



KERALA GAZETTEE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol.XXXV] Thiruvananthapuram, Wednesday, 14th March 1990 [No.256

GOVERNMENT OF KERALA
Forest and Wildlife(E) Department
NOTIFICATION

G.O(P)18/90/F&WLD Dated ,Thiruvananthapuram, 12th March, 1990
S.R.O.No.408/90 – In exercise the powers conferred by Section 12 of the Kerala Grants and Leases (Modification of Rights) Act, 1980 (16 of 1980, the Government of Kerala hereby make the following rules, namely..

RULES

- 1.Short title and commencement – (1) These rules may be called the Kerala Grants and Leases (Modification of Rights)Rules, 1990
(2) They shall come into force at once.

- (2)Definitions – In these rules, unless the context otherwise requires-
 - (a) “Act” means in Kerala Grants and Leases (Modification of Rights) Act, 1980
 - (b) “Forms” means the form appended to these rules.

3. *Principles and procedure for revision of Assessment of rent* (1) In revising the assessment or rent the Collector shall, consider the following factors, namely.

- (a) the land value in the locality identical to the lands in lease or grant;
- (b) nature of crops raised or to be raised in the lands;
- (c) actual yield from the crop for a period of five years immediately preceding the date of notice regarding the proposed revision of assessment or rent and the annual yield obtainable during the period of five years from the date of notice regarding the proposed revision of assessment or rent;
- (d) market value of the produce on the date of notice regarding the proposed revision of assessment or rent;
- (e) expenditure for the period from formation to the end of yielding period for cultivation, maintenance, processing and marketing the produce and incidental charges including expenditure on staff, infrastructure, machinery taxes and 12% interest on capital value but excluding land value;
- (f) non-attainment of yielding age of plants;
- (g) the over maturity or non-maturity of crops;
- (h) necessity of replacement of crops.

2. Revision of assessment or rent shall be, in accordance with the formula
= 'Lease rent/assessment (Rs....)
= (A-B) X 75/ 100

Where 'A' represents the money value in rupees of the average actual yield per hectare for the period of five years immediately preceding the date of notice and 'B' represents the money value in rupees of the average actual cost of production for the said period excluding rent but including taxes.

3(a) The Collector shall give notice regarding the proposed revision of assessment of rent to the grantee or lessee calling for objections, if any, to be filed by him within thirty days from the date of receipt of the notice: Provided that the Collector may consider objections filed after the said period of 30 days if he is satisfied the person had sufficient cause for not filing the objection within the stipulated period.

(b) If any grantee or lessee files objections to the proposed revision of assessment or rent the Collector shall consider the objections before passing the order of revision of lease or rent, under sub-section(1) of section 5 of the Act.

- a) order to verify the particulars in the said objections and in order to collect the details mentioned in sub-rule(1) of rule 3, the Collector may by himself or through the Tahsildar concerned, conduct such enquiry as he deems necessary.
- (b) Notice of such inquiry shall be given to the grantee or lessee who shall have the right to be present during the inquiry.
Provided that the absence of the grantee or lessee during the inquiry shall not render the inquiry invalid..
4. *Procedure for filing appeal-* (1) The appeal referred to in sub section (1) of Section 6 of the Act shall be in the Form appended to these rules and it shall be accompanied by the document's specified in the Form.
- (2) *Fees* – A fee of rupees one thousand shall be paid in respect of each Appeal, payment being made by means of Government Treasury Chalan under the Head of Account “0406-Forestry-Wildlife -01-Forestry 800 –Other Receipts 05 other items”
5. *Further enquiry by the Government-* In order to assess the correctness of the order of the Collector under Section 5 of the Act and in order to determine the extent of revision of assessment or rent necessary in regard to the land in respect of which the appeal is filed the Government may conduct such further inquiry as is necessary. The procedure prescribed in sub-rule(3) of rule 3 shall mutatis mutandis apply to such inquiry.
5. *Power of Collector to remove obstruction in the inquiry or inspection-*
- (1) Where any person obstructs or causes any obstruction to the Government or to the Collector or to any officer assisting the Collector in any inquiry or inspection under the Act or under these rules; the Government or the Collector or the Officer, as the case may be, shall have the power to remove or arrest or caused to be removed or arrested and keep in custody such person until the inquiry or inspection is over.
- (2) The Collector shall have the right of enter any premises at all reasonable times and inspect, caused to be inspected any records so as to verify the correctness of the particulars submitted by the grantee or lessee in respect of the revision of assessment or rent.

By order of the Governor,
P.K.SIVANANDAN
Secretary(Forest)

APPENDIX
FORM OF APPEAL(See Rule 4)

1. Name and Address of the appellants :
2. Name, Locality, Village, Taluk and District where lease hold is situated :
3. Survey No, if any, of the lease hold :
4. Forest Range and Division wherein lease hold is situated :
5. Crops raised during the period of five year period to..... :
6. Crops proposed to be raised :
7. Age of crop as on..... And expected yielding age :
8. Average annual yield(in rupees) for the period of five years prior to... :
9. Average annual expenditure (in rupees) excluding rent for the period of five years prior to... :
10. Existing assessment or rent :
11. Revision of Assessment or rent ordered by the Collector :
12. Number and date of the order of the Collector :
13. Grounds (Add separate sheet/sheets, if necessary) :
14. Number and date of chalan receipt evidencing remittance of – Appeal fee (Chalan receipt in original to be enclosed)

Verification.....

Place.....

Signature:

Date.....

Name

Note:- The following documents should be attached to the appeal:-

1. Treasury chalan receipt evidencing payment of fees for appeal.
2. Copy of the order appeal against.
3. Documents relating to the grant of lease.
4. Documents if any, relating to the matters, specified Sub-rule(i) of rule 3
5. Other relevant records, if any: