



MADRAS LEGISLATIVE ASSEMBLY

**THE MADRAS LAND REFORMS  
(FIXATION OF CEILING ON  
LAND) BILL, 1960  
(L.A. BILL No. 8 OF 1960)**

**(REPORT OF THE JOINT SELECT COMMITTEE)**

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GOVERNMENT OF MADRAS  
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*Legislative Assembly Department, Madras.*

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THE MADRAS LAND REFORMS (FIXATION OF CEILING  
ON LAND) BILL, 1960 (L.A. BILL No. 8 OF 1960).

**Composition of the Joint Select Committee.**

*Chairman*

Hon. Sri M. A. MANICKAVELU, *Minister-in-charge of Revenue.*

*Members.*

Hon. Sri M. BHAKTAVATSALAM.

Hon. Sri C. SUBRAMANIAM.

Hon. Sri R. VENKATARAMAN.

Sri ARTHANAREESWARA GOUNDER.

Sri S. M. ANNAMALAI.

Sri A. CHIDAMBARANATHA NADAR.

Sri T. P. ELUMALAI.

Sri M. JANGAL REDDIAR.

Sri M. KALYANASUNDARAM.

Sri P. G. KARUTHIRUMAN.

Sri S. LAZAR.

Sri V. A. MUTHIAH.

Sri A. R. MARIMUTHEU.

Sri K. R. NALLASIVAM.

Sri T. M. NALLASWAMY.

Sri G. NARAYANASWAMY NAIDU.

Sri V. K. RAMASWAMY MUDALIAR.

Sri K. RAMACHANDRAN.

Sri M. RAMACHANDRA REDDI.

Sri S. RAMASWAMY NAIDU.

Sri A. R. SUBBIAH MUDALIAR.

Sri R. SRINIVASA IYER.

Sri M. P. SUBRAMANIAM.

Sri T. SAMPATH,

Sri R. SUBRAMANIAM.

Sri S. SWAMIKANNU PADAYACHI.

Sri P. U. SHANMUGAM.

Sri T. T. THIRUVENGADASWAMI NAICKER.

Sri N. R. THIAGARAJAN.

Sri G. VAGHEESAM PILLAI.  
 Sri K. BALASUBRAMANIA IYER.  
 Sri V. S. BALASUNDARAM.  
 Srimathi JOTHI VENKATACHALAM.  
 Sri T. JOGHEE GOWDER.  
 Sri K. T. KOSALRAM.  
 Dr. A. LAKSHMANASWAMY MUDALIAR.  
 Sri MOHAMED RAZA KHAN.  
 Sri B. K. NALLASWAMY.  
 Sri M. PATANJALI SASTRY.  
 Sri P. T. RAJAN.  
 Sri T. S. SANKARANARAYANA PILLAI.  
 Sri A. SUBRAMANIAM.  
 Sri S. K. SAMBANDAM.  
 Sri P. B. K. THIAGARAJA REDDIAR.

*Secretariat.*

Sri T. HANUMANTHAPPA—*Secretary.*  
 Sri A. MANICKAVELU—*Assistant Secretary.*  
 Sri K. M. NAGARAJAN—*Assistant Secretary.*

REPORT OF THE JOINT SELECT COMMITTEE ON THE  
MADRAS LAND REFORMS (FIXATION OF CEILING  
ON LAND) BILL, 1960 (L.A. BILL No. 8 OF 1960).

To

THE HON. THE LEGISLATIVE ASSEMBLY,  
MADRAS.

The Joint Select Committee appointed to consider the Madras Land Reforms (Fixation of Ceiling on Land) Bill, 1960 (L.A. Bill No. 8 of 1960), has the honour to make the following report.

2. The Bill was published in English in Part IV-A of the *Fort St. George Gazette Extraordinary*, dated the 6th April 1960, and in Tamil in the *Fort St. George Gazette*, dated the 27th April 1960.

3. The Joint Select Committee was appointed by a resolution of the Assembly, dated the 20th April 1960, and of the Council, dated the 27th April 1960.

4. At its first meeting held at Madras on the 28th April 1960 the Committee elected Hon. Sri M. A. Manickavelu as Chairman and also decided to meet at Ootacamund for considering the Bill. Accordingly the Committee met from 21st to 24th May 1960 at 'Tamizhagam', Ootacamund, and there was a general discussion. It decided to prepare a questionnaire and to call for written memoranda from various individuals and associations interested in the Bill. It further decided that the draft of the questionnaire might be sent to the Members of the Committee for remarks. A Sub-Committee consisting of the following members was constituted to finalise the questionnaire taking into consideration the remarks of the members :—

- (1) Sri V. K. Ramaswamy Mudaliar.
- (2) Sri K. Balasubramania Iyer.
- (3) Sri M. Kalyanasundaram.
- (4) Sri M. P. Subramaniam.
- (5) Sri P. G. Karuthiruman.
- (6) Hon. Sri M. A. Manickavelu.

5. The Committee also decided that after receiving the replies to the questionnaire it might meet at convenient central places in each of the following five regions for the purpose of hearing the views of the individuals and associations interested in the Bill and also visit selected areas :—

- (1) Tiruchirappalli—Thanjavoor—South Arcot districts.
- (2) Tirunelveli—Kanyakumari districts.
- (3) North Arcot—Chingleput districts.
- (4) Coimbatore—Salem districts.

(5) Madurai—Ramanathapuram districts.

(6) Madras.

6. The Sub-Committee met at Madras on the 17th June 1960 and finalised the questionnaire \* which consisted of 72 questions. About 1,000 copies were distributed to the public. Copies were printed in Tamil also and supplied to all those who applied for them. Opinions † were received from a number of individuals and institutions. About one hundred associations and institutions and seven thousand six hundred individuals including 5,309 persons representing the District Agriculturists' Association affiliated to the Tamil Nad Agriculturists, Association and another batch of 971 sent in their replies. Oral evidence was recorded by the Committee at meetings held outside Madras and in the City from 206 institutions and individuals.

7. The Committee met for the purpose of recording evidence at Chidambaram on the 19th and 20th September 1960, at Thanjavoor on the 21st and 22nd September 1960, at Tiruchirappalli on the 23rd and 24th September 1960, at Madurai on the 11th and 12th October 1960, at Nagercoil on the 14th October 1960, at Courtallam on the 15th October 1960, at Tirunelveli on the 16th October 1960, at Coimbatore on the 10th and 11th November 1960, at Salem on the 12th and 13th November 1960, at Tiruvellore on the 29th November 1960, at Padalam on the 30th November 1960, at Vellore on the 1st December 1960, at Tiruvannamalai on the 2nd December 1960 and at Madras on the 17th December 1960.

8. At its meeting held from the 20th to 29th April 1961 at Kodaikanal, the Committee considered the Bill clause by clause. It met again at Madras from 5th to 7th June 1961 and on the 12th August 1961 and has amended the various clauses of the Bill. The Committee met in all for 39 days. Important changes are noted below :—

#### *Preamble.*

The preamble as it stood in the Bill originally was brief and simply stated that it was expedient to provide for the fixation of ceiling on land holdings. The Committee decided that it should be amplified bringing out clearly that the legislation was in pursuance of the directive principles of State policy enumerated in clauses (b) and (c) of Article 39 of the Constitution, that the State should direct its policy towards securing that the ownership and control of the material resources of the community are distributed as best to subserve the common good and that the operation of the economic system should not result in the concentration of wealth and means of production to the common detriment. The preamble has been amplified accordingly.

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\* Vide Appendix I.

† Printed separately.

*Clause 2.*

Chapter VII (Clauses 43 to 45) of the Bill provided that religious trusts may hold land not exceeding two hundred standard acres. The excess land could be acquired by the Government and the Government should pay to the trust every year a tasdik allowance. The Committee felt that though a ceiling could be fixed in the case of religious trusts also as in the case of individuals it was doubtful whether trusts could be prevented from acquiring in future property in excess of the ceiling area in view of the provision in Article 26 (c) of the Constitution. It, therefore decided that the Act need not be made applicable to religious trusts and that if necessary the Government may bring in a separate legislation for regulating the administration of the lands belonging to such trusts. A specific provision has, therefore, been made in clause 2 that the Act shall not apply to lands held by religious trusts of a public nature.

*Clause 3.*

Original Clause 2 of the Bill dealing with definitions has been re-numbered as Clause 3.

*Sub-clause (1).*—“Agriculture”—The definition of this expression as it stood was not comprehensive enough. The Committee decided that to ensure the effective enforcement of the provisions of the proposed measure all lands should be brought under the definition and the question of exempting particular type of lands could be considered separately. The definition has been amended accordingly.

*Sub-clause (2).*—The terms “agricultural company” and “non-agricultural company” have been newly defined in sub-clause (2) as result of the decision of the Committee to treat agricultural companies and non-agricultural companies differently in certain respects under the provisions of the Bill.

*Sub-clause (5).*—“Authorized officer”—The definition originally limited the appointment to be made from among the officers of the Revenue Department. The Committee felt that there was no need to restrict the appointment to Officers of the Revenue Department only and decided that any Gazetted Officer could be appointed as authorized officer. The definition has been amended accordingly.

*Sub-clauses (8), (9) and (10).*—The terms ‘company’, ‘creditor’ and ‘cultivating tenant’ were not defined in the Bill. The Committee decided to have them defined. Accordingly the definitions have been newly added.

*Sub-clause (14).*—The definition of “family” as it stood in the original Bill meant an undivided Hindu family in the case of persons governed by Hindu Law and in other cases a group or

unit, the members of which were by custom or usage joint in estate or residence. The Committee felt that there was no need to have such a distinction between Hindus and non-Hindus. The Committee therefore recommended that 'family' should mean the wife or husband, the minor sons and unmarried daughters and minor grandsons and unmarried grand daughters in the male line whose parents are dead subject to the condition that in the case of Hindus minor sons and minor grandsons shall not include sons or grandsons who have obtained a partition by means of a registered instrument.

The definition has, therefore, been recast accordingly.

*Sub-clause (20).*—In the light of the changes made in Chapter VII of the Bill consequential alterations have been made in the definition of " inam land ".

*Sub-clause (16) and Chapter X of the original Bill.*—Instead of linking Kudiyruppu along with this legislation the Committee considered that separate legislation containing the provisions of Chapter X of the Bill as published might be brought in. Sub-clause (16) and Chapter X of the Original Bill have therefore been omitted.

*Sub-clause (22).*—" land "—The definition as it stood in the Bill included " horticultural " and " garden land ". Pursuant to the decision taken on the definition of the expression " agriculture ", the Committee decided to omit the expression " horticultural land " and " garden land " from this sub-clause. The definition has been amended accordingly.

*Sub-clause (31).*—Consequent on the changes made by the Committee in clause 8, the expression " notified date " has been newly defined.

*Sub-clause (32).*—" orchard " has made some drafting changes in this sub-clause to make the intention more clear.

*Sub-clause (33).*—Item (b) (ii) of original sub-clause (26) included person who had no right to possession. The Committee felt that only those who had a right to possession should be brought into the picture as owners and decided to omit the item and to introduce in its place a new sub-item including in the definition the lessee of any leasehold village or his heir assignees, legal representatives or persons deriving rights through him. The definition has been amended accordingly.

*Sub-clause (35).*—" personal cultivation "—Under the sub-clause as it stood in the original Bill in the case of one who cultivated on his land by hired labour it would be deemed to be personal cultivation only if the owner exercised personal supervision. The Committee felt that in certain cases, for instance,



students below 25 years of age, it might not be practicable for one to comply with the above requirement. The sub-clause has been modified accordingly.

*Sub-clause (37).*—The Committee considered that instead of the term “usufructuary mortgagee” it was better to have the expression “possessory mortgagee”. The definition has been amended accordingly.

*Sub-clause (39).*—In the definition of ‘seaman’ the words ‘ship or sailing vessel’ have been substituted for the words ‘an Indian merchant ship’.

*Sub-clause (40).*—In view of decision of the Committee to allow members of family to hold separate property up to a certain limit the expression “separate property” has been newly defined and the definition of “stridhana” has been deleted:

*Sub-clause (42).*—“standard acre”—In the definition as it stood the classification of the lands for the purpose of fixing the “standard acre” land revenue to which the land was assessed was taken as the basis. As ‘land revenue’ would include water cess, etc., the Committee decided that it should be taken to mean the basic ‘land assessment’ and has accordingly amplified Explanation I making the position clearer.

The standard acre in some cases was expressed in fractions. The Committee decided that they should be expressed in decimals.

The Committee felt that there was much disparity between lands assessed to Rs. 4 and above but below Rs. 8 and therefore decided to have a new slab in between.

It also decided to add a new Explanation, viz., Explanation II indicating that “wet land” and “dry land” should include ‘inam wet land’ and ‘inam dry land’ respectively.

In regard to areas served by new irrigation projects the Committee decided to fix the rates on the basis whether it was a single crop or double crop land and has modified Explanation III.

The sub-clause has been amended in the light of the above decisions.

*Sub-clause (44).*—Both ‘factory’ and ‘sugar factory’ had been defined in the original Bill. The Committee decided that there was no need to define a ‘factory’ but that the definition of ‘sugar factory’ should be amplified. The definition of “factory” has therefore been omitted. The definition of “sugar factory”

has been amended and definitions of the terms "existing sugar factory" [sub-clause (13)] and 'new sugar factory' [sub-clause (30)] have been added.

*Sub-clause (47).*—According to the definition "tenant" meant a person who contributed his own personal labour or that of any member of his family and included a person in possession after the termination of the tenancy agreement but excluded intermediaries. In view of the definition of "cultivating tenant" newly inserted, the definition has been amended suitably.

*Sub-clause (48).*—In the definition of 'tope', the Committee decided that there should be specific mention of nut bearing trees. The definition has been amended accordingly. Certain drafting changes have also been made as in the definition of the term "orchard".

*Sub-clause (50).*—"trust"—A new sub-clause defining 'trust' has been added.

#### *Clause 5.*

Clause 4 of the original Bill fixed the ceiling area and also provided that the shares of an individual person or of a family in the lands held by a company, Co-operative society, firm, etc., should be taken into account in calculating the extent of land held by such person or family. The Committee felt that there was difficulty in calculating the share of an individual or family in a non-agricultural company and therefore lands held by such company should not be taken into account in calculating the extent of land held by a person. Sub-clause (3) has been amended accordingly.

The three Explanations to sub-clause (3) provided the manner of calculation of share and the relinquishment of interest of a member of a family and of a widow. The Committee decided that a single Explanation covering the matter would be sufficient. Sub-clause (4) as it stood in the original Bill allowed female members of the family to retain stridhana property up to a certain extent. The Committee felt that all members should be allowed to retain separate property up to an extent of 10 standard acres subject to certain conditions. The provision and the 'Illustrations' have been recast in the light of the above decision.

#### *Clause 6.*

Clause 44 of the Bill provided that in cases where a trust has been created and any interest in the land or in the income from such land has been reserved in favour of the founder the authorized officer should exclude the extent of land proportionate to the

interest reserved. The land so excluded should be taken into account in calculating the extent of land held by the founder of the trust. It was considered appropriate to have this clause in Chapter II dealing with fixation of ceiling.

*Clause 8.*

The clause provided that a person holding land in excess of the ceiling area should furnish to the authorized officer within 90 days of the date of the publication of the Act, a return showing certain particulars about the land held by him. The Committee felt that it might not be possible for all persons to know the date of publication of the Act. It, therefore, decided that the return should be furnished from such date as may be specified in a notification to be issued by the Government in this behalf. The clause has been amended accordingly. Certain drafting changes have also been made.

*Clause 9.*

The clause provided that if a person had failed to furnish the return, the authorized officer could require the person to furnish the return or additional particulars within the time specified in the notice. The Committee decided that the authorized officer should be empowered to give further time not exceeding thirty days to furnish the return or the additional information. The Committee also decided that a specific provision should be made making it obligatory on the part of the authorized officer to pass orders on the representation and evidence. The clause has been amended accordingly.

*Clause 10.*

The Committee felt that specific instructions to the authorized officer as to how the ceiling area of a family has to be calculated should be incorporated in the clause itself. Accordingly sub-clause (2) provides that for the purposes of calculating the ceiling area of a family the authorized officer should take into account only those members who are alive on the notified date.

The Committee also decided that if any person has specified the particulars of the land which he desires to retain within his ceiling area the authorized officer should as far as practicable declare the same as comprised within his ceiling area. Sub-clause (4) gives effect to this decision.

There was no provision in the Bill for the serving of a copy of the draft statement on a tenant. The Committee decided that provision should be made for this purpose. Sub-clause (5) gives effect to that decision. Certain drafting changes have also been made.

*Clause 11.*

Sub-clause (3) of clause 8 of the original Bill empowered the authorised officer to decide question regarding title of a person to any land which has not been finally decided by a competent court or other authority. The Committee decided that the authorized officer should not decide cases which were pending before the Land Tribunal. Sub-clause (1) gives effect to that decision.

The Committee also decided that if the authorized officer was of the opinion that the matter regarding title involved a decision on a substantial question of law or of fact he should for reasons to be recorded in writing refer the same to the Land Tribunal. Sub-clause (2) gives effect to this.

Sub-clause (4) of clause 8 of the original Bill provided that a suit would lie to the Land Tribunal against the order to the authorized officer to have it set aside. The Committee felt that provision should also be made for modifying the order. Sub-clause (3) gives effect to this.

*Clause 12.*

Sub-clause (5) of clause 8 of the Bill required the authorized officer to publish a final statement specifying the entire land held by every person holding land in excess of the ceiling area, the land to be retained by him and the land to be declared to be surplus land, etc. The above provision has been incorporated in clause 12 with necessary changes.

*Clause 13.*

Sub-clause (6) of clause 8 of the Bill provided that the land in respect of which any question of title is pending before a competent court should also be excluded from the calculation of ceiling area. The Committee decided that lands in respect of which similar questions of title are pending before the Land Tribunal or other authority should also be excluded. The above provision has been incorporated in clause 13 with necessary changes.

*Clause 14.*

Sub-clause (7) of clause 8 of the Bill made it obligatory on the authorized officer to amend the final statement or prepare the final statement in accordance with the decisions of the court or other authority or the Land Tribunal. The Committee decided that a final statement has to be prepared in respect of lands in respect of which any question of title was decided by the Court or the Land Tribunal or other authority. Necessary provision has been made in clause 14.

*Clause 15.*

There was no provision in the Bill empowering the authorized officer to rectify bonafide mistakes and clerical errors. The Committee decided that provision should be made for the same. Clause 15 gives effect to that.

*Clause 16.*

Clause 10 of the original Bill provided that where the land declared as surplus land is held by an usufructuary mortgagee the possession of the land should revert to the mortgagor.

This clause did not cover cases where the total holding of the possessory mortgagor was in excess of the ceiling area and where he desired the land mortgaged by him or any part thereof to be included within his ceiling area. The Committee decided that in such cases the extent of land as desired by the possessory mortgagor should revert to him provided that the land so reverted together with the other land held by him did not exceed the ceiling area.

The Committee felt that in cases where no agreement could be reached in respect of the mortgage money and the authorized officer was of the opinion that the question involved a substantial question of law or of fact the matter should be referred to the Land Tribunal. Clause 16 gives effect to the above decisions.

*Clause 17.*

Clause 11 of the Bill provided that where any land held by a tenant was in excess of the ceiling area but where the land in such excess was held by another person as land-owner, the possession of such excess land should revert to the land-owner. The Committee decided that the possession should revert with effect from the date of publication of the final statement. Necessary provision has been made in clause 17.

*Clause 18.*

Clause 12 of the original Bill provided for the manner of acquisition of surplus land together with trees, buildings, etc. The clause also required the authorized officer to have a copy of the notification relating to the taking over of the surplus land for a public purpose, to be served on such persons who in the opinion of the Government were interested in the land. The Committee considered that it was not necessary for each case to be taken to the Government and therefore decided that the copy of the notification may be served on person who names appear in the final statement and such other persons as may be specified in the rules made by the Government.

The Committee also decided that provision should be made empowering the Government to make rules specifying the classes of tenants who might be allowed to continue in possession of the

land and also permitting co-operative societies, land mortgage banks and agricultural companies to continue in possession of land in excess of ceiling area even after the publication of the notification. Clause 18 gives effect to those decisions.

*Clause 19.*

This is a new clause and according to this no document relating to transfer of land can be registered unless the transferee gives a written declaration as to the extent of land held by him. It also makes it obligatory on the registering authority to send a copy of such declaration to the authorized officer for taking necessary action

*Clause 20.*

This clause combines the provisions of clauses 30 and 31 of the original Bill. According to this if as a result of a transfer either by sale or gift, etc., effected on or after the notified date a transferee gets lands in excess of the ceiling area then it would be considered as a contravention of the provision of clause 7 and the penalty for the same is that the right, title, etc., in the land in excess of the ceiling area will stand transferred to Government.

*Clause 21.*

Clause 32 of the original Bill provided that if after the date of publication of the proposed Act any person acquires by inheritance or bequest any land which together with the land, if any, already held by him would exceed in the aggregate the ceiling area he should within ninety days furnish a return. The Committee considered that in this case one should be required to furnish the return if the land is acquired on or after the date of the commencement of the Act instead of after the publication of the Act. Clause 21 makes provision accordingly. It also provides for the furnishing of a return in the case of lands acquired by sale in execution of a decree or order of a Civil Court or of an award or an order of any other lawful authority on or after the date of commencement of the Act and before the notified date. An Explanation has been added in this clause to the effect that bequests should include gifts made in contemplation of death. A provision has also been inserted for the furnishing of return in cases where the extent of land exceeds ceiling area as a result of marriage or adoption.

*Clause 22.*

Clause 33 of the original Bill provided that after the date of the publication of the Bill but before the date of publication of the proposed Act, if any person transferred or partitioned any land held by him in order to defeat the provisions of the Act then the authorized officer could declare such transfer or partition as void,

The Committee decided that the crucial date should be the notified date. The above decision has been incorporated in clause 22.

*Clause 23.*

Clause 34 of the original Bill provided that no land should except with the permission of the authorized officer be transferred by sale or by gift, exchange or surrender or be subdivided whether by partition or otherwise until a final order is passed. The Committee has modified this clause providing that the authorized officer should not take into consideration such transfers or subdivisions effected on or after the notified date and before the date of publication of the final statement.

*Clause 24.*

Clause 13 of the original Bill provided for the constitution of the Land Board. According to the clause as it stood in the Bill the Secretary to the Board of Revenue is to be the Secretary to the Land Board. The Committee has decided that the Secretary shall be any Gazetted Officer nominated by the Government.

The clause in the Bill also provided that any member of the Land Board who was absent from three consecutive ordinary meetings of the Board should be deemed to have vacated his seat. The Committee considered that the period of absence may be three consecutive months reckoned from the date of the commencement of his term of office or of the last meeting which he attended as the case may be or if within the said period less than three meetings have been held, absence from three consecutive meetings held after the said date. Necessary changes have been made accordingly in the clause.

*Clause 28.*

Clause 17 of the original Bill specified the matters which the Land Board should take into consideration in deciding whether to grant or refuse to grant permission to acquire land for dairy farming or livestock breeding. The Committee felt that the expression 'the interest of the public generally' should be modified making it specific that the interest that will be served by the development of dairy farming or livestock breeding should be taken into consideration. The Committee also decided that the land already owned by the applicant for the purpose of cultivation should also be taken into account. Clause 28 gives effect to these decisions.

*Clause 32.*

Clause 21 of the original Bill specified the matters which the Land Board should take into consideration in deciding whether to grant or refuse to grant permission to hold or acquire any land for the extension of any plantation. The Committee felt that provision

should be made to take into consideration the ancillary purposes of plantation. Clause 32 embodies the above provision. Incidentally definition of " ancillary purposes of the plantation " has also been added in clause 3.

*Clause 35.*

This is clause 24 of the original Bill. A new sub-clause has been added providing that no members of the Board should vote on or take part in the discussion of any question before the Board if that question is one in which he is directly or indirectly interested.

*Clause 36.*

The Committee decided that provision should be made empowering the Land Board to rectify bona fide mistakes and clerical errors. Provision to that effect has been made in this clause.

*Clause 38.*

Clause 35 of the original Bill provided for the constitution of the Sugar Factory Board, etc. According to that clause one of the members should be a judicial officer who is, or a person who has been a judge of a High Court nominated by the Government. The Committee decided that a judicial officer who is qualified for appointment as a Judge of a High Court could also be nominated as a member. The clause as it stood provided that the Director of Agriculture should be the Secretary of the Board. The Committee decided that the Director of Agriculture should also be the member of the Board. Necessary provision has been made in clause 38. The same provisions as were introduced in clause 24 relating to Land Board regarding vacation of seat due to non-attendance at meetings have been introduced in this clause also.

*Clause 40.*

Clause 37 of the original Bill provided for the decision of the Sugar Factory Board granting or refusing permission to any Sugar Factory which desired to hold land. The Committee decided that it should be made obligatory on the Sugar Factory Board to permit a Sugar Factory to hold the land held by it even as a possessory mortgagee.

*Clause 42.*

This is a new clause relating to the application by any existing or new sugar factory for future acquisition of land and the particulars that are to be furnished in that application.

*Clause 43.*

This is a new clause prescribing the procedure to be followed by the Sugar Factory Board in granting permission for future acquisition of lands by sugar factories.



*Clause 44.*

This is a new clause providing for matters to be considered by the Sugar Factory Board when granting or refusing permission under Clause 43.

*Clause 47.*

Provision regarding prohibition of members having interest in the question before the Board from voting or taking part in the proceedings have been introduced as a new sub-clause.

*Clause 48.*

There was no provision in the original Bill empowering the Sugar Factory Board and the Sugar Factory Tribunal to rectify bona fide mistakes and clerical errors. The Committee decided that both the Board and the Tribunal should have such power. Necessary provision has been made in the clause.

*Clause 50.*

Clause 26 of the original Bill provided for the determination of compensation for land acquired by the Government. There was no provision about the time within which a person claiming compensation should prefer his claim. The Committee decided that the period should be prescribed. There was also no provision with regard to the period within which the objection to the draft compensation assessment roll could be preferred. The Committee decided that provision should be made for the purpose. Necessary provisions have been made in Clause 50.

*Clause 51.*

Clause 28 of the Bill provided for satisfaction of the claims of the mortgagee or charge holder in respect of the surplus lands acquired by Government. The Committee decided that if the authorized officer was of the opinion that the decision of a claim involved a substantial question of law he should refer the claim to the Land Tribunal for decision. Necessary provision has been made in Clause 51.

*Clauses 52 and 53.*

These are two new clauses dealing with the claims of limited owner and maintenance holder on surplus land. In the case of limited owner the amount of compensation will be kept in deposit before such authority as may be prescribed and the interest accorded would be paid to the person who would for the time being, have been entitled to the possession of the land.

The compensation amount in the case of maintenance holder should also be kept in deposit before such authority as may be prescribed.

*Clause 55.*

Clause 27 of the Bill provided that the amount of compensation shall be paid in bonds payable in 20 equal annual instalments and shall carry interest at 5 per cent per annum. This clause has been modified providing that the amount of compensation shall be paid either in cash or in bonds or partly in cash and partly in bonds. The bonds shall be issued on such terms and carry such rate of interest as may be prescribed.

*CHAPTER VII.*

Chapter VIII of the original Bill imposed certain restrictions in regard to transfer of inam lands till the effecting of ryotwari settlement in those areas. The Committee decided that there need be no distinction as between inam lands and other lands in areas other than the transferred territory and that in the case of inam lands land revenue based on nearest ryotwari classification should be adopted and ceiling fixed accordingly. Therefore the Chapter has been recast retaining only provisions relating to survey and settlement of lands in the transferred territory.

*Clauses 59 and 60.*

These are new clauses providing that no cultivating tenant should be evicted from his holding at the instance of the land owner and that if any land owner wants to evict he can do so only under the conditions laid down in Clause 60.

