INDIA

Ministry of Agriculture and Irrigation

Committee on Land Reforms

Chairman : Raj Krishna

REPORT OF THE COMMITTEE ON LAND REFORMS

1978

MINISTRY OF AGRICULTURE AND IRRIGATION
DEPARTMENT OF AGRICULTURE
NEW DELHI

Report of the Committee on Land Reforms

CONSTITUTIONAL PROTECTION OF LAND REFORM LAWS AND MACHINERY FOR QUICK DISPOSAL OF LAND REFORM CASES

1. The Committee on Land Reforms*, appointed by the Government of India in June, 1978, decided in its first meeting held on the 3rd July, 1978, that it would prepare, send to Government, and release a series of reports on various aspects of land reform at short intervals, instead of a single report after a long period of work. This procedure would enable the Governments concerned to consider and take immediate action on some of the major issues without waiting for a comprehensive report.

2. The present (first) report deals with three topics:

(1) the extension of the protection of the Ninth Schedule of the Constitution to recent and future land reform enactments;
(2) deletion of the Explanation under the Ninth Schedule of the Constitution; and
(3) some measures to speed up the disposal of land reform cases by the revenue machinery.

1. The Extension of the Protection of the Ninth Schedule of the Constitution to Recent and Future Land Reform Enactments

3. Article 31-A of the Constitution** protects land reform laws against being declared void on the ground that they take away or abridge Fundamental Rights conferred by Articles 14, 19 and 31 of the Constitution (the right to equality before law, the right to specified liberties and the right to property). The protection provided to land reform laws by this Article is further reinforced by Article 31-B***. This Article refers to the Ninth Schedule and provides that Acts and regulations specified in this Schedule cannot be deemed to be void on the ground that they take away or abridge any of the rights conferred by Part III of the Constitution relating to Fundamental Rights. The First Amendment also inserted the Ninth Schedule in the Constitution with 13 entries related to land reform legislation. Subsequent amendments of the Constitution included other entries in the Ninth Schedule, but even now land reform laws dominate this Schedule.

4. It should be recalled in this connection that it was the clear intention of the Parliament in enacting Articles 31-A and 31-B and the Ninth Schedule that litigation based on Part III of the Constitution should not be allowed to prevent speedy implementation of land reforms.

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* The members are: (1) Prof. Raj Krishna (Chairman); (2) Dr. A.M. Khusro (Member); (3) Dr. V.M. Dandekar (Member); (4) Shri Radha Krishna (Member); (5) Prof. G. Parthasarthy (Member); (6) Shri K. Balasubramaniam (Member); (7) Dr. P.C. Joshi (Member); (8) Shri P.S. Appu (Member); (9) Dr. P.H. Prasad (Member); and (10) Shri R.K. Rath (Member-Secretary).

** Introduced by the Constitution (First Amendment) Act, 1951, with retrospective effect and amended twice by the Fourth and the Seventeenth Amendments in 1955 and 1964.

*** Also inserted by the Constitution (First Amendment) Act 1951 with retrospective effect.

5. The Constitution (Seventeenth Amendment) Act, 1964, was a further step in this direction. It widened the definition of the expression 'estate' with retrospective effect so as to extend the protection of Article 31-A to acquisition of estates in the ryotwari areas also. It further included 44 land reform laws in the Ninth Schedule. However, at the suggestion of the Joint Select Committee, a new proviso (the second proviso) was also added to Article 31-A(1), namely,

> "...where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof."

6. Since the courts have taken the view that amendments made in Acts included in the Ninth Schedule do not automatically enjoy the protection of the Ninth Schedule, the Schedule has had to be amended frequently to include specific amendments of the Acts originally included.

7. The Union Department of Agriculture had proposed that some recent amendments to some of the Acts already included in the Ninth Schedule should also be included in the Ninth Schedule :

(i) The Haryana Ceiling on Land Holdings (Second Amendment) Act, 1976;
(ii) The Haryana Ceiling on Land Holdings (Third Amendment) Act, 1976;
(iii) The Haryana Ceiling on Land Holdings (Amendment) Act, 1977, and
(iv) The West Bengal Land Reforms (Amendment) Act, 1977.

Brief notes on these Acts are given in the Annexure. The Ministry of Law, Justice and Company Affairs has, however, declined to include any new legislation in the Ninth Schedule.

