

Presented on 12th November, 1973.



FOURTH  
GUJARAT LEGISLATIVE ASSEMBLY

REPORT  
OF  
SELECT COMMITTEE  
ON BILL NO. 51 OF 1972

THE GUJARAT AGRICULTURAL LANDS  
CEILING (AMENDMENT) BILL, 1972

Printed and Published under the authority  
of the Gujarat Legislative Assembly

GUJARAT LEGISLATURE SECRETARIAT  
GANDHINAGAR  
NOVEMBER, 1973.

C O R R I G E N D U M

to the Report of the Select Committee on the Gujarat Agricultural  
Lands Ceiling (Amendment) Bill, 1972.

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41	15	both	both;
41	16	co-operative farming	co-operative farming
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54	28	sub-clause (1)	sub-clause (1)
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59	22	Panrapole	Panrapole
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**BILL NO. 51 OF 1972.**

**GUJARAT AGRICULTURAL LANDS CEILING (AMENDMENT BILL)**

*A BILL*

*further to amend the Gujarat Agricultural Lands  
Ceiling Act, 1960.*

**COMPOSITION OF SELECT COMMITTEE**

**Chairman**

Shri Narendrasinh Jhala.

**Members**

Shri Divyakant Nanavati,  
Shri Chhabildas Mehta,  
Shri Udesinh Vadodia,  
Shri Madhavlal Shah,  
Shri Gopalbhai Patel,  
Shri Manubhai Palkhiwala,  
Shri Narsinhbhai Makwana,  
Shri Bhulabhai Patel,  
Shri Uttambhai Patel,  
Shri Shankerlal Guru,  
Shri Babubhai Modi,  
Shri Popatlal Sorathiya,  
Shri Manubhai Patel,  
Shri Manilal Shah,  
Shri Arjanbhai Nandania,  
Shri Batuk Vora.

**Legislature Secretariat.**

Shri Dwijen G. Desai, Secretary.  
Shri A. J. Trivedi, Under Secretary.

**Government Representatives.**

Shri K. N. Zutshi, Secretary, Revenue Department,  
Shri S. S. Shah, Secretary, Legal Department,  
Shri N. C. Buch, Deputy Secretary, Legal Department,  
Shri A. R. H. Shaikh, Deputy Secretary, Revenue Department.

## REPORT OF THE SELECT COMMITTEE

I, as the Chairman of the Select Committee to which the L. A. Bill No. 51 of 1972 (A Bill further to amend the Gujarat Agricultural Lands Ceiling Act, 1960) was referred, do hereby submit the following Report of the Committee alongwith the Bill as amended by the Committee, annexed hereto.

2. The Bill was introduced in the Gujarat Legislative Assembly on 22nd December, 1972. The motion that the Bill be read a first time was moved in the House by Shri Madhavsinh Solanki, the then Minister for Revenue, on 3rd April, 1973. After the Bill was read for the first time, Shri Madhavsinh Solanki, the then member-in-charge of the Bill moved a motion that it be referred to a Select Committee composed of 20 members with the instruction to report to the House before the 30th June, 1973. Sarvashri Keshubhai Patel, Harisinhji Gohel and Motibhai Chaudhari were, however, not willing to serve on the proposed Committee. The Committee, therefore, consisted of 17 members. The motion as adopted by the House is given in *Appendix I*.

3. The Hon. the Speaker appointed on 5th April, 1973 Shri Madhavsinh Solanki the then Member-in-charge of the Bill as Chairman of the Committee.

4. All notices of amendments to the Bill which were received from the members, before the Bill was referred to the Select Committee were referred to the Select Committee as required under Gujarat Legislative Assembly Rule 134(4).

5. The Committee in all held 9 sittings.

6. At its preliminary sitting held at 2-30 p. m. on 9th April, 1973, the Committee decided to issue Press Note for inviting amendments or suggestions from the M. L. As. Representatives of Farmers' Associations or Unions, Presidents of Taluka and District Panchayats, Heads of Agricultural Institutions, Economists and other interested parties, on or before 7th May, 1973. The Committee further decided that the various parties who desire to appear before the Committee personally should also communicate their desire in writing so as to reach the Gujarat Legislature Secretariat by the above referred date. The Committee also decided to hold its sitting from 4th June to 8th June 1973, to hear the witnesses as well as to consider the provisions of the Bill. Accordingly the Press Note was issued in the local English and Vernacular dailies inviting amendments and suggestions from the interested parties and written request from those who desire to appear in person before the Committee to express their views on the Bill, by the 7th May, 1973. Similar communication was also issued to all the members of the Assembly by Bulletin Part II.

7. In response to the Press Note, the Committee received 85 memoranda from various persons, bodies and institutions. A list of such persons, bodies and

institutions who had communicated their views on the Bill is annexed hereto as *appendix II*. A list of persons who appeared and placed their views before the Committee is also annexed as *appendix III*.

8. The Report of the Committee was to be presented before the 30th June, 1973. The Committee felt that in view of the important nature of the Bill, it would not be possible to complete the various stages relating to the Bill within the above specified time and as such Committee authorised Chairman to seek extension of time from Hon'ble the Speaker under Gujarat Legislative Assembly Rule 175 for presentation of its Report within fifteen days from the commencement of the next Assembly session, which extension was granted by the Hon'ble the Speaker.

9. Before the Committee could finalise its deliberations Shri Ghanshyambhai Ozá, the Chief Minister resigned in July 1973 and a new Ministry headed by Shri Chimanbhai Patel was sworn in. As the Committee was required to be reorganised, the meetings of the Committee could not be convened. On 3rd October, 1973, Shri Narendrasinh Jhala, the Revenue Minister, introduced a motion for the reorganisation of the Committee, which was passed by the House with amendment (*Appendix IV*) and the Committee has been directed to submit its Report to the House on or before 5th November, 1973. The Hon'ble the Speaker appointed Shri Narendrasinh Jhala as Chairman of the Committee.

10. The Committee was authorised to submit its Report to the Hon'ble the Speaker for printing and circulation amongst the members before presentation to the House.

11. At its first meeting held on 19th October 1973 the Committee decided that memoranda received from various institutions and members of public before the previous Committee, and the views expressed and evidence given by members of public before the old Committee, and the deliberations held in the previous Committee should be treated as record of the new Committee and that the decisions, if any, taken by the previous Committee may be reconsidered with due regard and weight and that as some members were new all the clauses of the Bill should be reconsidered by the new Committee *de novo*. Accordingly the new Committee considered all the clauses of the Bill *de novo*.

12. The reorganised Select Committee held 4 sittings on 19th October, 1973 from 12.00 noon to 5.10 p.m. 20th October, 1973 from 9.00 a.m. to 1.00 p.m. and from 2.30 p.m. to 6.30 p.m. and on 21st October, 1973 from 8.30 a.m. to 1.30 p.m. to consider the Bill. Minutes of these sittings are annexed hereto as *Appendix V*.

13. The Committee considered and approved this Report on 2nd November, 1973.



14. The Committee at its aforesaid sittings considered each of the clauses of the Bill in light of the memoranda, and each of the amendments suggested by the various persons, bodies and institutions and Members of the Legislative Assembly. The Committee also decided not to take verbatim proceedings of the deliberations of the Committee but to record only decisions of the Committee. As the total number of memoranda received from various persons and bodies and institutions is very large and the evidence given by the witnesses given before the Committee is also voluminous the Committee decided that it is not necessary to annex the memoranda and evidence to this Report and it would serve the purpose if copies are kept in the Library to enable the Members to refer to the same if they so desire.

15. The observations of the Committee with regard to the important amendments and some of the provisions which the Committee ultimately decided to retain as they were in the Bill are given in the succeeding paragraphs.

16. *Clause 3.*—This clause seeks to amend the preamble to Gujarat Agricultural Land Ceiling Act, 1960 which is hereinafter referred to as “the Principal Act”. The amendment is in respect of compact blocks and the priority to be given in the allotment of the same to a department of Government or to co-operative farming societies or corporations owned or controlled by the State and ensuring full and efficient use thereof. There was some discussion in the previous Committee regarding prior place given to a department of the State Government and it was also suggested that this prior place given to department of State should be deleted. It was, however, explained to the Committee that compact blocks cannot by their very nature be allotted to private landless individuals and would be required to be allotted to co-operative societies or to corporations owned or controlled by the State. However, formation of co-operative societies or constitution of corporations owned or controlled by the State may take sometime and some *interim* arrangement for the maintenance and carrying on agricultural activities on the compact block would be required to be made and therefore, it is provided in the proposed amendment in the clause 3 to allot the compact blocks to a department of the State during the interim period which may be taken up in forming co-operative societies or the corporations. The Committee was satisfied with this explanation and decided to retain clause 3 as it is.

17. (1) *Clause 4(1).*—This sub-clause seeks to amend radically the definition of agriculture given in the Principal Act and therefore there was considerable discussion regarding the provisions of this clause in the Committee. It was strongly urged before the Committee that the land which is used for the cutting of wood only should also be included in the definition of agriculture. The Committee felt that exclusion of such land is likely to be abused and as it will be difficult on facts to decide whether land is substantially used for cutting of wood or cultivation. Besides it would also be possible to make such lands cultivable. The Committee, therefore, feels that it would be safer to

include such land in the definition of agriculture. The Committee, therefore, decided that land used for the cutting of wood should be included in the definition of agriculture. The Committee has, therefore, amended this sub-clause by adding paragraph (h) and deleting the word "only".

17(2). In this sub-clause in item (ii) the words "such other pursuits as may be prescribed" are excluded from the definition of agriculture. There was considerable discussion on this point in the Committee and it was urged that no power to prescribe, to exclude "any other pursuit" from the definition of agriculture should be given as that would reduce an area of surplus land available. On the other hand it was also suggested in the Committee that power to prescribe any other pursuit in the definition of agriculture should be provided. However, the Committee feels that as legislation by provision in the Act defines agriculture as including certain pursuits to vest such blanket power in the Government to include any other pursuit in the definition of agriculture by prescribing would be beyond the scope of delegated legislation and would not be advisable. The Committee, therefore, ultimately did not agree to vest power in the Government to prescribe any other pursuit for inclusion in the definition of agriculture. In view of the amendment for inclusion of "cutting of wood" the Committee has made consequential amendment in the proviso. The explanation to this clause has been deleted.

18. *Clause 4, Sub-clause (3).*—This sub-clause seeks to amend the division of land into various classes as provided in section 2(6) in the Principal Act. In the principal Act, land is divided into four classes :—

- (i) perennially irrigated land;
- (ii) seasonally irrigated land;
- (iii) dry crop land, and,
- (iv) rice land.

The amendment in the Bill proposes to delete division pertaining to rice land and to include the same in another classification of superior dry crop land. There was considerable discussion in the Committee regarding this division and the Committee felt that alluvial land, and land situated in the bed of a river or land seasonally flooded by the water of a river cannot be classified permanently as the position and the nature of the land would change from year to year according to the rain and the floods in the rivers, and it would, therefore, be unfair and unjust to classify this type of land as superior dry crop land on permanent basis because the land which may receive advantage on account of flood in one year may be completely washed out in another year or may be rendered useless in subsequent years. The nature and type of this land is always fluid and not regularly dependable. It was, therefore, urged that this classification of superior dry crop land should be given up and the original

classification pertaining to rice land should be reverted. The Committee agreed that alluvial land and land situated in the bed of a river or land seasonally flooded by the water of a river cannot be suitably classified permanently as superior dry crop land as the nature of such land would change from year to year. In considering the provision regarding orchards, the Committee felt that the land used for growing fruit bearing trees is always superior and it would not be proper to include such land in the class of dry crop land as fruit bearing trees give very much better yield and income than dry crop land. The Committee, therefore, felt that orchards should be excluded from dry crop land and should be included in superior dry crop land. The Committee also decided that rice land should be continued to be included in superior dry crop land. The Committee, therefore, decided that the division of land into four classes as provided in the Bill should be retained as it is.

19. (1) *Clause 4, sub-clause (3), Explanation (a) "perennially irrigated land".*—There was considerable discussion regarding the definition of perennially irrigated land. It was urged in the Committee that the command area of a Government irrigated source may be very large, but in fact actual irrigation may be supplied to a very smaller area, which may be sometime one-third of the command area and, therefore, land which may be included in the command area, but which is not actually supplied with water should not be treated as perennially irrigated land. Besides, there are also cases where it may be possible to supply water from the Government irrigation source, but the irrigation Department may not supply the water on the ground that, it may cause damage to the land by continuous supply of water. Thus, it was urged that water may not be supplied continuously either on account of shortage of supply or on account of likelihood of damage being caused to the land. The Committee on this point collected some data and also examined the officers of the Irrigation Department and the Committee was satisfied that the area of actual supply of water from a Government Irrigation source may be much less than the command area of the irrigation scheme and, therefore, it would not be proper and just to classify the land as perennially irrigated land merely because it is included in the command area of a particular irrigation scheme. The Committee, therefore, feels that it would be better to make a provision for actual supply of water. However, difficulty would arise as to how and in what manner the fact of actual supply of water should be determined. The Committee feels that the only and proper safe-guard would be to make a provision for a certificate for actual and regular supply of water by a canal officer of the irrigation Department. The Committee, therefore, decided to amend the definition of "perennially irrigated land".

19. (2) It was also urged that a provision made in the proviso for exempting tube-wells constructed on or after 15th August, 1972 is not justified and should be deleted. It was, however, explained that when monsoon failed in 1972 and on account of acute conditions of scarcity and also on account of national policy for raising production of food, Government of India decided to encourage private agriculturists in construction of tube-wells and also to provide for loans and subsidies. It was, therefore, thought necessary to exempt tube-wells

privately constructed after 15th August, 1972 as otherwise it would adversely affect the inducement for construction of tube-wells by private agriculturists. The Committee, therefore, decided to retain the exemption as it is in the proviso.

