

[Translation in English of “1996-ലെ കേരള റവന്യൂ ബോർഡ് നിർത്തലാക്കൽ ആക്ട്” published under the authority of the Governor.]

ACT 14 OF 1997

THE KERALA BOARD OF REVENUE ABOLITION ACT, 1996*

AN

ACT

to provide for the abolition of the Board of Revenue and for matters connected therewith.

Preamble.—WHEREAS it is expedient to provide for the abolition of the Board of revenue and for matters connected therewith;

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

1. *Short title and commencement.*—(1) This Act may be called the Kerala Board of Revenue Abolition Act, 1996.

(2) It shall come into force on ¹such date as the Government may by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appropriate authority” means the Commissioner or the District Collector as specified by the Government under sub-section (1) of section 4

*Received the assent of the Governor on the 3rd day of December, 1997 and published in the Kerala Gazette Extraordinary No. 458 dated 17th March, 1998.

1. 1st day of July 1998 *vide* S.R.O.No. 507/98 dated 20.06.1998 published in the Kerala Gazette Extraordinary No. 961 dated 20.06.1998.

(b) “Board of Revenue” means the Board of Revenue for the State constituted under the Kerala Board of Revenue Act, 1957 (7 of 1957);

(c) “Commissioner” means a commissioner appointed under section 5;

(d) “law” includes any rule, bye-law, regulation, notification, scheme, form or government order;

(e) “State” means the State of Kerala;

3. *Abolition of Board of Revenue.*— The Board of Revenue shall stand abolished on and from the date of commencement of this Act.

4. *Powers of Board of Revenue and Member of Board of Revenue to be exercised by Government or appropriate authority.*— (1) The jurisdiction and powers vested in and duties performed by the Board of Revenue or any Member of the Board of Revenue immediately before the date of the commencement of this Act, by or under any law, shall be vested in, and performed by—

(a) the Government; or

(b) the Commissioner;

(c) the District Collector, as may be specified in this behalf by notification in the Gazette, in respect of such matters, and with effect from such date, as may be specified in such notification.

(2) The Government may, by notification in the Gazette, modify or cancel any notification issued under sub-section (1).

Explanation.— For the purposes of this section, the jurisdiction and powers vested in, and the duties performed by, any Member of the Board of Revenue shall include the jurisdiction and powers vested in, and the duties performed by, such Member, either in the capacity of the Member of the Board of Revenue as such or by virtue of an authorisation made by or under any law.

5. *Appointment of Commissioners.*— (1) The Government may, by notification in the Gazette, appoint Commissioners not exceeding five for the purposes of section 4.

(2) The Government may, by notification in the Gazette, modify or cancel any appointment made under sub-section (1).

6. *Act to override other laws.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

7. *Construction of references to “Board of Revenue” or “Member of Board of Revenue” or “Standing orders of the Board of Revenue”.*— (1) In the application of any law, any reference by whatever form of words to the Board of Revenue or member of the Board of Revenue shall, unless the context otherwise requires, be deemed to be a reference to the Government or the appropriate authority specified in the notification under sub-section (1) of section 4.

(2) The Standing orders of the Board of Revenue as in force on the date of the commencement of this Act shall, on and from the said date, be called “Revenue Standing Orders”, and continue in force until altered, amended or rescinded by the Government.

8. *Power to Remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order notified in the Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as appear to them necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made under after the expiration of two years from the date of commencement of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, any such notified order may provide for the transfer of any matter pending immediately before the date of the commencement of this Act before the Board of Revenue or a Member of the Board of Revenue to the Government or the appropriate authority specified in the notification under sub-section (1) of section 4.

(3) Every notified order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly.

9. *Power to make rules.*— (1) The Government may, by notification in the Gazette, make rules to carry out all or any of the purposes 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 makes any modification in the rule or decides 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.

10. *Repeal.*— The Kerala Board of Revenue Act, 1957 (7 of 1957), is hereby repealed.

(2) Notwithstanding such repeal—

(i) any application, appeal or revision or other proceedings pending before the Board of Revenue or any Member of the Board of Revenue under any law for the time being in force at the date of the commencement of this Act shall be transferred to the Government or to the appropriate authority as specified in the notification under sub-section (1) of section 4.

(ii) Anything done or any action taken including any order passed or any decision taken by the Board of Revenue or by any Member of the Board of Revenue in accordance with any law for the time being in force before the commencement of this Act shall be deemed, to have been done, taken, passed or issued by the Government or the appropriate authority.