*Clause 61.*

Clause 57 of the original Bill provided that any land owner who is not assessed to any sales tax, profession tax or income-tax during 1956-57 or 1957-58 may resume land up to five standard acres for personal cultivation. The Committee decided that a land owner who held land not exceeding five standard acres and is not assessed to income-tax for the previous year might for five years after two years from the date of publication of the Act resume possession from the cultivating tenant for purposes of personal cultivation of land not exceeding five standard acres, including any land held by him already under his personal cultivation and any other land the possession of which reverted to him under Clause 17. Necessary provision has been made in Clause 61.

*Clause 62.*

This provides that a land owner who held land not exceeding five standard acres on the date of the commencement of the Act may before the expiry of two years from the notified date resume land up to an extent of three standard acres inclusive of other lands if any under his personal cultivation and lands the possession of which reverted to him under Clause 17.

*Clause 63.*

This clause provides that in cases where the extent of land held by a person as owner together with any land held by him as cultivating tenant exceeds five acres any land owner under whom such cultivating tenant is holding land may resume possession of his land in such excess for the purpose of personal cultivation.

*Clauses 64, 65, 66 and 68.*

The committee decided that tenant should mean a cultivating tenant. Necessary changes have been made in the above clauses.

*Clause 67.*

This is a new clause providing that a cultivating tenant who holds on the notified date any land in excess of five standard acres partly as owner and partly as cultivating tenant or wholly as cultivating tenant should furnish to the authorized officer a return containing certain particulars.

*Clause 69.*

Clause 63 of the original Bill has been redrafted to make it clear that the existing tenancy laws, in so far as they are not inconsistent with any of the provisions of the proposed Act shall continue in force.

*Clause 70.*

Clause 69 of the original Bill enumerated the lands which were exempt from the provisions of the proposed Act. The Committee decided that lands held by co-operative societies which were not registered according to Madras Act or Travancore-Cochin Act but which are approved by the Government should be exempted. It also felt that land owned by any industrial or commercial undertaking which in the opinion of the Government bona fide carries on any industrial or commercial operation approved by the Government may also be exempted. Further it decided that any land used exclusively for growing fuel trees should also be exempted. Necessary provision has been made in Clause 70.

In view of the provision made in clause 18(5) of the Bill, for the making of rules permitting Co-operative Societies registered under the Madras and Travancore-Cochin Acts and Land Mortgage Banks to continue in possession of land in excess of ceiling area the reference to such societies and banks have been omitted from this clause.

*Clause 71.*

Clause 70 of the original Bill provided that it would be lawful for any person to hold or to acquire in addition to the ceiling area, land exclusively used for grazing upto an extent of 50 acres. The

committee decided that if a person held such grazing lands at the commencement of the Act such land should be exempted. Necessary provision has been made in Clause 71.

*Clause 72.*

This is a new clause providing that if the Land Board decides that exempted grazing lands have become fit for cultivation as a result of any Irrigation Project constructed at the cost of Government such land should be taken into account for calculating the ceiling area of the person holding such lands.

*Clause 74.*

Clause 72 of the original Bill dealt with the jurisdiction and powers of Land Tribunals. The Committee had decided that the authorized officer should refer certain matters to the Land Tribunal for decision. Necessary provision has been made in Clause 74 that the Land Tribunal should decide such matters also.

*Clause 77.*

This is a new clause providing that certain provisions of the Limitation Act shall apply to appeals under Clauses 75 and 76.

*Clauses 82 to 86.*

Clause 79 of the Bill provided for penalty for failure to furnish return or for furnishing any return which the person concerned knew or had reason to believe that to be false.

The committee decided that the penalty for continuing offence should be enhanced. It has also inserted certain new clauses providing penalties for certain matters.

*Clause 87.*

Clause 80 of the original Bill provide two hundred rupees as penalty for contravening any lawful order. The committee decided that the penalty should be increased to five hundred rupees. Necessary provision has been made in Clause 87.

*Clause 88.*

Clause 81 of the original Bill provided penalty for cutting trees or removing any building, machinery, plant or apparatus constructed, erected or fixed on the land acquired by the Government. Committee decided that the removal, etc., of building, machinery, etc., should be an offence only when such buildings, etc., were used for agricultural purposes. It also decided that the fine to be imposed should be not exceeding one thousand rupees. Necessary provision has been made in Clause 88.

*Clause 91.*

Clause 94 of the original Bill empowered the Government to make rules providing for the manner in which any land acquired by the Government should be disposed of. The committee decided that while framing rules the objects specified in the preamble should be taken into consideration. It further held that persons whose holdings have been reduced below three standard acres should be given preference along with those who are completely dispossessed. Necessary provision has been made in Clause 91.

*Clause 94.*

Clause 87 of the original Bill provided for the appointment of Land Commissioner. The committee recommended that a member of the Board of Revenue should be appointed as Land Commissioner. Necessary provision has been made in Clause 94.

*Clause 99.*

This is a new clause empowering the authorized officer to require any person to furnish any information relating to the extent of land held by him and other particulars.

*Clause 107.*

Clause 99 of the original Bill empowered the Government to make rules in respect of the matter specified in the clause. The committee decided that the Government should be empowered to make rules for the manner of publication of a proclamation in any language applicable to the concerned area for the acquisition of surplus land under Clause 18 (2) and for prescribing the qualifications for the two members to be nominated by the Government under Clause 24 (2) (d). It also decided that the authority or officer before whom compensation may be kept in deposit and also the manner of payment of the amount of compensation so deposited to the persons entitled thereto should also be prescribed. Necessary provisions have been made in Clause 107.

*Clause 109.*

Clause 101 of the original Bill provided that all rules except those framed under Clause 84 and orders issued under Clause 100 should be placed on the Table of the Legislature and should be subject to such modification by way of amendment or repeal as the Legislature may make. The committee decided that the model clause recommended by the Subordinate Legislation Committee should be adopted. Necessary changes have been made in Clause 109.

*Schedule I.*

The Schedule in the original Bill specified only the whole of Nilgiris district, Kodaikanal taluk and Yercaud sub-taluk as hill areas. The committee felt that there were other hill areas in the

State and that they should also be specified. Accordingly other areas have been added to this Schedule.

*Schedule III.*

Schedule III of the Bill defines fair rent and also prescribes the principles on which the compensation has to be determined in respect of any surplus land acquired by the Government. The slab rates for determining compensation have been recast on the lines of provisions for calculation of agricultural income-tax. Paragraph 9 of the Schedule provided that in the transferred territory 80 per cent of the amount of compensation should be paid in advance. The committee decided that only 75 per cent of the compensation need be paid in advance. The Schedule has been altered suitably. Consequent on the decision of the committee to treat inam lands on par with other lands, the provisions contained in original Schedule VI relating to compensation in respect of inam lands, lands in lease-hold villages and land exempt from payment of land revenue have been omitted and consequential changes have been made in this Schedule. Provision has also been made for determining compensation in respect of lands the revenue of which or portion thereof has been assigned.

*Schedule IV.*

Schedule IV in the Bill provided the basis of compensation payable to any tenant and it also laid down that the compensation should be apportioned equally between the tenant and the intermediary. The committee decided that three-fourths of the compensation should be paid to the cultivating tenant and one-fourth to the intermediary. The Schedule gives effect to the decision.

Schedule V of the Bill which prescribed the rate of tasdik allowance payable to any trust has been deleted in view of the committee's decision that this Bill should not apply to religious trusts.

9. Some verbal and consequential alterations have been incorporated in the Bill.

10. A copy of the Bill as amended by the Joint Select committee is annexed.

11. The committee considers that the changes made by it are not of such important character as to require the republication of the Bill.

12. Some of the Members have given minutes of dissent which are appended.\*

FORT ST. GEORGE, MADRAS.

M. A. MANICKAVELU,

Dated 16th August 1951.

Chairman.

ANNEXURE.

**THE MADRAS LAND REFORMS (FIXATION OF CEILING  
ON LAND) BILL, 1960 (L.A. BILL No. 8 OF 1960)  
(AS AMENDED BY THE JOINT SELECT  
COMMITTEE).**

(Vide paragraph 10 of the Report.)

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**Arrangement of Clauses.**

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**CHAPTER I.**

**PRELIMINARY.**

**Clauses.**

1. Short title and extent.
2. Act not to apply to lands held by religious trusts.
3. Definitions.
4. Act to override other laws, contracts, etc.

**CHAPTER II.**

**FIXATION OF CEILING ON LAND HOLDINGS.**

5. Ceiling area.
6. Basis of calculation of the extent of land held by the founder of a trust.
7. Ceiling on holding land.
8. Furnishing of return by person holding land in excess of 30 standard acres.
9. Collection of information.
10. Preparation and publication of draft statement as regards land in excess of the ceiling area.
11. Authorized officer to decide question of title in certain cases.

## Clauses.

12. Publication of final statement.
13. Exclusion of certain land from calculation of ceiling area.
14. Amendment of final statement in certain cases.
15. Power to rectify *bona fide* mistakes and clerical errors.
16. Possession of land held by possessory mortgagee to revert to the possessory mortgagor in certain cases.
17. Possession of land held by tenant to revert to the landowner in certain cases.
18. Acquisition of surplus land.

## CHAPTER III.

## CEILING ON FUTURE ACQUISITION AND RESTRICTION ON CERTAIN TRANSFERS.

19. Declaration to be made before the registering authority in certain cases.
20. Penalty for future acquisition in contravention of section 7.
21. Ceiling on future acquisition by inheritance, bequest or by sale in execution of decree, etc.
22. Transfer or partition made on or after the date of the commencement of this Act, but before the notified date.
23. Authorized officer not to take into consideration certain transfers or subdivisions before publication of final statement.

## CHAPTER IV.

## CONSTITUTION AND FUNCTIONS OF THE LAND BOARD.

24. Constitution of the Land Board.
25. Functions of the Land Board.
26. Application to the Land Board for future acquisition of land for dairy farming or livestock breeding.
27. Decision of the Land Board in respect of land to be used for dairy farming or livestock breeding.
28. Matters to be considered by the Land Board when granting or refusing permission under section 27.



Clauses.

29. Cancellation of permission granted under section 27.
30. Application to the Land Board for future acquisition of land interspersed among or contiguous to any plantation.
31. Decision of the Land Board in respect of land interspersed among or contiguous to any plantation.
32. Matters to be considered by the Land Board in granting or refusing permission under section 31.
33. Cancellation of permission granted under section 31.
34. Decision of the Land Board to be final.
35. Meetings of the Land Board.
36. Power of Land Board to rectify *bona fide* mistakes and clerical errors.
37. Act of Land Board not to be invalidated by informality.

## CHAPTER V.

### CONSTITUTION AND FUNCTIONS OF THE SUGAR FACTORY BOARD.

38. Constitution of the Sugar Factory Board.
39. Functions of the Sugar Factory Board.
40. Decision of the Sugar Factory Board in respect of land to be used for cultivation of sugarcane.
41. Matters to be considered by the Sugar Factory Board when granting or refusing permission under section 40.
42. Application by any existing or new sugar factory for future acquisition of land.
43. Decision of the Sugar Factory Board in respect of land to be acquired by existing or new sugar factory.
44. Matters to be considered by the Sugar Factory Board when granting or refusing permission under section 43.
45. Cancellation of permission.
46. Decision to be final in certain cases.
47. Meetings of the Sugar Factory Board.
48. Power of Sugar Factory Board and Sugar Factory Tribunal to rectify *bona fide* mistakes and clerical errors.
49. Act of Sugar Factory Board not to be invalidated by informality.

## CHAPTER VI.

## COMPENSATION.

## Clauses.

50. Determination of compensation for land acquired by the Government.
51. Claims of mortgagee or charge holder on surplus land.
52. Claims of limited owner on surplus land.
53. Claims of maintenance-holder on surplus land.
54. Compensation to certain tenants.
55. Mode of payment of compensation.

## CHAPTER VII.

SURVEY AND SETTLEMENT OF LANDS IN THE TRANSFERRED  
TERRITORY.

56. Survey of lands in the transferred territory.
57. Manner of effecting ryotwari settlement.
58. Appointment and function of Settlement Officers.

## CHAPTER VIII.

## GENERAL PROVISIONS REGARDING TENANCIES.

59. Cultivating tenants not to be evicted.
60. Landowner may evict cultivating tenant in certain cases.
61. Landowner's right to resume land in certain cases, after the expiry of two years from the date of publication of Act.
62. Landowner's right to resume land for personal cultivation in certain cases.
63. Right to resumption of land from cultivating tenant holding land exceeding five standard acres.

**Clauses.**

- 64. Member of the Armed Forces to resume land up to the ceiling area.
- 65. Landowner or member of the Armed Forces to apply to the authorized officer.
- 66. Right to restoration of possession.
- 67. Cultivating tenant to furnish return in certain cases.
- 68. Landowner's power to alter holding in certain cases.
- 69. Effect of certain Acts.

**CHAPTER IX.****EXEMPTIONS.**

- 70. Exemptions.
- 71. Special provision for grazing lands.
- 72. Grazing land to be taken into account for ceiling area in certain cases.

**CHAPTER X.****LAND TRIBUNALS.**

- 73. Constitution of Land Tribunals.
- 74. Jurisdiction and powers of Land Tribunals.

**CHAPTER XI.****APPEALS AND REVISION.**

- 75. Appeal to Land Tribunal.
- 76. Appeal to the High Court.
- 77. Limitation Act to apply to appeal under section 75 or 76.
- 78. Revision by the Land Tribunal.
- 79. Revision by the Land Commissioner.
- 80. Revision by High Court.
- 81. Power to stay.

## CHAPTER XII.

## PENALTIES AND PROCEDURE.

## Clauses.

- 82. Penalty for failure to furnish return.
- 83. Penalty for failure to furnish information under section 99.
- 84. Penalty for furnishing false return or information.
- 85. Penalty for making false declaration under section 19.
- 86. Penalty for acquisition by lease or possessory mortgage in excess of the ceiling area.
- 87. Penalty for contravention of any lawful order.
- 88. Penalty for cutting trees or for removing any machinery, etc.
- 89. Offences by companies.
- 90. Cognizance of offences.

## CHAPTER XIII.

DISPOSAL OF LAND ACQUIRED BY THE GOVERNMENT  
UNDER THIS ACT.

- 91. Disposal of land acquired by the Government.

## CHAPTER XIV.

## MISCELLANEOUS.

- 92. Conversion of one kind of land into another not to affect ceiling area in certain cases.
- 93. Decrease in number of members of family not to affect ceiling area.
- 94. Appointment of Land Commissioner.
- 95. Power of Government to issue orders and directions to the authorized officer, etc.

Clauses.

96. Transfer of proceedings from one authorized officer to another.

97. Returns and reports.

98. Authorized officer empowered to obtain information from Court, etc.

99. Authorized officer empowered to obtain information from persons.

100. Costs.

101. Power to enter upon land.

102. Indemnity.

103. Preparation of record of rights.

104. Bar of jurisdiction of civil courts.

105. Court-fees.

106. Delegation of powers.

107. Power to make rules.

108. Power to remove difficulties.

109. Rules and orders to be placed before the Legislature.

SCHEDULE I.

SCHEDULE II.

SCHEDULE III.

SCHEDULE IV.

THE MADRAS LAND REFORMS (FIXATION OF  
CEILING ON LAND) BILL, 1960 (L.A. BILL No. 8  
OF 1960) (AS AMENDED BY THE JOINT SELECT  
COMMITTEE.)

[*Note.*—The changes made are side-lined or underlined and the portions omitted are indicated by dots.]

*A Bill to provide for the fixation of ceiling on agricultural land holdings and for certain other matters connected therewith in the State of Madras.*

WHEREAS under clauses (b) and (c) of Article 39 of the Constitution of India, the State should, in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good and that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

AND WHEREAS the area of agricultural land available for cultivation in the State is limited;

AND WHEREAS there is great disparity in the ownership of agricultural land leading to the concentration of such land in the hands of certain persons;

AND WHEREAS it is necessary to reduce such disparity in the ownership of agricultural land in the State;

AND WHEREAS it is necessary to fix a ceiling on the agricultural land holdings;

AND WHEREAS it is necessary to acquire the agricultural land in excess of the ceiling area and to distribute such land to the landless and other persons among the rural population;

AND WHEREAS such distribution will best subserve the common good, increase agricultural production and promote justice, social and economic;

AND WHEREAS it is expedient to provide for all these and other matters connected therewith;

BE it enacted in the Twelfth Year of the Republic of India as follows :—

## CHAPTER I.

### PRELIMINARY.

1. *Short title and extent.*—(1) This Act may be called the Madras Land Reforms (Fixation of Ceiling on Land) Act, 1961.

(2) It extends to the whole of the State of Madras.

2. *Act not to apply to lands held by religious trusts.*—Subject to the provisions of section 6, nothing contained in this Act shall apply to lands held by religious trusts of a public nature.

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

(1) “ agriculture ” includes—

- (a) horticulture;
- (b) the raising of crops, grass or garden produce;
- (c) the use by an agriculturist of land held by him, or part thereof, for grazing;
- (d) the use of any land for the purpose of raising manure crops;
- (e) dairy farming;
- (f) poultry farming;
- (g) livestock breeding;
- (h) growing of trees;

and “ agricultural ” shall be construed accordingly;

(2) “ agricultural company ” means any company formed for the purpose of carrying on any business that has for its main object the acquisition of gain by the company from agricultural land and “ non-agricultural company ” means any other company;

(3) “ agricultural year ” means the year commencing on the 1st day of April, or, in respect of the whole or a part of any district on such other date as the Collector of the district may specify in that behalf by notification in the District Gazette;

(4) “ ancillary purposes of the plantation ” includes replanting;

(5) “ authorized officer ” means any Gazetted Officer authorized by the Government by notification to exercise the powers conferred on, and discharge the duties imposed upon, the authorized officer under this Act for such area as may be specified in the notification;

(6) “ Bhoodan Yagna ” and “ Gramdan land ” shall have the same meaning as in clauses (a) and (d) respectively of section 2 of the Madras Bhoodan Yagna Act, 1958 (Madras Act XV of 1958);

(7) “ ceiling area ” means the extent of land which a person is entitled to hold under section 5;

(8) "company" means a company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956);

(9) "creditor" means a secured creditor and includes any decree-holder who has obtained an attachment of land in execution of a decree or order;

(10) "cultivating tenant" means a person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another, under a tenancy agreement, express or implied, and includes any such person who continues in possession of the land after the determination of the tenancy agreement or the heirs of such person, but does not include a mere intermediary or his heirs;

(11) "date of the commencement of this Act" means the date on which the Madras Land Reforms (Fixation of Ceiling on Land) Bill, 1960 was first published in the *Fort St. George Gazette*, namely, the 6th day of April 1960;

(12) "date of the publication of this Act" means the date of the publication of this Act in the *Fort St. George Gazette*;

(13) "existing sugar factory" means any sugar factory which was in existence on the date of the commencement of this Act;

(14) "family" in relation to a person means the person, the wife or husband, as the case may be, of such person, and his or her—

(i) minor sons and unmarried daughters, and

(ii) minor grandsons and unmarried grand-daughters in the male line, whose father and mother are dead.

*Explanation.*—For the purpose of this clause, in the case of persons governed by Hindu Law, "minor sons" and "minor grandsons" shall not include sons or grandsons between whom and the other members of the family a partition by means of a registered instrument has taken place before the date of the commencement of this Act;

(15) "forest land" includes any waste land containing trees or shrubs;

(16) "full owner" means a person entitled to the absolute proprietorship of land;

(17) "Government" means the State Government;



(18) "hill area" means any local area specified in column (3) of Schedule 1 and such other local area comprising a hill as the Government may, by notification, from time to time, specify;

(19) "to hold land" with its grammatical variations and cognate expressions means to own land as owner or to possess or enjoy land as possessory mortgagee or as tenant or as . . . intermediary or in one or more of those capacities;

(20) "inam land" in any area in the State except the transferred territory—

(a) means any land the grant of which in inam has been made, confirmed or recognized by the Government, and

(b) includes—

(i) any land in any lease-hold village;

(ii) any land which is exempt either in whole or in part, from . . . payment of land revenue . . . ; and

(iii) any inam constituting an estate under the Madras Estates Land Act, 1908 (Madras Act I of 1908); but does not include any inam land on which full assessment of revenue has been levied under the Madras Inams (Assessment) Act, 1956 (Madras Act XL of 1956);

(21) "intermediary" means any person who, not being an owner or a possessory mortgagee, has an interest in land, and is entitled, by reason of such interest, to possession thereof, but has transferred such possession to others;

(22) "land" means agricultural land; that is to say, land which is used or capable of being used for agricultural purposes or purposes subservient thereto and includes . . . forest land, . . . pasture land, plantation and tope but does not include house-site or land used exclusively for non-agricultural purposes;

(23) "Land Board" means the Madras Land Board constituted under section 24;

(24) "Land Commissioner" means the Land Commissioner appointed under section 94;

(25) "land owner" means the owner of the land let for cultivation by a tenant and includes the heirs, assignees, legal representatives of such owner or persons deriving rights through him;

(26) "Land Tribunal" means a Land Tribunal constituted under section 73;

(27) "lease-hold village" means any village . . . . specified in column (4) of Schedule II and such other village or part thereof as the Government may, by notification from time to time, specify;

(28) "limited owner" means any person entitled to a life estate in any land and includes persons deriving rights through him;

(29) "member of the Armed Forces" means a person in the service of the Air Force, Army or Navy of the Union of India and includes a seaman :

Provided that if a question arises whether any person is a member of the Armed Forces, such question shall be decided by the Government and their decision shall be final;

(30) "new sugar factory" means any sugar factory which has come or comes into existence on or after the date of the commencement of this Act;

(31) "notified date" means the date specified in the notification issued by the Government under sub-section (1) of section 8;

(32) "orchard" means an enclosure or assemblage of fruit or nut-bearing trees, constituting the main crop therein, whether of spontaneous or artificial growth but does not include trees on such bunds as are not within or adjunct to such enclosure or assemblage;

(33) "owner"—

(a) means—

(i) any person holding land in severalty or jointly or in common under a ryotwari settlement or in any way subject to the payment of revenue direct to the Government, or

(ii) a landholder as defined in the Madras Estates Land Act, 1908 (Madras Act I of 1908), or a ryot as defined in that Act, or

(iii) an inamdar not being a landholder defined as aforesaid, and

(b) includes—

(i) full owner or limited owner, or

(ii) the lessee of any lease-hold village or his heirs, assignees, legal representatives or persons deriving rights through him;

(34) "person" includes any trust, company, family, firm, society or association of individuals, whether incorporated or not;

(35) "personal cultivation" means cultivation of . . . land by its owner—

(i) by his own labour, or

(ii) by the labour of any member of his family, or

(iii) by hired labour or by servants on wages payable in cash or kind (but not as a share of produce) with his own or hired stock under the . . . supervision of himself or any member of his family.

*Explanation.*—Any student of any college affiliated to any University or of a school or other educational institution recognized by the Government, who has not completed the age of twenty-five years, or any minor or person subject to any physical or mental disability, or any member of the Armed Forces, shall be deemed to cultivate the land personally even if there is no supervision by himself or by any member of his family;

(36) "plantation" means any land used for growing all or any of the following, namely, cardamom, cinchona, coffee, rubber or tea;

(37) "possessory mortgagee" means a mortgagee entitled to the possession of the whole or part of the mortgaged property and to receive the rents and profits accruing from such property or any part of such rents and profits and to appropriate the same in lieu of interest or in payment of the mortgage money or partly in lieu of interest or partly in payment of the mortgage money;

(38) "Schedule" means a Schedule appended to this Act;

(39) "seaman" means every person including a master, pilot or apprentice employed or engaged as a member of the crew of . . . a ship or a sailing vessel to which the Merchant Shipping Act, 1958 (Central Act 44 of 1958) applies;

(40) "separate property" means any land held on the date of the commencement of this Act, by any member of a family, whether male or female, in his or her own name;

(41) "Settlement Officer" means an officer appointed under sub-section (1) of section 58;

## (42) "standard acre" means—

(1) in any area in the State, except the transferred territory—

(a) 1 acre of wet land assessed to land revenue at the rate of Rs. 10 and above per acre; or

(b) 1.2 acres of wet land assessed to land revenue at the rate of Rs. 8 and above but below Rs. 10 per acre; or

(c) 1.6 acres of wet land assessed to land revenue at the rate of Rs. 6 and above but below Rs. 8 per acre; or

(d) 1.75 acres of wet land assessed to land revenue at the rate of Rs. 4 and above but below Rs. 6 per acre; or

\* \* \* \*

(e) 2 acres of wet land assessed to land revenue at any rate below Rs. 4 per acre; or

(f) 2.5 acres of dry land assessed to land revenue at the rate of Rs. 2 and above per acre; or

(g) 3 acres of dry land assessed to land revenue at the rate of Rs. 1.25 and above but below Rs. 2 per acre; or

(h) 4 acres of dry land assessed to land revenue at any rate below Rs. 1.25 per acre;

. . . . .

(2) in the Kanyakumari district—

(a) 1 acre of registered wet land irrigated by any source forming part of, or benefited by, any project; or

(b) 1.2 acres of registered dry land irrigated by any source mentioned in item (a); or

(c) 1.6 acres of dry land irrigated by any Government source other than a source mentioned in item (a); or

(d) 4 acres of unirrigated dry land;

(3) in the Shencottah taluk of the Tirunelveli district—

(a) 1.2 acres of wet land irrigated by any river or stream . . . or by tank fed by any river or stream; or

(b) 1.6 acres of wet land irrigated by any Government source other than a source mentioned in item (a); or

(c) 2 acres of dry land irrigated by any Government source; or

(d) 4 acres of unirrigated dry land.

*Explanation I.*—For the purpose of sub-clause (1) of clause (42), “land revenue” shall mean—

(i) in the case of any land in respect of which a ryotwari settlement is in force on the date of the commencement of this Act, the ryotwari assessment payable on that date;

(ii) in the case of any inam land on which full assessment of revenue has been levied under the Madras Inams (Assessment) Act, 1956 (Madras Act XL of 1956), such assessment;

(iii) in the case of any land [other than an inam land referred to in clause (ii)] in respect of which a ryotwari settlement is not in force on the date of the commencement of this Act, but is brought into force after that date but before the date of publication of the draft statement under sub-section (5) of section 10, the ryotwari assessment payable under such settlement after it is brought into force;

(iv) in the case of any land in respect of which a ryotwari settlement effected in pursuance of section 22 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948) has not been brought into force before the date of publication of the draft statement under sub-section (5) of section 10, or in the case of any inam land, the land revenue notified by the Government in this behalf with due regard to the highest rate of ryotwari assessment payable for any land of a similar description and with similar advantages in the nearest ryotwari village :

Provided that no notification shall be issued under this clause, unless the persons likely to be affected by such notification are given a reasonable opportunity to make representation and adduce evidence in respect of the rates proposed to be specified in the notification :

Provided further that the land revenue notified by the Government under this clause shall not be modified, notwithstanding that a different rate of assessment is fixed under—

(i) any settlement that may be brought into force;

or

(ii) the Madras Inams (Assessment) Act, 1956 (Madras Act XL of 1956);  
after the date of the publication of the said notification.

*Explanation II.*—In sub-clauses (2) and (3) of clause (42) “wet land” and “dry land” shall include inam wet land and inam dry land respectively.

*Explanation III.*—For the purpose of sub-clause (2) of clause (42), 'project' means any of the following irrigation systems, namely :—

- (i) Kodayar project system proper;
- (ii) (a) Pazhayar system;
- (b) Valliar system;
- (c) Thirparappu Right Bank Channel and Left Bank Channel system;
- (d) Champakulam system;
- (iii) Alathuraiyar system.