19. (3) The Committee also accordingly decided to make a similar amendment in Explanation (b) regarding the definition of "seasonally irrigated land". The Committee has accordingly amended paragraph (b) of the Explanation defining "seasonally irrigated land" by making a provision for actual and regular supply of water.

20. Explanation (c) "*superior dry crop land*". As explained hereinabove, the Committee decided that alluvial land, land situated in the bed of a river or land seasonally flooded by the water of a river should be dropped from the definition of "superior dry crop land" and land used for orchard and fruit bearing trees should be included in the definition of superior dry crop land. The Committee, therefore, has amended this paragraph (c) of the Explanation accordingly.

21. Explanation (d) "*rice land*".—It was urged in and before the Committee that the provision for the average rainfall of not less than 89 centimetres a year should be revised and reduced as in some of the areas rice was now being cultivated even with a lesser average rainfall. It was, however, explained that where rice was cultivated with lesser average rainfall it was on account of supply of irrigation water and such land would be covered under the definition of perennially or seasonally irrigated land which is excluded from the definition of this land. It was also pointed out that the average rainfall was for a period of five years preceding the year 1959 and, therefore, the lesser amount of rainfall in the last five years would not affect the classification. The Committee, therefore, decided to retain this paragraph (d) as it is.

22. Explanation (e) "*dry crop land*".—As the Committee decided to include orchard and other lands on which fruit trees are grown in the definition of "superior dry crop land" this paragraph has been accordingly amended.

23. Explanation (g).—It was urged in the Committee that dug wells may be situated in the command area of an irrigation scheme, but in actual practice no regular supply of water may be assured from the irrigation source and, therefore, such lands irrigated by dug wells situated in the irrigation command area where no actual supply of water from the irrigation source is assured should not be treated as perennially irrigated land or seasonally irrigated land and this paragraph should, therefore, be accordingly amended on similar lines stated in para 19(1) and the succeeding para 24.

24. The Committee also decided that a general provision should be made as Explanation 2, after the paragraph (g), that for the purpose of paragraphs (a) and (b) and (g) of Explanation 1, a certificate granted by a Canal Officer as defined in clause (6) of section 3 of the Bombay Irrigation Act, 1879 in respect of any land after making proper enquiries that it is perennially irrigated land or as the case may be or seasonally irrigated land should be conclusive and binding. The Committee has accordingly added Explanation 2, after paragraph (g) of Explanation 1.

25. *Clause 4, sub-clause (6).*—Several views were expressed in and before the Committee regarding the definition of orchard and as to how land having various types of fruit bearing trees should be classified. One view was to classify land having any type of fruit bearing trees only in one category and not to make any distinction between different types of fruit bearing trees. It was also urged in and before the Committee to reconsider the provision regarding coconuts, arecanuts, bananas and guavas. On consideration of various aspects, the Committee felt that lands having fruit bearing trees which require continuous supply of water such as bananas, or guavas are distinct from lands having fruit trees which require little or no regular water supply. The Committee felt that land having fruit bearing trees such as bananas and guavas which require continuous supply of water should be classified as perennially irrigated or seasonally irrigated land as the case may be, whereas land having fruit bearing trees which require little or no regular supply of water should be classified in the superior dry crop land along with rice land. As the committee has transferred orchard land from the classification of dry crop land to superior dry crop land, the Committee did not think it necessary to make any change in this definition and the Committee, therefore, decided to retain this definition as it is.

26. (1) *Clause 5, sub-clause (1)(d), Lands belonging to or held on lease by, a local authority and by a University established by law.*—This clause seeks to amend section 3(1)(b) of the Principal Act granting exemption from the provisions of the Act to lands belonging to, or held on lease by, a local authority or by a university established by law.

It was urged before the Committee that such institutions which are recognized by Government as such hold unusually large areas of agricultural lands and it is desirable to place restrictions on their holdings and to prescribe certain norms. It was explained to the Committee that this clause grants exemptions only to university established by law and it would not cover institutions recognised by Government and, therefore, institutions recognized by Government holding unusually large areas of land would not be covered by the exemptions granted under this sub-clause.

26. (2) As regards university established by law, the Committee had examined the officers from the Agriculture Department and collected certain statistics. The Committee was informed that there are four universities estab-

lished by law in the State which are holding 2,555 acres of land. The Committee felt that it would be difficult to prescribe and lay down norms or standards of areas of agricultural land required by the Agriculture University. Committee, therefore, decided that it is not necessary to make any provision for prescribing norms or standards in this behalf and decided to approve this clause as it is.

27. (1) Paragraph (a) of clause 5 of sub-clause (1) educational institutions imparting education in agriculture.

This clause seeks to amend section 3(I)(d) of the Principal Act which exempts lands which are held by the public trusts for an educational purpose. The exemption is now restricted to a public trust for an educational institution imparting education in agriculture.

27. (2) Various representations were made to the Committee in this behalf and it was urged before the Committee that exemptions which were available to the public trusts should be continued. The Committee feels that even educational institution should not be allowed to retain large areas of agricultural lands. The Committee feels that only the educational institutions which are imparting education in agriculture should be allowed to retain such lands. The area required by such institution may vary from institution to institution and may also depend upon the strength of the students which may also vary from year to year. The Committee was informed that there are 181 Secondary schools in the State holding 2261 acres of land; 56 high schools holding 2052 acres of land; 6 colleges holding 1258 acres of land and 38 other institutions holding 1795 acres of land and 4 universities holding 2555 acres of land. The total number of institution comes to 285. The total area hold by them is 9,921 sq. acres.

27. (3) The Committee feels that to determine the areas without prescribing any norms or standards would not be advisable. The Committee has, therefore, accordingly amended sub-clause (d).

28. (1) Clause 5(I)(f) : *Panjr poles and Gaushalas*.—Section 3(I)(d) of the Principal Act grants exemptions to the lands held by public trusts *inter alia* for Panjr pole, Gaushala, etc. This blanket exemption granted to lands for Panjr pole and Gaushala is now sought to be restricted by the provisions of this clause. This amendment has created a considerable stir and numerous representations were received by the Committee from various Panjr poles and Gaushalas. Several persons appeared before the Committee also to plead for their cause. It was strongly urged before the Committee that cause of dumb animals who cannot speak or represent or agitate should be protected and safe-guarded by the Legislature and that, according to our tradition and culture animals which in their old age or otherwise during lean or scarcity period are not looked after by their owners are sent for maintenance to the Panjr poles which are maintained by

trusts mainly out of donations. It was, therefore, urged before the Committee for deletion of the last line —

“not for the purpose of deriving income for the institution;”

from the provisions of the paragraph (*dd*). It was also urged before the Committee that Gaushalas serve a very good cause of breeding and maintaining good cows and that institution which carry on such noble activities should be allowed to retain the lands held by them.

The Committee decided that suitable provision should be made in respect of public trust running hospitals permitting them to continue to hold agricultural lands as may be decided by a Committee consisting of an officer nominated by the Director of Health and Medical Services, the Collector and a representative of the institutions.

28. (2) The Committee appreciated that it may be difficult for the public trusts to create and get registered a separate trust for the purpose of Panjrapole or a Gaushala within a period of ninety days. The Committee, however, cannot and did not accede to the request. The Committee feels that the provision for creating a separate trust for Panjrapole and Gaushala is absolutely necessary for the purpose of preventing abuse of agricultural land for public trusts for public religious worship. A suggestion was also made to the Committee that all the lands held by Panjrapole should be taken over by the Government. The Committee after discussion did not agree to the same.

28. (3) The Committee, however, appreciates that such public trusts may find it difficult to create such a new trust and get them registered within a period of 90 days. The Committee felt that it would be sufficient if the trust is required to apply for registration within a period of 90 days, so as to endeavour to get themselves registered as such, as early as possible. However, it would be inequitable to cast on such applicant trust the burden of getting it registered from the competent authority within a specified time limit. The Committee felt that instead of creating and getting registered a separate trust, if the provision is restricted to making an application for registration of a new trust, it would serve the purpose. The Committee has, therefore, accordingly amended paragraph (*ddd*) in this behalf and it is provided in the amended clause that the application for creating a separate trust for the purpose of Panjrapole or Gaushala should be made within a period of 90 days from the specified date.

28. (4) As regards paragraph (*dd*) the Committee had examined the officers of Directorate of Animal Husbandry as well as Director of Agriculture and has also collected certain data.

The Committee is informed that there are 221 panjrapoles in the State holding 38,889 acres of land. There are 71 Gaushalas in the State holding 7,363 acres

of land and there are 348 educational institutions imparting education in agriculture including universities holding 10,348 acres of land. There are 4,310 Dev Mandirs holding 63,943 acres of land. There are other 966 public institutions holding 16,648 acres of land. Looking to this position, the Committee feels that the provisions made in paragraph (dd) of clause (f) are absolutely necessary. However, the Committee feels that in determining area, the Collector should be guided by the officers of the Department of Animal Husbandry also and besides a representative of the Panjrapole or a Gaushala should also have an opportunity to place the requirements of the land for Panjrapole or Gaushala for proper consideration. The Committee has accordingly amended this paragraph (dd).

29. *Clause 5, sub-clause (I), paragraph (g).*—Section 3(I)(f) of the Principal Act provides for exemption to the land held by or leased to an industrial undertaking. The Committee felt that some regulation should be prescribed and that the extent of the area should only be restricted as required for the purpose of expansion of present need of industry and that power must vest in the Government in the Industries Department. The Committee had accordingly amended item (f) of sub-section (I) of section 3 of the Principal Act, and included the said amendment in paragraph (g) of sub-clause (I) of clause 5.

30. *Clause 6.*—While considering the proviso proposed to be inserted in the Bill by clause 6, the Committee felt that along with “desert and hill areas” the areas which are “drought-prone” should also be included so that the ceiling in respect of such areas is increased by twelve and a half percent. The clause has been accordingly amended.

31. *Clause 7, sub-clause (I).*—In this clause certain typographical errors are corrected. Reference to sub-sections (1) and (2) are corrected as sub-sections (2), (3), (3A) and (3B). This clause is amended for correction purposes.

32. *Clause 7(2)* seeks to amend provisions of section 6(2) of the Principal Act and clause 7(3) seeks to add additional section (3A) and (3B) in section 6. This amendment pertains to agricultural lands held by families which are joint and the families which are not joint. There was considerable discussion about the above provision in the Committee and various views were expressed. For the purpose of evading application of the provisions of this Act and the Bill, some persons are reported to be transferring lands standing in their names by way of a deed or partition to the names of their spouses or minor sons and daughters. When the land pertaining to joint family is partitioned and transferred to the various members of the family, the family no longer remains joint but when in such cases lands are also transferred to a spouse or spouses or to minor sons and minor unmarried daughters with a view to save the land from the operation of the ceiling areas, it is desirable and necessary that such resort should not be had and therefore it is necessary to make a provision that even when spouses and minor sons and minor unmarried daughters separately hold lands standing in their names, the land should be clubbed together for the purpose of this Act. This is necessary because otherwise, a person who is holding land in



excess of the ceiling area would be able to reduce his holding by transferring a part of his land to his spouse, minor sons and minor and unmarried daughters. This sub-clause 2 of clause 7 is in respect of a family which is not otherwise a joint family. It was urged even before the Committee that in this amendment, lands held by major sons should also be included. The Committee considered this aspect and decided that it is not necessary.

33. *Clause 7 sub-clause 3 new section (3B)* prescribes the extent of land that can be held by a family or a joint family. It prescribes that the ceiling area should be applicable to a family or a joint family comprising of five persons but when the family or the joint family comprises of more than five persons comprising a person and other members belonging to a category of (i) minor son and (ii) widow of predeceased son and (iii) minor son or unmarried daughter of a pre-deceased son, where his or her mother is dead, such family should be entitled to hold land in excess of the ceiling area to the extent of 1/5th of the ceiling area for each member in excess of five so that the total holding of the family does not exceed the ceiling area. Divergent views were expressed before the Committee. The Committee considered the extreme views and decided to retain these provisions as they are without any amendment.

34. *Clause 7, sub-clause (3), new section (3A)*.—This amendment seeks to add new provision after section 6(3) for regulating the land held by persons in more than one State. The Committee has amended this clause so as to enable such person to dispose of his land in any other State in accordance with the provision of the law in force in such State and if he does so, the area of such land held by him in other State should not be liable to be excluded from the ceiling area of the land held by him in this State.

35. *Clause 9(1)(a) and (b)*.—This provision in effect provides for retrospective operation of the amending Bill for invalidating all transfers that may have been made in anticipation of the Bill for the purpose of evading the application thereof. There was considerable debate regarding the date from which this retrospective operation should commence, and it was urged that the date should be 26th September, 1970 when the first conference of the Chief Ministers was held. It was also urged in the Committee that in effect the guidelines were described in the election manifesto of the ruling party and therefore it would be difficult to fix earlier dates. The Committee felt that the date prescribed as 24th January, 1971 is proper as the National guidelines were laid down at the second conference of the Chief Ministers held in July, 1972. The Committee therefore feels that it is not necessary to change the prescribed date.

36. *Clause 9(1)(c)*.—This clause is a saving clause and saves from invalidation the transfers made by way of gift or partition to a major son on or after 24th January, 1971. There was considerable discussion on this provision. The Committee has amended this clause, restricting saving of transfers only to those

major sons who had become major on or before 24th January, 1971 and not making such saving of transfers applicable to the minor sons who have become major after 24th January, 1971.

37. *Clause 13.*—The Committee feels that the provision in Section 11 of the Principal Act does not prescribe minimum penalty and that it feels that a minimum penalty of Rs. 100/- should be prescribed. The Committee has accordingly amended the provisions of Section 11.

38. *Clause 19.*—This clause seeks to amend the provisions of Section 23 of the Principal Act which prescribes the quantum of compensation. It was pointed out to the Committee that the quantum of compensation is based upon the assessment, but there may be lands which are exempt from payment of land revenue or which may not have been assessed at all. The Committee, therefore, felt necessary to cover such lands. Clause 19 has, therefore, been accordingly amended.

