

**Gujarat Agricultural Lands Ceiling Act, 1960**

**27 of 1961**

**[15 June 1961]**

CONTENTS

**CHAPTER 1 :- PRELIMINARY**

1. Short title, extent and commencement
2. Definitions
3. Exempted lands

**CHAPTER 2 :- CEILING AREA**

4. Delimitation of local areas
5. Ceiling areas

**CHAPTER 3 :- FIXATION OF CEILING ON HOLDING LANDS, DETERMINATION OF SURPLUS LAND AND ACQUISITION THEREOF**

6. Ceiling on holding land
7. Restrictions on transfers of subdivisions of land and consequences of transfer or subdivision made in contravention thereof
8. Transfers or partitions made after 15th January, 1959 but before commencement of this Act
9. Consequences of acquisition of land in excess of area permitted under section 6
- 9A. Ceiling area where land converted into another class by Government irrigation
10. Holders land to furnish particulars of land to mamlatdars
11. Penalty for failure to furnish statement [or affidavit] etc
12. Surplus land needed for Public purpose and power to acquire it
13. Tribunal proceed to prepare list of persons holding surplus land
14. Designated Tribunal to exercise jurisdiction in respect of persons holding land in different areas
15. Computation of surplus land
16. Tribunal to hold inquiry in respect of contravention of section 11
17. Mode of determining in certain area of surplus land out of total land
18. Division of survey numbers or of sub-division thereof in determining area of surplus land
19. Restoration of surplus land held by tenant to landlord
20. Publication of list and notice to persons affected thereby
21. Tribunal to make order declaring surplus land etc. and consequence thereof
22. Notice to interested persons
23. Quantum of compensation
24. Determination of claim for possession under section 19 and of compensation and apportionment thereof
25. Mode of payment of amount of compensation
26. Inquiry as respect land held in contravention of section 9

**CHAPTER 4 :- SPECIAL PROVISIONS FOR ACQUISITION OF LAND IN CERTAIN CASES**

27. Acquisition of land needed for the formation of compact block out of lands to be allotted to a co-operative farming society
28. Collector to determine value of land and to make award and effect of award

**CHAPTER 5 :- ALLOTMENT OF LAND VESTING IN THE STATE GOVERNMENT UNDER THIS ACT**

29. Allotment of land vesting in Government
- 29A. Special provision in respect of efficiently managed compact blocks of land and orchards to ensure efficient cultivation and continuity of production
- 29B. Application of Code to surplus land
30. Restriction on transfer or sub-division of land allotted under section 29
31. Temporary leases of land liable to be allotted under section 29

**CHAPTER 6 :- PROCEDURE APPEALS AND REVISION**

32. Powers of Mamlatdar, Tribunal and Collector in making inquiries
33. Inquiries to be held in accordance with prescribed procedure
34. Notices to be served in prescribed manner
35. Appeals against orders except awards
36. Appeal against awards
37. Collectors power of revision
38. Revisional jurisdiction of Gujarat Revenue Tribunal
39. Limitation for appeals and applications for revision
40. Court fees
41. Powers of Gujarat Revenue Tribunal to confirm, modify, etc., order taken in revision
42. Power of Collector to transfer appeals
- 42A. Revenue Officer to be a necessary party to all proceedings

## **CHAPTER 7 :- MISCELLANEOUS**

- 43. Sums recoverable as arrears of land revenue
- 44. Mode of putting any person in possession of land
- 45. Summary eviction
- 46. Pleaders, etc., excluded from appearance
- 47. Bar of jurisdiction
- 48. Inquiries and proceedings to be judicial proceedings
- 49. Tribunal etc., to be public servants
- 50. Protection of action taken under this Act
- 51. Delegation of powers
- 52. Control
- 53. Rules
- 54. Enactments amended

## **SCHEDULE 1 :- SCHEDULE I**

## **SCHEDULE 2 :- SCHEDULE II**

## **SCHEDULE 3 :- SCHEDULE III**

# **Gujarat Agricultural Lands Ceiling Act, 1960**

**27 of 1961**

**[15 June 1961]**

An Act to fix a ceiling on holding agricultural land and to provide for the acquisition and disposal of surplus agricultural lands.

