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Part IV—Section 3

Tamil Nadu Bills.

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Bills introduced in the Legislative Assembly of t e State of Tamil Nadu.

Under rule 93 of the Tamil Nadu Legislative Assembly Rules, the following Bill, which was introduced in the Legislative Assembly of the State on the 12th August 1972, is published together with the Statement of Objects and Reasons for general information :—

L.A. Bill No. 32 of 1972.

A Bill further to amend the Madras City Municipal Corporation Act, 1919.

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

1. *Short title and commencement.*—(1) This Act may be called the Madras City Municipal Corporation (Amendment) Act, 1972.

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Under rule 93 of the Tamil Nadu Legislative Assembly Rules, the following Bill, which was introduced in the Legislative Assembly of the State on the 12th August 1972, is published together with the Statement of Objects and Reasons for general information :—

L.A. Bill No. 33 of 1972.

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 Twenty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fourth Amendment Act, 1972.

2. *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.

3. *Tamil Nadu Act 58 of 1961, as subsequently modified, to have effect subject to modifications.*—The principal Act shall on and from the 1st day of March 1972, have effect as if,—

(1) after section 3-C of the principal Act, the following section had been inserted, namely :—

" 3-D. *Certain special definitions.*—Notwithstanding anything contained in this Act, if, by virtue of the operation of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fourth Amendment Act, 1972, the total extent of land held by any person exceeds the ceiling area, then, in relation to such person and in this Act, unless the context otherwise requires,—

(i) ' date of the commencement of this Act ' means the 1st day of March 1972;

(ii) ' notified date ' means the date specified by the Government in a notification, which shall be a date subsequent to the date of the publication of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fourth Amendment Act, 1972, in the *Tamil Nadu Government Gazette.*'' ;

(2) in section 5 of the principal Act, in sub-section (5), for the expression " shall in no case exceed 40 standard acres ", the expression " shall in no case exceed 30 standard acres " had been substituted;

(3) in section 8 of the principal Act, in sub-section (1),—

(*a*) for the words " within ninety days ", the words " within thirty days " had been substituted;

(*b*) clause (iv) had been omitted;

(4) in section 9 of the principal Act, in sub-section (3),—

(*a*) in clause (a), at the end, the word " or " had been omitted;

(*b*) clause (*b*) had been omitted;

(5) in section 10 of the principal Act,—

(*a*) in sub-section (1), clause (v) had been omitted;

(*b*) in sub-section (5),—

(i) for the words " within sixty days ", in the two places where they occur, the words " within thirty days ", had been substituted;

(ii) the proviso had been omitted;

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

(*a*) in clause (i), the word " and " had been added at the end;

(*b*) clause (ii) and the word " and " had been omitted;

(7) in section 14 of the principal Act, in sub-section (2), clause (*a*) and the word " or " had been omitted;

(8) after section 18 of the principal Act, the following section had been inserted, namely :—

" 18-A. *Direction by Land Commissioner.*—Where for any reason, the extent of any land held by any person has not been included in the total extent of the land held by such person for the purposes of this Act, the Land Commissioner may, at any time, direct the authorized officer to include such land in such total extent and the ceiling area shall be calculated or recalculated, as the case may be, in accordance with the provisions of this Act, and accordingly, the provisions of section 9 and the other provisions of this Act shall, as far as may be, apply as if the extent of the land so included were mentioned in the return required to be furnished under section 8. ";

(9) in section 24 of the principal Act, in sub-section (2), for clauses (*c*) and (*d*), the following clauses had been substituted, namely :—

" (*c*) one member of the Board of Revenue (other than the Land Commissioner) nominated by the Government; (*d*) two non-official members nominated by the Government.";

(10) sections 26, 27, 28, and 29 of the principal Act had been omitted;

(11) in section 34 of the principal Act, for the expressions " section 27 or 31 " and " section 29 or 33 ", the expressions " section 31 " and " section 33 " had respectively been substituted;

(12) in section 50 of the principal Act,—

(i) in sub-section (2),—

(*a*) for the words " within sixty days ", the words " within thirty days " had been substituted;

(*b*) the words " or within such further time not exceeding thirty days as the authorized officer may in his discretion allow " had been omitted;

(ii) in sub-section (3), in clause (*a*) (ii),—

(*a*) for the words " within sixty days ", the words " within thirty days " had been substituted;

(*b*) the proviso had been omitted;