39. Regarding the principles of compensation, in the present context of social reconstruction and the basic necessity of redistributing land resources among the landless persons, the Committee does not think that it is desirable to provide for payment of compensation on the basis of market value and that the principle of fixed quantum of compensation on the basis of land revenue is quite proper.

40. *Clause 22.*—This clause seeks to add new Section 29A in the Principal Act for making special provision in respect of efficiently managed compact blocks of land and orchards to ensure efficient cultivation and continuity of production. This provision also prescribes order of priority for allotment of compact blocks and orchards and first priority is given to a co-operative farming society. The Committee feels that such co-operative farming societies should have atleast 60 percent of those members belonging to scheduled castes or tribes. If, however, such a Co-operative Farming Society having atleast sixty percent members belonging to a scheduled tribe or a scheduled caste is not available for allotment of such compact block the second preference may be given to any other type of Co-operative Farming Society. The Committee has, therefore, amended paragraph (a) of new Section 29A of clause 22.

41. In the second proviso to the new Section 29A of clause 22, the Committee feels that while allotting lands some conditions must be fixed and no discretion should be left. The Committee has accordingly amended the second proviso by making obligatory upon the Government to impose conditions.

42. *Clause 23.*—As the State Bank of India has also its subsidiary banks, this clause has been amended for making it applicable also to Subsidiary banks as defined in the State Bank of India (Subsidiary Banks) Act, 1959.

43. *Clause 26.*—This new clause has been added in the Bill for making a consequential amendment in section 53(2)(i) on account of the amendment made in clause 4 of the Bill and accordingly clause 26 in the Bill has been re-numbered as clause 27.

44. *Clause [26] 28 Schedule 1.*—This is the most important and effective provision in the Act which prescribes the extent of the ceiling of various categories of land in various regions of the State. Diametrically opposite views were expressed on this Schedule. The Committee first considered the horizontal classification. It was urged that division of perennially irrigated land into two categories of land, namely, land irrigated by source other than private source, and (b) land irrigated by private source, should be given up and both the categories of land should be treated as one class. The Committee finds that this principle enunciated in the guidelines has been incorporated in the provisions of the Bill and the Committee therefore decided to retain the horizontal classification as it is provided in the Schedule.

45. As regards the vertical classification there was a considerable discussion and divergent views were expressed. The Department explained that this classification was made on the recommendation of the Select Committee in 1960 and although the classification was mainly based on the date of settlement and various other factors, such as climatic conditions, nature of soil, crop pattern, homogeneity, land being kotar land or subject to floods, etc. were taken into consideration and the whole schedule was revised by the said Committee. It was rightly urged in the Committee that during the course of 12 years since this vertical classification was made in the year 1961, various changes have taken place in the nature of soils on account of improvement in fodder, implementation of irrigation schemes, research in seeds and lands which were of inferior category in 1961 might have become very rich and of superior quality of land in the year 1973. Again there may also be some cases where some land might have been damaged on account of floods and other factors. The Committee feels that the classification should have been made on scientific basis after collecting all available and relevant data. The Committee regrets that this has not been done. The Committee was informed by the Department that the classification was to be remade on scientific basis after collecting all relevant data and it may take a further period of 2 years. The Committee feels that there is no alternative, with a view to save time and avoid further delay, except to retain the classification as it is. The Committee, therefore, decided to retain the vertical classification in the Schedule as it is.

46. Regarding the ceiling prescribed for each classification diametrically opposite views were expressed in and before the Committee. It was on the one hand urged in the Committee that the ceiling at 10 acres should be reduced to 5. On the other hand, it was strongly urged that the ceiling should be raised from 10 to 14 acres. On the other hand, there was a suggestion to reduce it to

7.5/15. Similarly in respect of dry crop land there was a suggestion to revise it and raise it from 30/48 to 42/54 and superior dry crop land from 20/36 to 28/36.

47. The Committee feels that the Bill seeks to prescribe ceiling on holding of land and does not seek to prescribe ceiling on income. Raising of agricultural production is equally a very important national factor and the extent of ceiling should not be prescribed in such a manner which may adversely affect initiative and discourage the farmers. The Committee was informed that in Maharashtra maximum ceiling has been prescribed at 18 acres in respect of perennially irrigated land without making any distinction in the various categories of land. In fixing the ceiling allowance should be made for the strength of the land-holders family, and classification of land should also be borne in mind. It is true to say that a very simple way of achieving social and economic justice, is to have a radical re-distribution of land. It is also true that a disproportionately large share of the benefits accruing from the heavy investments made by the society during the last two decades in irrigation, rural electrification, community development, road building, agricultural extension scheme etc. has gone to the richer farmers. The effects of the Community Development programme and all other development efforts in general have accrued to the richer section of society leaving the poor untouched. The effective public participation in democratic institutions at the grass roots is possible only among equals and near equals. The main instrument for transformation of the rural society is to have an equal redistribution of land left to those at the bottom of the social ladder, namely at the lower strata and landless labourer to the higher stair. The Committee is conscious that such a policy would meet opposition from the rural elite. Smaller holdings can be cultivated more intensively, leading to enhanced overall production. And, therefore, it would not be true to say that low ceilings can act as a disincentive. The Planning Commission Panel on Land Reforms and the Second Five Year Plan recommended that ceiling should be fixed in terms of "family holding". The first plan defined family holding as an area of land which under the existing local conditions and the level of technology equally applied to a plough unit of work or by a work unit for a family of average size working with such assistance as was customary in agricultural operations. In other words, a family holding should comprise only agricultural land to keep a pair of bullock and the family labour fully employed. In this sense, the family holding is the same as an economic holding under the conditions of traditional agriculture. Experts have opined that approximate all India level of plough unit and work unit should be between 7.5. to 10 acres. The Second Plan has rejected as impractical the suggestion to relate the concept of family holding to any particular level of income. The Committee, therefore, feels that it would not be proper and fair to prescribe the ceiling on the basis of income. The Agrarian Reforms Committee of the Congress, the Planning Commission's Panel on Land Reforms and the Second Plan suggest the fixing of a ceiling for a normal family as 3 family holding and in that context it appears reasonable to fix the ceiling for a family of 5 members at about 15

acres of irrigated land which has been done in the Schedule in this Bill. It has also been one view that ceiling for a family of 5 members should be fixed at 15 to 20 standard acres in States such as ours not having a high density of population. As regard the concept of standard acres as early as in 1954 Government of India has suggested that an average acre of irrigated land in a State might constitute a standard acre. The Committee considering all facts and circumstances prevailing in the State feels that it would be fair and reasonable and would serve the purpose well of the ceiling which is prescribed in the schedule is neither reduced nor raised. The Committee, therefore, decided to retain the Schedule as it is.

48. Clause 28 has been redrafted so as to make it more clear and precise for applying provisions of the amended Act to proceedings pending under the previous principal Act.

49. *Clause 29.*—A suggestion was made in the Committee to add a new clause 29 for providing constitution of popular committees at the village, taluka and district levels to aid and advise the Talati, Mamlatdar and the Collector and for acting as a watch dog committee to keep a proper vigilance and vigorous watch on the implementations of the provisions of the Act. The Committee accepted the principle of having such committees for popular participation. But the Committee felt that such committees can be better appointed administratively and even in the State of Kerala such committees have been not provided for in the Act. The Committee also feels that apart from the lands ceiling Act, there are other Acts pertaining to land reforms such as the Tenancy Act etc. and such committees should be appointed for general supervision of the implementation of the various land reforms Acts and it would not be advisable to make a statutory provision for appointment of such committees in every Act pertaining to land reforms. The Committee hopes that Government would give its due consideration to this suggestion. The Committee decided that it is not necessary to make a provision in the bill in that behalf.

50. The Committee discussed at length Schedule I appended to the Act and felt that during the last 12 years much progress has been made in the field of agriculture namely, supply and use of improved seeds, supply and use of fertilizers, construction of dams, tanks, bunds tubewells etc and in view of these classification of local areas should be done in a more scientific way. The Committee recommend that the Government should carefully examine the circumstances prevailing at present and should reconsider distribution of various local areas in various categories after taking into consideration the altered circumstances.

51. The Committee decided that sub-section 5 of Section 24 of the principal Act should be amended with a view to providing that if the total amount of encumbrances on the surplus land vesting in Government exceeds the compensation payable in respect of the land, the amount of compensation shall be distributed first in the order of priority *pro-rata* among the public/institutional

lending agencies namely co-operative societies, land mortgage banks, State Bank of India, and its subsidiaries and the 14 Nationalised Banks. The encumbrances in favour of the above mentioned public institutional lending agencies shall have a prior charge on the compensation amount than the encumbrances in favour of other lenders, irrespective of the date of registration of the charge or mortgage.

52. The Committee also decided that in fixing the principle of compensation on the basis of land revenue, in no case, the compensation should exceed Rs. 2,000/- per acre and the provision for payment of compensation should be accordingly amended to that effect.

The Committee decided that in working out the compensation payable for the land in excess of the ceiling area, the following principle should be applied :

- |   |  |
|---|--|
| (a) for the 1st Rs. 20,000/-                      | 100% of the amount.                    |
| (b) for the next Rs. 20,000/-<br>or part thereof. | an amount equal to 90% of such amount. |
| (c) for the next Rs. 20,000/-<br>or part thereof. | an amount equal to 80% of such amount. |
| (d) for any amount in excess<br>of Rs. 60,000/-   | an amount equal to 75% of such amount. |

53. The Committee decided that it would be necessary to make a suitable provision in the Bill to prevent persons taking advantage by filing a suit for specific performance of agreements on the basis of ante-dated agreements of date prior to 24th January, 1971 and accordingly the proviso should be added to section 8(1) by amending clause 9. The proviso should be so worded as to prevent fraudulent ante-dated transfers from being fruitful.

54. The Committee recommends that the Bill, as amended, be passed.

55. The Committee take this opportunity to express its sense of gratitude to all the persons and bodies and institutions who displayed keen interest in the bill in sending their memoranda to the Committee and in appearing in person before the Committee and making their valuable and useful suggestions.

56. The Committee also expresses its thanks to the Secretary, Revenue Department, Secretary, Legal Department and the Secretary and the Legislature Secretariat for their assistance, in its work.

Gandhinagar,  
2nd November, 1973.

**NARENDRASINH JHALA;**  
*Chairman;*  
**Select Committee;**

## Minute of Dissent

BATUK VORA

Member

Select Committee on  
Bill No. 51 of 1972.

I wish to submit my note of dissent on the decisions arrived at by the majority of the members of the Select Committee on Bill No. 51 of 1972. During the discussion of different clauses of the Bill, I felt that certain provisions were kept intact and certain clauses were amended which ultimately resulted in destroying the main objective *i.e.* to mop up as much land as possible by removing the loop holes and by lowering the ceiling after minimising the unscientific divisions made in the Bill.

To me, this Bill is not only an instrument in redistribution of available land and satisfy the land hunger of the landless poor but also equally important is its political impact on the rural socio-economic relations. This bill lacks in one very vital provision and I have by an amendment tried to fill up that gap by providing for watch dog Committees at different levels to make the rural poor participate actively in the implementation of this measure. Statutory provision was necessary according to my belief.

Following sections and clauses need to be amended and added so as to fulfil the objective.

*Clause 5.*—In section 3 of the principal act—

(1) in sub-section (1)-amendment.

(*dd*) There is a provision for withdrawing of exemptions from the land used by Panjrapole and Gaushala with certain conditions. But this is not enough. Gaushala may be given the land as per its requirements as they ultimately help in breeding better cattle used for productive purpose. But I feel that Panjrapoles should not be allowed to retain any land as these religious institutions serve no productive purpose. The cattle kept in it just wait for death. The hungry landless people to me are more important to be maintained than the unproductive and unuseful cattle. There are 221 Panjrapoles in Gujarat possessing 38889 acres of land.

*Clause 7.*—In the principal Act, in section 6, amendment—

(3B) A family should mean a person, his spouse and three children major or minor. The existing provision considers minor children only. This will create legal and technical complications in implementation of the Act, besides creating a major loophole preventing acquisition of thousands of acres of surplus land. In the last decade the land-holders have already made thousands of artificial divisions of their holdings.

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L. A. Bill No. 51 of 1972

**THE GUJARAT AGRICULTURAL LANDS CEILING (AMENDMENT)  
BILL, 1972**

*[As reported by the Select Committee]*

[Deletions made by the Committee are shown in square brackets and additions are side-lined or underlined]

*A BILL*

*to amend the Gujarat Agricultural Lands Ceiling Act, 1960.*

It is hereby enacted in the Twenty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Agricultural Lands Ceiling (Amendment) Act, 1972.

Short title  
and  
commence-  
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify.

Declaration for giving effect to policy of State towards securing principles specified in clauses (b) and (c) of article 39 of Constitution.

2. In pursuance of article 31C of the Constitution of India, it is hereby declared that the provisions of this Act are enacted for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of article 39 of the Constitution of India; and in particular, but without prejudice to the generality of the foregoing declaration, for providing that the ownership and control of the agricultural resources of the community are so distributed as best to subserve the common good, and also that the operation of the agricultural economic system does not result in the concentration of wealth and means of agricultural production to the common detriment.

Amendment to preamble of Guj. XXVII of 1961.

3. In the preamble to the Gujarat Agricultural Lands Ceiling Act, 1960 (hereinafter referred to as "the principal Act"), after the words and the bracket "and small holders" the words "or for the allotment of such surplus agricultural lands the integrity of which is maintained in compact blocks to a department of Government or to cooperative farming societies or corporations owned or controlled by the State, for ensuring the full and efficient use thereof" shall be inserted.

Guj. XXV-II of 1961.

Amendment of section 2 of Guj. XX-VII of 1961.

4. In section 2 of the principal Act—

(1) for clause (1), the following clause shall be substituted, namely :—

"(1) "agriculture" includes—

(a) horticulture,

(b) the raising of crops, grass or garden produce,

(c) the use by an agriculturist of the land held by him or part thereof for grazing,

(d) the use of any land, whether or not an appanage to rice or paddy land, for the purpose or rabmanure,

(e) dairy farming,

(f) poultry farming, [and]

(g) breeding of live-stock; and

(h) the cutting of wood :

[but does not include—

(i) the cutting of wood only and

(ii) such other pursuits as may be prescribed.]