*Explanation IV.*—In any area in the State, except the transferred territory, one acre of dry land—

(a) irrigated by direct flow of water from any Government source of irrigation supplying water—

(i) for two crops and above, shall be deemed to be equivalent to one acre of wet land assessed to land revenue at the rate of Rs. 8 and above but below Rs. 10 per acre;

(ii) for only one crop, shall be deemed to be equivalent to one acre of wet land assessed to land revenue at the rate of Rs. 4 and above but below Rs. 6 per acre;

(b) irrigated by lifting water from any Government source of irrigation shall be deemed to be equivalent to one acre of wet land assessed to land revenue at the rate of Rs. 4 and above but below Rs. 6 per acre :

Provided that the Government may, in respect of any particular area, by notification, direct that 1 acre of dry land irrigated from any Government source of irrigation shall be deemed to be equivalent to any specified extent of any of the categories of land specified in sub-clause (1) of clause (42) on the ground of quality of the soil or on any other ground :

Provided further that such notification shall not come into force unless it is approved by the Legislature.

*Explanation V.*—Where the land held by a person consists of more than one of the kinds of the land specified in clause (42), the extent of the land held by him shall, for the purposes of this Act, be reduced to standard acres calculated according to the proportions specified in clause (42);

(43) "State" means the State of Madras;

(44) "sugar factory" means any factory in which sugar is manufactured by vacuum pan process and which is a company;

(45) "Sugar Factory Board" means the Madras Sugar Factory Board constituted under section 38;

(46) "surplus land" means the land held by a person in excess of the ceiling area and declared to be surplus land under section 12, 13 or 14;

(47) "tenant" means any person who has paid or has agreed to pay rent or other consideration for his being allowed by another to enjoy the land of the latter under a tenancy agreement, express or implied, and includes—

(i) his heirs, assignees, legal representatives or persons deriving rights through him;

(ii) a cultivating tenant;

(48) "tope" means any land containing groups of fruit or nut-bearing trees including palmyrah trees, constituting the main crop in such land, whether of spontaneous or artificial growth and includes orchards but does not include trees on such bunds as are not within or adjunct to such groups of trees;

(49) "transferred territory" means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district;

(50) "trust" means trust for a public purpose of a religious or charitable, or of an educational, nature, and includes any temple, math, mosque, church or other place, by whatever name known, which is dedicated to, or for the benefit of, or used as of right by, any community or section thereof as a place of public religious worship.

4. *Act to override other laws, contracts, etc.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom, usage or contract or decree or order of a court or other authority.

## CHAPTER II.

### FIXATION OF CEILING ON LAND HOLDINGS.

5. *Ceiling area.*—(1) (a) The ceiling area in the case of every person and, subject to the provisions of sub-sections (4) and (5), the ceiling area in the case of every family consisting of not more than five members, shall be 30 standard acres.

(b) The ceiling area in the case of every family consisting of more than five members shall, subject to the provisions of sub-sections (4) and (5), be 30 standard acres together with an additional 5 standard acres for every member of the family in excess of five.

(2) For the purposes of this section, all the lands held individually by the members of a family or jointly by some or all of the members of such family shall be deemed to be held by the family.

(3) (a) In calculating the extent of land held by a member of a family or by an individual person, the share of the member of the family or of the individual person in the land held by an undivided Hindu family, a Marumakkattayam tarwad, an Aliyasanthana family or a Nambudiri Illom shall be taken into account.

(b) In calculating the extent of land held by a family or by an individual member, the share of the family or of the individual member in the land held by a firm, society or association of individuals (whether incorporated or not) or by a company (other than a non-agricultural company) shall be taken into account.

*Explanation.*—For the purposes of this section—

(a) the share of a member of a family or of an individual person in the land held by an undivided Hindu family, a Marumakkattayam tarwad, an Aliyasanthana family or a Nambudri Illom, and

(b) the share of a family or of an individual member in the land held by a firm, society or association of individuals (whether incorporated or not), or by a company (other than a non-agricultural company),

shall be deemed to be the extent of land—

(i) which, in case such share is held on the date of the commencement of this Act, would have been allotted to such member, person or family had such land been partitioned or divided, as the case may be, on such date; or

(ii) which, in case such share is acquired in any manner whatsoever after the date of the commencement of this Act, would be allotted to such member, person or family if a partition or division were to take place on the date of the preparation of the draft statement under sub-section (1) of section 10.

(4) (a) Subject to the provisions of sub-section (5) where the separate property held by any member of a family together with the other land held by the members of the family is in excess of 30 standard acres, the first mentioned member may



hold, in addition to the extent of land which the family is entitled to hold under sub-section (1), separate property not exceeding 10 standard acres :

Provided that where any extent of separate property held by a member is included in the extent of land which the family is entitled to hold under sub-section (1) and in case where the extent so included is—

(i) 10 or more than 10 standard acres, he or she shall not be entitled to hold any separate property in addition to the extent so included, or

(ii) less than 10 standard acres, he or she may hold in addition to the extent so included an extent of separate property which, together with the extent so included shall not exceed 10 standard acres.

(b) Where the extent of separate property held under clause (a) by any member of a family consisting of more than five members—

(i) is 5 or more than 5, standard acres, he or she shall not be deemed to be a member of that family for the purposes of clause (b) of sub-section (1); or

(ii) is less than 5 standard acres, the additional extent of 5 standard acres allowed under clause (b) of sub-section (1) shall be reduced by the same extent as the extent of separate property so held.

#### *Illustrations.*

(a) An undivided Hindu family consists of the husband A, his wife and his three sons B, C and D, and the wife of B and grandsons E and F. B is a major and C and D are minors. E and F are the minor sons of B. The extent of land held by the undivided Hindu family is 80 standard acres, that is to say, A's share and the share of his sons in the land held by the undivided Hindu family is 20 standard acres each. A's wife and B's wife have separate property of 20 standard acres each. C and D have also separate property of 20 standard acres each. E and F also have separate property of 20 standard acres each.

For the purpose of ceiling, A's family and B's family will each constitute a separate unit [section 3 (14)].

A's family consists of himself, his wife and his minor sons C and D. If the share of A in the land held by the undivided Hindu family, namely, 20 standard acres is included within the 30 standard acres allowed under sub-section (1) of section 5, the wife's separate property to the extent of 10 standard acres may be included to make up 30 standard acres. C and D can each hold additional 10 standard acres.

of separate property [section 5 (4)]. All the members of A's family will therefore be together entitled to hold 50 standard acres and the remaining 70 standard acres will be treated as surplus land.

B's family consists of himself, his wife and his minor sons E and F. If E's separate property, namely, 20 standard acres is included within the 30 standard acres allowed under sub-section (1) of section 5, the share of B and his sons in the land held by the undivided Hindu family to the extent of 10 standard acres may be included to make up 30 standard acres. B's wife can hold additional 10 standard acres of separate property and B's minor son F can also hold additional 10 standard acres of separate property [section 5 (4)]. All the members of B's family will therefore be together entitled to hold 50 standard acres and the remaining 30 standard acres will be treated as surplus land.

But if E's separate property, namely, 20 standard acres is included within the 30 standard acres allowed under sub-section (1) of section 5 and F's separate property to the extent of 10 standard acres is also included to make up 30 standard acres, then, B's wife alone can hold additional 10 standard acres of separate property [section 5 (4)]. All the members of B's family will therefore be together entitled to hold 40 standard acres and the remaining 40 standard acres will be treated as surplus land.

(b) A family consists of husband and wife. The husband is a member of an undivided Hindu family and his share in the land held by the undivided Hindu family is 25 standard acres. The wife has separate property of 20 standard acres. If the entire separate property, of 20 standard acres held by the wife is included within the 30 standard acres allowed under sub-section (1) of section 5, then 15 standard acres will be treated as surplus land and the wife is not entitled to hold any additional extent of separate property [section 5 (4)].

But if the 25 standard acres which is the share of the husband in the undivided Hindu family is included within the 30 standard acres allowed under sub-section (1) of section 5, then an extent of 5 standard acres of separate property of the wife could also be included to make up 30 standard acres. The wife may retain an additional 5 standard acres of separate property. [section 5 (4)] 10 standard acres will be treated as surplus land.

(c) A Muslim family consists of the husband, his wife and his two minor sons. The wife and the two minor sons have each 30 standard acres as separate property. The husband has 10 standard acres of separate property. If the said 10 standard acres is included within the 30 standard acres

allowed under sub-section (1) of section 5, then, an extent of 20 standard acres of separate property of the wife may be included to make up 30 standard acres. Each of the two minor sons can hold additional 10 standard acres. All the members of the family are together entitled to hold 50 standard acres. The remaining 50 standard acres will be treated as surplus land.

(d) A Christian family consists of the husband, his wife and his two minor sons. The husband and the minor sons have no separate property. The wife has separate property of 40 standard acres. The family can retain 30 standard acres [section 5 (4)]. The remaining 10 standard acres will be treated as surplus land and the wife is not entitled to hold any additional extent of separate property.

(5) Notwithstanding anything contained in . . . sub-section (1) and in sub-section (4), the total extent of the land held or deemed to be held by any family shall in no case exceed 60 standard acres.

(6) . . . In calculating the extent of land held or deemed to be held by any person, the extent of land which may revert to such person immediately after the death of any limited owner shall, during the life-time of the limited owner, be excluded.

6. *Basis of calculation of the extent of land held by the founder of a trust.*—Where under the terms of a trust any interest either in the land in respect of which the trust is created or in the income from such land is reserved in favour of the founder of such trust, or of any other person, the authorized officer shall exclude the extent of land which bears to the total extent of land in respect of which the trust is created, the same proportion as such interest bears to the total interest in such land or the income therefrom. The extent of the land so excluded shall, with effect from the date of such exclusion, be deemed to be held by the founder or such other person, with proportionate liability, if any, subsisting on the land so excluded and shall be taken into account in calculating the extent of land held by him.

7. *Ceiling on holding land.*—On and from the date of the commencement of this Act, no person shall, except as otherwise provided in this Act, be entitled to hold land in excess of the ceiling area :

Provided that in calculating the total extent of land held by any person, any extent in excess of the ceiling area and not exceeding half an acre in the case of wet land and one acre in the case of dry land shall, irrespective of the assessment of such land, be excluded.

**8. Furnishing of return by person holding land in excess of 30 standard acres.**—(1) Within ninety days from such date as may be specified in the notification issued by the Government in this behalf, every person, who, on the date of the commencement of this Act, held or is deemed to have held, land in excess of 30 standard acres shall, in respect of all land held or deemed to have been held by such person on such date, . . . . furnish to the authorized officer within whose jurisdiction the holding of such person or the major part thereof is situated, a return containing the following particulars, namely :—

(i) particulars of all the land;

(ii) particulars of the members of the family and of the separate property held by each member of the family;

(iii) particulars of any interest either in the land held by a trust or in the income from such land reserved in his favour or in favour of any member of his family;

(iv) particulars of the land which such person desires to hold for dairy farming or livestock breeding;

(v) particulars of land—

(a) interspersed among plantations, or

(b) contiguous to any plantation,

in existence on the date of the commencement of this Act in any area other than a hill area and which land such person desires to hold for extension, or ancillary purposes, of the plantation;

(vi) particulars of the encumbrances, if any, over the land together with the name and address of the creditor;

(vii) particulars of any pending litigation respecting the land or part thereof;

(viii) particulars of the land which such person desires to retain within the ceiling area and the land which he desires to be declared as surplus land;

(ix) particulars of the land held by tenant, if any, and the name and address of such tenant;

(x) in the case of an existing sugar factory, also particulars of the land which such sugar factory—

(a) holds as owner, and

(b) holds otherwise than as owner and the basis on which such land is held,

and which such sugar factory desires to hold for the cultivation of sugarcane for use in the factory; and

(xi) such other particulars as may be prescribed.

*Explanation I.*—In the case of a member of the Armed Forces, the reference to ninety days shall be deemed to be a reference to one year.

*Explanation II.*—Where land is held or deemed to be held by—

(a) an individual, the return shall be furnished by him or any person authorized by him in writing in this behalf,

(b) a person who is a minor, lunatic, idiot, or is subject to a like disability, the return shall be furnished by the guardian, manager or other person in charge of such person or of the property of such person,

(c) a company or other corporate body, the return shall be furnished by any person competent to act for such company or body in this behalf.

*Explanation III.*—Where land is held or deemed to be held by a family, the return shall be furnished . . . by the person in management of such family or of the property of such family and the return so furnished shall be binding on the other members of the family :

Provided that the authorized officer shall give to the other members of the family a reasonable opportunity of making their representations and of adducing evidence, if any, in respect of such return and shall consider such representations and evidence before the preparation of the draft statement under sub-section (1) of section 10.

(2) The notification referred to in sub-section (1) shall contain such particulars and shall be published in such manner as may be prescribed.

**9. Collection of information.**—(1) If any person who has held or is deemed to have held land in excess of 30 standard acres fails to furnish the return under section 8 or furnishes an incorrect or incomplete return under that section, the authorized officer may, by notice, require such person to furnish the return or the additional particulars, as the case may be, within the time specified in the notice, or within such further time not exceeding thirty days as the authorized officer may, in his discretion, allow.

(2) (a) Where any person, on whom notice under sub-section (1) has been served, fails to furnish the return, or the additional particulars, as the case may be, within the time

specified in that notice, or within the further time allowed by the authorized officer under sub-section (1), the authorized officer may obtain in such manner as may be prescribed the necessary information either by himself or through such agency as he thinks fit.

(b) The authorized officer shall, as soon as may be, after obtaining the information under clause (a), give to the person concerned a reasonable opportunity of making his representation and of adducing evidence, if any, in respect of such information and consider any such representation and evidence and pass such orders as he deems fit.

(3) Where the authorized officer finds from the return furnished under section 8, or under sub-section (1), or the additional particulars, if any, furnished under sub-section (1), or from the information obtained by the authorized officer under clause (a) of sub-section (2) that the person concerned desires to hold—

- (a) (i) any land interspersed among plantations, or
- (ii) any land contiguous to any plantation,

in existence on the date of the commencement of this Act in any area other than a hill area, or

(b) any land for dairy farming or livestock breeding, he shall, subject to such rules as may be prescribed in this behalf, forward a copy of the return, the additional particulars, or the information obtained, as the case may be, to the Land Board.

(4) Where the authorized officer finds from the return furnished under section 8 or under sub-section (1), or the additional particulars, if any, furnished under sub-section (1), or from the information obtained by the authorized officer under clause (a) of sub-section (2) that any existing sugar factory desires to hold any land for the cultivation of sugarcane for use in the sugar factory, he shall, subject to such rules as may be prescribed in this behalf, forward a copy of the return, the additional particulars, or the information obtained, as the case may be, to the Sugar Factory Board.

10. Preparation and publication of draft statement as regards land in excess of the ceiling area.—(1) On the basis of the return furnished under sub-section (1) of section 8 and the basis of the representation and evidence under the proviso to Explanation III to sub-section (1) of section 8 or on the basis of the return furnished under sub-section (1) of section 9 and the additional particulars, if any, furnished under that sub-section, or on the basis of the information obtained by the authorized officer under clause (a) of sub-section (2) of

section 9 and the orders passed on the representation and the evidence, if any, under clause (b) of sub-section (2) of section 9, as the case may be, the authorized officer shall, subject to the provisions of sub-sections (2), (3) and (4) and after making such enquiry as he deems fit, prepare a draft statement in respect of each person holding or deemed to have held land in excess of the ceiling area. Such draft statement shall contain the following particulars, namely:—

- (i) the name and address of the person;
- (ii) particulars of all land held by such person and the total extent of such land;
- (iii) particulars of the members of the family and the separate property held by each member of the family;
- (iv) particulars of any interest either in the land held by a trust or in the income from such land reserved in his favour or in favour of any member of his family;
- (v) particulars of the land which such person desires to hold for dairy farming or livestock breeding;
- (vi) particulars of land—
  - (a) interspersed among plantations, or
  - (b) contiguous to any plantation,
 in existence on the date of the commencement of this Act in any area other than a hill area and which land such person desires to hold for extension, or ancillary purposes, of the plantation;
- (vii) particulars of encumbrances, if any, over the land together with the name and address of the creditor;
- (viii) particulars of the land which such person desires to retain within the ceiling area;
- (ix) the extent of the ceiling area of the person;
- (x) particulars of the land which may be comprised within the ceiling area;
- (xi) particulars of the land held by tenant, if any, and the name and address of such tenant;
- (xii) particulars of the land proposed to be declared as surplus land;
- (xiii) in the case of an existing sugar factory, also the particulars of the land which such sugar factory—
  - (a) holds as owner, and
  - (b) holds otherwise than as owner and the basis on which such land is held,
 and which such sugar factory desires to hold for the cultivation of sugarcane for use in the sugar factory; and

(xiv) such other particulars as may be prescribed.

(2) For the purpose of calculating the ceiling area of a family under clause (ix) of sub-section (1), the authorized officer shall take into account only those members of that family who are alive on the notified date.

(3) If any person has failed to specify the particulars of the land which he desires to retain within his ceiling area, the authorized officer shall, as far as practicable, specify in the draft statement, the land which is capable of easy and convenient enjoyment as the land to be retained by such person within his ceiling area.

(4) If any person has specified the particulars of the land which he desires to retain within his ceiling area, the authorized officer shall, as far as practicable, declare the same land as comprised within his ceiling area :

Provided that where in the opinion of the authorized officer, the utility of any land or part thereof held by any person has been diminished by any wilful act of such person, after the date of the commencement of this Act, the authorized officer shall declare such land or any part thereof as comprised within his ceiling area :

Provided further that the authorized officer shall, subject to such conditions as may be prescribed, declare the share of any person in the land held by an agricultural company, a co-operative society or a Land Mortgage Bank, or any part of such share as comprised within the ceiling area :

Provided also that subject to the above provisions, the land which the authorized officer proposes to declare as surplus land under clause (xii) of sub-section (1) shall, as far as practicable, be such as is capable of easy and convenient enjoyment.

(5) The draft statement shall be published and a copy thereof shall be served on the persons concerned, the tenants, creditors and all other persons who in the opinion of the authorized officer are interested in the land to which such draft statement relates, together with a notice stating that any objection to the draft statement shall be preferred within sixty days from the service of such notice. Any objection received within the time specified in the notice or within such further time not exceeding thirty days as the authorized officer may in his discretion allow shall be duly considered by the authorized officer who, after giving the objector a reasonable



opportunity of being heard and of adducing evidence, if any, and subject to such rules as may be made shall pass such order as he deems fit.

**11. Authorized officer to decide question of title in certain cases.**—(1) If while considering the objections received under sub-section (5) of section 10 or otherwise, the authorized officer finds that any question has arisen regarding the title of a person to any land and such question has not already been finally determined by, or is not pending before, a competent court, the Land Tribunal or other authority, the authorized officer may, subject to the provisions of sub-section (2), decide such question summarily in such manner as may be prescribed and may pass such order as he deems fit.

(2) Where in the opinion of the authorized officer the decision of a question under sub-section (1) involves a substantial question of law or of fact, he shall, for reasons to be recorded in writing refer the question to the Land Tribunal.

(3) The order of the authorized officer under sub-section (1) shall not be subject to any appeal or revision, but any party may, within three months from the date of service of a copy of such order, institute a suit in the Land Tribunal within whose jurisdiction the land or the major part thereof is situated to have the order set aside or modified but subject to the final result of such suit, if any, the order of the authorized officer shall be final.

**12. Publication of final statement.**—After the disposal of the objections, if any, preferred under sub-section (5) of section 10, and after passing the order, if any, under sub-section (1) of section 11, the authorized officer shall, subject to the provisions of this Act and the rules made thereunder, make necessary alterations in the draft statement in accordance with the order passed on the objections aforesaid and the order, if any, passed under sub-section (1) of section 11, and shall declare the surplus land held by each person. The authorized officer shall thereafter publish a final statement specifying therein the entire land held by the person, the land to be retained by him within the ceiling area and the land declared to be surplus land and such other particulars as may be prescribed and cause a copy thereof to be served on the persons referred to in sub-section (5) of section 10. Such a statement shall, subject to the provisions of section 14, be conclusive evidence of the facts stated therein.

**13. Exclusion of certain land from calculation of ceiling area.**—(1) Notwithstanding anything contained in sections 11 and 12, the authorized officer shall, in calculating the extent of land held by any person, exclude—

(i) the land in respect of which any question of title is pending before a competent court, or the Land Tribunal or other authority;

(ii) the land in respect of which the question whether such land could be permitted to be used for dairy farming or livestock breeding is pending before the Land Board; and

(iii) the land in respect of which the question whether such land could be permitted to be used for the extension, or for ancillary purposes, of the plantation in existence on the date of the commencement of this Act in any area other than a hill area is pending before the Land Board;

and where after such exclusion the land held by such person is in excess of the ceiling area, he shall declare the land in excess to be surplus land. The land so declared as surplus land shall be incorporated in the final statement published under section 12.

(2) Notwithstanding anything contained in sections 11 and 12, the authorized officer shall, in calculating the extent of land held by any existing sugar factory, exclude the land in respect of which the question whether such land could be continued to be used for the cultivation of sugarcane for use in the existing sugar factory is pending before the Sugar Factory Board and where, after such exclusion the land held by the existing sugar factory is in excess of the ceiling area, he shall declare the land in such excess to be the surplus land of the existing sugar factory. The land so declared as surplus land shall be incorporated in the final statement published under section 12.

**14. Amendment of final statement in certain cases.**—(1) As soon as may be, after the final disposal of the proceeding or suit relating to the question of title of any land excluded under clause (i) of sub-section (1) of section 13, the authorized officer shall—

(i) amend the final statement published under section 12, or

(ii) where there is no such final statement, prepare a final statement, if necessary, under section 12,

in accordance with the decision of the court or the Land Tribunal, or other authority, as the case may be:

(2) As soon as may be, after the Land Board has decided—

(a) under section 27 whether any land excluded under clause (ii) of sub-section (1) of section 13 could be permitted to be used for dairy farming or livestock breeding; or

(b) under section 31 whether any land excluded under clause (iii) of sub-section (1) of section 13 could be permitted to be used for extension, or for ancillary purposes, of any plantation,

the authorized officer shall—

(i) amend the final statement published under section 12, or

(ii) where there is no such final statement, prepare a final statement, if necessary, under section 12, in accordance with the decision of the Land Board.

(3) As soon as may be, after the Sugar Factory Board has decided under section 40 whether any land excluded under sub-section (2) of section 13 could be continued to be used for the cultivation of sugarcane for use in the existing sugar factory, the authorized officer shall—

(i) amend the final statement published under section 12, or

(ii) where there is no such final statement, prepare a final statement, if necessary, under section 12, in accordance with the decision of the Sugar Factory Board.

(4) The final statement amended or prepared under sub-section (1), (2) or (3) shall be published and the authorized officer shall cause a copy of the final statement as so amended or prepared to be served on the persons referred to in sub-section (5) of section 10.

**15. Power to rectify bona fide mistakes and clerical errors.**—Notwithstanding anything contained in sections 12 and 14, the authorized officer may, either of his own motion or on the application of any of the parties,—

(a) if he is satisfied that a *bona fide* mistake has been made in regard to any entry in the final statement published under section 12 or 14, make the necessary corrections therein;

(b) at any time, correct any clerical or arithmetical mistake in regard to any entry in such final statement.

16. *Possession of land held by possessory mortgagee to revert to the possessory mortgagor in certain cases.*—(1) Where any land held by any person as possessory mortgagee is in excess of the ceiling area of such person, the possession of the land in such excess shall, with effect from the date of publication of the final statement under section 12 or 14—

(a) in any case where the total holding of the possessory mortgagor is not in excess of the ceiling area, revert to the possessory mortgagor ;

(b) in any case where the total holding of the possessory mortgagor is in excess of the ceiling area, and where he desires the land mortgaged by him or any part thereof to be included within his ceiling area in the return furnished by him under section 8, revert to him subject to the condition that the land so reverted together with the other land held by him does not exceed the ceiling area.

(2) Where the possession of the land in excess held by a possessory mortgagee or any part thereof does not revert to the possessory mortgagor under sub-section (1), the Government may acquire such land under section 18.

(3) (a) (i) The possessory mortgagor to whom possession of the land mortgaged reverts under sub-section (1), shall pay the mortgage money due to the possessory mortgagee in respect of that land.

(ii) Where possession of a part only of the land mortgaged reverts to the possessory mortgagor under sub-section (1), the possessory mortgagor shall pay to the possessory mortgagee such amount of the mortgage money as bears to the entire amount of the mortgage money, the same proportion as the value of the part aforesaid on the date of such reversion bears to the value of the entire extent of the land mortgaged on the said date.

(iii) Where no agreement can be reached in respect of the mortgage money payable under sub-clause (i) or (ii), the authorized officer shall, subject to the provisions of sub-clause (iv) and after making such enquiry as he deems fit, decide the amount so payable.

(iv) Where in the opinion of the authorized officer the decision of a question under sub-clause (iii) involves a substantial question of law or of fact, he shall for reasons to be recorded in writing refer the question to the Land Tribunal.

(b) The land or any part thereof, the possession of which reverts to the possessory mortgagor under sub-section (1), shall be the security for the payment of the mortgage money.

(c) The mortgage money referred to in clause (a) shall, for the purpose of Article 132 of the First Division of the First Schedule to the Indian Limitation Act, 1908 (Central Act IX of 1908), be deemed to have become due with effect from the date of reversion under sub-section (1), and shall carry interest at the rate of five and a half per centum per annum from the said date.

*Explanation.*—In this sub-section “ mortgage money ” means the money payable in accordance with the provisions of the Madras Agriculturists’ Relief Act, 1938 (Madras Act IV of 1938).

(4) Where the possession of any land or any part thereof is likely to revert to the possessory mortgagor under sub-section (1), the authorized officer shall first fix the ceiling area of the possessory mortgagee.

**17. Possession of land held by tenant to revert to the landowner in certain cases.**—(1) Where any land held by any person as tenant is in excess of the extent of land which he is entitled to hold under section 5, . . . the possession of the land in such excess shall, with effect from the date of the publication of the final statement under section 12 or 14, revert to the landowner where and to the extent to which the land of the landowner himself is not liable to be declared as surplus land in accordance with the provisions of this Act.

(2) Where in respect of any land, the possession of which reverts to the landowner under sub-section (1), the contract of tenancy provides for the continuance of the tenancy after the expiry of the agricultural year immediately succeeding the date of such reversion, such landowner shall pay as compensation to the tenant an amount equivalent to one-eighth of the fair rent calculated in the manner specified in paragraph 4 of Part I of Schedule III.

(3) If any dispute arises in regard to the amount of compensation payable to the tenant under sub-section (2), either party may make an application to the authorized officer within whose jurisdiction the land or the major part thereof is situated, for deciding such dispute. The authorized officer shall decide such dispute in accordance with such procedure as may be prescribed.

**18. Acquisition of surplus land.**—(1) After the publication of the final statement under section 12 or 14, the Government shall, subject to the provisions of sections 16 and 17, publish a notification to the effect that the surplus land is required for a public purpose.

(2) As soon as may be after the publication of a notification under sub-section (1), the authorized officer shall—

(a) cause to be published in every village or town in which any part of the land specified in such notification is situated a proclamation . . . . containing the terms of the notification;

(b) cause a copy of the notification to be served on the persons concerned, the creditors, persons whose names appear in the final statement published under section 12 or 14 and such other persons as may be specified in the rules made by the Government.

(3) On the publication of the notification under sub-section (1), the land specified in the notification together with the trees standing on such land and buildings, machinery, plant or apparatus constructed, erected or fixed on such land and used for agricultural purposes shall, subject to the provisions of this Act, be deemed to have been acquired for a public purpose and vested in the Government free from all encumbrances with effect from the date of such publication and all right, title and interest of all persons in such land shall, with effect from the said date, be deemed to have been extinguished :

Provided that where there is any crop standing on such land on the date of such publication, the authorized officer may, subject to such conditions as may be prescribed, permit the harvest of such crop by the person who had raised such crop.

(4) Subject to the rules made under sub-section (5), the authorized officer may, at any time after the publication of the notification under sub-section (1), take possession of any land specified in the said notification.

