein an amount as may be decided by the Board.

(2) Notwithstanding anything contained in sub-section (1), where any vacant land which is deemed to have been vested under sub-section (3) of Section 10 is held by any person under a grant, lease or other tenure from the Central Government or State Government and,

(i) The terms of such grant, lease or other tenure do not provide for payment of any amount to such person on the termination of such grant, lease or other tenure and resumption of such land by the Central Government or the State Government as the case may be; or

(ii) The terms of such grant, lease or other tenure provide for payment of any amount to such person on such termination and resumption, then,

(a) In a case falling under clause (1), no amount shall be payable in respect of such vacant land under sub-section (1); and

(b) in a case falling under clause (ii), the amount payable to him under the terms of such grant, lease or other tenure on such termination and resumption or the amount payable to him under sub-section (1) whichever is less.

(3) The competent authority may, as per recommendation of the Board by order in writing determine the amount to be paid in accordance with the provision of this section as also the person, or, where there are several persons interested in the land, the persons to whom it shall be paid and in what proportion, if any. \

(4) Any claim or liability enforceable against any vacant land which is deemed to have been acquired under sub-section (3) of section 10 may be enforced only against the amount payable under this section in respect of such land and against any other property of the owner of such land.

*14. Constitution of Urban Land Tribunal and Appeal to Urban Land Tribunal.*—(1) Government may, by notification, constitute one or more Urban Land Tribunal or Tribunals.

(2) The Tribunal shall consist of three members of which one shall be a District Judge and the other two shall be officers of the Government in the cadre of a sub-divisional Magistrate.

(3) All the decisions of the Tribunal shall be taken by majority.

(4) The Tribunal shall have jurisdiction over such area as the Government may by notification specify.

(5) If any person is aggrieved by an order of the competent authority, he may, within thirty days of the date on which the order is communicated to him, prefer an appeal to the Tribunal having jurisdiction over the area in which the vacant land is situated or where such land is situated within the jurisdiction of more than one Tribunal, to the Tribunal having jurisdiction over the area in which a major part of such land is situated or where the extent of such land is situated within the jurisdiction of two or more Tribunals is equal, to any one of those Tribunals:

Provided that the Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(6) In deciding appeal, the Tribunal shall exercise all the powers which a Civil Court has and follow the same procedure which a Civil Court follows in deciding appeals against the decree of an original court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

15. *Payment of the amount.*—Government shall, within a period of six months from the date of the order of the competent authority determining the amount to be paid under Section 11, within a period of six months from the date of the final appellate order, pay the amount referred to in Section 11 to the person or persons entitled thereto.

16. *Ceiling limit on future acquisition by inheritance, bequest or by sale in execution of decrees etc.*—(1) If, on or after the commencement of this Act, any person acquires by inheritance, settlement or bequest from any other person by sale in execution of a decree or order of a Civil Court or of an award or order of any other authority, or by purchase or otherwise, any vacant land and the extent of which together with the extent of the vacant land, if any, already held by him exceeds in the aggregate the ceiling limit, then, he shall, within three months of the date of such acquisition, file a statement before the competent authority having jurisdiction specifying the location, value and such other particulars as may be prescribed of all the vacant land held by him and also specifying the vacant land within the ceiling limit which he desires to retain.

(2) The provisions of Sections 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under this section and to the vacant land held by such person in excess of the ceiling limit.

17. *Power to enter upon any vacant land.*—The competent authority or any person acting under the orders of the competent authority may, subject to any rules made in this behalf and at such reasonable times as may be prescribed, enter upon any vacant land or any other land on which there is a building with such assistance as the competent authority or such person considers necessary and make survey and take measurement thereof and do any other act which the competent authority or such person considers necessary for carrying out the purposes of this Act.

18. *Penalty for concealment etc., of particulars of vacant land.*—(1) If the competent authority, in the course of any proceedings under this Act, is satisfied that any person has concealed the particulars of any vacant land or any other land on which there is a building, whether or not with a dwelling unit therein, held by him or furnished inaccurate particulars of such land or user thereof, it may, after giving such person an opportunity of being heard in the matter, by order in writing direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, a sum which shall not be less than but which shall not exceed twice, the amount representing the value of the vacant land or such other land or both,

as the case may be, in respect of which the particulars have been concealed or in respect of which inaccurate particulars as aforesaid have been furnished.