Provided that in relation to any period prior to the specified date, "agriculture" shall not include any of the pursuits specified in sub-clauses (d), (e), [(f) and (g)] (f), (g) and (h) and also such other pursuits as may have been prescribed prior to the specified date as pursuits not included in that word."

[*Explanation.*—If any question arises as to whether any land or part thereof is used for the cutting of wood only or for any of the pursuits prescribed under this clause, such question shall be decided by the Tribunal;"]

(2) after clause (3), the following clause shall be inserted, namely :—

Guj. of 1972. "3A) "Amending Act of 1972" means the Gujarat Agricultural Lands Ceiling (Amendment) Act, 1972;";

(3) for clause (6), the following clause shall be substituted, namely :—

"(6) "class of land" means any of the following classes of land, that is to say :—

- (i) perennially irrigated land ;
- (ii) seasonally irrigated land ;
- (iii) superior dry crop land ;
- (iv) dry crop land ;

*Explanation I.*—For the purpose of this Act—

(a) "perennially irrigated land" means land which is assured of a regular and actual supply of water for a period of not less than ten months during the year from any source of irrigation and which is consequently capable of growing at least two crops in a year or is utilised for growing sugarcane crop

Provided that land irrigated by a tube-well or lift irrigation from a perennial source of water, operated by diesel or electric power or both and constructed on or after 15th August, 1972 by any person other than Government or a local authority, shall not be deemed to be perennially irrigated land ;

(b) "seasonally irrigated land" means land which is assured of a regular and actual supply of water for a period of less than ten months but not less than four months during the period from 15th September to the end of February in a year from any source of irrigation, and is consequently capable of growing at least one crop in a year ;

(c) "superior dry crop land" means [alluvial land, land situated in the bed of a river or land seasonally flooded by the water of a river, and includes] rice land, orchard and other land on which fruit trees are grown;

(d) "rice land" means land situated in a local area where the average rainfall is not less than 89 centimetres a year, such average being calculated on the basis of rain-fall in that area during the five years immediately preceding the year 1959, but does not include perennially or seasonally irrigated land used for the cultivation of rice ;

(e) "dry crop land" means land other than the land specified in paragraphs (a) to (c) [and includes orchard and other land on which fruit trees are grown] and grass land, that is to say, land which abounds in grass grown naturally and which is capable of being used for agricultural purposes ;

(f) "grass land" referred to in paragraph (e) shall, notwithstanding anything contained in that paragraph, be deemed to be rice land if it is situated in a local area referred to in paragraph (d) and in the opinion of the State Government it is fit for the cultivation of rice ;

(g) land irrigated by dug wells except in the irrigation command of an irrigation project or in the bed of a river, stream, or natural collection of water or a drainage channel (being an irrigation project, a river, stream, natural collection of water or a drainage channel which is a perennial source of water) shall not be deemed to be "irrigated land;"

*Explanation II.*—For the purpose of paragraphs (a) and (b) of Explanation I, a certificate granted by a canal-officer as defined in clause (6) of section 3 of the Bombay Irrigation Act, 1879 in respect of any land, after such inquiry as he deems fit, that it is perennially irrigated land, or as the case may be seasonally irrigated land and for the purpose of paragraph (g) of Explanation I, a certificate granted by such officer, in like manner, in respect of any source of water referred to in the said paragraph (g) that it is a perennial source of water, shall be conclusive evidence in that behalf;

Bom.  
VII of  
1879.

(4) after clause (6), the following clause shall be inserted, namely :—

"(6A) "Code" means the Bombay Land Revenue Code, 1879";

(5) for clause (17), the following clause shall be substituted, namely :—

Bom.  
V of  
1879.

"(17) "land" means —

(i) in relation to any period prior to the specified date, land which is used or capable of being used for agricultural purposes and includes the sites of farm buildings appurtenant to such land ;

(ii) in relation to any other period, land which is used or capable of being used for agricultural purposes, and includes —

(a) the sites of farm buildings appurtenant to such land

— (b) the lands on which grass grows naturally

Sau.  
Act  
XXV  
of  
1951.

(c) the bid lands held by the Ghasdars or Barkhalidars under the Saurashtra Land Reforms Act, 1951, the Saurashtra Barkhali Abolition Act, 1951 or the Saurashtra Estates Acquisition Act, 1952, as the case may be ;

Sau.  
Act  
XXVI  
of  
1951.

(d) such bid lands as are held by a person who, before the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, was a Ruler of an Indian State comprised in the Saurashtra area of the State of Gujarat, as his private property in pursuance of the covenant entered into by the Ruler of such State ;

(e) trees and standing crops on such land ;

(f) canals, channels, wells, pipes or reservoirs and other works constructed or maintained on such land for the supply or storage of water for the purpose of agriculture ;

(g) drainage works, embankments, bandharas or any other works appurtenant to such land, or constructed or maintained thereon for the purpose of agriculture, and all structures and permanent fixtures on such land ;

*Explanation.*—In clause (d), the expressions “Ruler” and “Indian State” shall have the same meanings as are assigned to them in clauses (22) and (15) respectively of article 366 of the Constitution and the expression “covenant” shall have reference to the covenant which was referred to in article 291 of the Constitution before the repeal of that article by the Constitution (Twenty sixth Amendment) Act, 1971;”;

(6) after clause (19), the following clause shall be inserted, namely :—

“(19A) “orchard” means a compact area of land, having fruit bearing trees grown thereon in such number that they preclude, or when fully grown would preclude, a substantial part of such land from being used for any agricultural purpose, which has been used for the growing of such trees for a period of not less than three years immediately preceding the 24th day of January 1971; but shall not include vine yards or other areas of land used exclusively for growing coconuts arecanuts bananas and guavas;”;

(7) in clause (20), the word “relevant” shall be deleted ;

(8) clause (24) shall be deleted ;

(9) in clause (27), for the word “one-eighth” the word “one-sixteenth” shall be substituted ;

Sau.  
Act  
III of  
1952.

(10) after clause (27) the following clause shall be inserted, namely :—

“(27A) “specified date” means the date of the coming into force of the Amending Act of 1972;”;

(11) in clause (31), the word “relevant” shall be deleted.

5. In section 3 of the principal Act,—

(I) in sub-section (I),—

(a) for the words “The following lands” the words, brackets, figures and letters “Subject to the provisions of sub-sections (IA) to (ID) (both inclusive), the following lands” shall be substituted ;

(b) in clause (a), the words “or land held on lease from Government for a period not exceeding twenty years” shall be deleted ;

(c) after clause (a), the following clause shall be inserted, namely :—

“(aa) khar lands and tidal lands as defined in the Gujarat Khar Guj. Lands Act, 1963 and any other lands which, being in the opinion of the State Government such as need special efforts for their reclamation for the purpose of bringing them under cultivation, are notified in this behalf by the State Government by a notification in the *Official Gazette*, held on lease from Government for a period not exceeding twenty years;”;

(d) for clause (b), the following shall be substituted, namely :—

“(b) lands belonging to, or held on lease by, a local authority and lands belonging to, or held on lease by a University established by law in the State of Gujarat, where such lands are used by the University for the purpose of imparting education in agriculture, or are specified by the University as being reserved for being used for future expansion of the University;”;

[(e) in clause (d),—

(i) for the words “for an educational purpose, hospital, *Panjrapole, Gaushala*, or an institution for public religious worship” the words “for an educational institution imparting education in agriculture” shall be substituted ; and

(ii) the Explanation shall be deleted ;]

(e) for clause (d), the following clauses shall be substituted, namely :—

“(cc) lands which are the property of a public trust for a hospital existing on the specified date, to such extent as may be decided in each case by a Committee consisting of the Collector, such officer of the Medical Department as the Director of Health and Medical Services may nominate and a representative of the hospital concerned ;

(d) lands which are the property of a public trust for an educational institution imparting education in agriculture, to such extent as may be prescribed;”

(f) after clause (d) the following clauses shall be inserted, namely :-

“(dd) lands held by a Panjrapole or a Gaushala for the purpose of grazing of cattle or storage of grass for cattle in the institution to such extent as may be specified from time to time [by the Collector] in each case by a Committee consisting of the Collector, such officer of Animal Husbandry Department as the Director of Animal Husbandry may nominate and a representative of the Panjrapole, or as the case may be, the Gaushala, having regard to the number of cattle normally maintained or cared for in the institution concerned, provided the Panjrapole or the Gaushala, as the case may be uses such lands solely and directly for the purpose for which such lands are held and not for the purpose of deriving income for the institution ;

“(ddd) lands, being lands utilised for maintenance of Panjrapole or Gaushala, which were exempt from the provisions of this Act immediately before the specified date by reason of their being the property of an institution for public religious worship registered as a public trust under the Bombay Public Trusts Act, 1950, [provided such institution creates and gets registered under the said Act, a separate trust in respect of such lands for the purposes of a Panjrapole or a Gaushala within a period of six months from the specified date and gives an undertaking to the Collector to create and get registered such separate trust within ninety days from the specified date;” ;] provided such institution creates a separate trust in respect of such lands for the purposes of Panjrapole or Gaushala, applies within a period of ninety days from the specified date, for the registration of such trust under the said Act, to the Deputy or Assistant Charity Commissioner having jurisdiction and endeavours to get such separate trust registered under the said Act within a period of one year from the specified date;”

[(g) clauses (e) and (g) shall be deleted.]

(g) clause (e) shall be deleted.,

(h) in clause (f) add the following at the end, namely:-

“to the extent necessary for the purpose of expansion or present need of the industry, as certified by the Commissioner of Industries”

(i) clause (g) shall be deleted.,

[(h)] (j) for clause (h) the following shall be substituted, namely:-

“(h) lands held or leased by a Land Development Bank, a bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or a Corporation (including a Company) owned or controlled by Government, provided such lands are required and used by these institutions in connection with the discharge of their *bona fide* functions or achievement of their *bona fide* objects;”



[(6)](k) in clause (i), for the words "for agriculture" the words "for agriculture, provided that the sum total of land held by any one member of such society as such member as well as separately as an individual does not in any case exceed the ceiling area which such member shall be entitled to hold as one person" shall be substituted;

[(7)](b) clause (k) shall be deleted;

(2) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) Every person who holds land which is eligible to the exemption provided in sub-section (1) shall,

(i) in a case where such land was eligible to exemption immediately before the specified date or where such land becomes eligible to exemption on the specified date, within a period of ninety days from the specified date, and

(ii) in any other case within a period of ninety days from the date on which it becomes eligible to exemption by reason of its satisfying the requirements of the provisions of sub-section (1),

make an application in the prescribed form to the Collector within whose jurisdiction such land is situate, for a certificate that the land in question is eligible to exemption from the provisions of this Act.

(1B) On receipt of such application the Collector shall, after giving to the applicant an opportunity to be heard and after making such inquiry as he thinks fit, decide whether the land is eligible to exemption or not.

(1C) If the Collector decides that the land or any portion thereof is eligible to exemption, he shall issue a certificate in the prescribed form to the applicant to the effect that the land specified therein is entitled to exemption from the provisions of this Act, and no land in respect of which such certificate of exemption has not been issued shall be eligible to exemption under sub-section (1).

(1D) The decision of the Collector under sub-section (1B) shall, subject to the decision of the State Government in an appeal, if any, which may be filed by the applicant aggrieved by the decision of the Collector within a period of ninety days from the date of communication of the decision to the applicant or the decision of the State Government in such appeal or in exercise of its powers under section 52, shall be final and conclusive and shall not be called in question in any suit or proceeding in any court or before any authority."

(3) in sub-section (2), the following shall be added at the end, namely:—

"If at any time it appears to the Collector that any exempted land or portion thereof has ceased to satisfy any of the requirements of the provisions of sub-section (1) and has consequently ceased to be exempted land, the Collector may, after giving to the holder of such land an opportunity to be heard and satisfying himself that the land or any portion thereof has ceased to be exempted land, by order published in the prescribed manner direct that with effect from such date as may be specified in the order such land or portion thereof shall cease to be exempted from the provisions of this Act and thereupon the certificate granted to the holder under sub-section (1C) shall stand revoked in respect of such land, or as the case may be, portion thereof.";

(4) after sub-section (3), the following sub-sections shall be added, namely:

(4) No exempted land shall be transferred by way of sale, gift, exchange, mortgage, lease assignment or otherwise, or partitioned without the previous permission of the Collector:

Provided that the Collector may grant such permission on such conditions as may be prescribed.

(5) Any transfer or partition of exempted land in contravention of sub-section (4) shall be void."

Bom.  
XXIX  
of  
1950.

(6) Notwithstanding anything contained in the Bombay Public Trusts Act, 1950 or in the instrument of trust relating to any institution referred to in clause (ddd) of sub-section (1), for the purpose of giving effect to the provisions of the said clause (ddd), it shall be lawful:-

(a) for the trustees of such institution to create and get registered a separate trust in respect of the lands utilised by such institution for maintenance of *Pantarpole* or *Gaushala* and for that purpose to make an application for the registration of such separate trust in accordance with the provisions of the said Act, to the Deputy or Assistant Charity Commissioner having jurisdiction under section 18 of the said Act, and

(b) for the Deputy or Assistant Commissioner having jurisdiction to deal with such application in accordance with the provisions of the said Act, as if it were an application for registration of a new trust."

6. In the principal Act, in section 5 to sub-section (1) the following proviso shall be added namely:-

Amendment  
of section 5 of  
Guj. XXVII  
of 1961.

["Provided that the ceiling area with reference to dry crop land in areas which in the opinion of the State Government are desert or hill areas and which are specified, from time to time, by notification in the *Official Gazette*, as such areas shall be twelve and a half per cent more than the ceiling area as specified with reference to perennially irrigated land irrigated by public source against the class of local area in which the said areas fall, and for the purpose of determining whether any area is a desert or hill area, regard shall be had to the soil classification of the land, the climate and rainfall of the area, the extent of irrigation facilities in the area, the average yield of crop and the agricultural resources of the area, the general economic conditions prevalent therein and such other factors."]