(5) The Government may make rules—

(a) specifying the classes of tenants who may be allowed to continue in possession of the land;

(b) permitting any co-operative society registered or deemed to have been registered under the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932) or under the Travancore-Cochin Co-operative Societies Act, 1951 (Travancore-Cochin Act X of 1952) or any Land Mortgage Bank to which the Madras Land Mortgage Banks Act, 1934 (Madras Act X of 1934) applies or any agricultural company to continue in possession of the land notwithstanding anything contained in sections 5 and 7;

even after the publication of the notification under sub-section (1). Such rules may also provide for the conditions subject to which the persons referred to in clauses (a) and (b) may continue in possession of the land.

## CHAPTER III.

CEILING ON FUTURE ACQUISITION AND RESTRICTION  
ON CERTAIN TRANSFERS.

**19. Declaration to be made before the registering authority in certain cases.**—(1) On and after the notified date, no document relating to any transfer of land either by sale, gift, exchange, lease, mortgage, surrender, agreement or settlement, or otherwise, shall be registered unless a declaration in writing is made in duplicate in such form as may be prescribed and filed by the transferee before the registering authority under the Indian Registration Act, 1908 (Central Act XVI of 1908), as to the total extent of land held by him.

(2) The registering authority referred to in sub-section (1) shall forward within such time and in such manner as may be prescribed, one copy of the declaration referred to in sub-section (1) to the authorized officer, within whose jurisdiction the land which is the subject-matter of the transfer or the major part thereof is situated.

(3) On receipt of the copy of the declaration under sub-section (2), the authorized officer may obtain such information as may be necessary and take such action as he deems fit in accordance with the provisions of this Act, and in accordance with such rules as may be made in this behalf.

**20. Penalty for future acquisition in contravention of section 7.**—(1) If, as a result of any transfer of land either by sale, gift (other than gift made in contemplation of death), exchange, surrender, agreement, settlement or otherwise effected on or after the notified date, the extent of land held by the transferee exceeds the ceiling area, then, the right, title or interest accrued in his favour by virtue of such transfer in the land in excess of the ceiling area shall, as a penalty for contravention of the provisions of section 7, be deemed to have been transferred to the Government with effect from the date of such transfer, on a declaration made by the authorized officer within whose jurisdiction such excess land or the major part thereof is situated. The authorized officer shall record in writing the reasons for such declaration :

Provided that—

(a) no such declaration shall be made unless the transferor and the transferee have been given a reasonable opportunity of being heard and of adducing evidence, if any,

(b) the transferee shall be liable for payment of the consideration for, and to discharge other liabilities under, such transaction and the transferor shall have no claim for such

consideration against the Government, otherwise than in respect of such land,

(c) no suit or other proceeding by the transferee shall lie in any court for the refund of the consideration for any such transaction.

*Explanation.*—For the purpose of this sub-section, “transfer” does not include inheritance, bequest, lease or possessory mortgage.

(2) The Government may make rules providing for the manner in which any right, title or interest transferred to the Government under sub-section (1) shall be disposed of.

21. Ceiling on future acquisition by inheritance, bequest or by sale in execution of decree, etc.—(1) If, on or after the date of the commencement of this Act—

(a) any person acquires by inheritance or bequest from any person;;

(b) and before the notified date, any person acquires by sale in execution of a decree or order of a civil court or of an award or order of any other lawful authority,

any land, which, together with the land, if any, already held by him, exceeds in the aggregate the ceiling area, then he shall, within ninety days from the notified date or from the date of such acquisition, whichever is later, furnish to the authorized officer within whose jurisdiction his holding or the major part thereof is situated, a return containing the following particulars, namely :—

(i) particulars of the land already held by him and those of the land so acquired;

(ii) particulars of the land which he desires to retain within the ceiling area;

(iii) particulars of the date of the acquisition;

(iv) particulars of the manner of acquisition and of the documents, if any, under which such acquisition was made;

(v) the name and description of the person who held the land immediately before the date of acquisition;

(vi) particulars of the land held by tenant, if any, and the name and address of such tenant; and

(vii) such other particulars as may be prescribed.

*Explanation.*—In this sub-section, “bequest” shall include gift made in contemplation of death.



(2) If, as a result of marriage or adoption after the date of the commencement of this Act, the extent of land held by any person exceeds in the aggregate the ceiling area, then, he shall, within ninety days from the date of the publication of this Act or from the date of marriage or adoption, as the case may be, whichever date is later, furnish to the authorized officer within whose jurisdiction his holding or the major part thereof is situated, a return containing the following particulars, namely:—

(i) particulars of the land held before the date of the marriage or adoption;

(ii) particulars of the land held after the date of marriage or adoption; and

(iii) such other particulars as may be prescribed.

(3) If he furnishes the return or fails to furnish the return or furnishes an incorrect or incomplete return, within the period specified in sub-section (1) or sub-section (2), the provisions of section 9 and other provisions of this Act shall, as far as may be, apply as if it were a return required to be furnished under section 8.

**22. Transfer or partition made on or after the date of the commencement of this Act, but before the notified date.**—Where, on or after the date of the commencement of this Act, but before the notified date, any person has transferred any land held by him by sale, gift (other than gift made in contemplation of death), exchange, surrender, settlement or in any other manner whatsoever except by bequest or has effected a partition of his holding or part thereof, the authorized officer within whose jurisdiction such land, holding or the major part thereof is situated may, after notice to such person and other persons affected by such transfer or partition and after such enquiry as he thinks fit to make, declare the transfer or partition to be void if he finds that the transfer or the partition, as the case may be, defeats any of the provisions of this Act.

**23. Authorized officer not to take into consideration certain transfers or subdivisions before publication of final statement.**—Subject to the provisions of section 20, for the purpose of fixing the ceiling area under this Act, the authorized officer shall not take into consideration—

(a) any transfer, whether by sale (including sale in execution of a decree or order of a civil court or of an award or order of any other lawful authority) or by gift (other than gift made in contemplation of death), exchange, surrender, settlement or otherwise; or

(b) any subdivision (including subdivision by a decree or order of a civil court or any other lawful authority) whether by partition or otherwise, effected on or after the notified date and before the date of the publication of the final statement under section 12 or 14.

#### CHAPTER IV.

##### CONSTITUTION AND FUNCTIONS OF THE LAND BOARD.

24. Constitution of the Land Board.—(1) The Government may constitute for the State a Board called the Madras Land Board.

(2) The Land Board shall consist of—

(a) one judicial officer who is, or is qualified for appointment as, or a person who has been, a Judge of a High Court, nominated by the Government;

(b) the Land Commissioner, *ex-officio*;

(c) the Director of Animal Husbandry, *ex-officio*;

(d) two members nominated by the Government.

(3) The member referred to in clause (a) of sub-section (2) shall be the Chairman of the Land Board. The Secretary to the Land Board shall be a Gazetted Officer nominated by the Government, but he shall not be entitled to vote.

(4) (a) The term of office of a member referred to in clause (a) or (d) of sub-section (2) shall be three years or such shorter period as the Government may fix and such member shall be eligible for re-nomination.

(b) Any member referred to in clause (a) or (d) of sub-section (2) shall be deemed to have vacated his seat if he absents himself without excuse, sufficient in the opinion of the Land Board, from the meetings of the Land Board, for a period of three consecutive months reckoned from the date of the commencement of his term of office or of the last meeting which he attended, as the case may be, or if, within the said period less than three meetings have been held, absents himself from three consecutive meetings held after the said date :

Provided that no meeting from which a member absents himself shall be counted against him under this clause if due notice of that meeting was not given to him.

(5) A member referred to in clause (a) of sub-section (2) may, at any time by notice in writing to the Government, and a member referred to in clause (d) of that sub-section may, at any time by notice in writing to the Chairman, resign his office, but he shall continue in office until the nomination of his successor.

(6) (a) A casual vacancy in the office of a member referred to in clause (a) or (d) of sub-section (2) shall be filled by fresh nomination.

(b) The person nominated to fill a casual vacancy under clause (a) shall hold office for a period of three years or for such shorter period as the Government may fix and he shall be eligible for re-nomination.

**25. Functions of the Land Board.**—The Land Board shall perform such functions as are assigned to it by or under this Act.

**26. Application to the Land Board for future acquisition of land for dairy farming or livestock breeding.**—Any person desiring to acquire in excess of the ceiling area any land for dairy farming or livestock breeding shall make an application to the Land Board for permission to acquire such land. Every such application shall be in writing and shall contain—

(a) the extent and other particulars of the land proposed to be acquired and those of the land, if any, already held by the applicant;

(b) the approximate number of heads of cattle proposed to be kept in the land, their breed and special features; and

(c) such other particulars as may be prescribed.

**27. Decision of the Land Board in respect of land to be used for dairy farming or livestock breeding.**—On receipt of a copy of the return, additional particulars, or information, as the case may be, forwarded by the authorized officer under clause (b) of sub-section (3) of section 9, or on receipt of the application under section 26, the Land Board shall, after making such enquiry and inspection of the land or livestock, as it deems fit and after satisfying itself that the land in respect of which permission is required could with advantage be used for dairy farming or livestock breeding, grant the permission for the whole or part of such land and subject to such conditions as it deems fit or refuse to grant such permission.

**28.** *Matters to be considered by the Land Board when granting or refusing permission under section 27.*—The Land Board shall, in deciding whether to grant or refuse permission under section 27, take into consideration the following matters, namely :—

(a) the interest to be served by the development of dairy farming or livestock breeding;

(b) the status and previous experience, if any, of the person concerned;

(c) the suitability of the land to be used for dairy farming or livestock breeding;

(d) the number of heads of cattle, if any, owned by the person concerned, their breed and special features;

(e) the land already owned by the applicant for the purpose of cultivation; and

(f) such other matters as may be prescribed.

**29.** *Cancellation of permission granted under section 27.*—The Land Board may cancel the permission granted under section 27—

(a) on the breach of any condition specified by the Land Board under section 27, or

(b) if the land in respect of which the permission was granted is used or allowed to be used for any purpose other than for dairy farming or livestock breeding, or

(c) if, as a result of any irrigation project constructed at the cost of the Government, the land in respect of which the permission was granted, could with advantage, be cultivated, or

(d) if the person concerned has obtained the permission by fraud or misrepresentation :

Provided that no such permission shall be cancelled unless a reasonable opportunity has been given to the person likely to be affected by such cancellation to show cause against such cancellation.

**30.** *Application to the Land Board for future acquisition of land interspersed among or contiguous to any plantation.*—Any owner of plantation in existence on the date of the commencement of this Act in any area other than a hill area desiring to acquire in excess of the ceiling area land which is interspersed among plantations or is contiguous to any plantation and which may be required for the extension, or

for ancillary purposes, of the plantation shall make an application to the Land Board for permission to acquire such land. Every such application shall be in writing and shall contain—

(a) the extent and other particulars of the land proposed to be acquired and those of the land, if any, held by the applicant;

(b) such other particulars as may be prescribed.

**31.** *Decision of the Land Board in respect of land interspersed among or contiguous to any plantation.*—On receipt of a copy of the return, additional particulars or information, as the case may be, forwarded by the authorized officer under clause (a) of sub-section (3) of section 9 or on receipt of the application under section 30, the Land Board shall, after making such enquiry and inspection of the land and the plantation specified in the application as it deems fit and after satisfying itself that the land in respect of which permission is required is necessary for the extension, or for ancillary purposes, of the plantation, grant the permission for the whole or part of such land and subject to such conditions as it deems fit, or refuse to grant such permission :

Provided that the extent of land which is contiguous to any plantation and in respect of which land permission is granted under this section shall in no case exceed twenty per centum of the total extent of such plantation.

**32.** *Matters to be considered by the Land Board in granting or refusing permission under section 31.*—The Land Board shall, in deciding whether to grant or refuse permission under section 31, take into consideration the following matters, namely :—

(i) area under plantation and area required for ancillary purposes of the plantation;

(ii) programme for extension of the plantation;

(iii) lands necessary for factories, labour quarters, playgrounds, hospitals, schools and other ancillary buildings  
; and

(iv) such other matters as may be prescribed.

**33.** *Cancellation of permission granted under section 31.*—The Land Board may cancel the permission granted under section 31—

(a) on the breach of any condition specified by the Land Board under section 31, or

(b) if the land in respect of which the permission was granted is used for any purpose other than for the purpose of extension, or for ancillary purposes, of the plantation, or

(c) if the person concerned has obtained the permission by fraud or misrepresentation :

Provided that no such permission shall be cancelled unless a reasonable opportunity has been given to the person likely to be affected by such cancellation to show cause against such cancellation.

34. *Decision of the Land Board to be final.*—The decision of the Land Board granting or refusing permission under section 27 or 31 or cancelling permission under section 29 or 33 shall be final and shall not be called in question in any court.

35. *Meetings of the Land Board.*—(1) The Land Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

(2) The Chairman, or in his absence, such member as may be chosen by the members present from among themselves shall preside at a meeting of the Land Board.

(3) No member of the Land Board shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Land Board, if the question is one in which he is directly or indirectly interested.

(4) All questions at a meeting of the Land Board shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman or in his absence, the member presiding shall have a second or casting vote.

(5) All communications and orders of the Land Board shall be issued by the Secretary or by such officer subordinate to him as may be authorized by the Land Board in this behalf.

36. *Power of Land Board to rectify bona fide mistakes and clerical errors.*—The Land Board may, either of its own motion or on the application of any of the parties,—

(a) if it is satisfied that a *bona fide* mistake has been made in regard to any decision, make the necessary correction therein;

(b) at any time, correct any clerical or arithmetical mistake in its decision.

**37. Act of Land Board not to be invalidated by informality.**—No act of the Land Board shall be deemed to be invalid by reason only of a defect in its constitution or on the ground that the Chairman or any member had ceased to hold his office or by reason of such act having been done during the period of any vacancy in the office of the Chairman or any member of the Land Board.

## CHAPTER V.

### CONSTITUTION AND FUNCTIONS OF THE SUGAR FACTORY BOARD.

**38. Constitution of the Sugar Factory Board.**—(1) The Government may constitute for the State a Board called the Madras Sugar Factory Board.

(2) The Sugar Factory Board shall consist of—

(a) one judicial officer who is, or is qualified for appointment as, or a person who has been, a Judge of a High Court, nominated by the Government;

(b) two officers . . . who in the opinion of the Government have knowledge in the financial matters relating to sugar factory or experience in sugarcane cultivation, nominated by the Government;

(c) the Secretary to the Government in the Department dealing with sugar factories, *ex-officio*;

(d) the Director of Agriculture, *ex-officio*.

(3) The member referred to in clause (a) of sub-section (2) shall be the Chairman of the Sugar Factory Board and the member referred to in clause (c) or (d) of the said sub-section as may be nominated by the Government shall be the Secretary to the Sugar Factory Board . . . .

(4) (a) The term of office of a member referred to in clause (a) or (b) of sub-section (2) shall be three years or such shorter period as the Government may fix and such member shall be eligible for re-nomination.

(b) Any member referred to in clause (a) or (b) of sub-section (2) shall be deemed to have vacated his seat if he absents himself without excuse, sufficient in the opinion of the Sugar Factory Board, from the meetings of the Sugar Factory Board for a period of three consecutive months reckoned from the date of the commencement of his term of office or of the last meeting which he attended, as the case may be,

or if, within the said period less than three meetings have been held, absents himself from three consecutive meetings held after the said date :

Provided that no meeting from which a member absents himself shall be counted against him under this clause if due notice of that meeting was not given to him.

(5) A member referred to in clause (a) of sub-section (2) may, at any time by notice in writing to the Government, and a member referred to in clause (b) of that sub-section may, at any time by notice in writing to the Chairman, resign his office, but he shall continue in office until the nomination of his successor.

(6) (a) A casual vacancy in the office of a member referred to in clause (a) or (b) of sub-section (2) shall be filled by fresh nomination.

(b) The person nominated to fill a casual vacancy under clause (a) shall hold office for a period of three years or for such shorter period as the Government may fix and he shall be eligible for re-nomination.

**39. Functions of the Sugar Factory Board.**—The Sugar Factory Board shall perform such functions as are assigned to it by or under this Act.

**40. Decision of the Sugar Factory Board in respect of land to be used for cultivation of sugarcane.**—(1) On receipt of a copy of the return, additional particulars or information, as the case may be, forwarded by the authorized officer under sub-section (4) of section 9, the Sugar Factory Board shall, after making such inquiry and inspection of the land and the existing sugar factory as it deems fit and after satisfying itself that the land which is held by the existing sugar factory as owner and in respect of which permission is required, could with advantage be used for the cultivation of sugarcane for use in the existing sugar factory, grant the permission for the whole or part of such land and subject to such conditions as it deems fit or refuse to grant such permission.

(2) Notwithstanding anything contained in this Act where any land is held by any existing sugar factory as tenant or as possessory mortgagee and where such land together with the other land, if any, held by the landowner or the possessory mortgagor is not in excess of the ceiling area of the landowner or the possessory mortgagor, the Sugar Factory Board shall permit the existing sugar factory to continue to hold such



land on lease or on possessory mortgage on existing terms and conditions or on such other terms and conditions as may be agreed to by the landowner or the possessory mortgagor and the existing sugar factory.

(3) Where the surplus land of the landowner or the possessory mortgagor or any portion thereof is held by the existing sugar factory as tenant or as possessory mortgagee, the Sugar Factory Board may make such recommendation to the Government as it deems fit in regard to the disposal of such surplus land under section 91.

**41. Matters to be considered by the Sugar Factory Board when granting or refusing permission under section 40.**—The Sugar Factory Board shall in deciding whether to grant or refuse permission under section 40 take into consideration the following matters, namely:—

- (a) the requirement of the existing sugar factory;
  - (b) the financial structure of the existing sugar factory;
- and
- (c) such other matters as may be prescribed.

**42. Application by any existing or new sugar factory for future acquisition of land.**—(i) Any existing sugar factory desiring to acquire any land in excess of the ceiling area, or of the extent of land permitted to be held under section 40, or

(ii) any new sugar factory desiring to acquire any land in excess of the ceiling area,

shall make an application to the Sugar Factory Board for permission to acquire such land. Every such application shall be in writing and shall contain—

- (a) the extent and other particulars of the land proposed to be acquired and those of the land, if any, already held by the applicant;
- (b) such other particulars as may be prescribed.

**43. Decision of the Sugar Factory Board in respect of land to be acquired by existing or new sugar factory.**—On receipt of the application under section 42, the Sugar Factory Board shall, after making such enquiry and inspection of the land and the existing or new sugar factory specified in the application as it deems fit and after satisfying itself that the land in respect of which permission is required could with advantage be used for cultivation of sugarcane for use in the existing or new sugar factory, grant the permission for the whole or part of such land and subject to such conditions as it deems fit or refuse to grant such permission.

44. *Matters to be considered by the Sugar Factory Board when granting or refusing permission under section 43.*—The Sugar Factory Board shall, in deciding whether to grant or refuse permission under section 43, take into consideration the following matters, namely :—

- (a) the situation of the existing or new sugar factory;
- (b) the requirements of the existing or new sugar factory;
- (c) such other matters as may be prescribed.

45. *Cancellation of permission.*—(1) If it appears to the Government that—

- (a) the permission granted by the Sugar Factory Board under section 40 or 43 has been obtained by misrepresentation or fraud,
- (b) any condition specified by the Sugar Factory Board under section 40 or 43 has been contravened,

the Government shall constitute a Sugar Factory Tribunal, consisting of a Judge of a High Court . . . . and refer the matter to such Tribunal.

(2) If, on such reference, the Sugar Factory Tribunal finds that—

- (a) the permission granted under section 40 or 43 was obtained by the sugar factory concerned by misrepresentation or fraud, or
- (b) any condition specified by the Sugar Factory Board under section 40 or 43 has been contravened by the sugar factory concerned,

the Sugar Factory Tribunal shall either cancel the permission or pass such other order as it deems fit :

Provided that no order shall be passed under this subsection unless a reasonable opportunity has been given to the sugar factory concerned to show cause against such order.

(3) The Sugar Factory Tribunal shall in deciding any reference under this section have such powers and shall follow such procedure as may be prescribed.

46. *Decision to be final in certain cases.*—(1) Subject to the provisions of section 45, the decision of the Sugar Factory Board granting or refusing permission under section 40 or 43 shall be final and shall not be called in question in any Court.

(2) The decision of the Sugar Factory Tribunal under section 45 shall be final and shall not be called in question in any Court.

47. Meetings of the Sugar Factory Board.—(1) The Sugar Factory Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

(2) The Chairman, or in his absence such member as may be chosen by the members present from among themselves shall preside at a meeting of the Sugar Factory Board.

(3) No member of the Sugar Factory Board shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Sugar Factory Board, if the question is one in which he is directly or indirectly interested.

(4) All questions at a meeting of the Sugar Factory Board shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman or in his absence, the member presiding, shall have a second or casting vote.

(5) All communications and orders of the Sugar Factory Board shall be issued by the Secretary or by such officer subordinate to him as may be authorized by the Sugar Factory Board in this behalf.

48. Power of Sugar Factory Board and Sugar Factory Tribunal to rectify bona fide mistakes and clerical errors.—The Sugar Factory Board or the Sugar Factory Tribunal may, either of its own motion or on the application of any of the parties,—

(a) if it is satisfied that a *bona fide* mistake has been made in regard to any decision, make the necessary correction therein;

(b) at any time, correct any clerical or arithmetical mistake in its decision.

49. Act of Sugar Factory Board not to be invalidated by informality.—No act of the Sugar Factory Board shall be deemed to be invalid by reason only of a defect in its constitution or on the ground that the Chairman or any member had ceased to hold his office or by reason of such act having been done during the period of any vacancy in the office of the Chairman or any member of the Sugar Factory Board.

## CHAPTER VI.

## COMPENSATION.

**50.** *Determination of compensation for land acquired by the Government.*—(1) Every person whose right, title or interest in any land is acquired by the Government under Chapter II shall be paid compensation according to the rate specified in Schedule III.

(2) Any person claiming any compensation under sub-section (1) may, within sixty days from the date of the publication of the notification under sub-section (1) of section 18 or within such further time not exceeding thirty days as the authorized officer may in his discretion allow, prefer the claim before the authorized officer in such form and containing such particulars as may be prescribed.

(3) (a) The authorized officer shall determine the amount of compensation at the rate specified in Schedule III, and prepare a draft compensation assessment roll in such manner and containing such particulars as may be prescribed. He shall cause it to be published together with—

(i) a statement that the amount of compensation specified therein is the entire amount of compensation payable for all interests in the land and that subject to the other provisions of this Act, the persons named therein are the only persons who are entitled thereto in the proportion stated therein, and

(ii) a notice stating that objections, if any, in respect of any entry in the draft may be preferred by any person in such manner as may be prescribed within sixty days from the date of the publication :

Provided that the authorized officer may, in his discretion, allow such further time not exceeding thirty days.

(b) The authorized officer shall cause to be served on the persons whose names appear in the draft aforesaid a copy of the draft together with a copy of the said statement and of the said notice.

(4) The authorized officer shall consider any objection which may be preferred under sub-section (3) and after giving the parties a reasonable opportunity of being heard and of adducing evidence, if any, pass such order as he thinks fit and record the reasons therefor.

(5) When such objection, if any, in regard thereto has been finally disposed of, the authorized officer shall make such alteration in the draft compensation assessment roll as may

be necessary to give effect to any order made in regard to the objection and shall cause the draft so altered to be published finally in such manner as may be prescribed.

(6) If no objection is preferred within the period specified in the notice published under sub-section (3) or within the further time allowed by the authorized officer under that sub-section, the authorized officer shall cause the draft compensation assessment roll to be published finally in such manner as may be prescribed.

(7) Every entry in the compensation assessment roll published finally under sub-section (5) or sub-section (6) shall, except as provided in this Act, be final and conclusive evidence of—

- (a) the matters referred to therein;
- (b) the nature of the interest of the persons named therein; and
- (c) the apportionment of the compensation among the persons claiming interest in the compensation.

(8) When the compensation assessment roll has been published finally under sub-section (5) or sub-section (6), the authorized officer shall, within such time as may be prescribed, endorse a certificate thereon stating the date of the final publication thereof and shall date and subscribe the same with his name and official designation and such certificate shall be conclusive proof of such publication and the date of such publication.

(9) The authorized officer may, if he is satisfied either of his own motion or on the application of any of the parties that a *bona fide* mistake has been made in regard to any entry in the compensation assessment roll as published finally, make necessary correction therein and on such correction being made, the provisions of sub-sections (3) to (8) shall, as far as may be, apply thereto.

(10) Notwithstanding anything contained in sub-section (9), the authorized officer may at any time correct either of his own motion or on the application of any of the parties any clerical or arithmetical mistake in regard to any entry in the compensation assessment roll as published finally.

. . . . .

**51. Claims of mortgagee or charge holder on surplus land.**—(1) Where any surplus land acquired under the provisions of this Act is subject to a mortgage or charge subsisting on the date of the acquisition, the mortgagee or the charge holder shall, where the amount due to him or part thereof can be fixed by agreement, be paid such amount or part. Where no such agreement can be reached, the mortgagee or

the charge holder shall within ninety days from the date of the acquisition, prefer a claim in such manner as may be prescribed before the authorized officer who shall, subject to the provisions of sub-section (3), decide the claim in such manner as may be prescribed and record the reasons for the decision.

(2) Where there are more claimants than one, the authorized officer shall settle the order in which each claimant is entitled to receive the amount due to him, and in doing so he shall be guided by the appropriate provisions of the Transfer of Property Act, 1882 (Central Act IV of 1882).

(3) Where in the opinion of the authorized officer the decision of a claim under sub-section (1) or sub-section (2) involves a substantial question of law or of fact, he shall, for reasons to be recorded in writing, refer the claim to the Land Tribunal for decision.

(4) If the amount of claim allowed to the mortgagee or the charge holder by the authorized officer exceeds the amount of compensation payable under section 50, the entire amount of such compensation shall be paid to the mortgagee or the charge holder, as the case may be, and the balance may be recovered by the mortgagee or the charge holder in accordance with law for the time being in force.

**52. Claims of limited owner on surplus land.**—(1) Where any surplus land acquired under the provisions of this Act is held by a limited owner on the date of the acquisition, the amount of compensation payable in respect of such surplus land under section 50 shall, subject to such conditions as may be prescribed, be kept in deposit before such authority as may be prescribed. The authorized officer shall direct payment of the interest accruing from the amount of compensation so deposited to the person or persons who would, for the time being, have been entitled to the possession of the said land :

Provided that where the limited owner has created an encumbrance over the surplus land referred to in this section, the whole or any portion of the interest aforesaid shall be paid to the encumbrancer, to the extent to which the encumbrancer is entitled and the balance shall be paid to the person or persons who would, for the time being, have been entitled to the possession of the said land.

(2) The amount of compensation referred to in sub-section (1) shall remain so deposited until the same is paid to any person or persons becoming absolutely entitled thereto.

**53. Claims of maintenance-holder on surplus land.**—Where any surplus land acquired under the provisions of this Act is on the date of the acquisition subject to a charge for payment of maintenance to another, the amount of compensation payable in respect of such surplus land under section 50 shall, subject to such conditions as may be prescribed, be kept in deposit, before such authority as may be prescribed. Such amount of compensation shall be deemed to be substituted security and shall continue to remain such security till the death of the maintenance-holder or till the right to receive maintenance ceases to exist or till the liability to pay maintenance is discharged.

**54. Compensation to certain tenants.**—(1) Where the contract of tenancy provides for the continuance of the tenancy in respect of any surplus land that vests in the Government under section 18, after the expiry of the agricultural year immediately succeeding the date of such vesting, the tenant . . . shall be entitled to compensation as specified in Schedule IV :

Provided that such tenant shall not be entitled to any compensation in respect of such surplus land also under sub-section (1) of section 50.

(2) The compensation referred to in sub-section (1) . . . shall be apportioned between the cultivating tenant and the intermediary concerned in the manner specified in Schedule IV.

**55. Mode of payment of compensation.**—(1) The amount of compensation as finally determined under this Act shall, within such period as may be prescribed, be paid either in cash or in bonds or partly in cash and partly in bonds as the Government may deem fit.