8. The Ministry of Law has opined that Articles 31-A and 31-C afford complete protection to land reform laws and that after the proposed omission of the right to property from Part III of the Constitution there would hardly be any need to include land reform legislation in the Ninth Schedule.

9. The Committee have considered the arguments of the Ministry of Law at length. As regards Article 31-A, there is no doubt that it gives protection to land reform laws against challenge under Articles 14, 19 and 31, but it is open to the courts to determine whether or not a particular piece of legislation merits the protection of Article 31-A. It is not unlikely that the courts may take a contrary view. This is illustrated by the *Kunju Kutty* case*. Section 73 of the Kerala Land Reforms Act, 1963, was amended by the Kerala Land Reforms (Amendment) Act, 1969. Though the Principal Act was included in the Ninth Schedule of the Constitution, the Amendment Act was not included in that Schedule until after it was challenged. The amended Section 73 provided for scaling down of arrears of rent due from tenants to the landowners and also for discharge of these arrears on payment of the scaled down rent or the actual amount of arrears, whichever was less, by the tenant. Since the Amendment Act was not included in the Ninth Schedule, it was within the jurisdiction of the courts to examine whether it was violative of the Fundamental Rights guaranteed by Part III of the Constitution. The Supreme Court held that Section 73 was not protected by Article 31-A and hence struck it down. The Amendment Act was, however, later included in the Ninth Schedule through the Constitution (Twenty-ninth Amendment) Act, 1972.

* Decided by the Supreme Court on the 26th April, 1972. (A.I.R. 1972 S.C. 2097).

10. Moreover, it is not unlikely that some agrarian reform laws may, in the opinion of the Court, be in conflict with the second proviso to Article 31-A(1). This was also illustrated by the *Kunju Kutty* case cited above. The Explanation to section 85(1) of the Kerala Land Reforms Act which was also challenged in the *Kunju Kutty* case illustrates this point. The said Explanation provides that any land transferred by a person, holding land in excess of the ceiling area, between December 18, 1957, and the date of publication of the Kerala Land Reforms Bill, 1963, is to be regarded as still held by him for the purpose of fixing the extent of land to be surrendered by him. The Kerala High Court argued that this was a fiction by which land not held by a person was taken into account for the determination of the excess land to be surrendered by him, and he was forced to surrender land actually held by him, although it is within the ceiling limit, without payment of the market value thereof. According to the High Court, this was clearly repugnant to the second proviso to Article 31-A(1). The Supreme Court concurred with this view of the High Court and struck down the said Explanation as violative of the second proviso to Article 31-A(1). As this case shows, an agrarian reform law which is not specifically protected by the Ninth Schedule can be challenged on the ground of repugnance to the second proviso to Article 31-A(1). Such a challenge cannot be met by invoking Article 31-A itself since this Article cannot protect a law repugnant to itself. It is, therefore, essential to provide to land reform laws the specific protection of the Ninth Schedule.

11. As regards Article 31-C, it affords protection against challenge under Articles 14, 19 and 31. Such protection is also available to land reform laws under Article 31-A. Article 31-C provides that no law giving effect to any of the Directive Principles of State Policy shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by Articles 14, 19 or 31; and no law containing a declaration that it was for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy. Thus Article 31-C at best affords additional protection to land reform laws if they are held to be for implementation of Directive Principles. But if a legislation is not included in the Ninth Schedule it can be struck down on the ground that it does not, in the opinion of the court, give effect to the Directive Principles. This is because the Supreme Court has already struck down* the second part of Article 31-C (underlined above in this paragraph). It is accordingly open to the courts to decide whether a particular legislation implements a Directive Principle or not.

12. As regards the Law Ministry's reference to the proposed omission of the Fundamental Right to property from Part III of the Constitution, it should be noted that the Constitution (Forty-fifth Amendment) Bill seeks to delete Articles 19(1) (f) and 31, but it is not going to repeal from Part III of the Constitution the second proviso to Article 31-A(1) which provides that it shall not be lawful for the State to acquire any land as is within the ceiling and is held by a person under his personal cultivation unless the law providing for such acquisition provides for payment of compensation at a rate which shall not be less than the market value thereof. The proposed deletion of Articles 19(1) (f) and 31 alone will not bring any additional benefit to land reform laws because these laws can still be challenged on grounds of repugnance to Articles 13, 14 and 19(1) (g). However, Articles 31-A and 31-B already make them immune to challenge under these Articles. Further, even if it is assumed that the right to property is being abolished in some sense through the deletion of Articles 19(1) (f) and 31, it cannot be denied that the deletion will take prospective effect only and till such time as the Constitution (Forty-fifth Amendment) Bill is enacted, the courts will continue striking down the laws that are repugnant to Articles 19(1) (f) and 31 and are not protected by Article 31-A unless of course they are included in the Ninth Schedule. It would accordingly be inescapable to continue the existing policy of giving protection to land reform laws by including them in the Ninth Schedule.