"Provided that the ceiling area in areas which in the opinion of the State Government are desert or hill areas or draught-prone areas and which are specified, from time to time, by notification in the *Official Gazette*, as such areas shall be such area as is twelve and a half per cent more than the ceiling area as specified with reference to the respective classes of land against the class of local area in which the said areas fall, and for the purpose of determining whether any area is a desert or hill area or a draught-prone area, regard shall be had to the soil classification of the land, the climate and rainfall of the area, the extent of irrigation facilities in the area, the average yield of crop and the agricultural resources of the area, the general economic conditions prevalent therein and such other factors."

Amendment  
of sec-  
tion 6 of  
Guj. XXVII  
of 1961.

7. In section 6 of the principal Act,—

(1) in sub-section (1), for the words brackets and figures “sub-sections [(1) and (2)] (2) and (3)” the words, brackets, figures and letters “sub-sections (2), (3), (3A) and (3B)” shall be substituted.

[(2) in sub-section (2), for the words “not being a joint family, and” the words and brackets “(not being a joint family), which consists of the individual and his spouse (or more than one spouse) and their minor sons and minor unmarried daughters, and” shall be substituted]

(2) in sub-section (2),—

(a) for the words “not being a joint family, and” the words and brackets “(not being a joint family) which consists of the individual and his spouse (or more than one spouse) and their minor sons and minor unmarried daughters, irrespective of whether the family also includes any major son, and” shall be substituted.,

(b) after the words “the said members of the individual’s family” the words “excluding major sons, if any” shall be inserted.

(3) after sub-section (3), the following sub-sections shall be inserted, namely :—

“(3A) Where any person holds any land in any other part of India outside the State, then, the area of land so held by him in such other part, not exceeding the maximum area of land which such person is entitled to hold in such other part of India under any law, if any, relating to ceiling on land, used or capable of being used for agricultural purposes, shall be excluded from the ceiling area in excess of which a person is not entitled to hold land under this section and the extent of land determined after so excluding such area shall, in relation to such person, be deemed to be the ceiling area, to be held by him in this State

Provided that where any such person disposes of, at any time before the determination of ceiling area under this Act, any land or part thereof so held by him in any other part of India outside the State, in accordance with the provisions of law in force in such part, the area equal to the land or part thereof so disposed of shall not be excluded while determining the ceiling area under this sub-section.

(3B) Where a family or a joint family consists of more than five members, comprising a person and other members belonging to all or any of the following categories, namely :—

(i) minor son,

(ii) widow of a pre-deceased son,

(iii) minor son or unmarried daughter of a pre-deceased son, where his or her mother is dead

such family shall be entitled to hold land in excess of the ceiling area to the extent of one-fifth of the ceiling area for each member in excess of five, so however that the total holding of the family does not exceed twice the ceiling area; and in such a case, in relation to the holding of such family, such area shall be deemed to be the ceiling area :

Provided that if any land is held separately also by any [minor] member of such family, the land so held separately by such [minor] member shall be grouped together with the land of such family for the purpose of determining the total holding of such family :

Provided further that where, in consequence of any member of such family holding any land in any other part of India outside the State, the ceiling area in relation to the family is reduced as provided in sub-section (3A), the one-fifth of the ceiling area as aforesaid shall be calculated with reference to the ceiling area as would have been applicable had no such land been held by such member in any other part of India.

(3C) Where a family or a joint family irrespective of the number of members includes a major son, then each major son shall be deemed to be a separate person for the purposes of sub-section (1).

(3D) For the purpose of sub-section (2), (3B) or (3C), the members comprised in a family or as the case may be a joint family on the specified date shall alone be taken into consideration and any changes in the character or number of members, of the family occurring thereafter shall be ignored.”

(4) in sub-section (4) for the word “Land” the words “Land in this State” shall be substituted.

8. In section 7 of the principal Act, in sub-section (1), in clause (b) for the word “partition” the words “partition, family arrangement” shall be substituted.

Amendment  
of section  
7 of Guj.  
XXVII of  
1961.

9. In section 8 of the principal Act,—

(1) in sub-section (1)—

Amendment  
of section 8 of  
Guj. XXVII  
of 1961.

(a) after the words “but before the commencement of this Act” the words, figures and letters “or after 24th day of January 1971 but before the specified date” shall be inserted;

(b) after the words “the object of this Act” the words figures and letters “where such transfer or partition was made after 15th day of January 1959 but before the commencement of this Act or in order to defeat the object of the Amending Act of 1972 where such transfer was made after 24th day of January 1971 but before the specified date” shall be inserted; and

(c) the following [proviso] provisos shall be added at the end, namely:-

["Provided that nothing in this sub-section shall apply to any transfer of land by way of gift or partition made to a major son on or after the 24th January 1971"]

"Provided that where any transfer or partition of land is effected by a document required by law to be registered which is however not registered and such document purports to have been executed before 24th January, 1971, no court shall pass a decree in any suit filed for the grant of specific relief on the basis of any such document, unless the court is satisfied on merits of the case that the document is a *bonafide* document executed in fact before 24th January, 1971, and that it is not ante-dated as a result of collusion between parties or otherwise in order to defeat the object of the Amending Act of 1972 ;

Provided further that nothing in this sub-section shall apply to any transfer of land by way of gift or partition made on or after the 24th January, 1971 to a son who was major on the said date."

(2) in sub-sections (2) and (3), for the words "this Act" the words and figures "this Act, or, as the case may be, of the Amending Act of 1972" shall be substituted.

Amendment  
of section 9  
of Guj.  
XXVII of  
1961.

10. In section 9 of the principal Act, the words, brackets and figures "under sub-section (2) of section 3" shall be deleted.

Insertion  
of new  
section 9A  
in Guj.  
XXVII of  
1961.

11. After section 9 of the principal Act, the following new section shall be inserted, namely :—

Ceiling  
area where  
land con-  
verted into  
another  
class by  
Government  
irrigation.

9A. (i) Where in consequence of the conversion after the appointed day of any land into any class of land described in sub-clause (i) or (ii) of clause (6) of section 2, as a result of irrigation from a source constructed by Government, the land held by any person exceeds the ceiling area, or

(ii) where in consequence of the amendments made in any of the provisions of this Act by the Amending Act of 1972, the land held by any person on the specified date exceeds the ceiling area,

the land so in excess shall be deemed to be surplus land."

Amendment  
of section 10  
of Guj.  
XXVII of  
1961.

12. In section 10 of the principal Act,—

(a) in sub-section (1), for the portion beginning with the words "Every person" and ending with the words "a true statement specifying", the following shall be substituted, namely :—

"(1) Every person—

(a) holding land (including exempted land, if any) in excess of the ceiling area whether as owner or tenant or partly as owner and partly as tenant on the appointed day,

(b) who, on or after the appointed day, comes into possession of, or holds, any land (including exempted land, if any and land, if any, held in any other part of India outside this State) in excess of the ceiling area, whether as owner or tenant or partly as owner and partly as tenant, in the circumstances described in section 9,

(c) whose land is converted into another class of land, thereby causing his holding to exceed the ceiling area, in the circumstances described in clause (i) of section 9A,

(d) whose land becomes surplus under the circumstances described in clause (ii) of section 9A,—

shall—

(i) in the case under clause (a), within a period of ninety days from the appointed day,

(ii) in the case under clause (b), within a period of ninety days from the date of his coming into possession of the land in excess of the ceiling area,

(iii) in the case under clause (c), within a period of ninety days from the date of such conversion (such date being a date notified, in the *Official Gazette* by the State Government in respect of any area),

(iv) in the case under clause (d), within a period of ninety days<sup>s</sup> from the specified date,

furnish to each of the Mamlatdars in whose jurisdiction any piece of such land is situate, a true statement specifying”

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Every such person who does not hold any land in any part of India outside this State shall also furnish, with such statement, an affidavit that he does not hold any land in any such part.”

[13. In section 11 of the principal Act, after the word “statement” wherever it occurs the words “or affidavit” shall be inserted.]

Amendment  
of section 11  
of Guj.  
XXVII of  
1961.

13. In section 11 of the principal Act,—

(1) after the word “statement” wherever it occurs the words “or affidavit” shall be inserted,

(2) for the words “then he shall be liable to a penalty not exceeding five hundred rupees” the words “then he shall be liable to a penalty which shall not be less than one hundred rupees and which may extend upto five hundred rupees” shall be substituted.

Amendment  
of section  
13 of Guj.  
XVII of  
61.

14 In section 13 of the principal Act, in sub-section (1),—

(a) after the words and figures "specified in section 10" the words, brackets and figures "or the further period referred to in sub-section (2), of section 16" shall be inserted ;

(b) for the words and figures "under section 10" the words "under either of one sections" shall be substituted.

Amendment  
of section 15  
of Guj.  
XXVII of  
1961.

15. In section 15 of the principal Act,

(1) the words "on the appointed day" and the words "on that day" shall be deleted ;

(2) in clause (c) of the proviso, after the words "of this Act" the words, figures and letters "or after 24th January 1971 but before the specified date" shall be inserted.

Amendment  
of section 16  
of Guj.  
XXVII of  
1961.

16. In section 16 of the principal Act,—

(1) in sub-section (1), for the words "a statement" occurring at both the places the words "a statement or affidavit" shall be substituted;

(2) in sub-section (2), for the words, "it may pass such order as it thinks fit" the following shall be substituted, namely:—

"if the Tribunal is satisfied that the person has without reasonable cause failed to furnish the statement or affidavit within time or has submitted a statement or an affidavit which is false or which contains incorrect particulars, the Tribunal may impose the penalty provided in section 11 and require him to furnish a true and correct statement or affidavit complete in all particulars, within a period of one month from the date of the order".

(3) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) If the person fails to comply with the order within the time so granted by the Tribunal, then as a penalty for failure to furnish a statement or affidavit, or true and correct particulars complete in all respects, the right, title and interest in the land held by him in excess of the ceiling area shall subject to the provisions of this Chapter, be forfeited to the State Government, and thereupon such surplus land shall vest in the State Government free from all encumbrances."

Amendment  
of section 20  
of Guj.  
XXVII of  
1961.

17. In section 20 of the principal Act,—

(a) in sub-section (2), in clause (a), the words "on the appointed day" shall be deleted ;

(b) after sub-section (3), the following sub-section shall be added namely:—

"(4) For the purpose of the selection of land under sub-section (2), in a case where land is held by each spouse separately, each spouse shall be entitled to select the land which the spouse wishes to continue to hold, so however that the lands selected for such continuance shall be in the same proportion in which lands were held by each spouse before furnishing the relevant statement under sub-section (1) of section 10"

18. In sub-section (1) of section 21 of the principal Act —

Amendment  
of section 21  
of Guj.  
XXVII of  
1961.

(i) after the words "further enquiry if any" the brackets and words "(including giving the holder of surplus land an opportunity of being heard)" shall be inserted ;

(ii) in clause (i) the words "on the appointed day" shall be deleted.

19. [In section 23 of the principal Act,—] Section 23 of the principal Act shall be renumbered as sub-section (1) of that section and

Amendment  
of section 23  
of Guj.  
XXVII of  
1961.

(1) in sub-section (1) as so renumbered, for the words "The amount of compensation for the land" the words brackets and figures "Subject to the provisions of sub-sections (2) and (3), the amount of compensation for the land" shall be substituted,"

[(1) in clause (1),—]

(2) clause (1) of sub-section (1) as so renumbered shall be renumbered as clause (A) of that sub-section and in clause (A) as so renumbered -

(a) after sub-clause (a), the following proviso shall be inserted, namely,—

"Provided that in the case of any such land which is held on lease for a period of less than twenty years from the appointed day.

(i) where the unexpired period of lease does not exceed five years an amount equal to six times the full assessment thereof,

(ii) where the unexpired period of lease exceeds five years but does not exceed ten years, an amount equal to nine times the full assessment thereof,

(iii) where the unexpired period of lease exceeds ten years, an amount equal to ten times the full assessment thereof;"

(b) for sub-clause (c), the following sub-clauses shall be substituted namely :—

"(c) where the land to which sub-clause (b) applies has not been cultivated for a continuous period of three years immediately preceding the [appointed day] specified date, an amount equal to twenty-five per cent of the amount arrived at in respect thereof under sub-clause (b) ;



(d) where the land to which sub-clause (b) applies is impartible and non-transferable, an amount equal to two-thirds of the amount arrived at in respect thereof under sub-clause (b),”

[(2)] (3) for clause (2), of sub-section (1) as so renumbered, the following clauses and Explanation shall be sub-stituted, namely :—

[“(2)” (B) an amount equal to the market value of trees in the land belonging to the holder of the land ;

[(3)] (C) an amount equal to the depreciated value of permanent structure and wells if any, in the land belonging to the holder of the land and of the pipe-lines placed on the land by the holder of the land, calculated as follows :—

(i) where such depreciated value does not exceed Rs. 25,000, an amount equal to the full depreciated value ;

(ii) where such depreciated value exceeds Rs. 25,000—

(a) for the first Rs. 25,000, an amount equal to the full depreciated value ;

(b) for the next Rs. 25,000 or part thereof, an amount equal to 80 per cent of such amount ;

(c) for the next Rs. 50,000 or part thereof, an amount equal to 70 per cent of such amount; and

(d) for the next Rs. 1,00,000 or part thereof, an amount equal to 60 percent of such amount.

*Explanation.*—In this clause, “depreciated value” means ]

*Explanation:*— In this section,—

(1) “full assessment” means, in a case where any land—

(a) is wholly or partially exempt from payment of land revenue, a sum which would have been assessed on such land, had there been no such exemption ,

(b) is liable to payment of land revenue but is unassessed, a sum which would have been assessed on such land as land revenue ,

(2) “depreciated value” means the value equal to the cost of the structures, wells or pipe-lines, as the case may be , and the cost of their construction or placing as reduced by an amount representing their depreciation calculated in the following manner, namely :—

*Amount representing the depreciation*

(1) For the first two years after construction	Nil
(2) For the next 8 years	2½% of the value every year.
(3) For the next 20 years	4% of the value every year.”