WHEREAS the Bombay Tenancy and Agricultural Lands Act, 1948 (Bombay LXVII of 1948) imposes a restriction upon holding agricultural land in excess of certain limits in the Bombay area of the State of Gujarat ;

AND WHEREAS it is expedient in the public interest to make a uniform provision for the whole of the State of Gujarat in respect of restrictions upon holding agricultural land in excess of certain limits and it is also expedient for so securing the distribution of agricultural land as best to sub serve the common good to provide for the acquisition of surplus agricultural land for the allotment thereof to persons who are in need of lands for agriculture (including co-operative farming societies, landless persons, agricultural labourers and small holders)

<sup>1</sup> [or for the allotment of such surplus agricultural lands the integrity of which is maintained in compact blocks to a department of Government or to co-operative farming societies or corporations owned or controlled by the State, for ensuring the full and efficient use thereof] and to provide for other consequential and incidental matters hereinafter appearing; It is hereby enacted in the Eleventh Year of the Republic of India as follows :-

1. These words were inserted by Gujarat 2 of 1974, s. 3.

## **CHAPTER 1 PRELIMINARY**

### **1. Short title, extent and commencement :-**

(1) This Act may be called the Gujarat Agricultural Lands Ceiling Act, 1960.

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

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

### **2. Definitions :-**

In this Act, unless the context requires otherwise-

<sup>1</sup>[(1) "agriculture" includes-

(a) horticulture,

(b) the raising of crops, grass or garden produce,

(c) the use by an agriculturist of the land held by him or part thereof for grazing.

(d) the use of any land, whether or not an appanage to rice or paddy land, for the purpose of rabmanure,

(e) dairy farming,

(f) poultry farming.

(g) breeding of live-stock, and

(h) the cutting of wood :

Provided that in relation to any period prior to the specified date, "agriculture" shall not include any of the pursuits specified in sub-clauses (d), (e), (f), (g) and (h) and also such other pursuits as may have been prescribed prior to the specified date as pursuits not included in that word;]

(2) "agricultural labourer" means a person whose principal means of livelihood is manual labour on agricultural land ;

(3) "agriculturist" means a person who cultivates land personally;

**2** [(3A) "Amending Act of 1972" (Gujarat 2 of 1974) means the Gujarat Agricultural lands Ceiling (Amendment) Act, 1972 (Gujarat 2 of 1974) ;]

(4) "appointed day" means the day on which this Act, comes into force;

(5) "ceiling area" means the extent of land determined under section 5 to be the ceiling area;

**3** [(6) "class of land" means any of the following classes of land, that is to say :-

(i) perennially irrigated land;

(ii) seasonally irrigated land;

(iii) superior dry crop land;

(iv) dry crop land;

Explanation I - For the purpose of this Act-

(a) "perennially irrigated land" means land which is assured of a regular and actual supply of water for a period of not less than ten months during the year from any source of irrigation and which is consequently capable of growing at least two crops in a year or is utilised for growing sugarcane crop :

Provided that land irrigated by a tube-well or lift irrigation from a perennial source of water, operated by diesel or electric power or both and constructed on or after 15th August, 1972 by any person other than Government or a local authority, shall not be deemed to be perennially irrigated land;

(b) "seasonally irrigated land" means land which is assured of a regular and actual supply of water for a period of less than ten months but not less than four months during the period from 15th September to the end of February in a year from any source of irrigation, and is consequently capable of growing at least one crop in a year;

(c) "Superior dry crop land" means rice land and orchard;

(d) "rice land" means land which is situated in a local area where the average rainfall is not less than 89 centimeters a year, such average being calculated on the basis of rain-fall in that area during the five years immediately preceding the year 1959 and which is used for the cultivation of rice or which, in the opinion of the State Government is fit for the cultivation of rice but does not include perennially or seasonally irrigated land used for the cultivation of rice;