* See Kesvananda Bharati vs. State of Kerala (AIR 1973, S.C. 5457).

13. The non-inclusion of new land reform legislation in the Ninth Schedule would further retard the extremely slow progress of land reform. The Committee, therefore, strongly recommends to the Government of India in the Ministry of Law to bring before Parliament without delay the four Acts mentioned above for immediate inclusion in the Ninth Schedule. Any future land reform laws duly enacted and assented to by the President should also be brought before Parliament for inclusion in the Ninth Schedule without hesitation or delay.

14. It is true that in recent years some laws, other than land reform laws, have been included in the Ninth Schedule. If the Government feels that these laws should not be in the Ninth Schedule, they can be removed from that Schedule. But land reform laws which aim at a more equitable distribution of land and the restructuring of rural society belong to a very special category.

15. If the protection of the Ninth Schedule is denied to new land reform laws not only will the progress of land reform be slowed down but numerous anomalies will arise. If an Act is already included in the Ninth Schedule but its Amendment is not included, it is quite possible that the Constitution may be protecting in the Ninth Schedule laws some provisions of which may no longer be in the statute-book while leaving unprotected some important provisions inserted in the principal Act by the Legislature. The Haryana Ceiling on Land Holdings (Amendment) Act, 1977, provides an example of such an odd situation arising. Under earlier laws* orchards and well-run farms in the former Punjab and former Pepsu areas of Haryana were exempt from the application of ceilings. The new ceiling law of 1972, sought to abolish this exemption. But, due to an oversight, the former Pepsu area was not specifically referred to in this law. Therefore, orchards and well-run farms in the Pepsu area continued to be exempt from the ceiling law. The Haryana Ceiling on Land Holdings (Amendment) Act, 1977, seeks to remove this loophole. Now if this Amendment Act is not protected by inclusion in the Ninth Schedule an anomalous situation would arise; the withdrawl of exemption from ceilings in the former Punjab area will continue to be protected but the withdrawal of exemption from ceilings in the former Pepsu area would be denied similar protection.

16. Although land reform is a State subject, no land reform law is entitled to the protection of Article 31-A unless it receives the President's assent. Once the assent is given, and a land reform law gets the protection of Article 31-A, it is necessary also to secure its inclusion in the Ninth Schedule through an amendment of the Constitution.

17. The Forty-second Amendment had deleted the words "and for any other purposes" in Article 226(1) of the Constitution so that writ powers of High Courts had been restricted. The deleted words are sought to be restored by the Forty-fifth Amendment Bill. The Committee would like to emphasise that after the Constitution (First Amendment) Act, 1951, the writ jurisdiction of the High Courts had always been qualified by the Constitution makers in respect of land reform laws which were included in the Ninth Schedule. The effect of the inclusion of land reform laws in the Ninth Schedule is that the *vires* of these laws cannot be the subject of writ proceedings. But they can be challenged on other, mainly procedural, grounds. This consideration further reinforces the argument for the inclusion of every land reform legislation, assented to by the President, in the Ninth Schedule.

18. On all these grounds the Committee strongly urges the Government to continue the policy of protecting all new land reform legislation assented to by the President by having it included in the Ninth Schedule.

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*The Punjab Security of Land Tenures Act, 1953 and the Pepsu Tenancy and Agricultural Lands Act, 1955.

2. Deletion of the "Explanation" in the Ninth Schedule

19. The Seventeenth Amendment of the Constitution added the following Explanation in the Ninth Schedule of the Constitution as the last item :

> "Any acquisition under the Rajasthan Tenancy Act, 1955 (Rajasthan Act III of 1955), in contravention of the second Proviso to clause (1) of Article 31-A shall, to the extent of contravention, be void."