(4) after sub-section (I) as so renumbered, the following sub-sections shall be added, namely:-

“(2) The amount to be calculated under clause (A) of sub-section (1) shall be subject to the maximum amount calculated at the rate of Rs 2000 per acre (2.5 hectares)

(3) While determining the aggregate amount of compensation for the land under sub-section (1) the amount calculated under clause (A) of sub-section (1) read with sub-section (2) shall be reduced to the extent, if any, specified below:-

<i>Amount</i>	<i>Extent of reduction</i>
Where the amount does not exceed Rs 20,000	Nil
Where the amount exceeds Rs 20,000	
(1) for the first Rs 20,000	Nil
(2) for the next Rs 20,000 or part thereof	An amount equal to 10% of such amount
(3) for the next Rs 20,000 or part thereof	An amount equal to 20% of such amount
(4) for any amount next in excess of Rs 60,000	An amount equal to 25% of such amount ”

Amendment of section 24 of Guj. XXVII of 1961.

20. In section 24 of the principal Act, in sub-section (5), for clause (b) the following shall be substituted, namely:-

“(b) if the total amount of such encumbrances exceeds the compensation payable in respect of the land, the amount of compensation shall be distributed *pro-rata* first amongst the following holders of encumbrances irrespective of the dates on which such encumbrances were created, namely:-

Guj. X of 1962.

(i) co-operative societies registered or deemed to have been registered under the Gujarat Co-operative Societies Act, 1961;

(ii) land development banks ;

Act 23 of 1955

(iii) the State Bank of India constituted under the State Bank of India Act, 1955 or a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 ;

Act 38 of 1959

(iv) banks specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

Act 5 of 1970

If after distribution of the amount of compensation to the aforesaid holders of encumbrances there remains any surplus, the same shall be distributed *pro-rata* amongst other holders of encumbrances.”

Amendment  
of section 26  
of Guj.  
XXVII of  
1961.

[20.] 21 In section 26 of the principal Act,—

(1) in sub-section (1), after the words “under that section” the words, figure and letter “or under section 9A” shall be inserted;

(2) in sub-section (2), for the portion beginning with the words and figure, “whether the land is excess land under section 9” and ending with the words “and shall make a declaration accordingly”, the following shall be substituted, namely :—

“whether the land is excess land under section 9 or, as the case may be, under section 9A, and if so,—

(i) in the case of land under section 9, whether the acquisition of excess land is invalid, or whether the excess land is liable to be deemed as surplus land,

(ii) in the case of land under section 9A, whether the excess land is liable to be deemed as surplus land,

and the Tribunal shall thereupon make a declaration accordingly”.

[21. In section 29 of the principal Act, in sub-section (1)—

(1) clause (i), shall be deleted;

(2) for clause (iii), the following clauses shall be substituted, namely:—

“(iii) agricultural labourers and landless persons;

(iv) small holders;”.]

Amendment  
of section 29  
of Guj.  
XXVII of  
1961.

22. In section 29 of the principal Act,—

(1) in sub-section (1)—

(a) clause (i) shall be deleted,

(b) for clause (iii) the following clauses shall be substituted, namely:—

“(iii) agricultural labourers and landless persons;

(iv) small holders;

(2) in sub-section (1A), in clause (b), for the word, brackets and figures “clause (iii)” the words, brackets and figures “clauses (iii) and (iv)” shall be substituted.

Insertion  
of new  
sections  
29A and  
29B in Guj.  
XXVII  
1961.

[22.] 23. After section 29 of the principal Act, the following new sections shall be inserted, namely :—

Special provision in respect of efficiently managed compact blocks of land and orchards, to ensure efficient cultivation and continuity of production.

"29A. Where in respect of any orchards, or in respect of any compact blocks of land which have been so [effectively] efficiently managed that the breaking of the block is likely to lead to a fall in production, and which vest, after the specified date, in the State Government, under section 21 or 26, the State Government is of the opinion that it is necessary in the interest of maintenance of efficient cultivation and avoidance of any loss of production of agricultural produce to maintain the integrity of such orchards, or as the case may be, of such compact blocks of land and for that purpose to allot such orchards or blocks otherwise than in accordance with the provisions of sub section (1) of section 29, the State Government may allot such orchards, or as the case may be, such blocks of land in accordance with the rules made in that behalf under this Act, on payment of occupancy price, if any, as may be provided therefor in such rules, in the following order of priority, namely :—

(a) to a co-operative farming society having not less than sixty per cent of its members, belonging to a Scheduled Tribe or a Scheduled Caste or both

(b) to any other co-operative farming society;

[(b)] (c) to a corporation (including a company) owned or controlled by the State Government

Provided that if the State Government considers that the allotment of an orchard or compact block of land in any case is likely to take time and that with a view to preventing it from remaining uncultivated, it is necessary to take such a step, it may allot it to a Department of the State Government for cultivation for such period as may be specified in the order of such allotment :

Provided further that the State Government, while allotting the land to a co-operative farming society or a corporation, [may, if it considers it necessary so to do, impose such conditions] shall impose any such conditions as to the production of improved seeds, trial of new varieties of crops of fruits, maintenance of high standards of agriculture, wages of workers working on the land, subject to any law pertaining to payment of wages, adoption of improved methods of agriculture and sale of marketable surplus of agricultural produce to Government, as it may think fit.

Application of Code to surplus land

29B. Any surplus land vesting in the State Government under section 21 and allotted under this chapter to any person other than a Department of the State Government shall be subject, on such allotment, to the provisions of the Code."

Amendment of section 30 of Guj. XXVII of 1961.

[23.] 24. In sub-section (2) of section 30 of the principal Act,—

(i) after the words "in favour of a co-operative society", the words, figures and brackets "or in favour of a land development bank or the State Bank of India constituted under the State Bank of India Act, 1955 or a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, or a bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970" shall be inserted;

(ii) after the words "by such co-operative society", the words "or by any such bank" shall be inserted;

(iii) for the words "State Government or the co-operative society, as the case may be" occurring at two places the words "State Government, the co-operative society, or as the case may be, the bank" shall be substituted.

[24.] 25 In section 39 of the principal Act, for the words "Every appeal" the words "Save as otherwise provided in this Act, every appeal" shall be substituted. Amendment of section 39 of Guj. XXVII of 1961.

[25.] 26 After section 42 of the principal Act, the following new section shall be inserted, namely :— Insertion of new section 42-A in Guj. XXVII of 1961.

"42A. Notwithstanding anything contained in any law for the time being in force, in all inquiries and proceedings relating to any land before any officer or authority under this Act, such revenue officer having jurisdiction in the area in which such land is situated, as may be authorised in this behalf by the State Government by an order published in the *Official Gazette*, shall be a necessary party to all proceedings."

27. In section 53 of the principal Act, in sub-section (2); for clause (i), the following shall be substituted, namely:- Amendment of section 53 of Guj. XXVII of 1961.

"(i) the extent of land to be prescribed under clause (d) of sub-section (1) of section 3;"

[26.] 28. For Schedule I to the principal Act, the following Schedule shall be substituted, namely : Substitution of new Schedule-I in Guj. xxvii of 1961.

## "SCHEDULE-I

(See sections 4 and 5)

Ceiling area in Hectares and its approximate equivalent in Acres

Class of local Area	Perennially irrigated land				Seasonally irrigated land		Superior dry crop land [and rice land]		Dry crop land	
	(i) Irrigated by source other than private source		(ii) Irrigated by private source		Hec- tares	Appro- ximate equivalent in acres	Hec- tares	Appro- ximate equivalent in acres	Hec- tares	Appro- ximate equivalent in acres
	Hec- tares	Appro- ximate equivalent in acres	Hec- tares	Appro- ximate equivalent in acres						
1	2				3		4		5	
A	4.05	10	5.06	12.50	6.07	15	8.09	20	12.14	30
B	4.45	11	5.56	13.75	6.47	16	8.90	22	13.35	33
C	4.86	12	6.07	15	7.28	18	9.71	24	14.57	36
D	5.26	13	6.58	16.25	7.69	19	10.52	26	15.78	39
E	5.67	14	7.08	17.50	8.50	21	11.33	28	17.00	42
F	6.07	15	7.28	18	8.90	22	12.14	30	18.21	45
G	6.47	16	7.28	18	9.71	24	12.95	32	19.42	48
H	6.88	17	7.28	18	10.12	25	13.76	34	20.64	51
I	7.28	18	7.28	18	10.93	27	14.57	36	21.85	54

Note.—In this Schedule, "Irrigated by private source" means irrigated from a tube-well or lift irrigation from a perennial water source operated by diesel or electric power."

Amendment of Schedule III to Guj. XXVII of 1961.

[27.] 29. In Schedule III to the principal Act, in column 4 against the entry relating to the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), entries 1, 2, 3, and 4 shall be renumbered as entries 2, 3, 4, and 5 respectively and before the entries as so renumbered, the following shall be inserted as entry No. 1, namely :—

"1. In section 5, after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) Where in any case the ceiling area as determined under the provisions of the Gujarat Agricultural Lands Ceiling Act, 1960 as in force for the time being is less than the ceiling area specified in this section, then, notwithstanding anything contained in this section, the ceiling area of land as determined under the said Act shall be the ceiling area for the purposes of this Act."

Guj. XXV II of 1961.

[28. All proceedings under the principal Act pending immediately before the commencement of this Act before any officer, tribunal or authority in relation to the determination of the ceiling area in respect of any holdings and the surplus land in such holdings, shall, on such commencement, be reviewed or revised, if necessary, after giving due notice and hearing to all the parties concerned, so as to bring them in conformity with the provisions of the principal Act as amended by this Act and shall thereafter be continued and disposed of in accordance with the provisions of the principal Act, as amended by this Act.]

Effect of Act on pending proceedings.

30. Any officer, tribunal or authority before whom any proceeding under the principal Act, in relation to the determination of the ceiling area in respect of any holdings and the surplus land in such holdings is pending immediately before the commencement of this Act, shall, on such commencement, after giving due notice and hearing to all the parties concerned, take such action as may be necessary to bring such proceeding in conformity with the provisions of the principal Act as amended by this Act, and shall thereafter continue and dispose of the same in accordance with the provisions of the principal Act as amended by this Act.

Effect of Act on pending proceedings.

## APPENDIX--I

(Vide para 2 of the Report)

**Motion as adopted by the House in its sitting held on 3rd April, 1973  
for reference of the Bill to Select Committee.**

“That the Bill No. 51 of 1972 be referred to a Select Committee consisting of following members with instruction to report before the 30th June, 1973.

1. Hon. the Minister for Revenue.
2. Hon. the Minister for Agriculture.
3. Hon. the Law Minister.
4. Hon. the Dy. Minister for Revenue.
5. Shri Madhavlal Shah,
6. Shri Chhabildas Mehta,
7. Shri Gopalbhai Patel,
8. Shri Manubhai Palkhiwala,
9. Shri Narsinhbhai Makwana,
10. Shri Bhulabhai Patel,
11. Shri Uttambhai Patel,
12. Shri Shankarlal Guru,
13. Shri Babubhai Modi,
14. Shri Popatbhai Sorathiya,
15. Shri Manubhai Patel,
16. Shri Arjanbhai Nandania, and
17. Shri Batukrai Vora”.

\* \* \* \*

The Speaker appointed Hon. the Revenue Minister as the Chairman of the Committee under rule 156 of the Gujarat Legislative Assembly Rules.



## APPENDIX—II

(Vide para 7 of the Report)

**List of Associations/individuals etc. from whom Memoranda containing amendments/suggestions etc. were received by the Select Committee.**

1. Shri Shanti Priya Dasji, Swaminarayan Temple, Vadtal.
2. Shri U. H. Joshi, Bhilad Taluka Umbargao, District Bulsar.
3. Shri Ladhubhai Govabhai Kher, Lolada, District Mehsana.
4. Shri Shivabhai Ravabhai Sindhav, Tuvad, District Mehsana.
5. Shri Karamshibhai K. Makwana, M.L.A.
6. Shri Trambaklal Dave, Wadhvan, District Surendranagar.
7. Shri Kishorsinh Zala, Gangad, District Surendranagar.
8. Shri Dinsha K. Kathawala, Ankleshwar, District Broach.
9. Shrimati Mithuben Petit, Maroli, District Bulsar.
10. State Bank of Saurashtra, P.B. No. 51, Bhavnagar.
11. Shri M. K. Gohel, Lathi, District Amreli.
12. Shri Chhaganbhai Lallubhai Patel, Soyani, District Surat.
13. Shri Maheshchandra Bhikhubhai Desai, Kalakava, District Surat.
14. Shri Raghobhai B. Patel, Bajipura, District Surat.
15. Shri Rameshbhai Mankanbhai Bhakta, Kapura, District Surat.
16. Shri Govindbhai S. Parmar, M.L.A.
17. Shri Narenbhai Kalabhai, At : Butavada, Taluka Valod, District Surat.
18. Shri Parbhubhai Bhaktibhai and others, Syadala, District Surat.
19. Shri Bhikhabhai Parbhubhai Patel and others, Jamaniya, District Surat.
20. Shri Ishwarbhai Narottambhai Patel & others, Dhamdod Lumbha, District Surat.
21. Shri Sitaram Govindbhai Bhakta & others, Degama, District Surat.
22. Shri Thakorabhai Morarabhai & others, Rajpur Lumbha, District Surat.
23. Shri Chhaganbhai Bhulabhai Bhakta & others, Sarai, District Bulsar.
24. Shri Nathubhai Sitaram Bhakta, Orana, District Surat.
25. Shri Thakorabhai Lalbhai Patel, Bhestan, District Surat.
26. Village Panchayat Malia Miyana, District Rajkot.
27. Shri Hiralal H. Bhagavati, Ratanpole, Zaveri Vad, Ahmedabad.
28. (1) Shri Jitubhai L. Bhatt, District Congress Committee, Surendranagar.
- (2) Shri Nandalal Sundarji Shah, District Panchayat, Surendranagar.
29. Shri Babubhai Kalidas & others, Sika, District Sabarkantha.
30. Shri Bhanabhai Govindbhai Patel & others, Pitha, District Bulsar.
31. Shri Chhimabhai Ravaji, Sadarpore, District Bulsar.
32. Shri Nathubhai Rambhai Patel & others, Khadsupa, District Bulsar.
33. Shri Lallubhai S. Patel & others, Navsari,
34. Shri Batubhai Mehta & others, Salej, District Bulsar.
35. Shri Ranchhodji Lallubhai Naik & others, Gandevi, District Bulsar.
36. Shri Maganlal Chimanbhai Naik & others, Gandevi, District Bulsar.

