Kerala Record of Rights Act, 1968

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Kerala Record of Rights Act, 1968 Act 26 of 1968

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Kerala Record of Rights Act, 1968(Kerala Act No. 26 of 1968)Last Updated 30th November, 2019[Dated 04.10.1968]An Act to provide for the preparation of record of rights in respect of lands in the State of Kerala.Preamble. - Whereas it is expedient to provide for the preparation of a record of rights in respect of lands in the State of Kerala;Be it enacted in the Nineteenth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1)This Act may be called the Kerala Record of Rights Act, 1968.(2)It extends to the whole of the State of Kerala.(3)It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)the expression "kudikidappukaran" shall have the meaning assigned to it in the Kerala Land Reforms Act, 1963 (1 of 1964);(b)"prescribed" means prescribed by the rules made under this Act;(c)"prescribed officer" means an officer not below the rank of Deputy Tahsildar appointed by the Government to exercise the powers and discharge the duties of a prescribed officer under this Act.

3. Preparation of record of rights.

(1)A record of rights shall be prepared by the prescribed officer in the prescribed manner in respect of any area or areas notified by the Government in this behalf in the Gazette.(2)The record of rights in respect of any land shall include the following particulars, namely :-(a)the description and extent of the land;(b)the name and address of the person in occupation of the land;(c)the names and
addresses of other persons interested in the land;(d)the nature and extent of the respective interest of the persons referred to in clauses (b) and (c);(e)the names and addresses of the kudikidappukars, if any; and(f)such other particulars as may be prescribed,(3)The record of rights

shall be maintained by such officer as may be prescribed, and different officers may be prescribed for different areas.

4. Publication of record of rights.

(1)When a draft record of rights has been prepared, the prescribed officer shall publish the draft in such manner as may be prescribed and shall receive and consider any objections which may be made to any entry therein or to any omission therefrom within such period not less than thirty days from the date of publication, as may be prescribed.(2)When all objections have been considered and disposed of in accordance with the rules made in this behalf, the prescribed officer shall cause the record to be finally published in the prescribed manner.

5. Correction of clerical mistake in register.

- The prescribed officer may, on application made to him in this behalf or on his own motion, within one year from the date of final publication of the record of rights under sub-section (2) of section 4, correct any entry in such record which he is satisfied has been made owing to a clerical mistake.

6. Revision.

(1)Any officer not below the rank of Revenue Divisional Officer appointed by the Government in this behalf may, either on his motion or on application made by any person interested, call for and examine the record of any proceeding which has been taken by the prescribed officer and may make such inquiry or cause such inquiry to be made and subject to the provisions of this Act may pass such orders thereon as he thinks fit:Provided that no order shall be passed under this sub-section without giving all persons who may be affected by the order an opportunity of being heard.(2)The officer referred to in sub-section (1) shall not of his own motion pass an order under that sub-section after the expiry of a period of one year from the date of the final publication of the record of rights under sub-section (2) of section 4.(3)In the case of an application under sub-section (1), the application shall be made within six months from the date of final publication of the record of rights under sub-section (2) of section 4.

7. Acquisitions of rights to be reported.

(1)Any person acquiring by survivor ship, succession, inheritance, partition, purchase, mortgage, gift, lease or otherwise any right over any land shall report in writing his acquisition of such right to such officer as may be specified by the Government by notification in the Gazette, within three months from the date of such acquisition and that officer shall at once give a written aknowledgment of the receipt to the report to the person making it:Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report required by this sub-section.(2)If any person makes a report under sub-section (1)-(a)after the period of three months but within the period of one year from the date of acquisition of the right, the report shall be received on payment of a penalty of two rupees;(b)after the period of one year from the date of such acquisition, the report shall be received on payment of a penalty of five rupees.(3)The officer referred to in sub-section (1) shall

enter the substance of every report made to him under that sub-section in a register in the prescribed form and also make an entry therein respecting the acquisition of any right which he has reason to believe to have taken place and of which a report has not been made under sub-section (1).

8. Obligation to furnish information.

(1)Any person whose rights, interests or liabilities are required to be or have been entered in the record of rights shall be bound on the requisition of any officer engaged in the preparation, maintenance or revision of the record of rights to furnish or produce for his inspection within thirty days from the date of such requisition of such information or documents needed for the preparation, maintenance or revision thereof, as may be within his knowledge or in his possession or power.(2)An officer to whom any information is furnished or before whom any document is produced in accordance with the requisition under sub-section (1) shall at once give a written acknowledgment thereof to the person furnishing or producing the same.(3)Any person who fails to furnish the information or produce the document required by sub-section (1) within the period specified in that sub-section shall be liable to pay a penalty not exceeding two hundred rupees as may be fixed by the District Collector and the amount payable as penalty shall be recoverable as an arrear of land revenue:Provided that no penalty shall be imposed under this sub-section without giving the person concerned a reasonable opportunity of being heard.(4)Any person aggrieved by an order of the District Collector under sub-section (3) may, within a period of sixty days from the date of the order, appeal to the Board of Revenue and the Board of Revenue shall, after giving the appellant a reasonable opportunity of being heard, pass such order on the appeal as it deems fit.

9. Record of rights to be admissible in evidence.

(1)The record of rights prepared under this Act shall be admissible in evidence before any court or tribunal.(2)Every entry in the record of rights as finally published under sub-section (2) of section 4 shall, until the contrary is proved, be presumed to be correct.

10. Certified copies.

- Certified copies of entries in the record of rights may be granted by such officers and on payment of such fee as may be prescribed.

11. Record of rights open to inspection.

- Subject to such rules and on payment of such fees, if any, as may be prescribed, the record of rights shall be open to inspection by the public during office hours.

12. Power to enter upon land.

- It shall be lawful for any officer exercising any power or performing any function under this Act and for his servants and workmen-(a)to enter upon and take measurements of any land for any

purpose connected with the preparation of record of rights; and(b)to do all other acts necessary for such purpose:Provided that no person shall enter upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days notice in writing of his intention to' do so.

13. Power to summon witnesses, etc.

- Any officer exercising any power or performing any function under this Act shall for the purposes of this Act have ail the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-(a)summoning and enforcing the attendance of
any person and examining him on oath;(b)receiving evidence on affidavit;(c)any other matter which may be prescribed.

14. Bar of suits, etc.

- No suit shall lie against the Government or any officer in respect of a claim to have an entry made in the record of rights that is maintained under this Act or to have any such entry omitted or amended.(2)No suit shall he against the Government or any officer for any damage caused or likely to be caused or any injury suffered or like*y to be suffered by anything in good faith done or intended to be done under this Act or the rules thereunder.(3)No prosecution or other legal proceeding shall lie against any officer or other person for anything in good faith done or intended to be done under this Act oi the rules thereunder.

15. Power to make rules.

- (I) The Government may. by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.(2)Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.