(2) The bonds shall be issued on such terms and carry such rate of interest as may be prescribed. The interest shall be paid—

(i) in the case of any land held by any person referred to in clause (a) or (b) of sub-section (5) of section 18 with effect from the date of the publication of the notification under sub-section (1) of section 18; and

(ii) in any other case, with effect from the date of taking possession of the land under sub-section (4) of section 18.

## CHAPTER VII.

SURVEY AND SETTLEMENT OF LANDS IN THE TRANSFERRED  
TERRITORY.56. Survey of . . . lands in the transferred territory.—

(1) Every land in the transferred territory . . . or part thereof shall, if such land or part thereof has not been surveyed in accordance with the provisions contained in the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923), be surveyed in accordance with the provisions of that Act within a period of three years from the date of the publication of this Act.

(2) The cost of the survey, except so much as is payable under the provisions of section 8 of the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923), shall be borne by the Government.

57. Manner of effecting ryotwari settlement.—(1) The Settlement Officer shall effect within a period of three years from the date of the publication of this Act ryotwari settlement of every land in the transferred territory . . . or part thereof in accordance with a settlement notification framed and published by the Government for the purpose.

(2) The said notification shall embody the principles adopted in making ryotwari settlements in ryotwari areas, and shall adopt—

(a) the rates of assessment set out in the settlement notification in force on such date and in such district as may be specified by the Government;

(b) if more than one such notification is in force in that district, the rates set out in one of those notifications which the Government consider to be the most appropriate to the case.

(3) Neither the settlement notification nor any order passed in pursuance thereof shall be liable to be questioned in any court of law.

(4) For the removal of doubts, it is hereby declared that nothing in this section shall be construed to be in derogation of any law relating to the levy of tax on land in force in the transferred territory.

58. Appointment and functions of Settlement Officers.—

(1) As soon as may be, after the date of the publication of this Act, the Government shall appoint one or more Settlement



Officers to carry out the functions and duties assigned to them by or under this Chapter.

(2) Every Settlement Officer shall be subordinate to the Land Commissioner and shall be guided by such lawful instructions as he may issue from time to time and the Land Commissioner shall also have power to cancel or revise any of the orders, acts or proceedings of the Settlement Officer.

## CHAPTER VIII.

### GENERAL PROVISIONS REGARDING TENANCIES.

**59. Cultivating tenants not to be evicted.**—Subject to the provisions of sections 60 to 64, no cultivating tenant shall be evicted from his holding or any part thereof by or at the instance of his landowner.

**60. Landowner may evict cultivating tenant in certain cases.**—(1) Any landowner may evict any cultivating tenant—

(a) who in respect of the rent payable to the landowner after the date of the publication of this Act does not pay such rent within a month after such rent becomes due; or

(b) who has done any act or has been guilty of any negligence which is destructive of, or injurious to, the land or any crop thereon or has altogether ceased to cultivate the land; or

(c) who has used the land for any purpose not being an agricultural purpose; or

(d) who has wilfully denied the title of the landowner to the land.

*Explanation.*—A denial of the landowner's title under a *bona fide* mistake of fact is not wilful within the meaning of this clause.

(2) The provisions of sub-sections (3) (a) (ii), (3) (b) and (4) of section 3 of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955) shall, as far as may be, apply to a cultivating tenant under this Act as they apply to a cultivating tenant under the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955) and references to the Court and the Revenue Divisional Officer in the said sub-sections shall be deemed to be references to the authorized officer.

**61. Landowner's right to resume land in certain cases after the expiry of two years from the date of publication of Act.**—Subject to the provisions of section 63, after the expiry

of two years from the date of the publication of this Act but, before the expiry of seven years from that date, any landowner, who is not assessed to income-tax under the Indian Income-tax Act, 1922 (Central Act XI of 1922) for the previous year as defined in section 2 (11) of that Act, may resume possession of land from the cultivating tenant for the purpose of personal cultivation :

Provided that the extent of land so resumable by the landowner together with the extent of land, if any, already under his personal cultivation and the extent of land, if any, the possession of which reverted to him under section 17 shall not exceed five standard acres :

Provided further that the landowner shall give in such manner as may be prescribed not less than three months notice in writing intimating the cultivating tenant of his decision to resume possession of the land and the notice shall expire with the end of the agricultural year in which such notice is given.

**62. Landowner's right to resume land for personal cultivation in certain cases.**—Any landowner who—

(i) on the date of the commencement of this Act held land not exceeding five standard acres, and

(ii) is not assessed to income-tax under the Indian Income-tax Act, 1922 (Central Act XI of 1922) for the previous year as defined in section 2 (11) of that Act, may, at any time before the expiry of two years from the notified date resume possession of land from the cultivating tenant for the purpose of personal cultivation :

Provided that the extent of land so resumable by the landowner together with the extent of land, if any, already under his personal cultivation and the extent of land, if any, the possession of which reverted to him under section 17 shall not exceed three standard acres :

Provided further that such landowner shall give in such manner as may be prescribed not less than three months' notice in writing intimating the cultivating tenant of his decision to resume possession of the land and the notice shall expire with the end of the agricultural year in which such notice is given

**63. Right to resumption of land from cultivating tenant holding land exceeding five standard acres.**—(1) Where the extent of land, if any, held by any person as owner, together with the other land held by him as cultivating tenant exceeds five standard acres, any landowner under whom such

cultivating tenant is holding land may, during the period mentioned in section 61, resume possession of his land in such excess from the cultivating tenant for the purpose of personal cultivation :

Provided that the landowner shall give in such manner as may be prescribed, not less than three months' notice in writing intimating the cultivating tenant of his decision to resume possession of the land and the notice shall expire with the end of the agricultural year in which such notice is given.

(2) Where in any case more than one landowner makes an application for the resumption of his land from the same cultivating tenant under sub-section (1), the authorized officer shall pass such order as he deems fit having regard to—

- (i) the total extent of land held by each such landowner;
- (ii) the extent of land under his personal cultivation;
- (iii) the extent of land the possession of which is sought to be resumed; and
- (iv) such other matters as may be prescribed.

**64. Member of the Armed Forces to resume land up to the ceiling area.**—Notwithstanding anything contained in this Chapter, any member of the Armed Forces may, after discharge or release from the service of the Air Force, Army or Navy of the Union of India, or of the Merchant Navy, as the case may be, resume possession of land up to the ceiling area from the cultivating tenant for the purpose of personal cultivation :

Provided that such member shall give in such manner as may be prescribed not less than three months' notice in writing intimating the cultivating tenant of his decision to resume possession of the land and the notice shall expire with the end of the agricultural year in which such notice is given.

**65. Landowner or member of the Armed Forces to apply to the authorized officer.**—(1) Any landowner or member of the Armed Forces desiring to resume possession of any land under section 61, 62, 63 or 64, as the case may be, . . . may make an application to the authorized officer in such form as may be prescribed and on receipt of such application the authorized officer shall, after giving a reasonable opportunity to the landowner or member of the Armed Forces, as the case may be, and the cultivating tenant . . . to make their representations, hold a summary enquiry into the matter and pass an order either directing the cultivating tenant . . .

to put the landowner or member of the Armed Forces, as the case may be, in possession of the land or dismissing the application. In passing an order directing the cultivating tenant . . . to put the landowner or member of the Armed Forces, as the case may be, in possession of the land, the authorized officer may impose such conditions as he may consider just and equitable including conditions in regard to reimbursement by the landowner or member of the Armed Forces, as the case may be, of the cultivating tenant . . . in respect of the expenses incurred by him or the labour contributed by him in respect of any crop which has not been harvested, if an agreement is not reached between the parties as regards the amount and manner of such reimbursement.

*Explanation.*—In lieu of imposing any condition relating to reimbursement as provided above, the authorized officer may in his discretion postpone the restoration of the possession of the land to the landowner or member of the Armed Forces, as the case may be, until the harvest of any crop standing at the time when the order is passed.

(2) If any landowner or member of the Armed Forces who has resumed possession from any cultivating tenant of any land for personal cultivation lets the land for cultivation by another tenant within five years of such resumption or allows the land to lie fallow for more than a year or has so resumed under fraudulent misrepresentations, the cultivating tenant from whom the land had been resumed shall on application to the authorized officer be entitled to be restored to possession of that land and to hold it with all the rights and subject to all the liabilities of a cultivating tenant. The provisions of sub-section (2) of section 66 shall, as far as may be, apply to such an application.

63. Right to restoration of possession.—(1) Any cultivating tenant who has been evicted in contravention of the provisions of section 60, 61, 62, 63 or 64 may make an application to the authorized officer within whose jurisdiction the land from which he was evicted or the major part thereof is situated, within a period of two months from the date of such eviction for the restoration to him of the possession of the land from which he was evicted and to hold it with all the rights and subject to all the liabilities of a cultivating tenant :

Provided that the application may be received after the period of two months aforesaid if the authorized officer, for reasons to be recorded in writing, is satisfied that the applicant had sufficient cause for not applying within that period.

(2) (a) On receipt of an application under sub-section (1), the authorized officer shall, after giving a reasonable opportunity to the landowner or member of the Armed Forces, as the case may be, and the cultivating tenant, if any, in possession of the land, to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application or dismissing it.

(b) In passing an order under clause (a) allowing the application, the authorized officer may impose such conditions as he may consider just and equitable including conditions in regard to the reimbursement by the applicant of the landowner or member of the Armed Forces, as the case may be, or any other person in possession of the land in respect of the expenses incurred or the labour contributed by him during the period when the applicant was not in possession, in respect of any crop which has not been harvested, if an agreement is not reached between the parties as regards the amount and manner of such reimbursement.

*Explanation.*—In lieu of imposing any condition relating to reimbursement as provided in clause (b), the authorized officer may, in his discretion, postpone the restoration of the possession of the land to the applicant until the harvest of any crop standing at the time when the order is passed.

**67. Cultivating tenant to furnish return in certain cases.—**

(1) Any cultivating tenant who holds on the notified date land in excess of the cultivating tenant's ceiling area shall, within such time after that date as may be prescribed furnish to the authorized officer a return containing the following particulars, namely :—

(i) particulars of the land, if any, which he holds as owner;

(ii) particulars of the land which he holds as cultivating tenant;

(iii) particulars of the name and address of the landowner concerned;

(iv) such other particulars as may be prescribed.

(2) The authorized officer shall cause to be served on the landowner concerned in such manner and within such time as may be prescribed, a copy of the return furnished by the cultivating tenant under sub-section (1).

(3) The landowner concerned may make an application to the authorized officer for resuming possession of the land in accordance with the provisions of this Chapter.

(4) If the cultivating tenant fails to furnish the return or furnishes an incorrect or incomplete return within the time prescribed under sub-section (1), the provisions of sub-sections (1) and (2) of section 9 shall, as far as may be, apply as if it were a return required to be furnished under section 8.

*Explanation.*—For the purposes of this section, “cultivating tenant’s ceiling area” means five standard acres held by any person partly as cultivating tenant and partly as owner or wholly as cultivating tenant.

**68. Landowner’s power to alter holding in certain cases.**—

(1) Subject to such rules as may be made by the Government, it shall be lawful for any landowner to alter the holding of any of his cultivating tenants so as to secure a convenient block for personal cultivation by himself or for cultivation by any or all of his cultivating tenants.

(2) If any dispute arises in regard to the alteration under sub-section (1), either party may make an application to the authorized officer within whose jurisdiction the holding or the major part thereof is situated for deciding such dispute. The authorized officer shall decide such dispute in accordance with such procedure as may be prescribed.

**69. Effect of certain Acts.**—The provisions of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956), the Tiruchirappalli Kaiaeruvaram and Mattuvaram Act, 1958 (Madras Act XXXVI of 1958) and any other law relating to tenancy shall, except in so far as they are inconsistent with any of the provisions of this Chapter, continue in force.

## CHAPTER IX.

### EXEMPTIONS.

**70. Exemptions.**—Except as otherwise provided in sub-sections (2) and (3) of section 5 and in section 6, nothing contained in this Act shall apply to—

(i) any land held by the Central Government or any State Government or any local authority;

(ii) any land held by—

(a) any charitable or educational institution of a public nature;

(b) any trust;

(c) any University constituted by any law;

(iii) any land owned by such co-operative societies [other than societies registered or deemed to have been registered under the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932) or under the Travancore-Cochin Co-operative Societies Act, 1951 (Travancore-Cochin Act X of 1952)] as are approved by the Government;

(iv) any land held by any industrial or commercial undertaking (other than a co-operative society) which, in the opinion of the Government, *bona fide* carries on any industrial or commercial operation and which is approved by the Government:

Provided that such approval shall be subject to such conditions as may be prescribed:

Provided further that such land shall be exempt only so long as the said conditions are complied with;

(v) any land in any hill area;

(vi) all plantations in existence on the date of the commencement of this Act;

(vii) lands converted on or before the 1st day of July 1959 into orchards or topes or arecanut gardens, whether or not such lands are contiguous or scattered:

Provided that such lands shall be exempt only so long as they continue to be orchards, topes or arecanut gardens;

(viii) any land used exclusively for growing fuel trees on the date of the commencement of this Act:

Provided that such land shall be exempt only so long as such land is used for such purpose;

(ix) Gramdan land and land donated for purposes of the Bhoodan Yagna;

(x) any land used exclusively for dairy farming or live-stock breeding and in respect of which the Land Board has granted permission under section 27 and such permission continues in force;

(xi) any land--

(a) interspersed among plantations, or

(b) contiguous to any plantation,  
in existence on the date of the commencement of this Act in

any area other than a hill area and in respect of which the Land Board has granted permission under section 31 and such permission continues in force;

(xii) any land awarded for gallantry to defence personnel :

Provided that such land shall be exempt only for the lifetime of the person to whom the award was granted;

(xiii) any land used for the cultivation of sugarcane and in respect of which the Sugar Factory Board has granted permission under section 40 or 43 and such permission continues in force.

**71. Special provision for grazing lands.**—Notwithstanding anything contained in this Act, if any person has, on the date of the commencement of this Act, held land used exclusively for grazing and assessed to land revenue at Rs. 1.25 and below per acre, he shall be entitled to hold such grazing land up to an extent of fifty acres in addition to the ceiling area :

Provided that nothing contained in this section shall entitle any person to hold land for grazing if such person has been granted permission by the Land Board under section 27 to hold any land for dairy farming or livestock breeding.

*Explanation.*—Any land used exclusively for grazing shall not cease to be grazing land merely by reason of the ploughing or preparing the soil for the sowing of fodder seeds or of the raising or harvesting of fodder crops.

**72. Grazing land to be taken into account for ceiling area in certain cases.**—Notwithstanding anything contained in section 71, if either of its own motion or on application by any person the Land Board decides that such grazing land as is referred to in section 71 has become fit for cultivation as a result of any irrigation project constructed at the cost of the Government, such land shall be taken into account for calculating the ceiling area and the person holding such land shall furnish a return containing the particulars required under section 8 and the provisions of section 9 and other provisions of this Act shall, as far as may be, apply to such return.

## CHAPTER X.

### LAND TRIBUNALS.

**73. Constitution of Land Tribunals.**—(1) The Government shall constitute as many Land Tribunals as may be necessary for the purposes of this Act.



(2) Each Land Tribunal shall consist of one person only who shall be a judicial officer not below the rank of Subordinate Judge.

**74. Jurisdiction and powers of Land Tribunals.**—(1) Each Land Tribunal shall have such jurisdiction over such areas as the Government may, by notification, from time to time, determine.

(2) If any question is referred by the authorized officer to the Land Tribunal for its decision under section 11 (2), 16 (3) (a) (iv) or 51 (3), the Land Tribunal shall decide such question.

(3) Every Land Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908).

## CHAPTER XI.

### APPEALS AND REVISION.

**75. Appeal to Land Tribunal.**—(1) . . . Against any decision of the authorized officer under section 9 (2) (b), 10 (3), (4), (5), 16 (3) (a) (iii), 20, 22, 50 (4), 51 (1), (2), 52 or 99 (2) (b), the Government may within ninety days from the date of the decision and any person aggrieved by such decision, may, within sixty days from the date of such decision, appeal to the Land Tribunal.

(2) The Land Tribunal may admit an appeal presented after the expiration of the period mentioned in sub-section (1), if it is satisfied that the party concerned had sufficient cause for not presenting it within the said period.

(3) On receipt of an appeal under sub-section (1), the Land Tribunal, after giving the parties a reasonable opportunity of being heard, shall—

(a) determine a case finally;

(b) remand a case;

(c) take additional evidence or require such evidence to be taken by the authorized officer.

**76. Appeal to the High Court.**—(1) Against a decision of the Land Tribunal under section 11 (3) or 74 (2) the Government may, within sixty days from the date of the decision and any person aggrieved by such decision may within thirty days from the date of the decision, appeal to the High Court :

Provided that the High Court may admit an appeal presented after the expiration of the said period if it is satisfied that the party concerned had sufficient cause for not presenting it within the said period.

(2) The High Court, after giving the parties a reasonable opportunity of being heard, shall—

(a) determine a case finally;

(b) remand a case;

(c) take additional evidence or require such evidence to be taken by the Land Tribunal.

*Explanation.*—In this section and in section 75, "date of the decision" means the date on which such decision is communicated to the party concerned.

**77. Limitation Act to apply to appeal under section 75 or 76.**—The provisions of section 4 and of sub-sections (1) and (2) of section 12 of the Indian Limitation Act, 1908 (Central Act IX of 1908) shall, as far as may be, apply to any appeal under section 75 or 76.

**78. Revision by the Land Tribunal.**—The Land Tribunal may call for and examine—

(i) the record of any authorized officer within its jurisdiction in respect of any proceeding under section 12, 13, 14 (1), (2), (3), 50 (5), (9), 60 (2), 65 (1), (2) or 66, or

(ii) the record of any proceeding under sub-section (2) of section 54;

to satisfy itself as to the regularity of such proceeding or the correctness, legality, or propriety of any decision or order passed thereon; and if, in any case, it appears to the Land Tribunal that any such proceeding, decision or order should be modified, annulled, reversed or remitted for reconsideration, it may pass orders accordingly :

Provided that the Land Tribunal shall not pass any order prejudicial to any party unless he has been given a reasonable opportunity of being heard.

**79. Revision by the Land Commissioner.**—The Land Commissioner may call for and examine the record of any authorized officer in respect of any proceeding under section 9 (3), (4), 17 (3), 18 (4) or 68 (2) and in respect of any other proceeding under this Act not being a proceeding in respect of which a suit or an appeal or revision to the Land Tribunal is provided by this Act to satisfy himself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed thereon; and if, in any case, it appears

to the Land Commissioner that any such proceeding, decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly :

Provided that the Land Commissioner shall not pass any order prejudicial to any party unless he has been given a reasonable opportunity of being heard.

**80. Revision by High Court.**—Subject to the provisions of section 76, every Land Tribunal shall be deemed to be a court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908); and its orders shall be liable to revision by the High Court under the provisions of that section.

**81. Power to stay.**—The High Court, the Land Tribunal or the Land Commissioner may stay the execution of any decision or order pending the exercise of its or his powers under this Chapter.

## CHAPTER XII.

### PENALTIES AND PROCEDURE.

**82. Penalty for failure to furnish return.**—(1) If any person who is under an obligation to furnish a return under this Act, refuses or wilfully fails to furnish the return within the time specified in the notice under sub-section (1) of section 9 or within the further time, if any, allowed by the authorized officer under that sub-section, he shall be punishable with fine which may extend to two hundred rupees.

(2) If any person who, after having been convicted under sub-section (1), continues to refuse or to wilfully fail to furnish the return, he shall be punishable with fine which may extend to fifty rupees for each day after the previous date of conviction during which he continues so to offend.

**83. Penalty for failure to furnish information under section 99.**—If any person refuses or wilfully fails to furnish the information under sub-section (1) of section 99 within the time specified in the notice under that sub-section or within the further time, if any, allowed by the authorized officer under that sub-section, such person shall be punishable with fine which may extend to two hundred rupees.

**84. Penalty for furnishing false return or information.**—If any person who is under an obligation to furnish any return or information under this Act, furnishes any return or information which he knows or has reason to believe to be false, he shall be punishable with fine which may extend to one thousand rupees.

**85. Penalty for making false declaration under section 19.**—If any person makes any declaration before the registering authority under sub-section (1) of section 19 which he knows or has reason to believe to be false he shall be punishable with fine not exceeding one thousand rupees.

**86. Penalty for acquisition by lease or possessory mortgage in excess of the ceiling area.**—If any person, on or after the notified date, voluntarily acquires by lease or possessory mortgage any land which together with the land, if any, already held by him exceeds in the aggregate the ceiling area, he shall be punishable with fine not exceeding one thousand rupees.

**87. Penalty for contravention of any lawful order.**—If any person wilfully contravenes any lawful order passed under this Act or obstructs any person from lawfully taking possession of any land acquired by the Government under this Act he shall be punishable with fine which may extend to five hundred rupees.

**88. Penalty for cutting trees or for removing any machinery, etc.**—If any person, after the date of vesting in the Government of any land acquired under this Act and before the disposal of such land under this Act, cuts or causes to be cut, trees on the land, or removes or causes to be removed, any building, machinery, plant or apparatus, constructed, erected or fixed on the land, and used for agricultural purposes, or does or causes to be done any act likely to diminish the utility of the land, he shall be punishable with imprisonment for a term which may extend to one year, or with fine not exceeding one thousand rupees, or with both.

**89. Offences by companies.**—(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, . . . any director, manager, secretary or other officer of the company,

such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section—

(a) “ company ” means any body corporate and includes a firm or other association of individuals, and

(b) “ director ” in relation to a firm means a partner in the firm.

**90. Cognizance of offences.**—(1) No court shall take cognizance of any offence punishable under this Act except on complaint in writing made by the authorized officer or any officer empowered by him by special order.

(2) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

### CHAPTER XIII.

#### DISPOSAL OF LAND ACQUIRED BY THE GOVERNMENT UNDER THIS ACT.

**91. Disposal of land acquired by the Government.**—

(1) Subject to the provisions of sub-section (2), the Government may, after taking into consideration the objects specified in the preamble, make rules providing for the manner in which any land acquired by the Government under this Act shall be disposed of :

Provided that no such rules shall come into force unless they are approved by . . . the Legislature.

(2) (a) In the disposal of the land acquired by the Government under this Act, the Government shall give preference to any person who is completely dispossessed of his holding, or whose extent of holding is reduced below three standard acres held by him partly as cultivating tenant and partly as owner or wholly as cultivating tenant, by virtue of the provisions of this Act.

(b) Where any surplus land acquired under this Act is held by any existing sugar factory as tenant or as possessory mortgagee, immediately before the date of the acquisition, the Government shall, in the disposal of such land, take into consideration the recommendation of the Sugar Factory Board in that behalf.

CHAPTER XIV.

## MISCELLANEOUS.

92. *Conversion of one kind of land into another not to affect ceiling area in certain cases.*—Notwithstanding anything contained in this Act, where on account of any improvements made in the land by or at the cost of the person holding such land, one kind of the lands specified in clause (42) of section 3 is converted into another kind of lands specified in the said clause after the date of the publication of the final statement under section 12 or 14, such conversion shall not be taken into account in calculating the extent of land held by such person. But where such conversion takes place as a result of any irrigation project constructed at the cost of the Government, the land so converted shall be reduced to standard acres according to the proportion specified in the clause aforesaid, and the ceiling area of such person shall be fixed in accordance with the provisions of this Act.

93. *Decrease in number of members of family not to affect ceiling area.*—Notwithstanding anything contained in this Act, the extent of ceiling area which a family is entitled to hold under the provisions of this Act, immediately after the date of the publication of the final statement under section 12 or 14, shall not be reduced by reason only of any decrease after the said date in the number of members of such family.

94. *Appointment of Land Commissioner.*—The Government may appoint any member of the Board of Revenue as Land Commissioner for the State to exercise such powers and discharge such duties as are assigned to him by or under this Act.

95. *Power of Government to issue orders and directions to the authorized officer, etc.*—The Government may issue such orders and directions of a general character as they may consider necessary in respect of any matter relating to the powers and duties of the authorized officer, the Land Board, the Sugar Factory Board and the Land Commissioner. The authorized officer, the Land Board, the Sugar Factory Board and the Land Commissioner shall give effect to all such orders and directions.

**96.** *Transfer of proceedings from one authorized officer to another.*—(1) On the application of any of the parties or of his own motion—

(a) the Collector of the district may at any stage after giving the parties a reasonable opportunity of being heard, transfer any application or other proceeding under this Act pending before any authorized officer in the district for disposal to any other authorized officer in the same district;

(b) the Land Commissioner may at any stage after giving the parties a reasonable opportunity of being heard, transfer any application or other proceeding under this Act pending before any authorized officer in any district for disposal to any other authorized officer in any other district.

(2) Where any application or proceeding has been transferred under sub-section (1), the authorized officer to whom such transfer is made may, subject to any special directions given in the order of transfer, either hold the inquiry *de novo* or proceed from the stage at which the said application or other proceeding stood when it was transferred.

**97.** *Returns and reports.*—The authorized officer, the Land Commissioner, the Land Board or the Sugar Factory Board shall furnish to the Government such returns, statistics, accounts and other information as the Government may from time to time require.

**98.** *Authorized officer empowered to obtain information from Court, etc.*—The authorized officer may obtain from any Court, Land Board, Sugar Factory Board, Land Tribunal or other authority any information relating to any proceeding pending before the authorized officer, and such Court, Land Board, Sugar Factory Board, Land Tribunal or authority, as the case may be, shall, if such information be available with it, furnish him with such information within a reasonable period.

**99.** *Authorized officer empowered to obtain information from persons.*—(1) For the purpose of carrying into effect the provisions of this Act, the authorized officer may, by notice, require any person to furnish any information relating to the extent of land held by such person, the number of members of the family, if any, of such person, and such other particulars as may be prescribed. The person aforesaid shall furnish the information to the authorized officer within such time as may be specified in the notice or within such further time not exceeding thirty days as the authorized officer may, in his discretion, allow.

(2) (a) Where any person on whom notice under sub-section (1) has been served fails to furnish the information within the time specified in that notice or within the further time allowed by the authorized officer under sub-section (1),

the authorized officer may obtain, in such manner as may be prescribed, the necessary information either by himself or through such agency as he thinks fit.

(b) The authorized officer shall, as soon as may be after obtaining the information under clause (a), give to the person concerned a reasonable opportunity of making his representation and of adducing evidence, if any, in respect of such information and consider any such representation and evidence and pass such orders as he deems fit.

**100. Costs.**—The costs of, and incidental to, all proceedings before the authorized officer, Land Commissioner, Land Board, Sugar Factory Board, Land Tribunal or other authority shall be in his or its discretion.

**101. Power to enter upon land.**—The authorized officer or any person acting under his orders may at any time enter upon any land but not a dwelling-house, with such other officers or persons as he considers necessary and make a survey and take measurements thereof or do any other act which he considers necessary for carrying out the purposes of this Act.

**102. Indemnity.**—(1) No suit, prosecution or other legal proceeding shall lie against the authorized officer, Land Board, Sugar Factory Board, Land Commissioner, Land Tribunal or other authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by virtue of any provision of this Act or by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

**103. Preparation of record of rights.**—The Government may, for the purposes of this Act, cause to be prepared and published a record of rights in accordance with such rules as may be made by them.

**104. Bar of jurisdiction of civil courts.**—Except as otherwise provided in this Act, no civil court shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by the authorized officer, the Land Board, the Sugar Factory Board, the Land Commissioner, the Land Tribunal or other authority.

**105. Court-fees.**—The court-fee payable in respect of—

(a) any suit under sub-section (3) of section 11, shall be twenty-five rupees;



(b) any appeal to the Land Tribunal under section 75 shall be five rupees;

(c) any appeal to the High Court under section 76, shall be twenty-five rupees;

(d) any application for revision by the Land Tribunal under section 78 or for revision by the Land Commissioner under section 79, shall be one rupee;

(e) any application for revision by the High Court under section 80, shall be ten rupees;

(f) any other case, shall be such fee as may be prescribed.