37. Shri Jivanji Prabhubhai Patel & others, Kalvada, District Bulsar.
38. Shri Vallabbhai Khushalbhai Patel & others, Sankari, District Surat.
39. Shri Hirabhai Govindji Patel & others, at Munsada, District Bulsar.
40. Shri Arjanbhai M. Patel, Bhavnagar.
41. Shri Bhikhabhai Patel & others, Botad Taluka Khedut Samaj, Bhavnagar.
42. Shri Chaturbhai Chhaganbhai & others, Sokhada, District Baroda.
43. Shri Ambubhai C. Patel, Prantij, District Sabarkantha.
44. Shri Mangalbhai Varadhbhai & others, Gujarat Khedut Samaj Broach.
45. Shri Chhitabhai Tribhovandas Patel & others, Karvan, District Baroda.
46. Shri Bhulabhai Bhuvabhai & others, Pimpalaj, District Ahmedabad.
47. Shri Hirabhai Dayabhai Chamar & others, Khedut Samaj at Gandhinagar.
48. Shri Becharbhai Gajera, Kutiyana, District Junagadh.  
Shri Jamnadas Rukanath Raichura, Kutiyana District Junagadh.
49. Shri A. S. Dave, Dhandhuka, Taluka Khedut Samaj, Dhandhuka.
50. Shri Mangalsinh S. Jadeja, Rajaputpura, Rajkot.
51. Shri Kekobad N. Kathawala, at : Pamalapada, District Broach.
52. Shri R. P. Jamadar, District Khedut Mandal, Ankleshwar, District Broach.
53. Shri Chandubhai Uttamchand Shah, Patan.
54. Shri Ishwarbhai L. Patel, Bardoli, District Surat.
55. Shri Prataprai A. Joshi, Paliad, District Bhavnagar.
56. Shri Kalidas Premabhai, Vanesa, District Surat.
57. Shri Manubhai Parmar, Shri Bhaichandbhai Shrimali, Raikhad, Ahmedabad.
58. Shri Meghaji V. Rathod, Medical Camps-E-10, Jamnagar.
59. Shri Govindbhai D. Patel, Rangpur, District Baroda.
60. Shri Harivallabhai Parikh, Rangpur, District Baroda.
61. Shri Meghabhai Jagabhai, M.L.A.
62. Shri J. M. Mayatra, Vasavad, Rajkot.
63. Shri Krushnalal Hiralal Purani, Godhara.
64. Prof. Jayantilal Bavajibhai Patel, Adada, District Bulsar.
65. Shri Dolatrai Bhikhubhai Naik, Bilimora.
66. Shri Dwarkadas Mohanlal Patel, District Panchyat, Amreli.
67. Shri Erathasha Baladawala, Bardoli.
68. Shri Motibhai Haribhai Patel, At Bayad District Sabarkantha.
69. Shri Jagubhai K. Patel, Olpad.
70. Shri Chhitabhai Tribhovandas Patel, Khedut Samaj, District Baroda.
71. Shri Dahyabhai Rambhai Patel, Umrakh, District Surat.
72. Shri Bhagubhai Dahyabhai Patel, Vankal, District Surat.
73. Shri Ramanbhai Nagjibhai Patel and others.
74. Shri Mukundray, Shankerlal Trivedi, Sabarmati Ashram, Ahmedabad-13.
75. Shri Durgaprasad R. Trivedi, Sabarmati Ashram, Ahmedabad-13.
76. Shri Jayantilal P. Kapasi, Surat.
77. Shri Jashbhai Zaverbhai Patel, Saras, Taluka Anand.

78. Agriculturists of Village, Haldharu, Taluka Karmj, District Surat.
79. Shri Bhavansinh C. Parmar, Muli, Surendranagar.
80. Shri Nagendra Patel, Rangpur, District Baroda.
81. Shri Naranbhai Chhitabhai Patel and others, Gojali, Dabhoi, District-Baroda.
82. Shri Muljibhai Desaibhai and others, Dharampuri, Dabhoi, District Baroda.
83. Shri Fulabhai Vallabhbhai Patel and others, Nani Bhadol.
84. Shri Shambhuprasad Harprasad, Desai, Junagadh.
85. Shri Manoharsinhji Jadeja, M.L.A.

## APPENDIX-III

(Vide para 7 of the Report)

**Names of individuals or institutions who represented personally before the Committee.**

1. Shri Dinsha Kathawala, Ankleshwar.
2. Shri Purshottamdas Patel and his delegation, Kadi.
3. Shri Hiralal Bhagwati and his delegation, Ahmedabad.
4. Shri Trambaklal Dave and Shri Nandlal Shah, Surendranagar.
5. Shri Becharbhai Gajera and Shri Jamnadas Raichura, Kutiyana.
6. Shri Natversinhji Jadeja, Shri Harisinhji Gohil, and delegation, Rajkot.
7. Shri Arvindbhai Desai, Surat.
8. Shri Dolatbhai Nayak, Bilimora.
9. Shri C. V. Shah and his delegation, Bochasana
10. Shri Virabhai Malabhai and Shri Khodabhai Arya, Sami.
11. Shri Mukundray Trivedi, Ahmedabad.
12. Shri Husenmiya, Shri Manubhai Parmar and their delegation Ahmedabad.
13. Prof. Shri Jitendra Dholakia,  
Prof. Shri Kanubhai Shah,  
Prof. Shri Narharibhai Parikh,  
Prof. Shri Hasmukhbhai Patel and their delegation, Ahmedabad.
14. Shri Harivallabh Parikh, Rangpur.
15. Shri Alubhai Shah,  
Shri Nathubhai Rathod,  
Shri Chhotubhai Desai,  
Shri Bhanabhai Bharti and Shri Dayaljiibhai Rathod, Surat.
16. Shri Ambubhai Shah, Ahmedabad.
17. Shri Gulabsinh Vaghela, M.L.A.
18. Shri Manoharsinhji Jadeja, M.L.A.

## APPENDIX-IV

(Vide para 9 of the Report)

**Motion as adopted by the House in its sitting held on 3rd October, 1973, for reference of the Bill to the reorganised Select Committee.**

“Gujarat Agricultural Lands Ceiling (Amendment) Bill (No. 51 of 1972) was referred to the Select Committee consisting of members mentioned in the motion passed by this House on 3rd April 1973. Consequent upon the formation of the new ministry thereafter, it was found necessary to partly reconstitute the Select Committee. Hence this Bill be now referred to the Select Committee consisting of the following members, instead the said Committee, with instruction to report before the 5th November, 1973.

1. Shri Narendrasinh Jhala,
2. Shri Divyakant Nanavati,
3. Shri Chhabildas Mehta,
4. Shri Udesinh Vadodia,
5. Shri Madhavlal Shah,
6. Shri Gopalbhai Patel,
7. Shri Manubhai Palkhiwala,
8. Shri Narsinhbhai Makwana,
9. Shri Bhulabhai Patel,
10. Shri Uttambhai Patel,
11. Shri Shankerlal Guru,
12. Shri Babubhai Modi,
13. Shri Popatbhai Sorathiya,
14. Shri Manubhai Patel,
15. Shri Manilal Asharam Shah,
16. Shri Arjan Nandania,
17. Shri Batuk Vora.

x            x            x            x

The Speaker appointed Shri Narendrasinh Jhala as the Chairman of the Committee under rule 156 of the Gujarat Legislative Assembly Rules,

## APPENDIX V

(Vide para 12 of the Report)

*Minutes of the sittings of the Select Committee on the Gujarat Agricultural Lands Ceiling (Amendment) Bill., 1972--Bill No. 51 of 1972.*

## I

## FIRST SITTING

The Committee met on Friday, the 19th October, 1973, at 12-00 noon in the Committee Room of the Gujarat Legislature Secretariat.

## PRESENT

Shri Narendrasinh Jhala, Chairman,  
 Shri Divyakant K. Nanavati,  
 Shri Chhabildas Mehta,  
 Shri Madhavlal Shah,  
 Shri Gopalbhai Patel,  
 Shri Manubhai Palkhiwala,  
 Shri Narsinhbhai Makwana,  
 Shri Bhulabhai Patel,  
 Shri Uttambhai Patel,  
 Shri Shankerlal Guru,  
 Shri Popatbhai Sorathiya,  
 Shri Manubhai Patel,  
 Shri Manibhai A. Shah,  
 Shri Batuk Vora.

## LEGISLATURE SECRETARIAT

Shri D. G. Desai, Secretary,  
 Shri N. K. Sutaria, Deputy Secretary,  
 Shri A. J. Trivedi, Under Secretary.

## GOVERNMENT REPRESENTATIVES

Shri S. S. Shah, Secretary to Government,  
 Legal Department,  
 Shri A. R. H. Shaikh, Deputy Secretary to Government,  
 Revenue Department.

At the outset the Chairman welcomed the members and gave information in brief relating to some important provisions of the Bill and the work done by the previous Select Committee during its various sittings.

2. After some discussion the Committee decided as follows :

(i) the opinions received from public (ii) views expressed by members of public before the previous Committee may be treated as record of this Committee.

The Committee further decided that the discussions that took place in the previous Committee may also be treated as record of this Committee. The Committee, however, decided that decisions, if any, arrived at by the previous Committee may be reconsidered by this Committee *de novo* and this Committee should start consideration of the Bill right from the beginning.

3. The Committee accordingly commenced clause-by clause examination of the Bill.

Long title, preamble and the enacting formula approved as they are.

*Clause 1* Sub-clause (1) and (2) approved without any amendment.

*Clause 2* Approved without any amendment.

*Clause 3* Approved without any amendment.

*Clause 4* sub-clause (1) This sub-clause defines the word "Agriculture". The definition in the Bill did not include the pursuit of "the cutting of wood" within the definition of the word agriculture. The Committee after some discussion decided that this pursuit should also be considered as an inclusive part of the definition of Agriculture and therefore decided that after item (g) the following new item should be included

"(h) the cutting of wood".

*Clause 4*, sub-clause (1) item (ii) Some discussion took place whether item (ii) should be retained or deleted from the Bill. The Committee was informed by the departmental representative that no other pursuit till date has been prescribed by Government and that the provision in the amending Bill and the parent Act has been identical and has been mainly made to enable Government to exclude any pursuit as an agricultural one.

The Committee decided to retain the item by majority of 11 vs 2 Shri Narsinhbhai Makwana and Shri Batuk Vora voted against retention

*Proviso* Approved as it is.

*Explanation* In view of the amendment relating to cutting of wood necessary consequential amendment be made.

The Committee considered whether over and above the pursuits enumerated in sub-clause (1) (a) to (h) further power is required to be given to the Government to include any pursuit within the definition of the word Agriculture by rules. The Committee after some discussion decided to further consider this point the next day.

*Clause 4* sub-clause (2)—Approved without amendment.

*Clause 4* sub-clause (3)—The Committee initially decided to reduce the four classes of land enumerated in items (i) to (iv). The Committee, however, subsequently reconsidered its decision and decided to retain the four classes as they were.

*Explanation :—Item (a) and (b) “perennially irrigated land”*

The Committee decided to call Chief Engineer (Irrigation) and Director of Agriculture to hear them in the first instance and then to consider the item.

*Explanation:— Item (c)–“Superior Dry Crop Land”*

The Committee decided that superior dry crop land should be dropped and rice land should be included with its classification as in the principal Act.

Dry crop land which is provided should remain as it is.

The Committee further deliberated and decided to define item (c) “superior dry crop land” means orchard and rice land.

Clause 4 sub-clause (3) item (d) approved as it is.

Clause 4 sub-clause (3) item (e) approved leaving out words “and includes orchard and other land on which fruit trees are grown”.

The Committee then adjourned at 5.10 p. m. to meet on next day at 9.00 a m

## II

### SECOND SITTING

The Committee met on Saturday, the 20th October, 1973 from 9.00 a. m. to 1.00 p. m. and from 2.30 p. m. to 6.30 p. m. in the Committee Room of the Gujarat Legislature Secretariat.

### PRESENT

Shri Narendrasinh Jhala, Chairman,  
 Shri Udesinh Vadodia,  
 Shri Madhavlal Shah,  
 Shri Gopalbhai Patel  
 Shri Manubhai Palkhiwala,  
 Shri Narsinhbhai Makwana,  
 Shri Bhulabhai Patel,  
 Shri Uttambhai Patel,  
 Shri Popatbhai Sorathiya,  
 Shri Manubhai Patel,  
 Shri Manibhai A. Shah,  
 Shri Batuk Vora.

### LEGISLATURE SECRETARIAT

Shri D. G. Desai, Secretary,  
 Shri A. J. Trivedi, Under Secretary.



*Government Representatives*

Shri S. S. Shah, Secretary, Legal Department,  
 Shri A. R. H. Shaikh, Deputy Secretary, Revenue Department.

The Committee resumed clause by clause consideration of the Bill.