(2) Any amount payable under this section, if not paid, may be recovered as if it were an arrear of land revenue.

19. *Exemptions.*—(1) Subject to the provisions of sub-section (2), nothing in this chapter shall apply to any vacant land held by—

(i) the Central Government or any State Government, or any local authority or any Corporation established by or under a Central or Provincial or State Act or any Government company as defined in Section 617 of the Companies Act, 1956 (1 of 1956);

(ii) Any military, naval or air force institution;

(iii) Any bank.

*Explanation.*—In this clause, “bank” means any banking company as defined in Cl. (c) of Section 5 of the Banking Regulation Act, 1949 (10 of 1949), and includes,—

(a) The Reserve Bank of India constituted under the Reserve Bank India Act, 1934 (2 of 1934);

(b) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

(c) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);

(d) a corresponding new bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (5 of 1970);

(e) the Industrial Finance Corporation of India, established under the Industrial Finance Corporation Act, 1948 (15 of 1948), the Life Insurance Corporation of India, established under the Life Insurance Corporation Act, 1956 (31 of 1956) the Unit Trust of India, established under the Unit Trust of India Act, 1963 (52 of 1963), the Industrial Development Bank of India Act, 1964 (18 of 1964), the Industrial Credit and Investment Corporation of India, the Industrial Reconstruction Corporation of India and any other financial institution, which the Central Government or the State Government concerned may, by notification in the Official Gazette, specify in this behalf;

(iv) Any public charitable or religious trust (including wakf) and required and used for any public charitable or religious purposes:

Provided that the exemption under this clause shall apply only so long as such land continues to be required and used for such purposes by such trust;

(v) Any co-operative society, being a land mortgage bank or a housing co-operative society registered or deemed to be registered under any law relating to co-operative societies for the time being in force: Provided that the exemption under this clause, in relation to a land mortgage bank, shall not apply to any vacant land held by it otherwise than in satisfaction of its dues;

(vi) any educational, cultural, technical or scientific institution or club (not being a corporation established by or under a Central or Provincial or State Act referred to in Cl. (i) or a society referred to in Cl. (viii) as may be approved for the purposes of this clause by the State Government by general or special order, on application made to it in this behalf by such institution or club or otherwise:

Provided that no approval under this clause shall be accorded by the State Government unless the Government is satisfied that it is necessary so to do having regard to the nature and scope of the activities of the institution or club concerned, the extent of the vacant land required bona fide for the purposes of such institution or club and other relevant factors;

(vii) Any society registered under the Societies Registration Act, 1860 (21 of 1860), or under any other corresponding law for the time being in force and used for any non-profit and non-commercial purpose;

(viii) A foreign State for the purposes of its diplomatic and consular missions or for such other official purposes as may be approved by the Central Government or for the residence of the members of the said missions;

(ix) The United Nations and its specialized agencies for any official purpose or for the residence of the members of their staff;

(x) Any international organization for any official purpose or for the residence of the members of the staff of such organization:

Provided that the exemption under this clause shall apply only if there is an agreement between the Government of India and such international organization that such land shall be so exempted.

(2) The provisions of sub-section (1) shall not be construed as granting any exemption in favour of any person, other than an authority, institution or organization, specified in sub-section (1) who possesses any vacant land which is owned by such authority, institution or organization or who owns any vacant land which is in the possession of such authority, institution or organization:

Provided that where any vacant land which is in the possession of such authority, institution or organization, but owned by any other person, is declared as excess vacant land under this chapter, such authority, institution or organization shall, notwithstanding anything contained in any of the foregoing provisions of this chapter, continue to possess such land under the State

Government on the same terms and conditions subject to which it possessed such land immediately before such declaration.