The situation requiring the insertion of this Explanation evolved as follows. Vast areas of arid land in Rajasthan had little economic importance before water was brought to these areas by the Gang Canal system and the Rajasthan Canal project. Large chunks of these lands were held nominally by various persons as temporary tenants. Since these areas were likely to become very productive as a result of large public investment in irrigation, it was decided to cancel the temporary leases and allot land in small units to deserving persons in a planned manner. This decision was intended to apply uniformly to all command areas. In October, 1955, when the State enacted the Rajasthan Tenancy Act, tenants were granted khatedari rights everywhere under section 15 of the Act except in the command areas of Gang Canal, Bhakra, Chambal and Jawai projects. The Rajasthan Canal Area was, however, not included in the list of command areas due to an oversight. This omission was rectified by the insertion of Section 15-A in the Rajasthan Tenancy Act by an Ordinance dated 21st January, 1958. The Ordinance was replaced by an Act which came into force on the 17th March, 1958. The Ordinance and the 1958 Act gave retrospective effect to Section 15-A of the Rajasthan Tenancy Act, 1955, denying khatedari rights to tenants in the Rajasthan Canal area.

20. Some of the tenants of the former Bikaner State challenged the validity of Section 15-A before the Rajasthan High Court and by its judgement dated 18th July, 1962, a Division Bench declared that the khatedari rights under Section 15 amounted to property which belonged to the petitioners and acquisition of these rights under Section 15-A offended Article 31(2) of the Constitution and was *ultra vires*. In 1964 the Rajasthan Tenancy Act, 1955, was included in the Ninth Schedule by the Constitution (Seventeenth Amendment) Act. However, the Joint Select Committee to which the said Constitution Amendment Bill had been referred observed as follows :

> "The Committee further note that Section 15-A of the Rajasthan Tenancy Act, 1955 (Rajasthan Act III of 1955) has been struck down by the High Court of Rajasthan. Under Section 15 of the Act, khatedari rights accrued to certain classes of tenants. Subsequently, the Act was amended with retrospective effect by inserting Section 15-A and other sections to provide that khatedari rights shall not be deemed to have accrued in any land in Rajasthan canal area and other specified areas. Section 15-A had the effect of acquisition of khatedari rights of certain tenants without payment of compensation. The Committee are of opinion that the second proviso to clause (1) of Article 31-A as inserted by clause 2 of the Bill should be attracted to such cases. The Committee, therefore, feel that the Rajasthan Tenancy Act, 1955, should not get unqualified protection under Article 31-B and they have, therefore, recommended the inclusion of the Rajasthan Tenancy Act of 1955 in the Ninth Schedule subject to the second proviso to clause (1) of Article 31-A of the Constitution as proposed in clause 2 of the Bill. To achieve this object, the Act has been included with an Explanation."

21. The Committee learns that a full Bench of the Rajasthan High Court held on 15th January, 1971, that Section 15-A stood validated by the inclusion of the Rajasthan Tenancy Act in the Ninth Schedule. However, referring to the 'Explanation' occurring at the end of the Ninth Schedule the Court observed that if any particular action for acquisition contravenes the

provisions of the second proviso to clause (1) of Article 31-A, that particular acquisition to the extent of the contravention will become void and not the provision contained in Section 15-A. The validity of Section 15-A was again confirmed by a single judge of the Rajasthan High Court in two other cases (The *Bangur* case and the *Himmat Singh* case). The petitioners in both the cases went in appeal before a Division Bench. Two judgements were pronounced on 20th January, 1973, and in both these judgements the Division Bench agreed with the decision of the single judge, namely, that Section 15-A does not have the effect of acquiring any property and that it merely denied to the appellants the possibility of acquiring any khatedari rights. An appeal against this judgement is pending before the Supreme Court.

22. It is not necessary to go into the various legal arguments about Section 15-A of the Rajasthan Tenancy Act and the relevant provisions of the Constitution. The Committee is of the view that if khatedari rights were denied to temporary lessees in four other command areas by the Rajasthan Tenancy Act, 1955, they should also be denied to temporary lessees in the Rajasthan Canal area. The Committee learns that on completion of the first stage of the canal, 1.94 lakh hectares (4.7 lakh acres) of land have been taken possession of from temporary lessees in the Rajasthan Canal area. This land has been allotted to more than 60,000 landless persons. Of these allottees, 18,000 are reported to belong to the Scheduled Castes and Scheduled Tribes. An amount of Rs.54.82 crores is recoverable by way of reserve price chargeable from the allottees and out of this amount instalments totalling Rs.2.81 crores have already been recovered. The new allottees have put in their hard labour and investment on land allotted to them. At the end of the second stage of the canal 5.81 lakh hectares (14.375 lakh acres) of land are expected to become available through the cancellation of temporary leases. This land is intended to be allotted to about 100,000 landless persons. The reserve price expected to be recovered on completion of the second stage of the canal is Rs.230 crores.

