



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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14th November 2021

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29th Thulam 1197

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No.

3337

GOVERNMENT OF KERALA

Law (Legislation-G) Department

NOTIFICATION

No. 3751/Leg.G1/2020/Law.

Dated, Thiruvananthapuram,

14th November, 2021

29th Thulam, 1197

23rd Karthika, 1943.

The following Ordinance promulgated by the Governor of Kerala on the 13th day of November, 2021 is hereby published for general information.

By order of the Governor,

V. HARI NAIR.,
Law Secretary.



ORDINANCE No. 140 OF 2021**THE KERALA PRIVATE FORESTS (VESTING AND ASSIGNMENT)
AMENDMENT ORDINANCE, 2021**

Promulgated by the Governor of Kerala in the Seventy-second Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Private Forests (Vesting and Assignment) Act, 1971.

Preamble.—WHEREAS, the Kerala Private Forests (Vesting and Assignment) (Amendment) Ordinance, 2020 (35 of 2020) was promulgated by the Governor of Kerala on the 22nd day of May, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which commenced on the 24th day of August, 2020 and ended on the same day;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Private Forests (Vesting and Assignment) (Amendment) Ordinance, 2020 (59 of 2020) was promulgated by the Governor of Kerala on the 26th day of September, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which commenced on the 31st day of December, 2020 and ended on the same day;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which commenced on the 8th day of January, 2021 and ended on the 22nd day of January, 2021;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Private Forests (Vesting and Assignment) (Amendment) Ordinance, 2021 (30 of 2021) was promulgated by the Governor of Kerala on the 9th day of February, 2021;



AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which commenced on the 24th day of May, 2021 and ended on the 10th day of June, 2021;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Private Forests (Vesting and Assignment) (Amendment) Ordinance, 2021 (52 of 2021) was promulgated by the Governor of Kerala on the 1st day of July, 2021;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which commenced on the 22nd day of July, 2021 and ended on the 13th day of August, 2021;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Private Forests (Vesting and Assignment) (Amendment) Ordinance, 2021 (98 of 2021) was promulgated by the Governor of Kerala on the 23rd day of August, 2021;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 47 of the Fifteenth Kerala Legislative Assembly the same could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 4th day of October, 2021 and ended on the 11th day of November, 2021;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the said Ordinance will cease to operate on the 15th day of November, 2021;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—



1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Private Forests (Vesting and Assignment) Amendment Ordinance, 2021.

(2) It shall be deemed to have come into force on the 10th day of May, 1971.

2. *Act 26 of 1971 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Private Forests (Vesting and Assignment) Act, 1971 (26 of 1971) (hereinafter referred to as the principal Act), shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 3.*—In section 3 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Notwithstanding anything contained in the Kerala Land Reforms Act, 1963 (1 of 1964) or in any other law for the time being in force or in any judgment, decree or order of any court or tribunal, a certificate of purchase issued under sub-section (1) of section 72K of the said Act may be a piece of evidence, but not a conclusive proof for the purposes of this Act for proving that the land held by a person is under the personal cultivation as on the date of commencement of this Act.”.

4. *Repeal and saving.*—(1) The Kerala Private Forests (Vesting and Assignment) (Amendment) Ordinance, 2021 (98 of 2021) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

ARIF MOHAMMED KHAN,
GOVERNOR.