**103. Delegation of powers.**—The Government may, by notification, direct that any power exercisable by the Land Commissioner or any authorized officer, under this Act or the rules made thereunder, shall in relation to such matters and subject to such conditions, as may be specified in such notification, be exercisable also by such officer or authority subordinate to the Government, as may be specified in the notification.

**107. Power to make rules.**—(1) The Government may, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the manner of service of notice under this Act;

(c) the manner of giving reasonable opportunity or of adducing evidence under this Act;

(d) the minimum extent of land which any person shall hold in order to entitle him to hold any land for dairy farming or livestock breeding;

(e) the place at which and the manner in which the draft statement under sub-section (5) of section 10 and the final statement under section 12 or 14 may be published;

(f) the manner of service of a copy of the final statement under section 12 or 14;

(g) the manner of publication of a proclamation under clause (a) of sub-section (2) of section 18;

(h) the qualifications which shall be possessed by the members nominated under clause (d) of sub-section (2) of section 24;

(i) the manner in which the draft compensation assessment roll may be published under sub-section (3) of section 50;

(j) the manner of apportionment of the compensation payable under this Act among the persons claiming interest in such compensation;

(k) the procedure to be followed by the authorized officer under this Act;

(l) the terms and conditions of service of the Chairman and members of the Land Board and of the Sugar Factory Board;

(m) the manner in which, and the officer by whom, fair rent shall be ascertained for the purposes of this Act;

(n) the circumstances under, and the conditions subject to, which, and the authority or officer before whom any amount of compensation payable under this Act may be kept in deposit;

(o) the manner of payment of the amount of compensation so deposited to the persons entitled thereto;

(p) the manner of communicating to the party concerned a copy of every decision or order in any proceeding against which an appeal or revision is provided for by this Act.

**108. Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order do anything which appears to them necessary for the purpose of removing the difficulty.

**109. Rules and orders to be placed before the Legislature.**—

(1) All rules made under this Act other than those made under section 91 and all orders made under section 108 shall be published in the *Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(2) Every rule made under this Act other than that made under section 91 and every order made under section 108 shall, as soon as possible after it is made, be placed on the Table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or order or both Houses agree that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

## SCHEDULE I.

[See section 3 (18).]

District.	Taluk.	Revenue number and name of village.		
(1)	(2)	(3)		
North Arcot ..	Vellore ..	115. Palamathi.		
		139. Alleri.		
		140. Elluparai.		
		141. Pudukuppam.		
		142. Peenjamandai.		
		143. Jarthankollai.		
		144. Pelambattu.		
		145. Periapanaparai.		
		146. Mulluvadi.		
		147. Naickaneri.		
		Chengam ..	..	1. Padapenjamarthur.
				2. Puliur.
				3. Melthathiapet.
				4. Kilthathiapet.
5. Nellivoy.				
6. Erukkambattu.				
7. Athipet.				
8. Perumutham.				
9. Kilpettu.				
10. Chennakilpettu.				
11. Melpattu.				
Polur ..	..	12. Vannankuttai.		
		13. Palamarathur.		
		14. Melsilambadi.		
		49. Melmalachi.		
		50. Akkarapattu.		
		66. Kuttakarai.		
		67. Pattiraikadu.		
		68. Melsippili.		
		69. Erumaianur.		
		70. Kilthathiapattur.		
		163. Kanamalai.		
		164. Amirthi.		
		165. Nammiampattu.		
		166. Eriyur.		
167. Kilkanavayur.				
168. Puliankuppam.				
169. Seenagadu.				
170. Mandaparai.				
171. Veerappanur.				
172. Pudukattu.				
173. Odamangalam.				
174. Kovilur.				
Salem ..	.. Krishnagiri..	155. Maravadi.		
		157. Murukkelnatham.		

District.	Taluk.	Revenue number and name of village.
(1)	(2)	(3)
Salem—cont.	Salem ..	133. Jarugumalai.
		181. Pelappadi.
		182. Arunuttumalai.
		183. Sirumalai.
		184. Pallikkadu.
		185. Aladipatti.
		186. Periyavelampatti.
		187. Siruvelampatti.
		All villages in Yercaud sub-taluk.
	Namakkal ..	46. Valappurnadu. 48. Ariyarnadu. 49. Valavandinadu. 50. Selurnadu. 51. Thinnanurnadu. 52. Devanurnadu.
	Rasipuram ..	31. Kilur. 36. Melur. 38. Gidamalai. 50. Perikarainadu. 51. Bailnadu. 52. Edappulinadu. 53. Sitturnadu. 68. Thiruppulinadu. 69. Palappadinadu. 70. Alathurnadu. 71. Kunduninadu. 72. Adakkampudukkombai.
	Attur ..	87. Pachamalai. Chinnakalrayan Hills. Periakalrayan Hills.
Coimbatore ..	Pollachi ..	87A. Anamalai Hills.
	Bhavani ..	63. Barugur.
	Gobichetti- palayam.	131. Guthialathur. 132. Gundri. 133. Koothampalayam. 135. Hasanur. 136. Thingalur. 137. Gettavadi. 138. Marur. 139. Talavadi. 140. Chikkagazanur. 141. Thiganarai. 142. Mallanguli. 143. Arulavadi. 144. Doddagazanur. 145. Byyannapuram. 146. Karalavadi. 147. Talamalai.

District.	Taluk.	Revenue number and name of village.
(1)	(2)	(3)
Coimbatore —cont.	Gobichetti- palayam —cont.	148. Eraganahalli.
		149. Naithalapuram.
		150. Iggalur.
		151. Panakahalli.
		152. Kongahalli.
		153. Thoddamudugarai.
154. Madhahalli.		
Tiruchirappalli.	Musiri ..	112. Tenparanadu.
		113. Vannadu.
		114. Kombai.
Madurai ..	Periakulam.	Narasingapuram.
		Ahamalai.
		Kottagudi.
	Palni ..	8. Vadakavunji.
		69. Vadagadu.
Dindigul ..	..	Adalur.
		Panrimalai.
		Tonimalai.
		Manalur.
	Sirumalai.	
	Kodaikanal.	All villages.
The Nilgiris ..	All taluks ..	All villages.
South Arcot ..	Kallakurichi.	The following villages in Sadayakounder Jagir :—
		Aliyam.
		Arampoondi.
		Devanur.
		Eluthur.
		Alanur.
		Erukkampatti.
		Gangapadi.
		Kariyalur.
		Karnelli.
		Karuvelampadi.
		Kariyam.
		Kindikal.
		Kidar.
		Kinathur.
		Kodamathi.
		Koduthorai.
		Kundianatham.
		Madhar.
		Mavadipattu.
Melmuruvam.		
Molipatti.		

District.	Taluk.	Revenue number and name of village.
(1)	(2)	(3)
South Arcot— <i>cont.</i>	Kallakurichi — <i>cont.</i>	Mondiyur. Naraiyampatti. Nochimedu. Pacheri. Pudur. Sathanur. Sundarapadi. Tharangur. Thirupathi. Thoradipattu. Uppur. Varapadi. Vandapadi. Vanniyur. Vellampadi. Vellimalai. Vellar. Varam.

The following villages in  
Kurumbakounder Jagir:—

Arasampattu.  
Athikuli.  
Athipattu.  
Avalur.  
Chinnapalapoondi.  
Erikarai.  
Erukkampattu.  
Idapattu.  
Innadu.  
Keeripuli.  
Kurumbalur.  
Mankombu.  
Mottayanur.  
Pakkanam.  
Panapadi.  
Pelapundi.  
Perukkancheri.  
Perumbaravu.  
Porasampattu.  
Poruppam.  
Sirukalur.  
Serapatti.  
Thaduthalpalayam.  
Thakkampattu.  
Thumbarampattu.  
Valakuli.  
Vanjikuli.  
Vedur.  
Velanalli.  
Venkadu.

District.	Taluk.	Revenue number and name of village.
(1)	(2)	(3)
South Arcot— <i>cont.</i>	Kallakurichi — <i>cont.</i>	The following villages in Ariyakounder Jagir :— Aravankadu. Eachankadu. Gudaram. Kalliparai. Kannur. Karvampattu. Kilkadu. Kilthukkadi. Kotampundi. Melthukkadi. Naduvalathu. Nakkavalathu. Panipalayam. Perumanatham. Pudur. Undakalvalathu. Vellithi. Vengamur.

## SCHEDULE II.

[See section 3 (27).]

Serial number.	District.	Taluk.	Revenue number and name of village.	Extent of the leasehold.
(1)	(2)	(3)	(4)	(5)
1	Chingleput ..	Saidapet ..	13 Grant Lyon.	Whole village.
2	Do.	Ponneri	146. Karadiputhur.	Do.
3	Do. ..	Do.	147. Kannankottai.	Do.
4	Do. ..	Do.	150. Thervoy ..	Do.
5	Do. .	Do.	151. Kandigai ..	Do.
6	Do. ..	Do.	180. Pappankuppam <i>alias</i> Alamelu- mangapuram.	Do.
7	Madras ..	..	121. Ikkattutungal.	Do.
8	Salem ..	Harur ..	317. Hunisanahalli	Do.
9	Do. ..	Do. ..	318. Sillarahalli .	Do.
10	Do. ..	Do. ..	321. Regadahalli ..	Do.
11	Do. ..	Do. ..	322. Mottankurichi.	Do.

## SCHEDULE III.

(See section 50.)

PART I.Land other than the land specified in Part II

1. The compensation payable to any person under section 50 in respect of any land (other than the land specified in Part II) acquired by the Government under this Act shall be determined in the manner hereinafter in this Part specified.

2. A sum equivalent to the net annual income from the land shall be determined in the first instance.

3. The net annual income from the land shall be the amount of fair rent less the land revenue.

*Explanation.*—In this paragraph, “land revenue” shall,—

(a) in respect of any land in any area in the State other than the transferred territory, have the same meaning as in Explanation I to section 3 (42) and shall include cess, additional surcharge and charge for water ;

(b) in respect of any land in the transferred territory and specified in column (1) of the Table below, mean the amount mentioned in the corresponding entry in column (2) thereof:—

TABLE.

Class of land.	Amount per acre.
(1)	(2)
<i>Kanyakumari district.</i>	
	RS. nP.
(1) Registered wet land irrigated by a source forming part of, or benefited by, a project as defined in Explanation III to clause (42) of section 3 .. .. .	11 37
(2) Registered dry land irrigated by the source specified in item (1) .. .. .	8 37
(3) Dry land irrigated by other Government source .. .. .	6 25
(4) Unirrigated dry land .. .. .	1 25

*Shencottah taluk of the Tirunelveli district.*

(1) Wet land irrigated by any river or stream or by tank fed by any river or stream .. .. .	8 50
(2) Wet land irrigated by other Government source. . . . .	6 62
(3) Dry land irrigated by any Government source. . . . .	6 25
(4) Unirrigated dry land .. .. .	1 25



4. The fair rent shall be the aggregate of—

(a) (i) in the case of wet land, 40 per cent of the normal gross produce or its value in money ;

(ii) in the case of wet land, the irrigation of which is supplemented by lifting water, 35 per cent of the normal gross produce or its value in money ;

(iii) in the case of land on which crops, which do not give any yield within a period of one year from the time of cultivation, are cultivated, 40 per cent of the normal gross produce or its value in money ;

(iv) in the case of any other class of land,  $33\frac{1}{3}$  per cent of the normal gross produce or its value in money :

Provided that in the case of lands referred to in items (ii) and (iv) for the cultivation of which water is lifted by pump set installed at the cost of the landowner, the fair rent shall be increased to 40 per cent.

*Explanation I.*—In this paragraph, “normal gross produce”—

(a) in respect of a land cultivated with any crop which does not give any yield within a period of one year from the time of cultivation, means the gross produce for one year if the land were cultivated with paddy ;

(b) in respect of a land cultivated with any other crop means the produce which would be obtained for one year from a land of the same class as the land in question similarly situated and possessing similar advantages if the rainfall and the seasons were normal.

*Explanation II.*—In the case of . . . land on which different crops are cultivated at different times on different portions of the land, the fair rent shall be calculated with reference to the actual crops ordinarily cultivated according to the ordinary rotation of crops in the area in which such land is situated ;

and

(b) the value of one-fifth of the straw or stalk of all the crops cultivated on the land in an agricultural year.

5. In the case of land under personal cultivation, the fair rent shall be the fair rent as calculated in the manner specified in paragraph 4 in respect of a land of the same class as the land in question, similarly situated and possessing similar advantages.

6. The amount of compensation for the land acquired by the Government under this Act shall be determined in accordance with the following scale, namely :—

(i) for the first sum of Rs. 5,000 or any portion thereof of the net annual income from the land, 12 times such sum or portion ;

(ii) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, 11 times such sum or portion ;

(iii) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, 10 times such sum or portion ;

(iv) for the balance of the net annual income from the land, 9 times such balance.

7. The compensation payable for any tree, building, machinery, plant or apparatus acquired under this Act shall be the value on the date of the publication of the notification under sub-section (1) of section 18 of such tree, building, machinery, plant or apparatus.

8. The compensation payable under this Part shall be the aggregate of the amount as calculated under . . . paragraphs 6 and 7 less the amount payable as compensation under section 54 to the tenant, in respect of the land concerned.

9. (a) In respect of any land in the transferred territory, 75 per cent of the amount of compensation calculated under this Part shall be payable in advance of the completion of the survey and ryotwari settlement of the land under Chapter VII.

(b) On such completion of survey and ryotwari settlement, the compensation shall be revised on the basis of the assessment specified at the ryotwari settlement and of water rate, if any. If on such revision it is found that the amount of compensation paid under sub-paragraph (a) is in excess of the amount of compensation payable as a result of the revision aforesaid, such excess amount shall be recovered from the person concerned as an arrear of land revenue. But where the amount of compensation paid under sub-paragraph (a) is less than the amount of compensation payable as a result of the revision aforesaid, the deficiency shall be made good to the person concerned.

## PART II.

*Land the revenue of which or portion thereof has been assigned.*

Where the amount of land revenue or portion thereof in respect of any land acquired by the Government under this Act has been assigned in favour of any person, the Government shall pay such person as compensation twelve times the difference between such amount of land revenue or portion thereof and the proportionate quit-rent, jodi, kattubadi or other amount of like nature, if any, payable by such person to the Government.

## SCHEDULE IV.

(See section 54.)

1. The compensation payable to any tenant under section 54 . . . shall be one-eighth of the fair rent for the land calculated in the manner specified in paragraph 4 of Part I of Schedule III.

2. Out of the compensation, three-fourths shall be paid to the cultivating tenant and one-fourth to the intermediary.

FORT ST. GEORGE,  
MADRAS.

T. HANUMANTHAPPA,  
Secretary.

## APPENDIX I.

### QUESTIONNAIRE ISSUED BY THE JOINT SELECT COMMITTEE APPOINTED BY THE LEGISLATURE.

1. Do you agree that the date of commencement of the proposed Ceiling Act may be the date of publication of the Ceiling Bill in the *Fort St. George Gazette*, viz., 6th April 1960?

2. Do you agree with the definitions contained in clause 2 of the Bill in general and in particular, in respect of "family", "personal cultivation", "limited owner", "intermediary", "Inam land" and "land"?

3. Do you consider that "intermediary" as defined in clause 2 (15) brings within its scope all classes of intermediaries?

4. Do you agree with the definition of a "standard acre" in clause 2 (33) and the different classification of land to make up a standard acre as defined therein? If not, what is the classification which you desire to adopt in the definition of a standard acre?

5. What is the rational ground upon which the extent of land held by a person should be fixed?

6. Do you agree to the ceiling being fixed on the basis of extent of land held by any person? If not, what other method will you suggest?

7. Do you agree to the ceiling being fixed at 80 standard acres per family consisting of not more than five members as provided in clause 4 with an addition of 5 standard acres for every member in excess of five, subject to a maximum of 60 standard acres for a family? Have you any comments to make on the proviso to clause 2 (9)?

8. Do you think that a ceiling should be fixed on the land held by an individual only and that the undivided family need not be a unit for the fixation of ceiling?

9. Do you agree that all the properties held by the members of the family should be taken into account for the purpose of fixing the ceiling area?

10. Have you any comments to make with reference to Explanation II to clause 4 (3)?

11. (a) Have you any comments to make about the property held by a widow in her own name and whether it should be included in the family property for the purpose of fixing the ceiling area or whether it should be dealt with separately?

(b) Do you consider that any special provision should be made with reference to the property held by a widow in an undivided Hindu family?

12. Have you any comments to make about "stridhana land" held by a woman? Do you consider that this should be included in the family property for fixing the ceiling area? If not, what do you think will be the best method to deal with the stridhana property with reference to the family to which she belongs?

13. What is your opinion about proviso to clause 5? Is it necessary? If so, whether the extent of half an acre and one acre is proper?

14. (a) Do you consider that the time-limit of 90 days allowed is sufficient for the purpose of filing a return containing the particulars mentioned in clause 6? Do you wish to add any other particulars to that list?

(b) Whom do you consider to be the proper person to file the return in the case of an undivided Hindu family? Do you consider that any distinction should be made between cases where the manager files the return in respect of the family owning the undivided Hindu family property and cases in which there are undivided Hindu family properties as well as self-acquired properties owned by some or all the members of the family?

15. Do you consider that the landowner should be given the absolute right to choose the lands to be held by him within the ceiling area, or do you consider that the authorized officer should have a voice in that matter with a view to secure easy and convenient enjoyment of the area that is declared as surplus?

16. (a) Do you consider that the time-limit of 60 days allowed in clause 8 (2) for preferring objections to the draft statement regarding surplus land is sufficient?

(b) Do you consider that the "authorized officer" should have a discretion to extend the time for filing objections, and if so, is the time-limit of 30 days sufficient?

17. Have you any comments to make about the procedure laid down in the Bill that has to be followed by the authorized officer before declaring any land as surplus land under clause 8? If not, have you any suggestions to make for improving the same?

18. What are your views about the vesting of surplus land held by a limited owner? Do you think that it can vest in the remainder man immediately? Do you consider that the remainder man should not get the absolute interest in the surplus land held by a limited owner? If so, what is your alternative for the disposal of the surplus land and for the preservation of the compensation amount awarded for the surplus land during the life-time of the widow?

19. What are your views in respect of lands held by an usufructuary mortgagee in cases where such land is declared to be surplus land? What safeguards will you suggest to secure the mortgage money to the mortgagee? Do you think that the authorized officer will be competent to deal with questions that may arise on this matter? If not, who will be the proper person to deal with such questions?

20. (a) Do you agree that any land held by a tenant in excess of his ceiling area should revert to the land owner if he is otherwise competent to hold the land as within the ceiling area?

(b) Have you any comments to make about the apportionment of the compensation for the tenants interest that vests in such land owner under clause 11 (1)?

21. Do you consider that the time-limit of 60 days allowed to a person under clause 12 (4) for claiming interest in the surplus land notified for acquisition by the Government is sufficient?

22. What are your views about the composition and functions of the Land Board? Have you any suggestions to make on this matter?

23. Do you think that the Land Board should be given powers to permit registration of sale deeds after the commencement of the Act in genuine cases where lands have been already sold and sale deeds alone remain unregistered?

24. What according to you should be the principle of compensation payable for the surplus land acquired by the Government? Do you agree that the compensation payable for the surplus land acquired by the Government as calculated in the manner prescribed in Schedule III to the Bill is adequate?

25. Do you think that compensation should be on the basis of market value or on any other basis?

26. Do you agree to the payment of compensation on an uniform basis instead of on slab basis?

27. Do you think that the landowners themselves should be allowed a particular time to dispose of the surplus lands instead of the Government acquiring them?

28. Have you any suggestions to make about the procedure prescribed for the purpose of publishing the draft compensation assessment roll and the final compensation assessment roll? Do you wish any modifications to be made, and if so, how? What is the alternative method that can be adopted? Clear and concise views on this point will be appreciated.

29. Do you think that the time-limit fixed in clause 26 (2) for preferring objections in regard to any entry in the draft assessment roll is sufficient?

30. Have you any comments to make about the provision in clause 27 regarding the manner and the method of payment of the compensation amount? If not, what is the alternative that you will suggest?

31. Do you agree that the authorized officer may settle the claim of a mortgagee or charge holder on a surplus land for the compensation amount payable in respect of that land with a right of appeal to the aggrieved party to the Land Tribunal? If not, have you any alternative suggestion to make on this subject?

32. (a) Do you agree that the compensation under clause 29 payable to tenants who are in possession of the surplus land after the land is declared as surplus, is adequate?

(b) Do you consider that the apportionment of the compensation as between the tenant and the intermediary secures their respective interests?

33. What are your suggestions for preventing alienations to defeat the purpose of the Act?

34. Have you any suggestions to make on the question of penalty provided in clause 31?

35. Do you agree to the provision in clause 32.

36. (a) Do you agree to the provision in clause 33 and, if so, whether the provision is sufficient?

(b) Do you agree that registration of documents in respect of transfer or partition should take effect only from the date of registration as provided in clause 33 (2)?

37. Do you agree that sub-clause (2) of clause 33 offends the provisions of the Registration Act?

38. (a) Have you any comments to make on the provisions in Chapter VI regarding the constitution and functions of the Sugar Factory Board?

(b) Have you any comments to make on the provisions relating to the Sugar Factory Tribunal?

39. (a) Do you agree that there should be ceiling in respect of land held by religious institutions and charitable trusts?

(b) Do you consider that the ceiling of 200 standard acres will be adequate?

(c) Should there be a ban on future acquisition by religious and charitable institutions? If so, what are your suggestions?

40. Have you any suggestions to make on the subject of apportionment mentioned in clause 44?

41. Do you agree to the tasdik allowance, payable to trusts for a public purpose of a religious or charitable nature, for the surplus lands acquired from them, being calculated as prescribed in Schedule V to the Bill?

42. Do you agree to the provision in clause 45 (2) and (3) regarding the payment of tasdik allowance in cases where the surplus land of a trust for a public purpose of a religious or charitable nature is held by an individual on condition of rendering service to the trust?

43. What are your suggestions regarding inam lands?

44. Do you agree to the provisions in clauses 51 and 52?

45. Do you agree to the provisions for the determination of compensation for inam lands acquired by Government as contained in Schedule VI to the Bill?

46. (a) Do you consider that this Bill should be confined only to the fixation of a ceiling limit and that it should not contain any provision relating to the tenancy, etc.?

(b) Do you consider that there should be a separate Act to amend and consolidate the law relating to tenancy?

47. Do you think that it will be proper and just that the landowner should be free to enjoy the land retained by him after the fixation of ceiling according to his discretion either on personal cultivation or on tenancy?

48. (a) Do you agree that there should be some disqualification as prescribed in clause 57 before the landowner is allowed to resume land for personal cultivation? Do you consider that the limit of 5 standard acres as provided in this clause will be reasonable extent that a land owner can resume for personal cultivation?

(b) Do you suggest any alteration to the years 1956-57 and 1957-58 referred to in clause 57?

49. Do you agree that a tenant in possession of land not resumed by the landowner for personal cultivation and who is not subject to the disqualifications contained in clause 58 (1) should continue to remain in the land for his life-time?

50. Do you consider that any limitation should be imposed on a tenant or a lessee with reference to the land that he should be in possession for cultivation and, if so, what will be the reasonable limit?

51. If you agree for limiting the land that a tenant or a lessee can reasonably cultivate, what is your suggestion about the disposal of the surplus land found to be in his possession?

52. Do you think that the landowner should be allowed to resume the excess land or that it should be distributed to new tenants? Who should be the proper authority for choosing those new tenants?

53. Do you consider that a landowner who resumes five acres of land for personal cultivation should be allowed to take additional land on lease from other persons? If so, what according to you, will be a suitable limit for the land to be taken for cultivation on lease?

54. Do you agree to the provision in clause 59?

55. Do you agree to the provision in clause 61 for the restoration of possession to a tenant of a land from which he has been evicted in contravention of the provisions in clauses 57, 58 (1) and 59?

56. Have you any comments to make on the provisions regarding Kudiyruppus contained in Chapter X?

57. Have you any comments to make on the exemptions provided in clause 69?

58. Should Educational and Research Institutions and Institutions for Medical Relief also be brought within the Act?

59. Do you consider that any exemption should be given to the well-managed farms?

60. Do you consider that any land in any hill-area should be exempted from the operation of the Act under clause 69?

61. Do you consider that any land should be exclusively set apart for grazing purposes and, if so, do you agree to the provision in clause 70?

62. Have you any comments to make on clauses 73 to 78?

63. Do you agree to the penalty provisions in clauses 79 to 82?

64. Do you consider that the persons to whom the Government should show a preference when disposing of the surplus land should be indicated in the Bill itself and, if so, do you consider that the preferences indicated in clause 84 (2) (a) are sufficient? If not, who are the other categories of persons that should be indicated?

65. Do you consider that the manner and method of the disposal of the surplus land acquired by the Government should be specified in the Bill itself, or whether it is sufficient if rules are framed for that purpose under clause 84?

66. What are your comments with regard to the provisions in clause 85?

67. Do you agree to the Court-fees for suits, appeals, applicants, etc., fixed in clause 97?

68. Have you any suggestion to make regarding the hill-areas to be included in Schedule I?

69. Are you aware of any leasenoid village, other than those mentioned in Schedule II, which should be included in that Schedule?

70. Do you agree to the constitution of various Boards and Tribunals under the Bill?

71. Do you consider that fixation of ceiling is necessary and beneficial to the increase of production and to the progress of cultivation or whether it is likely to increase further fragmentation of holdings in the agricultural sector?

72. Have you any further comments to make on the Bill?



## APPENDIX II.

### DISSENTING MINUTES.

(1)

The Bill as it stands cannot achieve the object, i.e., reducing the glaring inequalities in the ownership of agricultural land. Knowing that such a Bill is going to be introduced in the Assembly all the big land owners have already made binami transaction. Now in most of the cases many ownerships of the lands are shown in the records only but actually the lands are under the same owner as it was before. Even if this Bill come into force, surplus lands will not be available as expected by Government. So in order to achieve the object of this Bill and to encourage the policy of Socialist Pattern the following changes should be made in the Bill.

The Bill should be given effect to from 1952. Ceiling should be fixed in respect of the income from other industries also. Each individual in a family might be allowed to have three acres subject to a maximum of 24 acres for the family. Stridhana lands of women might be restricted to three acres. Ceiling should be fixed on the basis of income. The clause relating to prevention of resumption of land for personal cultivation by those who were paying profession-tax and sales-tax should be retained. In respect of those already having lands for personal cultivation, the extent of lands might be limited to 5 acres. Those absentee-landlords getting a monthly income of Rs. 300 and above need not be allowed to have any land. In the case of those getting less than Rs. 300 they could be allowed to own lands to the extent of the income from the land plus the income that they were getting from other occupations, not to exceed Rs. 300. In the matter of giving jobs, children of agriculturists, Kaiyeruvaramdars, and mattuvaramdars should be shown preference. The surplus lands should be cultivated through Co-operative Farms. Compensation should be paid on the basis of the Agricultural Income-tax Returns. The land belonging to educational institutions should be taken over by the Government. No lands should be exempted from the Bill. The Fair Rent Act and the Tenants' Protection Act are not properly implemented. The Government should prepare a list of lands with the names of agriculturists who are cultivating them. The Kaiyeruvaramdars Protection Act should be extended to North Arcot district also.

In the proposed Land Board and Land tribunal, only those officers who did not own any land should be members. If those officers who owned lands were appointed as members, they would show some partiality towards landed persons.

Though the Constitution do not allow to fix ceiling for the temples and mutt's lands, the Central Government may be requested to amend the Constitution so as to fix ceiling to these lands also.

In respect of "kudiviruppu", separate legislation should be brought along with this Bill as promised to the Committee.

KALAMBUR,  
14th August 1961.