(13) in section 51 of the principal Act, in sub-section (1), for the words " within ninety days ", the words " within sixty days " had been substituted;

(14) in section 73 of the principal Act, clause (x) had been omitted;

(15) in section 78 of the principal Act,—

(*a*) in sub-section (1), for the words "within sixty days ", the words " within thirty days ", had been substituted;

(*b*) in sub-section (2), after the expression "after the expiration of the period mentioned in sub-section (1) ", the expression " but not exceeding thirty days ", had been inserted;

(16) section 81 of the principal Act had been omitted;

(17) in section 82 of the principal Act,—

(i) for the expression " under section 9 (3), 17 (3) or 18 (4) ", the expression " 9 (3), 12, 13, 14 (1), 14 (2), 17 (3), 18 (4), 50 (5) or 50 (9) or the record of any proceeding under sub-section (2) of section 54 " had been substituted;

(ii) the words " or revision " had been omitted;

(18) in section 110 of the principal Act, in sub-section (2), clause (*d*) had been omitted;

4. *Modification of Schedule III of principal Act.*—The principal Act shall, on and from the date of the publication of this Act in the *Tamil Nadu Government Gazette*, have effect as if, in Schedule III to the principal Act, under Part I,—

(*a*) paragraph 4 had been renumbered as sub-paragraph (1) of that paragraph and after sub-paragraph (1) as so renumbered, the following sub-paragraph had been added, namely :—

" (2) In determining the normal gross produce of any land for purposes of sub-paragraph (1), the return made under section 16 of the Tamil Nadu Agricultural Income-tax Act, 1955 (Tamil Nadu Act V of 1955) in respect of that land shall be taken into account.";

(*b*) in paragraph 6, for item (iv), the following items had been substituted, namely :—

" (iv) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, 9 times such sum or portion;

(v) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, 8 times such sum or portion;

(vi) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, 7 times such sum or portion;

(vii) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, 6 times such sum or portion;

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

(ix) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, 4 times such sum or portion;

(x) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, 3 times such sum or portion;

(xi) for the balance of the net annual income from the land, 2 times such balance.";

(*c*) for paragraph 7, the following paragraph had been substituted, namely :—

"7 (*a*) The compensation 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, machineary, plant, apparatus, wells, filter points or power lines, on the date of the publication of the notification under sub-section (1) of section 18.

(*b*) The compensation payable for any tree shall be the value of such tree on the date of the publication of the notification under sub-section (1) of section 18.".

5. *Modification of section* 3 (28) *of the principal Act.*—The principal Act shall on and from the 6th day of April 1960, have effect as if, in section 3 of the principal Act, to clause (28), the following Explanation had been added, namely :—

" *Explanation.*—A person who has a right to enjoy the land during his lifetime shall be deemed to be a limited owner notwithstanding that he has no power to alienate the land.".

6. *Abolition of existing Land Board.*—Notwithstanding anything contained in this Act, on and from the date of the publication of this Act in the *Tamil Nadu Government Gazette*,—

(*a*) the Land Board existing on that date shall stand abolished and any member of such Board shall cease to hold office as such member;

(*b*) any application and any proceeding in respect of any land used exclusively for dairy farming or livestock breeding and pending before such Board on the said date shall abate;

(*c*) any application and any proceeding in respect of any land which is interspersed among plantations or is contiguous to any plantation and pending before such Board on the said date shall stand transferred to the Land Board constituted after the date of the publication of this Act in the *Tamil Nadu Government Gazette*;

(*d*) any permission granted, or order passed, or decision given by the Land Board before the date of such publication in respect of any land used exclusively for dairy farming or livestock breeding shall be deemed to be of no effect and accordingly the provisions of the principal Act, as modified by this Act, shall apply to such land;

(*e*) any permission granted, or order passed, or decision given by the Land Board before the date of such publication in respect of any land which is interspersed among plantations or is contiguous to any plantation shall be deemed to have been granted, passed or given by the Land Board constituted after the date of such publication.

7. *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 date of the publication of this Act in the *Tamil Nadu Government Gazette*, on the basis that a person who had a right to enjoy the land during his lifetime but had no power to alienate the land was a limited owner under the principal Act shall, for all purposes be deemed to be and to have always been validly done or taken in accordance with law as if section 5 of this Act had been in force at all material times when such acts or proceedings were done or taken.

STATEMENT OF OBJECTS AND REASONS.

