

Act. 11/79.

A Bill further to amend the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1979.

(2) It shall be deemed to have come into force on the 27th October 1978.

2. *Declaration.*—It is hereby declared that, this Act is for giving effect to the policy of the State towards securing the principles laid down in Part IV, and in particular clauses (b) and (c) of Article 39 and Article 46 of the Constitution.

3. *Definition.*—In this Act, “principal Act” means the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961), as subsequently modified.

4. *Tamil Nadu Act 58 of 1961, as subsequently modified, to have effect subject to modification.*—The principal Act shall, on and from the 6th April 1960, have effect, as if, in section 50, to sub-section (1), the following *Explanation* had been added, namely:—

“*Explanation.*—It is hereby declared that for the purposes of this sub-section “person” shall include family and that where any right, title or interest in any land held by a family or deemed to be held by a family under sub-section (2) of section 5, is acquired by the Government under Chapter II, the amount payable under this sub-section shall be determined in respect of the whole of such right, title or interest of the family in such land as a unit, whether such right, title or interest is held individually or jointly by some or all of the members of that family.”.

5. *Modifications of certain provisions of Tamil Nadu Act 58 of 1961.*—The principal Act shall, on and from the 20th April 1972, have effect, as if,—

(i) in section 17,—

(a) in sub-section (2),—

(A) the words “as compensation” had been omitted;

(B) for the words “such compensation”, the words “such amount” had been substituted;

(b) in sub-section (3), the words “of compensation” had been omitted;

(ii) in section 18-D, in sub-section (1),—

(a) for the words “the compensation assessment roll”, the words “the assessment roll” had been substituted;

(b) for the words “by way of compensation”, the expression “under section 50” had been substituted;

(iii) in section 18-F,—

(a) in the marginal heading, for the words “Compensation from”, the words “Amount payable by” had been substituted;

(b) in sub-section (1), the words “as compensation” had been omitted;

(iv) in Chapter VI, for the heading "COMPENSATION", the heading "AMOUNT PAYABLE FOR LAND ACQUIRED" had been substituted;

(v) in section 50,—

(a) in the marginal heading, for the word "compensation", the word "amount" had been substituted;

(b) in sub-section (1), for the word "compensation", the words "an amount" had been substituted;

(c) in sub-section (2), for the word "compensation", the word "amount" had been substituted;

(d) in sub-section (3), in clause (a),—

(A) in the opening portion and in sub-clause (i), the words "of compensation" wherever they occur had been omitted;

(B) in the opening portion, for the words "a draft compensation assessment roll", the words "a draft assessment roll" had been substituted;

(e) in sub-sections (5) and (6), for the words "the draft compensation assessment roll", the words "the draft assessment roll" had been substituted;

(f) in sub-section (7),—

(A) in the opening portion, the word "compensation" had been omitted;

(B) in clause (c), for the word "compensation" in both the places where it occurs, the word "amount" had been substituted;

(g) in sub-sections (8), (9) and (10), the word "compensation" had been omitted;

(vi) in section 51, in sub-section (4), for the expression "the amount of compensation payable under section 50, the entire amount of such compensation", the expression "the amount payable under section 50, the entire amount payable under the said section 50" had been substituted;

(vii) in sections 52 and 53, the words "of compensation" wherever they occur had been omitted;

(viii) in section 54,—

(a) in the marginal heading, for the word "Compensation", the words "Amount payable" had been substituted;

(b) in sub-section (1),—

(A) for the word "compensation", the words "an amount" had been substituted;

(B) in the proviso, for the word "compensation", the word "amount" had been substituted ;

(c) in sub-section (2), for the word "compensation", the word "amount" had been substituted ;

(ix) in section 55,—

(a) in the marginal heading, for the word "compensation", the word "amount" had been substituted ;

(b) in sub-section (1), for the expression "The amount of compensation", the expression "The amount payable under section 50" had been substituted ;

(x) in section 66,—

(a) in the marginal heading, for the word "compensation", the words "amount payable" had been substituted ;

(b) in sub-section (1), for the word "compensation", the words "an amount" had been substituted ;

(c) in sub-section (2), for the word "compensation" in both the places where it occurs, the word "amount" had been substituted ;

(d) in sub-section (3), the words "of compensation" had been omitted ;