S. M. ANNAMALAI,  
Member, Legislative Assembly.

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நமது நாட்டின் நிலவுடமை முறை அசமத்துவமானதாகவும், அநீதியானதாகவும் உள்ளது. விவசாயிகள் எனப்படுவோரிடையே இன்று பல்வேறு பிரிவுகள் நிலவுகின்றன. குத்தகைவாரச் சாகுபடியாளர், விவசாயக் கலிகள் என்ற பேதத்துடனின்றி நிலவுடைமையிலும் பலவித பாகுபாடுகள் உள்ளன. மிகச் சிலர் கையில் மட்டும்—சாகுபடியே செய்யாதாரிடையே—பல்லாயிரக் கணக்கான ஏக்கர்கள் நிலமும் அதே நேரத்தில் நிலத்தில் இறங்கிப் பாடுபடும் பல்லாயிரக்கணக்கானோர் நிலமற்றவர்களாகவும், போதிய வருவாய் அற்ற நிலமுடையவர்களாகவும் இருக்கும் நிலை. இது சமுதாயத்தில் அந்தஸ்தற்றவர்களாகவும், அடிமைகளாகவுமான ஒரு சமூகத்தையே கூட ஏற்படுத்தியுள்ளது. இதன் காரணமாக உற்பத்தியில் உற்சாகம் குன்றி உணவு தானியங்களின் உற்பத்தி குறைந்து, கிராமாந்திரப் பொருளாதார வளர்ச்சி பாதிக்கப்படுவதோடு நாட்டின் தொழில் முன்னேற்றம், வாங்கும் சக்தி வளரப் பெற்றிராத உள்நாட்டு சந்தையால் பெரிதும் தடைபடுகிறது.

எனவே, நாட்டின் முன்னேற்றக் கருதியும்; சமுதாயத்தின் பெரும் பகுதியினரான மக்களுக்கு நியாயம் வழங்க வேண்டியும் நிலவுடைமை முறையைத் திருத்தியமைக்க வேண்டியுள்ளது. நாம் சோஷலிசத்தை இன்று இலட்சியமாகக் கொண்டுள்ளோம். நிலச்சீர்திருத்தம், தொழில் முன்னேற்றம், சோஷலிசம், இவையனைத்தும் இன்று எல்லோராலும் ஏற்றுக் கொள்ளப்படுபவையாகி விட்டன.

இந்த மசோதாவின் நோக்கம் (Preamble) முன்னுரையில் கூறப்பட்டுள்ளது. முன்னுரையில் கூறப்பட்டுள்ள நோக்கத்தை மசோதாவின் உள்ளே நாம் எந்த அளவுக்கு நிறைவேற்ற முயற்சித்துள்ளோம் என்பதைப் பார்க்கும்போது வருந்த வேண்டியுள்ளது.

நில உச்ச வரம்பு.—தங்களுடைய சொந்த உழைப்பினால் ஐந்து பேரடங்கிய ஒரு குடும்பம் 5 ஏக்கர் நிலமே சாகுபடி செய்வது சாத்தியம் என்பது எல்லோராலும் ஏற்றுக்கொள்ளப்படுகிறது. எனவே, 5 ஏக்கர் நிலத்தையே நாம் ஒரு economic holding என்று கொள்ளலாம். மேலும், திட்டக் கமிஷன் ஐந்து பேரடங்கிய ஒரு குடும்பத்திற்கு ஆன்டொன்றுக்கு ரூ. 3,600 வருவாய் போதும் என்று ஆலோசனை கூறுகிறது. 30 ஸ்டாண்டர்ட் ஏக்கர் என்று நாம் உச்ச வரம்பு நிர்ணயிப்பது வருவாய் அமிதமாகவும் economic holding ஐப் பலமடங்கு கூடுதலாகவும் ஆகுகிறது. இது எக்காரணத்திற்காக நில உச்ச வரம்பு நிர்ணயிக்கப்படுகிறதோ அந்தக் காரணத்தை, நோக்கத்தை நிறைவேற்ற உதவப் போவதில்லை. இதன் மூலம் நாம் எதிர்பார்க்கும்ளவிற்கு நிலமற்றவர்க்கு நிலமளிக்க உபரி நிலம் கிடைக்காது. மீண்டும் விவசாயத்தில் ஏற்ற தாழ்வான நிலையே தொடர்ந்து நிலவப் போகிறது. பலர் 30 ஸ்டாண்டர்ட் ஏக்கர் நிலங்களை ஏற்கனவே நிலச் சொந்தக்காரர்கள் பாகப்பிரிவினைகள் மூலமாகவும் 'பிளூரி' பத்திரங்கள் மூலமாகவும் செய்து கொண்டுள்ளனர்.

எனவே 30 ஸ்டாண்டர்ட் ஏக்கர் என்று நிர்ணயிப்பது அதிகமாகும். உயர்ந்த பட்சம் மூன்று மடங்கு economic holdings ஒரு குடும்பம் வைத்துக் கொள்ளலாம் என்பதே தற்போதைய சூழ்நிலையில் நியாயமாகும். அதாவது 15 ஸ்டாண்டர்ட் என்று உச்ச வரம்பு கட்டுவதே நிலப்புனர் விநியோகம் பயன்தரத்தக்கதாகும்படியான வழியாகும்.

விலக்குகள்.—(1) மத்தியம் ஸ்தாபனங்கட்கும், இதர பொது நலனுக்கான ஸ்தாபனங்கட்கும் மசோதா விலக்களிக்கிறது. இதன் மூலம் பல பெரு நிலச்சொந்தக்காரர்களும் தங்களின் உபரி நிலங்களைக் காப்பாற்றிக் கொள்ளவும் பரம்பரையாக இவற்றின் மறைவில் இருந்து வரும் ஒரு கூட்டம் தொடர்ந்து சுரண்டுவதற்கும் வகையேற்படுகிறது. இந்த நிலங்களில் பாடு

பட்டு வரும் பல்லாயிரக்கணக்கான விவசாயிகளுக்கு எந்தக் காலத்திலும் நிலங்கிடைப்பதற்கான வழியே இல்லாது போய் விடுகிறது. ஏன் இவற்றிற்கு விலக்களிக்க வேண்டுமென்பதும், இப்படியே விலக்களித்து விட்டால் உபரி நிலம் எங்கே கிடைக்கப்போகிறது என்பதும் புரியவில்லை. மத ஸ்தாபனங்களுக்கு சொந்தமாயிருக்கும் நிலங்களை சர்க்காரே எடுத்துக் கொண்டு நிலங்களின் நிகர வருவாயைக் கணக்கிட்டு ஆண்டு தோறும் Tasdik Allowance ஆகக் கொடுத்து விடலாம். இப்படிச் செய்வதில் சட்டம் குறுக்கிடுமானால் அச் சட்டத்தைத் திருத்த நாம் முயற்சிக்க வேண்டும். அதற்காக சீர்திருத்தத்தைக் குறைத்துக் கொள்ளக் கூடாது.

(2) சர்க்கரை ஆலைகளுள் சொந்தமான காரம்புத் தோட்டங்கள், மலைத் தோட்டங்கள், பழத்தோட்டங்கள், பாக்குத் தோட்டங்கள், மேய்ச்சல் வெளிகள் ஆகியவற்றின் பேராலும் விலக்களிக்கப்படுகிறது.

நாம் தஸ்தாவேஜ் பூர்வமாக நிலவுடமைக்கு வரம்பு நிர்ணயிக்கிறோம் என்பது தவிர, மசோதாவின் ஆரம்பத்தில் சொல்லப்பட்டிருக்கும் நோக்கத்தை மிகக் குறைந்த அளவு கூட நிறைவேற்ற முயற்சித்துள்ளோம் என்று இதனால் ஏற்றுக் கொள்ளுவதற்கில்லை.

எனவே, இத்தகைய ஸ்தாபனங்கட்கும், தோட்டங்கட்கும் விலக்களிக்கக் கூடாது என்று வற்புறுத்த விரும்புகிறேன்.

நஷ்ட ஈடு.—சர்க்கார் எடுத்துக் கொள்ளும் உபரி நிலங்கட்கு நஷ்ட ஈடு ஆண்டொன்றுக்குக் கிடைக்கும் நிகர வருவாய் அடிப்படையில் பல மடங்குகளாக நிர்ணயிக்கப்படுகிறது. இவ்விதம் வருவாய் நிர்ணயிப்பதில் குளறுபடிகள் தான் ஏற்படும். சில விடங்களில் நியாயமான நஷ்ட ஈடு கிடைக்காமலும் மற்றும் சிலவிடங்களில் கூடுதலான தொகை கிடைப்பதிலும் இது கொண்டு போய் விடும்.

எனவே, இந்த நஷ்ட ஈடு நிலச் சீர்திருத்த அடிப்படையைக் கொண்டதாக இருக்க வேண்டுமென்று கோருகிறேன்.

நஷ்ட ஈடு அளிக்கும் முறை.—அத்துடன் நஷ்ட ஈடு அளிக்கும் முறையிலும் மாறுதல் இருக்க வேண்டும். தொழில் வளர்ச்சியில் ஈடுபடுவோருக்கு உற்சாகமளிக்கும் முறையில் தொழிலில் முதலீடு செய்ய முன்வரும் நஷ்ட ஈடுதாரருக்கு முழுத் தொகையையும் அளித்து விட வேண்டும்.

சொந்தச் சாகுபடிக்கு எடுத்துக் கொள்ளுதல்.—எந்த ஒரு நிலச் சொந்தக்காரரும் மசோதாவின்படி 5 ஏக்கர் சொந்த சாகுபடிக்கு குத்தகை-வாரதாரரிடமிருந்து மீண்டும் எடுத்துக் கொள்ளலாமென்று அனுமதிப்பதானது ஆயிரக்கணக்கான விவசாயிகளை நிலத்திலிருந்து வெளியேற்றுவதிலும், புதிய தகராறுகளை சிருஷ்டிப்பதிலும் கொண்டு போய் விடும். இந்த மாதிரி ஒரு பெரும் பிரச்சனை ஏற்படாது தடுக்க, அநாவசியமான கிளர்ச்சிகளும் சட்டத் தகராறுகளும் புதிதாக ஏற்படாமல் தடுக்க நிலத்தை எடுத்துக் கொள்ளும் போது அந்த நிலச் சொந்தக்காரர்கள் மூன்றிலொரு பகுதியையாவது குடியானவர்கள் வசமிருக்கும்படியாகச் செய்வது நல்லது.

அமுலாகும் தேதி.—நிலச்சீர்திருத்தம் பற்றி 1952-ல் நடைபெற்ற முதல் பொதுத் தேர்தல் காலத்திலேயே பேசப்பட்டது. ஒவ்வொரு சாராரும் நிலச்சீர்திருத்த சட்டம் கொண்டு வரப்படும் என்று பேசினர். அன்றிலிருந்து நிலச்சொந்தக்காரர்கள் விழிப்புடனிருந்து சட்டம் வரப்போவதை அறியாததுப் பலவித தில்லுமுல்லுகள் செய்யத் தலைப்பட்டார்கள். பலவித 'பிழை' சர்ச்சைப் பத்திரங்கள் இன்னும் பல தந்திரங்கள் செய்து தங்களது உபரி

நிலங்களை பாதுகாத்துக் கொள்ளும் முயற்சியில் இறங்கி விட்டார்கள். இந்த கடந்துபோன ஆண்டுகளில் ஏற்பட்ட நில வெளியேற்றங்களின் தொகையைக் கணக்கிட்டாலே ஒருவாறு புரிந்து கொள்ள முடியும்.

எனவே, இம்மசோதாவை 1952-ம் ஆண்டிலிருந்து அமுலுக்கு வரும்படி செய்ய வேண்டும்.

இம்மசோதாவில் குடியிருப்பு மனைக்கட்டுப் பிரச்சையும், சிதறுண்ட நிலங்களை ஒன்று சேர்த்தல் பற்றியும் எதுவுமே காணப்படவில்லை. இன்று விவசாயிகளை எதிர் நோக்கியுள்ள பெரும் பிரச்சனை குடியிருப்பு மனைக்கட்டாகும். பெரு நிலச்சுவான்கள் இம்மாகிரி இடங்களில் ஒன்று வெளியேற்றப்படுகிறார்கள் அல்லது அவ்விடங்களை விற்பனை செய்திருக்கிறார்கள். எனவே, அப்படிப்பட்ட விவசாயிகளுக்கு குடி யிருக்க மனைக்கட்டு ஆர்ஜிதம் செய்து தர வேண்டியது சர்க்கார் பொறுப்பாகும். பரம்பரை பரம்பரையாக குடியிருந்துவரும் இடத்தை விட்டுப் போவது என்பது விவசாயிகளுக்கு தாங்கொணாததாகும்.

அதேபோல் பலதிக்குகளிலும் சிறிது சிறிதாக சிதறுண்டு கிடக்கும் நிலங்களில் விவசாயிகளால் தீவிர முறையில் சாகுபடி செய்வது சிரமமாயுள்ளது. எனவே, அவர்களுக்கு சிதறுண்டு கிடக்கும் நிலங்கட்டு நடவடிக்கை ஓரிடத்தில் அதே அளவு நிலத்தை ஒன்று சேர்த்துக் கொடுக்கும் பொறுப்பை சர்க்கார் எடுத்துக் கொள்ளவேண்டுமென்றும் கேட்டுக் கொள்ளுகிறேன்.

A. R. MARIMUTU,  
Member, Legislative Assembly.

(3)

I consider that the very principle of imposing a ceiling on land holdings is wrong and unfair. If we do not resort to quibbling, it has to be conceded that a ceiling on land holdings is virtually a ceiling on income. No doubt a ceiling on land holding may not be absolutely fixed in terms of Rupees and naye Paise and the actual income from the 30 standard acres of land may vary within certain limit depending upon the quality of the land, the nature of the crop and industry of the agriculturists. But this does not mean that income of such a person is not limited by the statute. It is wrong in principle to impose such a ceiling on income in any one sector. It is not fair to the person who devotes his whole attention and life to the task of producing food for the country. None of the reasons given in the preamble is convincing. Article 39 (b) and (c) of the Constitution of India quoted in the preamble does not apply to the agricultural sector in particular. As regards the statement that it is necessary to acquire the agricultural land in excess of the ceiling area and distribute such lands to the landless and other persons among the rural population, there is absolutely no evidence to show that such excess land will satisfy even a very small fraction of the landless and other persons among the rural population and the task undertaken is therefore bound to produce more dissatisfaction. As regards the statement that the proposed ceiling will increase agricultural production, there is absolutely no evidence to show that this object will be achieved. Considering the fact that over 90 per cent of the land is now held by persons who hold less than the area of the proposed ceiling, if production can be increased by making the holdings small, it would have already been increased, as the small

percentage of the area held by those who have more than the proposed ceiling cannot affect the total production materially. There may be a few cases of owners of big holdings not producing the maximum possible foodgrains from their lands, but there are a much larger number of tenants as well as owners of small holdings producing much less than the neighbouring owner of a big holding. In some cases it may be due to want of adequate resources but what this legislation proposes to do is to place more lands in charge of persons who do not have and who are not likely to have adequate resources. Production is therefore, likely to suffer and not improve. Apart from all these considerations, the one great disservice which the proposed legislation will render is to take away intelligent and enterprising farmers from the villages and induce them to migrate to the cities, where their earnings will not be subject to any ceiling. This will result in taking away from the villages those ryots who try out new methods and set the pace for other ryots to follow. The Government may try to remedy this by increasing the strength of the officers of the Agricultural Department, but anyone who has had intimate knowledge of the financial result of the working of Government Seed Farms will know what those who have no personal interest in cultivation are capable of. It is a great pity that while advanced countries think only in terms of the minimum area required for farming, the ruling party which is also aiming to make the country advanced should think in terms of a ceiling on land-holdings. While I object to the entire legislation on the above grounds, I also offer the following remarks on some of the provisions of the proposed legislation as I am certain that my general remarks are not likely to be given any consideration by the Government, which depends more on its steam-roller majority than on reason for carrying through their pet ideas.

(1) *Ceiling.*—While the imposition of a ceiling on land-holdings results in invidious and unfair treatment to those engaged in the most important food producing sector, the method adopted will result in great disparity even amongst those who are affected by the ceiling. For example, a ryot who owns 900 acres of rain-fed dry land in Chingleput district worth about Rs. 2,70,000 yielding an annual net income of about Rs. 10,800 per annum, will be allowed to retain 90 acres with a net income of about Rs. 1,080 per annum. For the balance of 810 acres, he may get a compensation of Rs. 1,29,600 (12 times the net annual income) against the market value of Rs. 2,43,000 (at Rs. 300 per acre). Another man who owns 90 acres dry-land with sub-soil water fit for sugarcane cultivation in Villupuram taluk, worth Rs. 2,70,000 (at the present market value of Rs. 3,000 per acre) can continue to hold the entire 90 acres and enjoy a substantially higher income per annum. In any case, he need not part with his property for about 50 per cent of the market value of his property like the other man who owns a large area of less valuable land. Thirty acres of the best irrigated wet land is worth about Rs. 1,50,000 and it will be more rational to fix the ceiling as land worth Rs. 1,50,000 at the present market rate.

(2) (i) The definition of cultivating tenant in clause 3 (10) includes his heirs. It is not clear whether the heirs have also to be cultivating tenants. The exclusion of intermediaries in the last portion of the clause does not appear to affect the heirs of a cultivating tenant.

If a cultivating tenant of 2 acres has ten sons, has each son a right for the partition of the 2 acres at 20 cents each and is the owner or the land expected to deal with the ten sons?

(ii) Clause 3 (42) defines "standard acre". Only lands assessed to land revenue of Rs. 15 and above should be taken as the basis standard acre should mean one acre of this land and the scale fixed in other items in the sub-clause should be increased proportionately.

(3) *Compensation*.—The compensation has been fixed as 9 to 12 times the net income. If the surplus land is required for a public purpose as stated in the Act, there can be no justification for paying less than the market value. To pay less than the market value amounts to expropriation of the difference in value and there is no reason why one type of property owner should be selected for an expropriatory measure. The compensation can be left to be fixed under the normal law on the subject, viz., the Land Acquisition Act.

(4) Clause 10 (3) requires the authorized officer to allow the owner that part of his land which is capable of easy and convenient enjoyment, if the owner had failed to specify what land he proposes to retain. In the case, however of the owner who specifies what land he proposes to retain under the last proviso to clause 10 (4), the convenience of the owner can be ignored and the test of easy and convenient enjoyment is to be applied to the surplus land. For example, a piece of land near the residential part of the village can be declared as surplus land.

(5) Under clause 18 (3), all trees, buildings and machinery in the land which have been declared to be surplus vest in the Government from the date of publication of the notification under clause 18 (1). In view of clause 10 (4), the authorized officer can declare the land with trees, a pumphouse and a pumpset to be surplus as it is capable of easy and convenient enjoyment though the owner wanted to retain the land for himself. Again, there may be a crop on the land and he may be using a diesel engine and pumpset for irrigating it on the date of declaring the land as surplus. In such cases, if the owner takes away the pumpset and even cuts and removes a tree required for personal use, is it a crime and should he be fined up to Rs. 1,000 and sent to prison for one year? Again, is the owner expected to maintain some watchmen on shift duty for the safety of the trees and the pumpset till the authorized officer chooses to take possession of the land at any time after the publication of the notification under section 18 (4)?

(6) Clause 20 provides that if land is transferred to a person which has the result of increasing his holding to more than the ceiling, he should meet all the commitments in respect of the transaction but the land will become the property of the Government. There is no justification for this. The Government can acquire the land as in the case of other surplus land and he can be fined subject to a prescribed limit. This clause can cause undue hardship in some cases. For example, a person might have advanced Rs. 10,000 on the mortgage of 10 acres of land and if he finds no other means of recovering the money, the lands may be brought to auction through a civil suit. The lands may be worth Rs. 12,000 but due to a combination of

bidders, the highest bid may not exceed Rs. 5,000. In such a case, the normal procedure is for the mortgagee to bid in the auction with Court's permission. If he does so with the intention of selling the land in excess of the ceiling, he will have to pay the money but the land will vest in the Government under clause 20.

(7) *Resumption of land for personal cultivation*.—A land owner on whose lands ceiling is imposed should be permitted to resume for personal cultivation at least half of the ceiling area if not the whole. After having restricted the extent of his ownership it is not justifiable to deny him the exercise of full right on his land up to ceiling limit.

(8) (i) *Exemptions*.—Efficiently managed farms should be exempted. This principle has been accepted by the Planning Commission.

(ii) Clause 70 (viii) of the Bill exempts land used exclusively for growing fuel trees on the date of commencement of the Act, viz., 6th April 1960. Some lands are ordinarily used only for growing fuel trees and there is no reason why any such land should not be exempted merely because there were no such trees on the land on 6th April 1960. For example, casuarina might have been cut a few days earlier and it will naturally take some time before it is replanted. It is not fair to deny exemption in such cases. The exemption may be made to cover all land normally used for growing fuel trees.

(9) Provision should be made for the consolidation of holdings.

(10) The Act should take effect only from the date of passing of the Act as is usually done. There is no reason for giving retrospective effect to the Act from 6th April 1960.

(11) Compensation should be paid in cash in a lump immediately after the lands are taken over.

(12) The above are only some examples and I have given them only to show that this legislation will solve practically no problems but will create many problems. I strongly object to the proposed legislation.

MADRAS,  
16th August 1961.

V. K. RAMASWAMY MUDALIYAR,  
Member, Legislative Assembly.

(4)

The preamble claims that this Bill seeks to reduce the disparity in the ownership of agricultural land leading to the concentration of such land in the hands of a few persons.

It is also claimed that this is a measure directed against concentration of wealth and means of production to the common detriment of the community.

No doubt, the preamble proclaims high ideals, quoting some of the provisions of the Constitution relating to the Directive Principles of the State Policy.

The question of land-reform is not an ideological one. It is a national question, concerning the problem of feeding the nation and raising the stature of the common man.

That is why the slogan of "Land to the Tiller", was raised on the banner of our national movement from the early years. The realization of the objectives for which our national movement had stood would be far from achievement, so long as the hold of the feudal land-owners on the lands, is not eliminated and the millions of toiling peasants liberated from their clutches. Such a reform is indispensable for the very re-generation of our national economy and for the democratic re-construction of our Society.

Even for the unfettered improvement of agriculture such a reform is essential. That is why the Planning Commission has laid emphasis on the re-organization of agrarian structure and accepted the same as part of the Plan.

Although the two Plans have laid great emphasis on the need for increasing agricultural production, it has not been possible to achieve the targets in full in that sphere.

The total outlay on agriculture, community development and irrigation, amounted to Rs. 1,551 crores during the period of ten years of the First and Second Five-Year Plans.

The net area irrigated is estimated to have increased from 51.5 million acres in 1950-51 to about 70 million acres in 1960-61.

The mechanical and improved methods of cultivation have expanded considerably.

About 4,000 State Seed Farms have been established all over the country.

The use of chemical fertilisers and other local manure has increased to phenomenal extent.

In spite of these remarkable advances, the production targets have not been fully realised, according to official statement itself. The progress in per acre average also is very slow.

These facts show that the progress of our agriculture has not been far enough and it threatens to reach a point of stagnation.

One of the chief reason for this slow progress, is the halting and dilatory manner in which the directives of the Planning Commission, on the question of land reforms, have been carried out.

After all, the measures suggested by the Planning Commission are by no means revolutionary. They fall far short of making the tiller of the soil, the owner.



The suggestions of Planning Commission consist only of measures to abolish intermediaries (such as zamindars, jahirdars, inamdars) protection and improvement of tenancy rights and the imposition of Ceiling of land-holdings.

These measures have been on the anvil in our State since 1955, when the Cultivating Tenants Protection Act entered the Statute book, seeking to protect the tenants against eviction.

Next is the Fixation of Fair Rent Act, seeking to fix the tenants' share at 60 per cent of the produce.

Another measure was the Tiruchi Kaieru and Mattuvaram Act, seeking to provide some limited rights to Kaieru and Mattuvaram tenants in a few villages in Tiruchi district.

These legislations contained very vital loop-holes. The land-owners took advantage of the legal loop-holes; to drag the tenants to courts, and tire them out by endless litigations. Where the tenants are organised, the eviction is taking place through law courts and the police. Where the peasants are not organised, the landlords themselves are evicting directly, with the help of rowdy elements.

No wonder evictions have taken place on an unprecedented scale in this period, despite these legislations on the Statute Book.

A large tract of inam areas have been left out of the purview of the 1948 Estates Abolition Act. The loopholes in that Act also were such, that a large number of ryots lost their lands. A large number of inam ryots are on the verge of losing the lands which they have been cultivating for generations.

On the crest of all these has come this so-called Land Ceiling Bill. If this Bill is passed, as recommended by the majority of the Select Committee, it would be a hoax on the Planning Commission, and would throw overboard the promises made to the people. I give below the reasons:—

(1) *Ceiling area.*—(a) Clause 5 seeks to fix the Ceiling area at 30 standard acres. The provisions of this clause are so framed that every individual member of a Hindu family including minor children would be able to own 30 standard acres per head provided the partition deed has been drafted on stamped papers before 6th April 1960.

The ceiling area should be clearly fixed as applicable to a family of not more than five persons. Each person in a family should not be entitled to claim separately up to the ceiling area.

(b) Further the ceiling area fixed is very liberal and should be reduced to 15 standard acres for a family of not more than five persons. For every member of the family above five persons, a further 2 standard acres per head may be allowed, subject to a overall maximum of 25 standard acres for a family and not more than that for any family.

(c) The family should be defined so as to include only the husband, wife, minor children and unmarried adult children, thereby providing for recognising only genuine partitions and for rejecting partitions which have been made for the purpose of evading the Land Ceiling Bill.

(d) The way in which the family is defined, would give rise to anomalous differences between those covered by Hindu Law and non-Hindu families. Whereas every member of a Hindu family irrespective of age would be entitled to own the full extent of the ceiling area, the non-Hindu families could not have this advantage.

This anomaly is sought to be mitigated by providing for separate property by an individual member up to 10 acres in addition to the family ceiling, *vide* sub-section (4) of section 5. This clause also gives protection to stridhana properties of women members of a family. This provision for separate property although found necessary to remove the anomaly in respect of non-Hindu families, but in effect, would only help Hindu families to raise the ceiling area.

So the ceiling area of 30 standard acres would only remain a myth in so far as those covered by Hindu Law. In the case of non-Hindu families the ceiling in would be 60 standard acres.

Clause 5 of the Bill and the definition of 'family' in (14) of clause 2, are so ingeniously framed, that no land-owner whether Hindu or non-Hindu would be affected. That Act would only remain paper tiger, when it relates to land-owners; but more ferocious than real tiger when it applies to cultivating tenants.

(2) *Definition of standard acre.*—The definition of the standard acre has been further liberalised by the Select Committee. The ceiling area would range from 30 to 120 acres, based on the assessed land revenue, as recommended by the Committee. The wet lands assessed to land revenue at the rate of Rs. 10 and above per acre is treated as a standard acre. There should be a scale reducing the extent for lands assessed to land revenue over Rs. 15 per acre, so as to avoid anomaly. Subject to this change, the definitions contained in the original bill should be retained, as the changes recommended by the Committee would further reduce the possibility of getting any surplus.

(3) *Date of commencement of the Act.*—This is defined as 5th April 1960, viz., the date of first publishing the bill in the *Fort St. George Gazette*. The date of commencement is very crucial. The intention of the Government to bring in legislation for fixing the ceiling on land-holdings, was made public as early as 1955. Since then the land-owners, had started vigorously to partition the lands and to make such other benami transfers and alienations, anticipating the ceiling bill. As was admitted by some of the witnesses from Kumbakonam representing land-lords themselves, rather challengingly, the land-owners have made partitions and other transfers only to defeat the purpose of this Bill. For this they have been given five years notice. Who is the landlord who would have failed to avail of this time for taking measures to evade the Act. The test for the sincerity of pushing through this reform, would lie in this crucial definition.

But the Select Committee has decided to liberalise this provision, by recognizing even the partition deeds registered after 6th April 1960, provided they had been drafted on the stamped papers prior to 6th April 1960.

