

©
GOVERNMENT OF TAMIL NADU
1972.

[Printed under the authority of the Governor of Tamil Nadu by the
Director of Stationery and Printing, Madras.]

GOVERNMENT OF TAMIL NADU
LAW DEPARTMENT

TAMIL NADU ACT No. 17 OF 1970.

*[Received the assent of the President on the 20th June 1970
first published in the Tamil Nadu Government Gazette
Extraordinary on the 23rd June 1970 (Ashada 2, 1892)].*

*An Act further to reduce the ceiling on Agricultural land
holdings in the State of Tamil Nadu.*

Whereas under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961), the ceiling area in the case of every person and in the case of every family consisting of not more than five members, is 30 standard acres ;

And whereas even after the implementation of the said Act, there is disparity in the ownership of agricultural land leading to the concentration of such land in the hands of certain persons to the common detriment ;

And whereas as a further step towards agrarian reform, it is considered necessary to reduce such disparity ;

And whereas with a view to achieve this object, it is considered necessary to reduce the ceiling area from 30 standard acres to 15 standard acres ;

And whereas for the above purpose it is expedient that the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961) shall have effect subject to modifications ;

PRICE 14 Paise.

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

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Act, 1970.

(2) It shall be deemed to have come into force on the 15th day of February 1970.

2. *Tamil Nadu Act 58 of 1961 to have effect subject to modifications.*—The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961) (hereinafter referred to as the principal Act) shall, on and from the 15th day of February 1970, have effect as if—

(1) in section 3 of the principal Act—

(a) for clause (11), the following clause had been substituted, namely :—

“(11) ‘date of the commencement of this Act’ means the 15th day of February 1970;”;

(b) for clause (12), the following clause had been substituted, namely :—

“(12) ‘date of the publication of this Act’ means the date of the publication of the Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Act, 1970, in the *Fort St. George Gazette* ;”;

(c) (i) the Explanation to clause (14) had been numbered as Explanation I and in the Explanation as so numbered, for the words “date of the commencement of this Act”, the words “notified date” had been substituted;

(ii) after Explanation I as so numbered, the following Explanation had been inserted, namely :—

“*Explanation II.*—For the purpose of this clause—

(a) in the case of persons governed by Hindu Law, “unmarried daughters” and “unmarried grand-daughters” shall not include “unmarried daughters” or “unmarried grand-daughters” —

(i) in whose favour any land had been voluntarily transferred by either of whose parents or grand parents on account of natural love and affection ; or

(ii) in whose favour a preliminary decree for partition has been passed before the notified date ;

(b) in the case of persons governed by any law other than Hindu Law, “minor sons”, “unmarried daughters”, “minor grand-sons”, and “unmarried grand-daughters”, shall not include “minor sons”, “unmarried daughters”, “minor grand-sons” and “unmarried grand-daughters” —

(i) in whose favour any land has been voluntarily transferred by either of whose parents or grand parents on account of natural love and affection ; or

(ii) in whose favour a preliminary decree for partition has been passed before the notified date ; ” ;

(d) for clause (31), the following clause had been substituted, namely :—

“(31) notified date ‘ means the date specified by the Government in a notification, which shall be a date after the date of the publication of this Act ; ” ;

(2) in section 5 of the principal Act—

(a) in clause (a) and clause (b) of sub-section (1), for the figures and words “ 30 standard acres ”, the figures and words “ 15 standard acres ” had been substituted;

(b) in clause (a) of sub-section (4), for figures and words “ 30 standard acres ”, the figures and words “ 15 standard acres ” had been substituted;

(c) in Illustration (a)—

(i) in the first paragraph, for the figures and words “ 80 standard acres ”, “ 20 standard acres ”, “ 30 standard acres ” and “ 20 standard acres ”, the figures and words “ 40 standard acres ”, “ 10 standard acres ”, “ 15 standard acres ” and “ 10 standard acres ” had been respectively substituted;

(ii) in the third paragraph—

(a) in the second sentence, for the figures and words “ 20 standard acres ”, “ 30 standard acres ”, “ 10 standard acres ” and “ 30 standard acres ”, the figures and words “ 10 standard acres ”, “ 15 standard acres ”, “ 5 standard acres ” and “ 15 standard acres ” had been respectively substituted;

(b) for the last sentence, the following sentence had been substituted, namely :—

“ The wife can hold in addition, 5 standard acres as stridhana land. All the members of A's family will, therefore, be together entitled to hold 20 standard acres and the remaining 25 standard acres will be treated as surplus land. ” ;

(iii) in the fourth paragraph, for the figures and words “ 20 standard acres ”, “ 30 standard acres ”, “ 10 standard acres ”, “ 30 standard acres ”, “ 30 standard acres ” and “ 10 standard acres ”, the figures and words “ 10 standard acres ”, “ 15 standard acres ”, “ 15 standard acres ” and “ 5 standard acres ” had been respectively substituted;

(d) in Illustration (b)—

(i) in the first paragraph, for the figures and words “ 25 standard acres ”, “ 20 standard acres ”, “ 20 standard acres ”, “ 30 standard acres ”, “ 10 standard acres ” and “ 30 standard acres ”, and for the words “ 15 standard acres ”, the figures and words “ 10 standard acres ”, “ 10 standard acres ”, “ 15 standard acres ”, “ 5 standard acres ”,