1. Clause 4, sub-clause (3), Explanation item (f) regarding "grass land" approved as it is.
2. Clause 4, sub-clause (3), Explanation (g), regarding land irrigated by dug-wells. The Committee decided that only in respect of areas where perennial irrigation is assured the land should be treated as irrigated land. Item (g) should be accordingly amended.
3. Clause 4, sub-clause (4) (5) (6) (7) (8) (9) (10) and (11) approved as they are.
4. Clause 5, sub-clause (1)
  - item (a)
  - item (b)
  - item (c)
  - item (d)

Approved as they are.
5. Clause 5, sub-clause (1), item (e), sub-item (i).—Item (e) should be amended by adding words "as may be prescribed". Land to an educational institution imparting agricultural education should be allowed in accordance with the norms fixed by rules framed under this Act. Legal Department was asked to draft suitably the amendment of items (i) and (ii).
6. Clause 5, sub-clause (1) item (f).—Committee decided that land to be allowed to be held by Panjrapole should be fixed by an expert committee composed of the Collector, Animal Husbandry officer and a representative of the Panjrapole. Sub-clause (dd) should be accordingly amended. Two members Shri Uttambhai Patel and Shri Narsinhbhai Makwana of the Committee were of the opinion that no land should be allowed to be held by Panjrapole.
7. Clause 5, sub-clause (1) item (f).—New sub-clause (ddd) should be amended with a view to extend the period of ninety days upto six months to Gaushala and Panjrapole for making application to Charity Commissioner and for getting the trust registered. Legal Department was asked to draft suitable amendment.
8. Section 3, sub-section (1) item (f).—Relating to lands held by industrial undertaking should be amended by substituting as follows :-

"(f) Land leased to or held by industrial undertaking which in the opinion of the State Government bonafidely carries on any industrial operation and which is approved by the State Government to the extent necessary for the purpose of expansion of the industry or the present need of the industry as certified by the Commissioner of Industries."

9. Clause 5, sub-clause (1) items (g) (h) (i) (j) approved as they are.
10. Clause 5, sub-clause (2) and (3) approved as they are.
11. Clause 5, sub-clause (4) for the purpose of giving effect to provision made in (ddd) above necessary sub-section should be added.
12. Clause 6 approved as it is.
13. Clause 7, sub-clause (1) minor printing error to be rectified.
14. Clause 7, sub-clause (2) was discussed and Legal Department was asked to suitably redraft the sub-clause in conformity with the provisions of the Bill.
15. The Committee further considered clause 4, sub-clause (3) Explanation (a) regarding exemption granted to tube-wells or lift irrigation constructed on or after 15th August, 1972 and decided by majority of 7 versus 5 to retain the provision as it is. Shri Madhavlal Shah, Shri Narsinhbhai Makwana, Shri Uttambhai Patel, Shri Manubhai Palkhiwala and Shri Batuk Vora voted against.
16. Clause 7, sub-clause (3) Newly inserted sub-clause (3A) should be amended so as to enable a person holding land in any other State along with land in Gujarat to exercise option to retain land wherever he chooses not exceeding ceiling area. Committee decided by majority (9 versus 3) (Shri Batuk Vora, Shri Narsinhbhai Makwana and Shri Uttambhai Patel voted against) to retain newly inserted sub-clause (3B) as it is and rejected the suggestion to include major son.
17. Clause 7, sub-clause (4) approved as it is.
18. Clause 8, approved as it is.
19. Clause 9, sub-clause (1), items (a) and (b) approved as it is.
20. Clause 9, sub-clause (1) item (c) proviso :-  
 Committee decided that this proviso should apply only to those sons who had become major on or before 24th January 1971 and should not apply to any son becoming major after 24th January, 1971 and for this purpose proviso should be amended. The decision taken by majority, 11 Vs. 1 Shri Batuk Vora disagreed.
21. Clauses 10, 11, 12 and 14 approved as they are.
22. Clause-13 Regarding clause 13 Committee decided that minimum penalty should be Rs. 100. Clause should be suitably amended.
23. Clause 15 approved by majority as it is. Suggestion of Shri Batuk Vora to substitute 26th September, 1970 for 24th January, 1971 was rejected by the Committee.
24. Clauses 16, 17 and 18 approved as they are.

25. Clause 19—consideration postponed.
26. Clauses 20 and 22 approved as they are.
27. Regarding clause 21, Committee decided to redraft it. The Committee adjourned at 6.30 p.m. to meet at 8.30 a.m. on Sunday the 21st October, 1973.

### III

#### THIRD SITTING

The Committee met on Sunday the 21st October, 1973 at 8.30 a.m. in the Committee Room of the Gujarat Legislature Secretariat.

#### PRESENT

Shri Narendrasinh Jhala, Chairman,  
 Shri Divyakant K. Nanavati  
 Shri Udesinh Vadodiya,  
 Shri Madhavlal Shah,  
 Shri Gopalbhai, Patel,  
 Shri Manubhai Palkhiwala,  
 Shri Narsinhbhai Makwana,  
 Shri Bhulabhai Patel,  
 Shri Popatbhai S rathiya,  
 Shri Manubhai Patel,  
 Shri Manibhai A. Shah,  
 Shri Arjan Nandania,  
 Shri Batuk Vora.

#### LEGISLATURE SECRETARIAT

Shri D. G. Desai, Secretary.  
 Shri A. J. Trivedi, Under Secretary.

#### GOVERNMENT REPRESENTATIVES

Shri S. S. Shah, Secretary to Government,  
 Legal Department.

Shri A R. H. Shaikh, Deputy Secretary to Government,  
 Revenue Department.

The Committee resumed clause-by-clause consideration and took the following decision.

1. *Clause 22*:—In clause 22, in newly inserted section 29A-

- (1) The word "effectively" appearing in the second line being a clerical error should be rectified by substituting the word "efficiently."

(2) In item (a) after the word "Society" the words "having not less than six percent members belonging to Scheduled Tribes and/or Scheduled Castes" should be added.

(3) In second proviso the words may if it considers it necessary so to do "should be substituted by the word "shall" and after the words "such conditions" the words "as may deem proper and necessary" should be added.

2. In clause 22, newly inserted section 29B approved as it is.

3. In clause 23, in item (i) after the words "the State Bank of India Act 1955" the words "or subsidiary bank as defined in the State Bank of India Subsidiary Banks Act, 1959" should be added.

4. Clauses 24, 25, 26, 27 approved as they are.

5. While reconsidering clause 4, sub-clause (1) the Committee decided that in the definition of word "Agriculture" after item "(g)" the item "(h) the cutting of wood" should be added and the words beginning with "but does not" and ending with "be prescribed" should be deleted.

In the proviso for the word bracket and figure "and (g)" the following should be substituted "(g) and (h)".

6. In clause 4, in sub-clause (3) in the Explanation in item (a) and (b) the Committee decided that the definitions should be so amended that actual supply of water should be taken into consideration and that in this behalf the land should be so treated on a certificate issued by the Canal Officer as mentioned in the Irrigation Act and that the said certificate should be conclusive.

7. Clause 28-The Committee decided to redraft the clause so as to make it more precise and clear.

8. Clause 19-The Committee decided that in clause 19, in sub-clause (2) a suitable explanation should be added at appropriate place that where the assessment is not fixed, the compensation will be payable on the basis of assessment that may be fixed hereafter.

### 9. Schedule-I

Regarding horizontal classification the Committee decided by majority of 10vs. 3 to retain as it is, Shri Batuk Vora, Shri Narsinhbhai Makwana and Shri Manuabhai Palkhiwala, voted against. The suggestion to do away with distinction between private source and public source was rejected by the Committee.

The Committee also decided to retain vertical classification of 10 to 18 acres. Shri Batuk Vora voted against.

10. The Committee discussed at length Schedule II appended to the Act and felt that during the last twelve years much progress has been made in the field of agriculture namely supply and use of improved seed, supply and use of fertilizers, construction of dams, tanks, bandharas, tube-wells etc. and in view of this

classification of local areas could have been done on a more scientific way. However in absence of collection of such data there had been no alternative except to approve the local areas as given in the Act. The Committee, however, felt that such data should be collected so that it can be of the use in the future.

11. The Committee decided not to incorporate new section 29 proposed by Shri Batuk Vora to have statutory watch dog committee but agreed to make an observation about the necessity of having such committees for carrying out the purposes of the Act.

12. The Committee authorised Chairman to carry out consequential minor amendments wherever necessary.

13. The Committee decided to meet again on the 2nd November 1973 to consider the draft Report.

Committee adjourned at 1.30 p.m.

#### IV

#### FOURTH SITTING

The Committee met on Friday, the 2nd November, 1973 at 12.00 noon in the Committee Room of the Gujarat Legislature Secretariat.

#### PRESENT

Shri Narendrasinh Jhala, Chairman,  
 Shri Chhabildas Mehta,  
 Shri Udasinh Vadodia,  
 Shri Madhavlal Shah,  
 Shri Gopalbhai Patel,  
 Shri Manubhai Palkhiwala,  
 Shri Narsinhbhai Makwana,  
 Shri Bhulabhai Patel,  
 Shri Uttambhai Patel,  
 Shri Shankerlal Guru,  
 Shri Popatbhai Sorathiya,  
 Shri Manubhai Patel,  
 Shri Manibhai A. Shah,  
 Shri Arjan Nandania,  
 Shri Batuk Vora.

#### LEGISLATURE SECRETARIAT

Shri D. G. Desai, Secretary,  
 Shri A. J. Trivedi, Under Secretary.

#### GOVERNMENT REPRESENTATIVES

Shri K. N. Zutshi, Secretary to Government, Revenue Department,  
 Shri S. S. Shah, Secretary to Government, Legal Department,

The Committee considered the Draft Report and approved it subject to following amendments :

1. Para 1 to 18 approved as they are.
2. Para 19 (1) The Committee retained the word "regular" from the draft amendment to indicate actual and regular supply of water.
3. Para 19 (3) In this para also as in para 19 (d) the Committee substituted the words "actual and regular supply of water" for the words "actual supply of water".
4. Para 20, 21, 22 and 23 approved as they are.
5. Para 24 In this para Committee amended the words and brackets "(a) (b) and (c)" as "(a) (b) and (g)".
6. Para 25, 26 (1), 26(2), 27(1), 27 (2), and 27 (3) approved as they are.
7. Para 28 (1) The Committee added the following at the end of sub-para.-
 

"The Committee decided that suitable provision should be made in respect of public trust running hospitals permitting them to continue to hold agricultural lands as may be decided by a Committee consisting of an officer nominated by the Director of Health and Medical Services, the Collector and a representative of the institutions".
8. Para 28 (2) The following sentences were added at the end : "A suggestion was also made to the Committee that all the lands held by Panrapole should be taken over by the Government. The Committee after discussion did not agree to the same"
9. Para 28 (3) The Committee decided to re-draft the para as follows:
 

"28 (3) The Committee, however, appreciates that such public trusts may find it difficult to create such a new trust and get them registered within a period of 90 days. The Committee felt that it would be sufficient if the trust is required to apply for registration within a period of 90 days, so as to endeavour to get themselves registered as such, as early as possible. However, it would be inequitable to cast on such applicant trust the burden of getting it registered from the competent authority within a specified time limit. The Committee felt that instead of creating and getting registered a separate trust, if the provision is restricted to a making an application for registration of a new trust, it would serve the purpose. The Committee has, therefore, accordingly amended sub-clause (ddd) in this behalf and it is provided in the amended clause that the application for creating a separate trust for the purpose of Panrapole or Gaushala should be made within a period of 90 days from the specified date"

10. Para 28 (4) approved as it is.
11. Para 29 approved as it is.
12. After para 29, Committee decided to add the following new paragraph:-

“30. *Clause 6.*—

“30 while considering the proviso proposed to be inserted in the Bill by clause 6, the Committee felt that alongwith “desert and hill areas” the areas which are “drought prone” should also be included so that the ceiling in respect of such areas is increased by twelve and a half percent. The clause has been accordingly amended”.

13. Paras 31 to 38 approved as they are.
14. Para 39.—The Committee decided to insert the following before the last sentence.

“If however such a Co-operative Farming Society having atleast sixty percent members belonging to a scheduled tribe or a scheduled cast is not available for allotment of such compact block the second preference may be given to any other type of Co-operative Farming Society”.

15. Para 40 to 49 approved as they are.
16. Committee decided to add the following new paragraphs :—

“51. The Committee decided that sub-section 5 of Section 24 of the principal Act should be amended with a view to providing that if the total amount of encumbrances on the surplus land vesting in Government exceeds the compensation payable in respect of the land, the amount of compensation shall be distributed first in the order of priority on pro-rata basis among the public institutional lending agencies namely co-operative societies, land Development banks, State Bank of India, and its subsidiaries and the 14 Nationalised Banks. The encumbrances in favour of the above mentioned public institutional lending agencies shall have a prior charge on the compensation amount than the encumbrances in favour of other lenders, irrespective of the date of registration of the charge or mortgage.

52. The Committee also decided that in fixing the principal of compensation on the basis of land revenue, in no case, the compensation should exceed Rs. 2,000 per acre and the provision for payment of compensation should be accordingly amended to that effect.

The Committee decided that in working out the compensation payable for the land in excess of the ceiling area, the following principle should be applied :

- |  |  |
|--|--|
| (a) for the 1st Rs. 20,000                   | —100% of the amount.                   |
| (b) for the next Rs. 20,000 or part thereof, | an amount equal to 90% of such amount. |

- (c) for the next Rs. 20,000 or part thereof.      an amount equal to 80% of such amount.
- (d) for any amount in excess of Rs. 60,000.      an amount equal to 75% of such amount.

53. The Committee decided that it would be necessary to make a suitable provision in the Bill to prevent persons taking advantage by filing a suit for specific performance of agreements on the basis of ante-dated agreements of date prior to 24th January, 1971 and accordingly the proviso should be added to section 8(I) by amending clause 9. The proviso should be so worded as to prevent fraudulent ante-dated transfers from being fruitful.

17. Paragraphs 54, 55 and 56 approved as they are.

18. The committee concluded the consideration of draft report at 2.45 p.m.



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