23. It is possible that the Supreme Court will uphold the judgement of the Rajasthan High Court. The Committee, however, recommends that as a matter of abundant caution a Constitution Amendment Bill be brought before Parliament for the purpose of deleting the Explanation from the Ninth Schedule with retrospective effect.

3. Some Measures to Speed up the Land Reform Cases.

24. In spite of the existence of Articles 31-A, 31-B and the Ninth Schedule the fact remains that a large number of writ petitions pertaining to land reform laws and their application are awaiting disposal in the High Courts. Some of these have been pending for long periods. The result is that landowners continue to be in possession of lands held to be surplus and transferable to the landless. Tenants have also been denied for long periods rights to which they were meant to be entitled under tenancy laws. In spite of the economic weakness of tenants, they have been involved in prolonged and prohibitively costly litigation. Therefore, it has become necessary to take some measures urgently to speed up the final disposal of all pending land reform cases at all levels. Otherwise, the promise of improving the status of tenants and the redistribution of land among the landless may continue to remain unfulfilled.

25. The Committee recommends to the authorities concerned that the following steps be taken without delay. Since the Chief Justices of High Courts are empowered to assign particular kinds of cases to individual members of the Bench, all Chief Justices should be requested by State Governments to name one or two or more judges on the Bench to deal only with pending land reform cases and dispose them of as soon as possible. A time-bound programme of case disposal can be determined and adhered to. The assignment of one or two or more judges in every High Court exclusively for land reform cases will speed up their disposal.

26. Where the membership of a Bench is not adequate to allow one or two judges to deal exclusively with land reform cases immediate steps should be taken to appoint more judges.

27. The pendency of land reform cases in revenue courts is also extremely high. A suitable expansion of the revenue machinery for the disposal of all pending land reform cases should also be undertaken.

28. The number of appeals and revisions allowed in land reform cases differs as between different States. The Committee urges that where the number allowed is excessive, immediate steps should be taken to limit it to two including one appeal and one revision. Also, in some States judicial personnel are associated with the disposal of land reform cases at the appellate and revisional stages, or these cases go to Civil Courts below the High Court level at various stages. The association of judicial personnel or the involvement of Civil Courts below the High Court level is perhaps desirable on some grounds, but it has the deleterious effect that Civil Courts treat land reform cases just like other cases and do not assign to them any overriding priority. And they, and judicial personnel on mixed tribunals, rigorously follow evidence procedures which involve inescapable delays in the disposal of land reform cases. All these delays, of course, benefit the present holders of surplus land and deny to tenants and landless labourers the rights due to them under land reform laws. In fact, these delays have made utter nonsense of the land reform intentions of policy-makers and legislatures.

29. Considering the gravity of the situation created by the pendency of land reform cases, the Committee recommends to the State Governments that land reform Acts be immediately amended, by ordinance if necessary, to provide that all pending and future land reform cases should be disposed of by the revenue machinery alone below the High Court level.

30. In the composition of revenue authorities (tribunals) empowered to deal with land reform cases, judicial personnel should not be associated. Nor should Civil Courts below the levels of the High Courts be involved in land reform litigation. In view of the fact that High Courts have full writ powers it would meet the ends of justice that below the High Court level the disposal of land reform cases rests entirely with functionaries in the revenue hierarchy.

31. If the revenue machinery dealing with land reform cases is suitably specialised and expanded and the recommendations made above are implemented most of the pending land reform cases can be disposed of within two or three years. And one of the biggest hurdles which currently prevents the fulfilment of the promise of land reform will have been removed.

4. Summary of Recommendations.

32. The main recommendations made above can be briefly recapitulated as follows:

(a) All land reform Acts passed by the States, assented to by the President, but not yet included in the Ninth Schedule, and all land reform laws enacted in future and assented to by the President, should be automatically presented by the Central Government to Parliament for inclusion in the Ninth Schedule of the Constitution.
(b) The Central Government should immediately move the Parliament to delete the Explanation under the Ninth Schedule with retrospective effect.
(c) The State Governments should be moved to expand High Court Benches and request Chief Justices to name one or two or more Judges to deal exclusively with and dispose of all pending land reform cases within a stipulated period.
(d) The number of Judges in High Courts where the pendency of land reform cases is heavy should be suitably increased.