*Explanation.*— For the purposes of this sub-section, the expression “to possess vacant land” means to possess such land either as tenant or as mortgagee or under a hire-purchase agreement or under an irrevocable power-of-attorney or partly in one of the said capacities and partly in any other of the said capacity or capacities.

20. *Power to exempt.* — (1) notwithstanding anything contained in any of the foregoing provisions of this chapter,—

(a) where any person holds vacant land in excess of the ceiling limit and the State Government is satisfied, either on its own motion or otherwise, that having regard to the location of such land, the purpose for which such land is being or is proposed to be used and such other relevant factors as the circumstances of the case may require, it is necessary or expedient in the public interest so to do, that Government may, by order, exempt, subject to such conditions, if any, as may be specified in the order, such vacant land from the provisions of this chapter;

(b) where any person holds vacant land in excess of the ceiling limit and the State Government, either on its own motion or otherwise, is satisfied that the application of the provisions of this chapter would cause undue hardship to such person, that Government may, by order, exempt, subject to such conditions, if any, as may be specified in the order, such vacant land from the provisions of this chapter:

Provided that no order under this clause shall be made unless the reasons for doing so are recorded in writing.

(2) If at any time the State Government is satisfied that any of the conditions subject to which any exemption under Cl. (a) or Cl. (b) of sub-section (1) is granted is not complied with by any person, it shall be competent for the State Government to withdraw, by order, such exemption after giving a reasonable opportunity to such person for making a representation against the proposed withdrawal and thereupon the provisions of this chapter shall apply accordingly.

21. *Disposal of vacant land vested with the Government.*—(1) It shall be competent for the Government to allot in such manner as may be prescribed in excess of the ceiling limit any vacant land which is deemed to have been vested with Government under this Act to any person for any purpose relating to, or in connection with, any industry or for providing residential accommodation of such type as may be approved by the State Government to its employees of any industry and it shall be lawful for such person to hold land in excess of the ceiling limit.

(2) In making allotment under sub-section (1), the Government may impose such conditions as may be specified in the order.

(3) If the allottee of the vacant land has not complied with the conditions of allotment, the Government may after giving the allottee an opportunity of being heard in the matter cancel the allotment and the land allotted shall revert in the Government free from all encumbrances.

(4) Subject to provision of sub-sections (1) to (3), all the vacant lands vested with Government under this Act shall be disposed of by the Government to subserve the common good on such terms and conditions as the Government may deem fit to impose.

(5) Notwithstanding anything contained in sub-sections (1) to (4), where the Government is satisfied that it is necessary to retain or reserve any vacant land vested with the Government under this Act for the benefit to the public, it shall be competent for the Government to retain or reserve such land for the same.

*22. Special provisions regarding disposal of vacant lands in favour of certain persons.*—(1) Notwithstanding anything contained in Section 22 where any person, being the owner of any vacant land, had leased out or mortgaged with possession of any vacant land, or had given possession of such land under a hire-purchase agreement to any other person and as a consequence thereof he had no vacant land in his possession or has vacant land in his possession less in extent than the ceiling limit and deemed to have been acquired by the Government under this chapter, then, such person shall be entitled to make an application to the Government in such form and containing such particulars as may be prescribed within a period of three months from the date of such acquisition for the assignment to him,—

(a) in a case where he has no land in his possession, of so much extent of land as is not in excess of the ceiling limit; or

(b) in a case where he has land in his possession less in extent than the ceiling limit, of so much extent of land as is required to make up the deficiency:

Provided that nothing in this sub-section, shall be deemed to entitle a person for the assignment of land in excess of the extent of the land leased or mortgaged with possession or given possession under a hire-purchase agreement as aforesaid by such person.

(2) On receipt of an application under sub-section (1), the State Government shall, after making such inquiry as it deems fit, assign such land to such person on payment of an amount equal to the amount which has been paid by the Government for the acquisition of the extent of land to be assigned.

### CHAPTER III

#### MISCELLANEOUS

23. *Powers of competent authority*.—The competent authority shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of any document;
- (c) Receiving evidence on affidavits;
- (d) Requisitioning any public record or copy thereof from any court or office;
- (e) Issuing commissions for the examination of witnesses or documents; and
- (f) any other matter which may be prescribed.