" 15 standard acres ", " standard acres ", " 15 standard acres " and " 5 standard acres ", " 15 standard acres " and " 5 standard acres " had been respectively substituted;

(ii) in the second paragraph—

(a) for the figures and words " 25 standard acres ", " 30 standard acres ", " 5 standard acres ", " 30 standard acres " and " 5 standard acres ", the figures and words " 10 standard acres ", " 15 standard acres ", " 5 standard acres ", " 15 standard acres " and " 5 standard acres " had been respectively substituted;

(b) for the last sentence, the following sentence had been substituted, namely :—

" There will be no surplus land ";

(e) in Illustration (c), for the figures and words " 30 standard acres ", " 50 standard acres ", " 10 standard acres " and " 40 standard acres ", the figures and words " 15 standard acres ", " 25 standard acres ", " 10 standard acres " and " 15 standard acres " had been respectively substituted;

(f) in Illustration (d), for the figures and words " 40 standard acres ", " 30 standard acres " and " 10 standard acres " the figures and words " 20 standard acres ", " 15 standard acres " and " 5 standard acres " had been respectively substituted;

(3) in section 8 of the principal Act—

(a) in the heading, for the figures and words " 30 standard acres " the figures and words " 15 standard acres " had been substituted;

(b) in sub-section (1)—

(i) for the words " Within ninety days from such date as may be specified in the notification issued by the Government in this behalf ", the words " Within ninety days from the notified date " had been substituted;

(ii) for the figures and words " 30 standard acres ", the figures and words " 15 standard acres " had been substituted;

(iii) for Explanation I, the following Explanation had been substituted, namely :—

" *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.";

(4) in sub-section (1) of section 9 of the principal Act, for the figures and words " 30 standard acres ", the figures and words " 15 standard acres " had been substituted;

(5) in sub-section (2) of section 10 of the principal Act—

(a) in clause (a)—

(i) after the words " for the first time ", the words " after the date of the commencement of this Act " had been inserted ;

TAMIL NADU ACT No. 17 OF 1970

5

(ii) for the figures and words "30 standard acres", the figures and words "15 standard acres" had been substituted;

(b) in clause (b), for the words "for the first or for any subsequent time", the words "for the first time after the date of the commencement of this Act, or for any subsequent time" had been substituted;

(6) in section 21 of the principal Act—

(a) in sub-section (1), Explanation II had been omitted;

(b) in sub-section (2), the Explanation had been omitted;

(7) after section 21 of the principal Act, the following section had been inserted, namely :—

"21-A. *Certain partitions and transfers to be valid.*—Notwithstanding anything contained in section 22 or in any other provision of this Act and in any other law for the time being in force, where, after the date of the commencement of this Act, but before the notified date—

(a) any person has effected by means of a registered instrument a partition of his holding or part thereof; or

(b) any parent or grand-parent has voluntarily transferred any land on account of natural love and affection to any minor son, unmarried daughter, minor grand-son, or unmarried grand-daughter in the male line; or

(c) any person has voluntarily transferred any land—

(i) to any educational institution; or

(ii) hospital

of a public nature solely for the purposes of such institution or hospital,
such partition or transfer shall be valid :

Provided that in the case of transfer to such educational institution or hospital, the land transferred absolutely vests in the institution or hospital and the entire income from such land is appropriated for the institution or hospital."

(8) in section 22 of the principal Act—

(a) in the heading, the words "or partition" had been omitted;

(b) the words "or has effected a partition of his holding or part thereof", the words "or partition" in the two places where they occur, and the words "or the partition, as the case may be" had been omitted;

(9) in section 23 of the principal Act—

(a) after the words "for the first time", the words "after the date of the commencement of this Act" had been inserted;

(b) for the figures and words "30 standard acres";
the figures and words "15 standard acres" had been substituted;

(10) after section 60 of the principal Act, the following section had been inserted, namely :—

"60-A. *Certain definitions for the purpose of this Chapter.*—In this Chapter, "date of the publication of this Act" and "notified date" shall respectively mean "the 2nd May 1962" and "the 2nd October 1962.";

(11) in section 96 of the principal Act, the following proviso had been added at the end, namely :—

"Provided that nothing contained in this section shall be deemed to affect the refixation of the ceiling area under the Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Act, 1970."

3. *Saving.*—(1) Subject to the provisions of sub-section (2) any action taken (including any order made, notification issued, decision or direction given, proceeding taken, liability or penalty incurred and punishment awarded) under the provisions of the principal Act before the date of the publication of this Act in the *Fort St. George Gazette*, may be continued or enforced after the said date in accordance with the provisions of the principal Act as if this Act had not been passed.

(2) Nothing in sub-section (1) shall be deemed to entitle any person whether or not such person is a party to any proceeding mentioned in sub-section (1), to hold after the 15th day of February 1970, land in excess of the ceiling area under the principal Act as modified by section 2 and the provisions of the principal Act as modified by section 2 shall, after the said date, apply to such person.