

Fourteenth Kerala Legislative Assembly

Bill No. 28

**THE KERALA CONSERVATION OF PADDY LAND AND
WETLAND (AMENDMENT) BILL, 2016**

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[Translation in English of “2016-ലെ കേരള നെൽവയൽ-തണ്ണീർത്തട സംരക്ഷണ (ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

THE KERALA CONSERVATION OF PADDY LAND AND
WETLAND (AMENDMENT) BILL, 2016

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BILL

further to amend the Kerala Conservation of Paddy Land and Wetland Act, 2008.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Conservation of Paddy Land and Wetland Act, 2008 (28 of 2008) for the purposes hereinafter appearing;

BE it enacted in the Sixty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Conservation of Paddy Land and Wetland (Amendment) Act, 2016.

(2) It shall come into force at once.

2. *Omission of section 3A.*—In the Kerala Conservation of Paddy Land and Wetland Act, 2008 (28 of 2008), (hereinafter referred to as the principal Act), section 3A shall be omitted.

3. *Saving.*—Notwithstanding such amendment of the principal Act, the amendment of the principal Act by this Act, shall not, affect the previous operation of anything duly done or suffered thereunder, affect any right, privilege, obligation or liability acquired, accrued or incurred under the principal Act, affect any penalty, forfeiture or punishment incurred in respect of any offence committed under the said Act, affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act has not been enacted.

STATEMENT OF OBJECTS AND REASONS

The Kerala Conservation of Paddy Land and Wetland Act, 2008 was amended as per the Kerala Finance (No. 2) Act, 2015. The said Act was amended by inserting section 3A to regularize the conversion or reclamation of paddy land undertaken by any owner, occupier or the person in custody of any paddy land otherwise than in accordance with the provisions of any other Act existing at that time before the commencement of the Kerala Conservation of Paddy Land and Wetland Act, 2008, by the Collector in such manner, as may be prescribed, by recovering a fee equal to 25 per cent of the fair value of the said land notified under section 28A of the Kerala Stamp Act, 1959 (17 of 1959) or the fair value of adjacent land of similar nature, if the fair value of the said land is not notified. But it was declared to omit the said amendment in the revised budget speech dated 8th July, 2016. Accordingly, the Government have decided to amend the Kerala Conservation of Paddy Land and Wetland Act, 2008 by omitting section 3A of the said Act.

2. The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

E. CHANDRASEKHARAN.

EXTRACT FROM THE KERALA CONSERVATION OF PADDY LAND
AND WETLAND ACT, 2008

(28 OF 2008)

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3A. *Power to regularize the conversion or reclamation of paddy land made before the commencement of the Act.*—Notwithstanding anything contained in this Act or any other Act, rules or orders for the time being in force or in any judgement, decree or order of any court, tribunal or other authority, where before the commencement of this Act, any owner, occupier or the person in custody of any paddy land had undertaken conversion or reclamation of the said paddy land otherwise than in accordance with the provisions of any other Act existing at that time, the Collector may, regularize such conversion or reclamation, in such manner as may be prescribed, by recovering a fee equal to 25 per cent of, the fair value of the said land notified under section 28A of the Kerala Stamp Act, 1959 (17 of 1959) or the fair value of adjacent land of similar nature, if the fair value of said land is not notified.

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