(e) Land reform laws of the States should be immediately amended to provide that all land reform cases shall be dealt with by revenue functionaries alone below the High Court level.

(f) The revenue machinery dealing with land reform cases should be suitably expanded tc clear all pending land reform cases. Efforts should be made to expedite the disposal c selected categories of land reform cases by organizing camp courts.

(g) The revenue authorities of all States should establish a time-bound programme for the disposal of land reform cases.

(h) Only one appeal and one revision should be allowed against the decision of the revenue authorites in land reform cases.

Sd/- Raj Krishna, Chairman.	Sd/- A.M. Khusro, Member.
Sd/- V.M. Dandekar, Member.	Sd/- Radha Krishna, Member.
(G. Parthasarthy)* Member	Sd/- K. Balasubramaniam, Member.
Sd/- P.C. Joshi, Member.	Sd/- P.S. Appu, Member.
Sd/- P.H. Prasad, Member.	Sd/- R.K. Rath, Member-Secretary.

New Delhi
The 9th Novmebr, 1978.

* Prof.G. Parthasarthy, being abroad, could not attend any meeting of the Committee.

The Haryana Ceiling on Land Holdings (2nd Amendment) Act, 1976.

The appearance of legal practitioners during proceedings under the Ceiling law has been barred except during proceedings before the Financial Commissioner.

Where a person fails to furnish a declaration with regard to his holdings, or files a false declaration, the amount payable to him for the excess land, if any, will be reduced by 50%.

Where a person secures any allotment of land by furnishing false information he will be punishable with imprisonment upto two years, or with fine upto Rs.2,000/- or both. Such a person will also be liable to pay a licence fee of 30 times the land holdings tax in respect of irregular allotment secured by him for the period during which the land remains in his possession.

In order to discourage appeal on frivolous grounds, it has been provided that where a person goes in appeal or revision he has to deposit a sum equal to 30 times the land holdings tax payable in respect of the disputed surplus area. Where the appeal or revision ultimately fails, the landowner will have to pay licence fee equal to 30 times the land holdings tax in respect of surplus area which remains in his possession during the pendency of the appeal or revision.

The Haryana Ceiling on Land Holdings (3rd Amendment) Act, 1976.

Under the Haryana Ceiling on Land Holdings Act, 1972, a landowner is entitled to select his permissible area and also land for separate unit. The expression "separate Unit" has been defined to mean "adult son living with his parents or either of them and in case of his death, his widow and children, if any". The present Amendment Act has elaborated the meaning of the expression "separate unit" by adding an explanation, namely "the adult son or in case of his death, his widow or children shall be deemed to be living with the parents or either of them unless separated".

The period for filing declarations by the excess holders serving in armed forces has been extended upto 31.10.1976.

The Haryana Ceiling on Land Holdings (Amendment) Act, 1977.

The principal Act provides for withdrawal of exemptions granted under the old ceiling legislation in the Punjab area, namely orchards and well-run farms, etc. By mistake, the exemptions granted under the corresponding Pepsu law were not withdrawn specifically. A provision to that effect has been made by the present Amendment Act.

Under the Principal Act, the proceedings for the determination of the surplus area pending under the pre-revised laws of Punjab area and Pepsu area have to be continued and the surplus area is to be determined and vested in the State. It has been provided that the area declared surplus, but not already vested shall be vested in the State with effect from 24.1.1971 and the area which may be so declared after that date shall be deemed to have vested in the State with effect from the date of such declaration.

3. The powers exercisable by the Pepsu Land Commission under the former Pepsu Act has now been vested in the Collector of the district concerned.

The West Bengal Land Reforms (Amendment) Act, 1977.

1. Where a person wants to resume land from the Bargadar (share-cropper) for personal cultivation, such person or a member of his family must reside for the greater part of the year in the locality where the land is situated. It is also necessary that the principal source of the income is produced from such land.

2. Where land is resumed for personal cultivation, the owner has to cultivate it with his own labour or with the labour of a member of his family, and not through a servant or a labourer.

3. Where a person attempts to evict a Bargadar unlawfully or fails to grant receipt to the Bargadar for delivery of his share of the produce, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 1,000/- or with both.

4. Where a person lawfully cultivates any land, not being a member of the family of the owner, he shall be presumed to be a Bargadar, and the onus of proof that he is not a Bargadar will rest with the owner of the land.