(xi) in section 110, in sub-section (2),—

(a) in clause (i), the word "compensation" had been omitted ;

(b) in clause (j), for the word "compensation" in both the places where it occurs, the word "amount" had been substituted ;

(c) in clauses (n) and (o), the words "of compensation" had been omitted ;

(xii) in Schedule III, in Part II, the words "a₃ compensation" had been omitted ;

(xiii) in Schedule IV,—

(a) in paragraph 1, for the word "compensation", the word "amount" had been substituted ;

(b) in paragraph 2, for the word "compensation", the expression "amount referred to in paragraph 1" had been substituted.

6. *Modification of Schedule III, Tamil Nadu Act 58 of 1961 for certain period.*—The principal Act shall, for the period commencing on the 20th April 1972 and ending with the date immediately preceding the 27th October 1978, have effect, as if, in Schedule III to the principal Act, in Part I,—

(i) in paragraph 1, for the word "compensation", the word "amount" had been substituted ;

(ii) in paragraph 6, in the opening portion, the words "of compensation" had been omitted;

(iii) in paragraph 7, for the word "compensation" in both the places where it occurs, the word "amount" had been substituted;

(iv) in paragraph 8,—

(a) for the words "The compensation", the words "The amount" had been substituted;

(b) the words "as compensation" had been omitted;

(v) in paragraph 9,—

(a) in sub-paragraph (a), the words "of compensation" had been omitted;

(b) in sub-paragraph (b),—

(A) for the words "the compensation", the words "the amount" had been substituted;

(B) the words "of compensation" wherever they occur had been omitted.

7. *Modification of sections 17, 50, 66, 76, 94 and 112 and Schedules III and IV of, and insertion of new section 76-A in, Tamil Nadu Act 58 of 1961.*—The principal Act shall, on and from the 27th October 1978, have effect, as if,—

(1) in sub-section (2) of section 17, for the expression "the fair rent calculated in the manner specified in paragraph 4 of Part I of Schedule III", the expression "the annual value of the land calculated in the manner specified in Part I of Schedule III" had been substituted;

(2) in section 50,—

(i) in sub-section (6), the words "or within the further time allowed by the authorized officer under that sub-section" had been omitted;

(ii) in sub-sections (9) and (10), after the words "entry in the", the words "draft assessment roll or in the" had been inserted;

(3) in sub-section (2) of section 66, for the expression "the fair rent for the land calculated in the manner specified in paragraph 4 of Part I of Schedule III", the expression "the annual value of the land calculated in the manner specified in Part I of Schedule III" had been substituted;

(4) in section 76, in sub-section (2), after the words "Subordinate Judge", the words "or an officer not below the rank of District Revenue Officer" had been added;

(5) after section 76, the following section had been inserted, namely :—

"76-A. *Transfer of appeals from one Land Tribunal to another.*—(1) The Land Commissioner may, either *suo motu* or on application, for reasons to be recorded in writing, transfer an appeal pending before a Land Tribunal to another Land Tribunal.

(2) The Land Commissioner may, when exercising the powers under sub-section (1), direct the stay of further proceedings before a Land Tribunal.

(3) No order under this section adversely affecting a person shall be passed unless that person has had a reasonable opportunity of being heard";

(6) in section 94, the proviso to sub-section (1) had been omitted;

(7) in section 112,—

(i) in sub-section (1), the expression "other than those made under section 94" had been omitted;

(ii) in sub-section (2), the expression "other than that made under section 94" had been omitted;

(8) in Schedule III, for Part I, the following Part had been substituted, namely :—

"PART I

(Land other than the land specified in Part II)

1. The amount 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.

Explanation.—For the removal of doubts, it is hereby declared that for the purpose of determining the amount under this Part, all lands acquired from a person by the Government under this Act shall be treated as a unit.