24. *Revision by Government*.—The Government may, by its own motion, call for and examine the records of any order passed or proceedings taken under the provisions of this Act and against which no appeal has been preferred under Section 14 for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such procedure and pass such order with respect thereto as it may think fit:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter.

25. *Powers of the Government to issue orders and directions to the competent authority*.—The Government may issue such orders and directions of a general character as it may consider necessary in respect of any matter relating to the powers and duties of the competent authority and thereupon the competent authority shall give effect to such orders and directions.

26. *Returns and reports*.—The competent authority shall furnish to the Government such returns, statistics, account and other information as the Government may, from time to time require.

27. *Offences and Penalties*.—(1) If any person who is under an obligation to file a statement under this Act fails, without reasonable cause or excuse, to file the statement within the time specified for the purpose, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to fifty thousand rupees or with both.

(2) If any person who is under an obligation to file a statement under this Act files a statement which he knows or has reasonable belief to be false, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twentyfive thousand rupees.

(3) If any person contravenes any of the provisions of this Act for which no penalty has been expressly provided for, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twentyfive thousand rupees.

28. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company every person who, at the time the offence 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 offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(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 has been committed with 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 purposes of this section,—

(a) “Company” means any 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.

29. *Identity.*— No suit or other legal proceeding shall be filed against the Government or any offices of the Government in respect of anything which is in good faith done or intended to be done by or under this Act.

30. *Cognizance of offence.*—No court shall take cognizance of any offence punishable under this Act except on complaint in writing made by the competent authority or any office authorized by the competent authority in this behalf and no court inferior to that of a Chief Judicial Magistrate shall try such offence.

31. *Act to override other laws.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith any other law for the time being in force or any customs, usage or agreement or decree or order of a court, tribunal or other authority.

32. *Certain offices to be public servants.*— Every offices acting under, or in pursuance of the provision of this Act or under the rules made thereunder shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (Central Act 45 of 1860).

33. *Correction of clerical errors.*—Clerical or arithmetical mistakes in any order passed by any officer or authority under this Act or errors arising therefrom from any accidental slip or omission may at any time be corrected by such offices or authority on its own motion or on an application received in this behalf from any of the parties.

34. *Power to make rules.*— (1) Government may make rules either prospectively or retrospectively for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:— (a) The period within which the Statement may be filed.

(b) Publication of native of interest of persons in the land for information of the public under Section 12.

(c) Time to be prescribed under Section 18.

(d) The manner in which the vacant land vested in the Government to be disposed.

35. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing difficulty.

(2) No order under sub-section (1) shall be made after the expiration of two years from the commencement of this Act. Statement of Objects and Reasons The object of the Bill is to impose ceiling on urban land as defined in the Bill and the acquisition of land in excess of the ceiling limit to be fixed by the Government as per the provisions of the bill. The main object sought to be achieved by the proposed legislation is to prevent concentration of urban land in large extent in the hands of a few persons and indulging in speculative transactions with reference to such lands with the sole motive of profiteering and thus to bring about an equitable distribution of land in an urban agglomerations to sub-serve the common good. The word 'urban agglomeration' had been defined to mean that, that areas coming under Calicut, Kochi and Trivandrum city and peripheral areas of five kilometers and includes any other area notified by the Government for the purpose.

The Bill contains provisions for the Constitution of the board for fixing the ceiling limit of land which can be legally held by an individual or family under the Bill. After fixing the ceiling limit no person is entitled to hold any land in excess of the ceiling area. Excess land should be surrendered to the competent authority appointed by the Government. Bill contains provisions to hear and dispose of all appeals against the decision of the competent authority and hear and dispose of them in accordance with the provisions of the bill. Any person holding excess land is bound to file a statement in the prescribed form to the competent authority. Suo mottu proceedings can also be taken by the competent authority against any person who is known to

have been holding land in excess of the ceiling limit. Government has been given power to exempt any land from the ceiling provisions in appropriate cases. Failure to file statement under the bill and falsification of statements are made offences punishable under the Bill.

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