This would only mean that all benami transfers and alienations would get legal status. This is certainly not the intention of the Government of India. I am not against genuine partitions that take place in the usual course. I only want that benami transfers and transactions, entered into by the landlords since 1955 should be subject to scrutiny. Therefore it is essential to give effect to the Act from the date of proclaiming the intention of the Government in 1955, for the purpose of bringing into the purview of this Act all benami transfers, alienations and such other transactions.

So definition clause 2 (11) should be suitably amended so as to bring the Act into effect from 1955.

(4) *Exemption*.—Sections 70 to 72 deal with exemptions. A series of 13 categories have been listed for exemption from the whole of this Act, including Trusts of all kinds, lands used for topes and orchards, lands used for growing fuel trees, lands used for diary farming, lands held by sugarcane factories, grazing lads, etc. Such exemptions would only defeat the purpose of this Act and so should not be provided for in this Bill.

Regarding lands held by Religious and Charitable Endowments, it has been promised, separate bill would be brought in, with a view to confer permanent occupancy rights for the tenants. I would only urge that this legislation should be expedited and I reserve my further comments on this proposal.

(5) *Inam lands*.—A large number of inam ryots are threatened with eviction. Suitable legislation is urgent and imperative to abolish all inams (except service inams) and vest the lands with the ryots, Clauses 56 to 58 would only deprive the inam ryots of their lands, as it is, and would give rise to serious problems.

(6) *Kudiyiruppu*.—In the original Bill as introduced in the Assembly, there was a separate chapter, seeking to confer a sort of protection to the peasants and pannayals, against eviction from house-sites. This chapter was deleted, stating that a separate Ordinance if necessary would be issued to give such protection and that a separate legislation would be brought in. A large number of tenants and agricultural labourers, have put up their huts and have been residing on lands to which they have no title. This problem is very acute both in the delta area and in the un-settled estates and inam areas. It is but just that kudiviruppus should be protected. The Government, if necessary should acquire such lands and assign them to the peasants. These peasants are mostly Harijans and people belonging to most Backward Communities. I therefore urge that a Bill as promised should be introduced without any further delay, to prohibit eviction from house-sites.

(7) *Tenancy—Chapter VIII*.—This chapter is so conceived that it would abolish the class called "tenants" not by conferring ownership of land on them, but by depriving them of the lands,

The definition of 'personal cultivation' is so liberally worded, that a very large number of owners, would resume lands from the tenants for so-called 'personal cultivation'. In the Bill as introduced originally, there was provision to give protection for the tenants under big land-owners, at least for the lifetime of the tenants concerned. Even this is taken away.

In defining 'personal cultivation' the Planning Commission has emphasised, that the element of personal labour contributed must be taken into account. The term 'personal cultivation' has been defined in such a way that a person residing in Madras City could be deemed to cultivate personally, his lands in Tirunelveli. This is an open disregard of the principles laid down by the Planning Commission.

If Chapter VIII is passed as recommended by the Committee, it would throw out large number of tenants and reduce them to the level of landless labourers.

No one would dispute the need for protecting the interests of small land-owners.

This Act would enable all land-owners indiscriminately to drive out the tenants.

The question of conferring the right of ownership on the tenants, as suggested by the Planning Commission, is not even thought of. Even the disposal of surplus lands, if any, is left vague.

(8) *Conclusion.*—Unless the Bill is drastically re-cast, to incorporate the amendments suggested by me, it will not be possible to bring the Bill into conformity with the objectives laid down by the Planning Commission. This is what the report of the Third Five-Year Plan as approved by the Parliament states:—

"Land reform programmes, which were given a place of special significance both in the First and in the Second Plan, have two specific objects. The first is to remove such impediments to increase in agricultural production as arise from the agrarian structure inherited from the past. This should help to create conditions for evolving as speedily as possible an agricultural economy with high levels of efficiency and productivity. The second object, which is closely related to the first, is to eliminate all elements of exploitation and social injustice within the agrarian system, to provide security for the tiller of soil and assure equality of status and opportunity to all sections of the rural population." (Page 220.) (Emphasis, mine—M.K.).

Fixation of ceiling to land-holdings, conferment of ownership of lands on the tenants, and the distribution of surplus lands to landless peasants, and displaced tenants, are essential ingredients for any programme of land reform.

Such a reorganization of agrarian structure alone could reduce the disparities, raise the status of tenants landless peasants, who constitute the overwhelming majority of the rural population. Such a reorganization is imperative not merely from the sectional interests of toiling peasants, but for the larger interests of the nation. Such a

reorganization alone could deal a blow to hoarding and soaring prices of essential articles of living. By raising the standard of living and purchasing power of the bulk of the rural population, such reforms would accelerate our industry, trade and commerce.

For these reasons, agrarian reforms are considered to be an essential national question, and not the demand of any particular sect or class.

If this Bill enters the Statute Book, as it is finalised by the Select Committee, it will not achieve any of the objects contained in the recommendations of the Planning Commission. On the contrary, it would work in the opposite direction. The result would be, undesirable for the development of our agriculture. The contradictions between the land owning section and the toiling peasants would get intensified. The land-owners and the landless people, would be ranged against each other, to the detriment of agriculture and rural development.

MADRAS, FORT ST. GEORGE,  
15th August 1961.

M. KALYANASUNDARAM,  
Member, Legislative Assembly.

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(5)

The Bill itself imposing a ceiling on the ownership of land is opposed to the fundamental rights of property guaranteed to the citizens under the Constitution and is thus invalid. Article 31 (2) clearly states that no property shall be compulsorily acquired or requisitioned save for a public purpose, and save by authority of a law which provides for compensation for the property so acquired. The preamble to the Bill is evidently put in for the purpose of satisfying the requirements of Article 31 (2), namely, 'a public purpose'. The object of the Bill is stated to be to remove the great disparity in the ownership of agricultural land and to distribute the surplus land so acquired to the landless and other persons among the rural population. A reference is made to Article 39 containing a direction as regards State Policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good. The directive principles of State policy enunciated in Part IV of the Constitution are not enforceable by the courts and the implementation of such directive principles can only be made without offending the fundamental rights guaranteed to the citizen in Part III of the Constitution. A 'Public purpose' mentioned in Article 31 (2) contemplates only a concrete and definite purpose and excludes a general objective or the implementation of any ideology, political or economic. The Madras High Court in its judgment in the case *M. B. Namazi v. Deputy Custodian of Evacuee Property* (A.I.R. 1951 Madras page 930) has laid down that mere State Policy would not amount to 'a public

purpose'. The judgment therein relies on the previous judgment of the Bihar High Court in *Sir Kamaewar Singh v. Government of Bihar* (29 Patna 790).

Expropriation of property for the vague and indefinite purpose of benefiting some tenants or other landless persons cannot be called 'a public purpose' within the meaning of Article 31 (2). The Bill is intended only to transfer property from one class of people to another class of people and cannot at all be called 'a public purpose'.

It is not correct to say, as the Preamble does, that there is great disparity in the ownership of agricultural land. The statistics furnished by the Government Department itself clearly prove that there is no such disparity. Hence there is no justification for the introduction of the Bill at all.

According to clause 5 the ceiling fixed is 30 standard acres. There has been no attempt made up till now to find out the extent of 'economic holding' in our State and also the amount of income that will be derived from every acre of land and the amount that is necessary for the maintenance of an agricultural family. As an arbitrary estimate 30 standard acres have been fixed. This is wholly insufficient for a decent agricultural family.

The Bill also offends Article 14 of the Constitution as it selects only agricultural land for the imposition of ceiling while there is no imposition of any ceiling in respect of income of other classes of citizens, where there are more pronounced and glaring inequalities than in agricultural income.

The reading of the provisions of the whole Bill will show that the Bill, in effect, has proceeded on the view that all agricultural property vests in the State and the only question is how much agricultural land has to be allotted for an individual or family and how much compensation the State can afford to pay to the person who has been deprived of his property.

In order to fix the standard acre the assessment of the land has been taken to consideration but not the net income from the land. This is also not correct. In the definition of standard acre, section 2, clause (42), one acre assessed to land revenue at the rate of Rs. 10 and above has been taken as the measure. In respect of lands with less assessments the proportion has been calculated. On the other hand, it is just and proper to take one acre of wet land assessed to land revenue of Rs. 20 and above as the measure and to fix the proportion thus:—

- 1 acre of wet land of assessment Rs. 20 and above
- or  $1\frac{1}{2}$  acre of wet land of assessment Rs. 15 to Rs. 20
- or  $1\frac{1}{2}$  acres of wet land of assessment Rs. 10 to Rs. 15
- or  $1\frac{1}{2}$  acres of wet land of assessment Rs. 5 to Rs. 10.
- or 2 acres of wet land of assessment below Rs. 5.

Especially in Thanjavur and Tiruchirappalli districts this will do justice to the persons hit by the Bill.

Article 31 of the Constitution also imposes a condition that the law enabling compulsory acquisition of property should also specify the principles on which the compensation should be given. Article 31 of the Constitution provides no doubt that the inadequacy of the compensation cannot be called in question in a court of law. But it stands to reason that the court can go into the question whether the principles of compensation are fair or just. If private property is acquired for a public purpose the Land Acquisition Act which has been in the Statute Book for nearly a century now has clearly provided that the market value of the land on the date of the acquisition will be the proper compensation. But this Bill departs from that principle and provides a different principle of compensation in clause 50 read with section 3, namely, a multiple of the net annual income from the land. Here also the multiple varies according to the income and the higher the income the multiple is less. Both these principles of compensation are grossly unfair and unjust. The greater the income the greater should be the compensation to be given to the person who is deprived of his property. Further, no difference is made as regards the calculation of the net income from lands enjoyed by personal cultivation and the lands given to the tenants for cultivation. The note circulated by the Government of India to our Government contains the remarks of the Government of India and it is clearly stated there that the "rates of compensation payable for the surplus lands which are under personal cultivation should be higher than the rates of compensation payable to the lands under cultivating tenants". But the Bill however has not accepted that principle. It should be accepted on all hands that the market value, especially, in the case of agricultural lands will be the most proper and adequate compensation for the person who will be deprived of his property which in many cases he would have been enjoying for a number of years. The market value of agricultural land is easily ascertainable and is not usually fluctuating and is generally based on sound economic considerations only, whereas the fair rent is only a rough estimate and the multiple of the fair rent also will be an inadequate compensation. Further in the Land Acquisition Act a solatium is also provided for the person who is deprived of his property. There is always a strong sentiment associated with the ownership of ancestral agricultural property in our country. The solatium in the Land Acquisition Act was until recently 15 per cent of the market value. Even the compensation, as one would expect, is not to be paid in cash immediately but some time later either in cash or bond in the manner that may be prescribed.

One could have expected that the Bill imposing a ceiling and depriving a person of his property over and above the ceiling would atleast do him the justice of allowing him to be the absolute owner of the property within the ceiling limit. But the Bill has not done even that. All the fetters imposed by the tenancy laws have been put on him and the niggardly provision as regards the resumption of land by the owner for personal cultivation, up to 3 acres has been made as a matter of commiseration.

It is generally accepted that agriculture needs capital and skill for its efficient operation. For mechanisation of agriculture, there should be a large extent of holding. Instead, the Bill will accelerate

the fragmentation of holdings and agricultural property would be further subdivided on account of the laws of inheritance and succession. Mere distribution of land to the landless will not help agriculture, production at all unless sufficient capital is provided to the agriculturist to whom the land is given. On the other hand, what we find is that in district like Coimbatore, most of the well-to-do farmers are also industrialists. They not only invest their saving from industries in agriculture, but also apply the technique of industry in their farms which are run on commercial lines (vide statement made by Mr. M. S. Randhawa, Vice-President, Council of Agricultural and Research and Additional Secretary to the Government of India). All this is due to the advantage of capitalists being also farmers. I am sure this Bill will make it impossible for well-to-do people to invest money in agriculture.

The sponsors of the Bill themselves feel that the imposition of ceiling is harmful in the case of sugarcane cultivation to supply the sugar industry and will not be necessary in the case of an Agricultural Company.

It has been provided that the provisions of the Bill come into effect from 6th April 1960 and that date is the date of the commencement of the Act. Ordinarily the principles of all legislation affecting rights to property is it should not have any retrospective effect, as otherwise it would introduce serious complications and entail hardship to those affected by it and this Bill has departed from that general principles. I have to express my disagreement with this also.

In fine I feel that the present Bill is unnecessary as adjustments (for good or bad) have already been made by the landowners more or less on the lines intended by its sponsors. If it is passed into law, strained relations between landowners and tenants, brought about by interested persons, will become worse resulting in costly and ruinous litigation. It has already affected badly the agricultural economy of the Tamilnad and if persisted in it will cut at the very root of the cultural values and time honoured traditions of the people.

FORT ST. GEORGE, MADRAS,  
16th August 1961.

P. T. RAJAN,  
Member, Legislative Council.

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(6)

I regret I have to express my dissent to the main principles of the Bill and the important provisions implementing those principles.

The Bill itself imposing a ceiling on the ownership of land is opposed to the fundamental rights of property guaranteed to the citizens under the Constitution and is thus invalid. Article 31 (2) clearly states that no property shall be compulsorily acquired or requisitioned save for a public purpose, and save by authority of a law which provides for compensation for the property so acquired. The preamble to the Bill is evidently put in for the purpose of satisfying the requirements of Article 31 (2), namely, a public purpose



The object of the Bill is stated to be to remove the great disparity in the ownership of agricultural land and to distribute the surplus land so acquired to the landless and other persons among the rural population. A reference is made to Article 39 containing a direction as regards State Policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good. The directive principles of State policy enunciated in Part IV of the Constitution are not enforceable by the courts and the implementation of such directive principles can only be made without offending the fundamental rights guaranteed to the citizen in Part III of the Constitution. 'A public purpose' mentioned in Article 31 (2) contemplates only a concrete and definite purpose and excludes a general objective or the implementation of any ideology, political or economic. The Madras High Court in its judgment in the case *M. B. Namazi v. Deputy Custodian of Evacuee Property* (A.I.R. 1951—Madras page 930) has laid down that mere State policy would not amount to a public purpose. The judgment therein relies on the previous judgment of the Bihar High Court in *Sir Kameswar Singh v. Government of Bihar* (29 Patna 790).

Expropriation of property for the vague and indefinite purpose of benefiting some tenants or other landless persons cannot be called—a public purpose—within the meaning of Article 31 (2). The Bill is intended only to transfer property from one class of people to another class of people and cannot at all be called 'a public purpose'.

It is not correct to say, as the Preamble does, that there is great disparity in the ownership of agricultural land. The statistics furnished by the Government Department itself clearly proves that there is no such disparity. Hence there is no justification for the introduction of the Bill at all.

According to clause 5 the ceiling fixed is 30 standard acres. There has been no attempt made up till now to find out the extent of 'economic holding' in our State and also the amount of income that will be derived from every acre of land and the amount is necessary for the maintenance of an agricultural family. As an arbitrary estimate 30 standard acres have been fixed. This is wholly insufficient for a decent agricultural family.

The Bill also offends Article 14 of the Constitution as it selects only agricultural land for the imposition of ceiling while there is no imposition of any ceiling in respect of income of other classes of citizens, where there are more pronounced and glaring inequalities than in agricultural income.

The reading of the provisions of the whole Bill will show that the Bill, in effect, has proceeded on the view that all agricultural property vests in the State and the only question is how much agricultural land has to be allotted for an individual or family and how much compensation the State can afford to pay to the person who has been deprived of his property.

In order to fix the standard acre the assessment of the land has been taken into consideration but not the net income from the land. This is also not correct. In the definition of standard acre, section 2, clause (42), one acre assessed to land revenue at the rate of Rs. 10 and above has been taken as the measure. In respect of lands with less assessments the proportion has been calculated. On the other hand, it is just and proper to take one acre of wet land assessed to land revenue of Rs. 20 and above as the measure and to fix the proportion thus:

One acre of wet land of assessment Rs. 20 and above or  $1\frac{1}{2}$  acre of wet land of assessment Rs. 15 to Rs. 20 or  $1\frac{1}{2}$  acres of wet land of assessment Rs. 10 to Rs. 15 or  $1\frac{1}{2}$  acres of wet land of assessment Rs. 5 to Rs. 10 or 2 acres of wet land of assessment below Rs. 5.

Especially in Thanjavur and Tiruchirappalli districts this will do justice to the persons hit by the Bill.

Article 31 of the Constitution also imposes a condition that the law enabling compulsory acquisition of property should also specify the principles on which the compensation should be given. Article 31 of the Constitution provides no doubt that the inadequacy of the compensation cannot be called in question in a court of law. But it stands to reason that the court can go into the question whether the principles of compensation are fair or just. If private property is acquired for 'a public purpose' the Land Acquisition Act which has been in the statute book for nearly a century now has clearly provided that the market value of the land on the date of the acquisition will be the proper compensation. But this Bill departs from that principle and provides a different principle of compensation in clause 50 read with section 3, namely, a multiple of the net annual income from the land. Here also the multiple varies according to the income and the higher the income the multiple is less. Both these principles of compensation are grossly unfair and unjust. The greater the income the greater should be the compensation to be given to the person who is deprived of his property. Further, no difference is made as regards the calculation of the net income from lands enjoyed by personal cultivation and the lands given to the tenants for cultivation. The note circulated by the Government of India to our Government contains the remarks of the Government of India and it is clearly stated there that the "rates of compensation payable for the surplus lands which are under personal cultivation should be higher than the rates of compensation payable to the lands under cultivating tenants". But the Bill however has not accepted that principle. It should be accepted on all hands that the market value, especially, in the case of agricultural lands will be the most proper and adequate compensation for the person who will be deprived of his property which in many cases he would have been enjoying for a number of years. The market value of agricultural land is easily ascertainable and is not usually fluctuating and is generally based on sound economic considerations only, whereas the fair rent is only a rough estimate and the multiple of the fair rent also will be an inadequate compensation. Further in the Land Acquisition Act a solatium is also provided for the person who is deprived of his property. There is always a strong sentiment associated with the ownership of ancestral agricultural property in our country. The solatium in the Land Acquisition Act

was, until recently 15 per cent of the market value. Even the compensation, as one would expect, is not to be paid in cash immediately but sometime later either in cash or bonds in the manner that may be prescribed.

One would have expected that the Bill imposing a ceiling and depriving a person of his property over and above the ceiling would atleast do him the justice of allowing him to be the absolute owner of the property within the ceiling limit. But the Bill has not done even that. All the fetters imposed by the tenancy laws have been put on him and the niggardly provision as regards the resumption of land by the owner for personal cultivation, up to 3 acres has been made as a matter of commiseration.

It is generally accepted that agriculture needs capital and skill for its efficient operation. For machanisation of agriculture, there should be a large extent of holding. Instead, the Bill will accelerate the fragmentation of holdings and agricultural property would be further subdivided on account of the laws of inheritance and succession. Mere distribution of land to the landless will not help agricultural production at all unless sufficient capital is provided to the agriculturist to whom the land is given. On the other hand, what we find is that in districts like Coimbatore, most of the well-to-do farmers are also industrialists. They not only invest their saving from industries, in agriculture, but also apply the technique of industry in their farms which are run on commercial lines (vide statement made by Mr. M. S. Randhawa, Vice-President, Council of Agricultural and Research and Additional Secretary to the Government of India). All this is due to the advantage of capitalists being also farmers. I am sure this Bill will make it impossible for well-to-do people to invest money in agriculture.

The sponsors of the Bill themselves feel that the imposition of ceiling is harmful in the case of sugarcane cultivation to supply the sugar industry and will not be necessary in the case of an Agricultural Company.

It has been provided that the provisions of the Bill come into effect from 6th April 1960 and that date is the date of the commencement of the Act. Ordinarily the principles of all legislation affecting rights to property is that it should not have any retrospective effect, as otherwise it would introduce serious complications and entail hardship to those affected by it that this Bill has departed from that general principles. I have to express my disagreement with this also.

I regret I have to say that the present Bill is wholly unnecessary and disastrous in its effects on the otherwise stable agricultural economy and will further throw the entire agricultural machinery out of gear.

If the Bill is passed into law, the landowners and tenants will be engaged most of their time in applications to the authorised officers and in appeals and revision to the higher authorities from his orders and not much energy will left for agricultural operations. The Bill, I am sorry to say, is a retrograde measure and I am opposed to it.

MYLAPORE,  
14th August 1961.

K. BALASUBRAMANIA AIYAR,  
Member, Legislative Council.

(7)

The avowed objects of the Bill as proclaimed in the Preamble are:

(i) to secure that ownership and control of the material resources of the community are so distributed as best to subserve the common good and that the operation of the ECONOMIC SYSTEM DOES NOT RESULT IN THE CONCENTRATION OF WEALTH AND MEANS OF PRODUCTION TO THE COMMON DETRIMENT;

(ii) to reduce great disparity in the ownership of agricultural land and prevention of concentration of lands in the hands of the landlords;

(iii) to acquire agricultural lands in excess of the ceiling area in order to distribute such lands to the landless and other persons among the rural population as such distribution will best subserve the common good, increased production and promote justice, social and economic.

Such being the main and laudable objects of the Bill, it is a matter for deep disappointment that the provisions of the Bill as it has now emerged from the Joint Select Committee, will not lead to realisation and fulfilment of the objects.

In the state of things as it is developed, it is hardly likely that there will be any land available for acquisition and distribution to the landless.

The evidence tendered before the Joint Select Committee—and it has been specifically elicited by me from the landlords and representatives of land-holders' Association throughout the State—clearly discloses that by clever and calculated partitions or by otherwise after the survey by Government and in anticipation of the Bill, the lands held by individuals have already been reduced below the ceiling level. It is therefore clear that there will be no land left for acquisition from private persons for purpose of distribution to the landless.

As regards the land held by trusts, etc., clause 2 completely exempts all the lands held by religious trusts, clause 13 excludes certain classes of lands, such as lands used for dairy farms, sugar factories, etc., and clause 70, among other things, exempts, the lands held by charitable or educational institutions, any trust, any University, etc. The inference therefore is inescapable that the Joint Select Committee has contrived to see that there is no land left for acquisition by the Government for purpose of distribution to the landless.

The above and other provisions contained in the Bill leads to the irremediable conclusion that the main and laudable object of acquisition of lands for purpose of distribution to the landless with a view to secure increased agricultural production, promotion of justice, social and economic and reduction in the great disparity in the ownership of land stand defeated.

Further, there are certain other provisions now made in the Bill in regard to resumption for personal cultivation which will lead to very explosive and disastrous situation detrimental to the landless poor. It must be mentioned that the hopes instilled in the minds of the landless by the Government are sabotaged by the provisions of the Bill and the extinction of the tenants as a class is perpetuated in the Bill. It must be mentioned in this context that the Tenants Protection Act and the Fair Rent Act are the two Boons the Government have conferred on the tenants. These have enabled the tenants to sustain themselves and plan for the future and make improvements to the land and increase the production. But the provisions now inserted in the Bill in regard to resumption for personal cultivation will lead to wholesale eviction and deprive the tenants of the protection and the benefits already conferred by the above Acts. In the Bill as introduced, resumption for personal cultivation was not permissible in the case of persons assessed to Sales Tax, Profession Tax and Income-Tax. This provision was included in the Bill with a view to secure that the persons who do not take to cultivation as their main livelihood could not be permitted to compete with those who solely depend on their lands. But now the Joint Select Committee has removed the two disqualifications as regards the assessment to of Sales Tax and Profession Tax and has retained assessment of Income-tax as the only prohibition. This can only mean that a merchant, salaried person in a village and all except big officers and moneyed men can take to cultivation as a secondary means of livelihood and deprive the tenants of their primary means of livelihood.

The landlords have already divided their lands among the members of their family so as to be below the ceiling area. Such being the position, the provisions in regard to resumption for personal cultivation will enable each divided member of the family to resume lands now in the possession of the tenants, subject however to the limited restrictions laid down. This, in fact, will lead to large scale eviction of tenants. The Bill has not only taken away the protection already given to the tenants, but has conferred more rights on the owners. The tenants thus evicted will have no land to cultivate nor will they be taken as agricultural labourers in view of the erstwhile relationship. This will create a large army of unemployed tenants. Thus the whole economy of the village will be dislocated and stand tilted in favour of the owners. In the Tenants Protection Act and the Fair Rent Act, there is a provision that resumption shall not be permissible in cases where the tenants by mutual agreement give the owner his share at old rates. Even this safeguard is now denied.

To cite one instance by way of illustration, there are hundreds of tenants in each village in the Tirunelveli district who hold each one or two acres of lands. These will now be thrown out at a moment's notice and the jathas of displaced landless tenants will be on the march everywhere. This will be a source of menace to the society.

The same officials who gave protection to the tenants in view of the provision contained in the Tenants Protection Act, will now be compelled to give protection to landholders who seek to evict the tenants. If at least, as pleaded by Sri C. Subramaniam, Minister for Finance before the Joint Select Committee, a provision is made that at least one one acre of land shall be left in the possession of the tenant

in case where land is sought to be resumed for purpose of personal cultivation, the tenant will have some land for cultivation. But it is painful to note that even this minimum protection is not given in the Bill as it now stands.

As regards lands held by mutts which are really dry lands and are used as house-sites, it is common knowledge that the authorities of mutts callously resort to large-scale eviction by questionable methods. The tenants are denied even the elementary needs such as roads, etcetera. It is said that a separate Bill in this regard will be brought forward. In this connection, it is well to point out that in 1948 at the time of the enactment of the Zamindari and Inams Abolition Act, exemptions were granted in respect of 1937 Inams and when agitation was made, it was stated that a separate Legislation would be brought forward in regard to 1937 Inams. But the promise legislation did not see the light of day and public men were exposed to volley of criticism and condemnation. It is argued that in other States also, lands held by mutts are exempted from the Ceiling Act. It is evidently forgotten that in those States, the lands held by temples and mutts are not as large as lands held by mutts in our State. In the light of the past experience with regard to 1937 Inam Lands, I cannot but entertain an apprehension that the present promise that a separate Bill in regard to lands held by mutts and temples will be soon enacted, may suffer the same fate. It is my experience that the suppression of tenants of the lands owned by mutts (in the name of God!) is more atrocious than the suppression of tenants of the lands held by individual owners. Therefore, the legislation in regard to these lands must have been conceived and formulated long ago.

I, therefore, submit with all humility, that the sincerity of the purpose of the Planning Commission and the sincerity and earnestness of the State Government in this regard may stand sabotaged, if the Bill is passed as it has now emerged from the Joint Select Committee. I appeal to the Government, whose sincerity and earnestness to afford protection to tenants, is unimpeachable and to the Members of the Legislature who are representatives of the tenants, to modify the provisions of the Bill and redeem their pledge to place on the Statute Book an all comprehensive and all pervasive Act which will ensure—

(1) The tenants of the lands held by trusts will get permanent right of occupancy by the formation of Tenants' Co-operatives and ensure 60 per cent for the tenants and 40 per cent for the trusts;

(2) more restrictions on the resumption for personal cultivation so that protection already granted by the Acts in force are not taken away and eviction for personal cultivation are subjected to severe safeguards in favour of the tenants;

(3) assessment to Sales Tax and Profession Tax must be made as disqualifications for resumption of land for personal cultivation.

I am of the firm view that the contemplated Bill to give protection to the tenants of lands held by mutts and temples, particularly in the case of house-sites on agricultural lands shall be enacted simultaneously so as to avoid invidious distinction between the two classes of tenants.

In my opinion, the Bill as it now stands will not only fail to fulfil the hopes entertained by the tenants, but will also reduce the rights already conferred on them. Needless to say, the Bill militates against the very objects with which the Government have initiated Land Reforms and is likely to create more social and economic inequalities.

I cannot but conclude this note of dissent with deep regret that the various suggestions contained in my note addressed to the Chairman of the Joint Select Committee while I was on tour abroad, do not appear to have been considered or having been considered did not find favour of acceptance.

MADRAS,  
16th August 1961.

K. T. KOSALRAM,  
*Member, Legislative Council.*