2. The annual value of the land shall be determined in the first instance.

3. The annual value of the land shall be,—

(i) in the case of registered wet, dry or manavari land (other than dry or manavari land irrigated by direct flow or lift from any Government or private source of irrigation), twenty times the land revenue on the land ;

(ii) in the case of dry or manavari land irrigated from any Government source of irrigation,—

(a) receiving supply by direct flow of water for two or more crops, twenty times the land revenue on the land plus rupees nine per acre ;

(b) by lift for one or more crops or receiving supply for only one crop by direct flow of water, twenty times the land revenue on the land plus rupees five per acre ;

(iii) in the case of dry or manavari land irrigated from private source of irrigation owned by any person in his own land, twenty times the land revenue on the land plus rupees five per acre ;

(iv) in the case of waste land, five times the land revenue on the land.

Explanation.—In this Part, waste land shall mean the land remaining uncultivated for a period of five years immediately preceding the date of the publication of the notification under sub-section (1) of section 18 ;

(v) in the case of forest land, five times the land revenue on the land.

Explanation.—Forest land for purposes of this Part,—

(i) shall include any land containing predominantly trees or shrubs or any vegetation of natural growth and such land shall be treated as forest land only, notwithstanding the existence of stray trees, if any, grown therein by human effort ; and

(ii) shall not include any waste land containing trees or shrubs ;

Provided that the annual value determined under items (i) to (v) of this paragraph shall in no case exceed Rs. 350 per acre.

Explanation.—In this paragraph and in paragraph 6, land revenue shall in respect of any land have the same meaning as in *Explanation I* to section 3 (40) and shall not include cess, surcharge, additional and special assessment charge for water, or any other levy on land.

4. The amount payable for the land other than forest 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. 3,000 or any portion thereof of the annual value of the land, ten times such sum or portion ;

(ii) for the next sum of Rs. 3,000 or any portion thereof of the annual value of the land, nine times such sum or portion ;

(iii) for the next sum of Rs. 3,000 or any portion thereof of the annual value of the land, eight times such sum or portion ;

(iv) for the next sum of Rs. 3,000 or any portion thereof of the annual value of the land, seven times such sum or portion ;

(v) for the next sum of Rs. 3,000 or any portion thereof of the annual value of the land, six times such sum or portion ;

(vi) for the balance of the annual value of the land, five times such balance.

5. The amount payable for trees on land other than forest land shall be the value of such trees on the date of the publication of the notification under sub-section (1) of section 18 subject to the maximum specified below :—

(i) in the case of trees grown by human effort other than fruit bearing trees, Rs. 1,000 per acre ;

(ii) in the case of,—

(a) orchards ;

(b) plantation crops ; or

(c) fruit bearing trees,

grown by human effort, Rs. 3,500 per acre ;

(iii) in the case of stray trees of spontaneous growth, Rs. 250 per acre :

Provided that the total amount payable for trees under clauses (i) to (iii) shall not exceed Rs. 3,500 per acre.

6. The amount payable for the forest land including the trees on such 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. 3,000 or any portion thereof of the annual value of the land together with the annual value of the trees, ten times such sum or portion ;

(ii) for the next sum of Rs. 3,000 or any portion thereof of the annual value of the land together with the annual value of the trees, nine times such sum or portion ;

(iii) for the next sum of Rs. 3,000 or any portion thereof of the annual value of the land together with the annual value of the trees, eight times such sum or portion ;

(iv) for the next sum of Rs. 3,000 or any portion thereof of the annual value of the land together with the annual value of the trees, seven times such sum or portion ;

(v) for the next sum of Rs. 3,000 or any portion thereof of the annual value of the land together with the annual value of the trees, six times such sum or portion ;

(vi) for the balance of the annual value of the land together with the annual value of the trees, five times such balance.

Explanation.—In this paragraph, the annual value of the trees shall mean forty times the land revenue on forest land.

7. The amount payable for any building, machinery, plant, apparatus, wells, filter points or power lines acquired under this Act shall be the written down value [determined in accordance with the provisions of the Income Tax Act, 1961 (Central Act 43 of 1961)] of such building, machinery, plant, apparatus, wells, filter points or power lines, on the date of the publication of the notification under sub-section (1) of section 18.

8. The amount payable under this Part shall be the aggregate of the amount as calculated under,—

(i) paragraphs 4, 5 and 7, in the case of land other than forest land ;

(ii) paragraph 6 and 7, in the case of forest land ;
less the amount payable under section 54 to a tenant, in respect of the land concerned.”;

(9) in Schedule IV, in paragraph 1, for the expression "the fair rent calculated in the manner specified in paragraph 4 of Part I of Schedule III", the expression "the annual value for the land calculated in the manner specified in Part I of Schedule III" had been substituted.