The Committee of legislators of both the Houses constituted to review the exemptions contained in the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 has recommended the deletion of the exemption in respect of lands used for dairy farming or live-stock breeding contained in section 73 (x) of the Act. The Government have accepted the recommendation of the Committee.

2. Consequent on the deletion of the exemption in respect of lands used for dairy farming or live-stock breeding the functions of the Land Board will be confined only to grant of

permission under section 31 of the Act to hold lands interspersed among or contiguous to any plantation. The Government have, therefore, decided to change the constitution of the Land Board.

3. Under sub-section (5) of section 5 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961), as amended by the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1972 (Tamil Nadu Act 20 of 1972), the maximum extent of land which a family consisting more than five members can hold is 40 standard acres. It has been decided to reduce this maximum extent from 40 standard acres to 30 standard acres, viz., twice the extent allowed for a family consisting of five members or less.

4. The High Court has held that a person who has a right to enjoy the land during his life time without a power to alienate is not a limited owner as defined in clause (28) of section 3 of the Act. It has, therefore, been decided to amend this section to the effect that a person who has right to enjoy the land during his life time shall be deemed to be a limited owner notwithstanding that he has no power to alienate the land. This amendment will take effect from 6th April 1960 which is the date of commencement of Tamil Nadu Act 58 of 1961.

5. At present there is no power vested in any authority to reopen a case finalised under the Act, if for any reason the extent of any land held by a person has been omitted to be included in the total extent of the land held by such person for the purpose of the Act. It has, therefore, been decided to insert a new provision giving power to the Land Commissioner to direct authorized officer to reopen the cases in cases of omission of land to be included in the total extent held by a person.

6. Section 8 (1) allows a time limit of 90 days for filing returns by a person holding land in excess of the ceiling limit. Section 10 (5) allows 60 days time to file objections by a person interested in the land in respect of which draft statement has been published. Section 50 (2) allows 60 plus 30 days time for preferring claim for compensation for the land acquired. Section 50 (3) (*a*) (ii) allows 60 plus 30 days time

for preferring objections to the draft compensation assessment roll. Section 51 (1) allows 90 days time for preferring claims by mortgagees or charge holders of the land acquired. Section 78 (1) allows 60 days time to land holders to file appeal to the Land Tribunal against the decision of the authorised officer. The time now allowed for filing returns, filing of objections, etc., under the various provisions referred to above is considered too long as this leads to prolongation of the proceedings of the Act in each case resulting in delay in the implementation of the Act. It has, therefore, been decided to reduce the time allowed under the various sections referred to above except 51 (1) to 30 days and to reduce the time allowed under section 51 (1) to 60 days.

7. It has been decided to omit the existing section 81 of the Act relating to the revisional jurisdiction of the Land Tribunal and to entrust the revisional jurisdiction to the Land Commissioner in respect of the matters specified in that section.

8. At the conference of Chief Ministers held on 23rd July 1972 at New Delhi, it was decided that the compensation for surplus land acquired should be on a slab basis with the quantum decreasing with increase in the size of the holding. The existing provision in Schedule III to Act 58 of 1961 provides for calculation of the compensation on the basis of the multiples of net annual income. The net annual income is the amount of fair rent less the land revenue. It has been decided to revise the slabs prescribed in paragraph 6 of Part I of Schedule III for purposes of calculation of the compensation so that the quantum of compensation will decrease with the increase in the size of the holding. It has also been decided that for the purpose of determining the normal gross produce of the lands acquired, the value of gross produce as furnished in the return filed by the landowner under the Tamil Nadu Agricultural Income-tax Act, 1955 (Tamil Nadu Act V of 1955), shall be taken into account. It has also been decided that the compensation payable for any building, machinery, plant, etc., acquired under the 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, etc., on the date of the publication of the notification under section 18 (1).

The revised formula for determination of the compensation will take effect on and from the date of the publication of the amending Act, that is, to lands which vest in the Government after the date of publication of the amending Act.

9. The Bill seeks to give effect to the above objects.

P. U. SHANMUGAM,
Minister for Food and Revenue.

FINANCIAL MEMORANDUM.

The Bill provides for acquisition of surplus lands due to the deletion of the exemption in respect of lands used for dairy farming or livestock breeding and due to the reduction of the ceiling area from 40 standard acres to 30 standard acres for families each consisting of more than five members. It is not possible at this stage to estimate with any degree of accuracy the expenditure to be incurred.

C. D. NATARAJAN,
Secretary, Legislative Assembly.