

Chapter-I

General

CHAPTER-I: GENERAL

1.1 Land Management – a high risk area

Kerala, one of the small States in India with an area of 38,86,287 Ha. (38,863 Sq. Km) occupying 1.18 *per cent* of the total area of the country has a population of 3.34 crore¹ representing 2.76 *per cent* of the national population.

Based on physical features, the State is divided into three geographical regions viz. highlands; midlands and lowlands. Since the high lands are mostly forest



land or used for plantation crops, the land available for residential purpose, industrial/developmental activities is limited to the mid and low lands. This peculiar feature exerts heavy pressure on the management of government/private land. Land has become a precious commodity and its price has sky rocketed. Due to its high value the tendency to possess government land illegally has increased.

Considering the importance of land, the State has enacted 38 Acts/Rules (Annexure-

D) on the subject commonly termed as land laws. The multiplicity of rules enhanced the complexity in the management of land.

Based on ownership, the land in the State can be divided into private land, government land and forest land.

Private land is owned by individuals, institutions, undertakings, companies etc. It also includes vast tracts with universities, autonomous bodies, Public Sector Undertakings (PSUs) etc. Government land includes *poramboke*, *tharisu* and forest land made available to Revenue and Disaster Management (R&DM) Department. Forest land is the land notified as forest land and includes reserve forest, proposed reserve, vested forest and ecologically fragile land (EFL).

¹ 2011 census

1.2 Administration of Government land

R&DM department is the custodian of government land.

1.2.1 Acts and Rules on Land Management

The functions of Revenue department and Acts/Rules from where the corresponding authority is derived include;

- Conservation, management and control of government land.
Regulated through the Kerala Land Conservancy Act 1957, the Kerala Land Conservancy Rules 1958, the Kerala Land Utilisation Order 1967 and the Kerala Conservation of Paddy Land and Wetland Act, 2008.
- Assignment of government land.
Regulated mainly by the Kerala Government Land Assignment Act 1960, the Kerala Government Land Assignment Rules 1964 and Assignment of Land within Municipal and Corporation Areas Rules 1995.
- Acquisition of land for public purpose.
Done as per the provisions of the Land Acquisition Act, 1894 (LA Act).

1.3 Administration of Forest land

The forest area² (11,309.48 sq.km), under the administrative charge of Kerala Forest and Wildlife Department (KFD), forms 29.10 *per cent* of the total geographical area of Kerala State (38,863 sq.km) as against the national average of 19 *per cent*. According to utilisation, forest area is classified as dense/degraded forest, plantation, areas under lease and forest land diverted under The Forest (Conservation) Act, 1980 (FCA).

1.3.1 Acts and Rules on Forest Land management

The functions of the Forest Department and the Acts/Rules governing them *inter alia* include

- protection and management of forests in the State which is regulated through the Forest (Conservation) Act, 1980 (FCA) and the Kerala Forest Act, 1961 (KFA).
- regulation of grants and lease of lands made or granted by or on behalf of the former states of Travancore and Cochin for cultivation achieved through the Kerala Grants and leases (Modification of Rights) Act, 1980 (KGL (MR) A) and the Kerala Grants and Leases (Modification of Rights) Rules, 1990 (KGL (MR) R).
- Assignment of forest land to State/Central PSUs and occupancy in accordance with the Kerala Land Assignment (Regularisation of Occupation of Forest Lands prior to 1 January 1977) Special Rules 1993.

² Statistics based on the Administration Report of the Department for the year 2010-11. Latest details are not available and is stated to be under preparation.

1.4 Government control over private land

Government through R&DM department exercises significant control over land owned by private individuals. Further, Government can acquire private land as well as can control its use.

1.4.1 Control over land holdings

Government has restricted through a comprehensive legislation (The Kerala Land Reforms Act 1963) the extent of land that can be possessed by an individual other than a member of joint family in the State to 15 acres (6 Ha).

1.4.2 Control over use/ conversion of land

Kerala Land Utilisation Order 1967 was issued under the Essential Commodities Act, 1955 to conserve the paddy land and wetland and to restrict the conversion or reclamation thereof, in order to promote growth in the agricultural sector and to sustain the ecological system, in the State of Kerala. This was replaced by The Kerala Conservation of Paddy Land and Wetland Act, 2008.

1.4.3 Acquisition of private land

The Land Acquisition Act 1894, as amended from time to time, empowers the State Government to acquire land to the appropriate extent, if it is for 'public purpose'. It envisages the conditions to be fulfilled before such acquisition and the procedures to be adopted in the process of acquisition.

1.5 Scope of the Report

An audit was conducted on management of various types of public land and land given for mega projects during January to November 2013 covering the period 2008 to 2013.

The observations covered in the report includes Assignment of Government land (Chapter II), Management of Forest land (Chapter III) and Acquisition, development and allotment of land for industrial purpose by PSUs (Chapter IV). The report also includes Issues in respect of land and ecological impact - Aranmula Airport (Chapter V) and Smart City Project, Kochi (Chapter VI).

1.6 Terminology

Important terminology used in the Report are given in Annexure II.