8. *Validation*.—Notwithstanding anything contained in any judgment, decree or order of any court or other authority, all acts done and proceedings taken by any officer or authority under the principal Act before the 27th October 1978, on the basis,—

(a) that "person" referred to in sub-section (1) of section 50 of the principal Act shall include family; or

(b) that the amount payable under sub-section (1) of the said section 50 in respect of any right, title or interest in any land held by a family or deemed to be held by a family under sub-section (2) of section 5 of the principal Act, shall be determined in respect of the whole of such right, title or interest of the family in such land as a unit, whether such right, title or interest was held individually or jointly by some or all of the members of that family, shall, for all purposes be deemed to be, and to have always been, validly done or taken in accordance with law, as if section 4 of this Act had been in force at all material times when such acts or proceedings were done or taken.

9. *Saving*.—Any proceeding taken or order passed under the principal Act which has been disposed of between the 2nd May 1962 and the 27th October 1978, contrary to the provisions of the principal Act, as amended by section 4 of this Act, shall be reopened and disposed of in accordance with the provisions of the principal Act as so amended:

Provided that no such proceeding or order, shall be reopened under this section after the expiry of a period of five years from the 27th October 1978.

10. *Repeal and Saving*.—(1) The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Ordinance, 1978 (Tamil Nadu Ordinance 14 of 1978), is hereby repealed.

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

STATEMENT OF OBJECTS AND REASONS.

Under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961), the compensation for the surplus lands of a family is determined for the family as a whole. The High Court has held in a case to the effect that for the purpose of fixing the compensation, every person whose right, title or interest on the land has been acquired by Government should be treated separately and the compensation payable to each member should be worked out and paid separately. If the compensation is so worked out and paid separately, it would involve additional financial commitment to the Government, as higher amount of compensation will have to be paid. It was, therefore, proposed to amend the said Act suitably, with effect from the 6th April 1960, to give effect to the intention that the amount payable is determined for the family as a whole, with necessary provisions for validating cases, conforming to the provisions of the Act as proposed to be amended and for reopening cases not conforming to the provisions of the Act as proposed to be amended for disposal according to the provisions of the Act as proposed to be amended.

2. It was also proposed to change the reference to 'compensation' in the Act as 'amount' so as to be consistent with the provisions of Article 31(2) of the Constitution, with effect from the 20th April 1972, that is, the date of coming into force of the Constitution (Twenty-fifth Amendment) Act, 1971.

3. The amount payable for the surplus lands taken over under Tamil Nadu Act 58 of 1961 was found in certain cases to be higher than the market value of such land. This results in difficulty in collecting the land value from the assignees of the surplus lands, as the amount paid to the landowner is collected as land value from the assignees. It was, therefore, proposed to change with prospective effect, the basis for calculation of the amount as a multiple of the annual value, the annual value being a suitable multiple of the land revenue with additions for irrigated dry or manavari lands, subject to a maximum of Rs. 350 per acre, so that the amount payable for the best category of land will not exceed Rs. 3,500 per acre. In addition, tree value and value for buildings, machinery, etc., will also be payable as laid down.

4. It was also considered necessary to take power for the Government to constitute Land Tribunals with officers not below the rank of District Revenue Officer also, to clear the accumulation of appeals against the orders of the authorized officers, etc., and to empower the Land Commissioner to transfer appeals, from one Land Tribunal to another Land Tribunal wherever necessary.

5. The proviso to section 94 of the said Tamil Nadu Act 58 of 1961, lays down that the rules for disposal of surplus lands framed under that section shall not come into force unless they are approved by the Legislature. In order to obviate the delay arising in view of this provision in amending the rules, it was proposed to omit the said proviso, and to provide that the rules be placed on the Table of both the Houses of the Legislature after issue of the same.

6. Certain amendments with reference to the administrative point of view were also proposed to be made.

7. To give effect to the above proposals, the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Ordinance, 1978 (Tamil Nadu Ordinance 14 of 1978), was promulgated by the Governor.

8. The Bill seeks to replace the said Ordinance.

S. D. SOMASUNDARAM,
Minister for Revenue.