(e) "dry crop land" means land other than the land specified in paragraphs (a) to (c) and grass land, that is to say, land which abounds in grass grown naturally and which is capable of being used for agricultural purposes;

(f) "grass land" referred to in paragraph (e) shall, notwithstanding anything contained in that paragraph, be deemed to be rice land if it is situated in a local area referred to in paragraph (d) and in the opinion of the state Government it is fit for the cultivation of rice ;

(g) land irrigated by dug wells except in the irrigation command of an irrigation project or in the bed of a river, stream, or natural collection Of water or a drainage channel (being an irrigation project, a river, stream, natural collection of water or a drainage channel which is a perennial source of water) shall be deemed to be irrigated land;

Explanation II - For the purpose of paragraphs (a) and (b) of Explanation I, a certificate granted by <sup>4</sup> [a competent officer] in respect of any land, after such inquiry as he deems fit that it is perennially irrigated land, or as the case may be seasonally irrigated land and for the purpose of paragraph (g) of Explanation I, a certificate granted by such officer, in like manner, in respect of any source of water referred to in the said paragraph (g) that it is a perennial source of water, shall be conclusive evidence in that behalf ;]

<sup>5</sup> [Explanation III - For the purposes of Expiation-II, "competent officer" means-

(a) in relation to any other land or source of water which is situated within the jurisdiction of a canal-officer as defined in clause (6) of section 3 of the Bombay Irrigation Act, 1879 (Bombay VII of 1879) such canal officer ; and,

(b) in relation to any other land or source of water, such officer as the State Government may "by notification in the official Gazette, designate in this behalf"

<sup>6</sup> [(6A) "Code" means the Bombay Land Revenue Code, 1879 (Bombay V of 1879) ;].

(7) "Collector" includes an Additional Collector and an Assistant or Deputy Collector performing the duties and exercising the powers of a Collector under the relevant Code or any other officer specially empowered by the state Government to perform the functions of the Collector under this Act;

(8) <sup>7</sup> [\*\* \*\*]

(9) "co-operative joint farming society" means a co-operative farming society-

(i) in which the ownership of all the land under its control vests, and which gets all such land cultivated jointly by its members; or

(ii) the members of which cultivate their lands jointly ;

(10) "co-operative farming society", means a society registered as co-operative farming society under any law

relating to the registration of co-operative societies in force in any part of the State of Gujarat;

(11) "to cultivate" with its grammatical variations and cognate expressions means to till or husband the land for the purpose of raising or improving agricultural produce, whether by manual labour or by means of cattle or machinery or to carry on any agricultural operation thereon ;

Explanation - A person who enters into a contract only to cut grass or to gather the fruits or other produce of tress, on any land, shall not on that account only; be deemed to cultivate such land;

(12) "to cultivate personally", means to cultivate land on ones own account-

(i) by ones own labour, or

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

(iii) under the personal supervision of oneself or any member or ones family by hired labour or by servants on wages payable in cash or kind but not in crop share:

Explanation I - A widow or a minor or a person who is subject to any physical or mental disability; or a serving member of the armed forces shall be deemed to cultivate land personally; if such land is cultivated by her or his servants or hired labour ;

Explanation II - In the case of a jointfamily, land shall be deemed to be cultivated personally, if it is so cultivated by any member of such family;

(13) "exempted land" means land exempt from the provisions of this Act under section 3;

(14) "fragment" means a fragment as defined in sub-section (4) of section 2 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bombay LXII of 1947) ;

(15) "to hold land" with its grammatical variations and cognate expressions means to be lawfully in actual possession of land as owner or tenant, as the case may be :

Provided that in the case of land mortgaged with possession-

(a) if it is not in the actual possession of the tenant, the mortgagor shall be deemed to hold it as an owner; and

(b) if it is in the actual possession of a person as a tenant thereof, such person shall be deemed to hold it as tenant;

(16) "Joint family" means an undivided Hindu family and in the case of other persons a group or unit the members of which by custom or usage are joint in estate or residence ;

**8** [(17) "land" means-

(i) in relation to any period prior to the specified date, land which is used or capable of being used for agricultural purpose and includes the sites of farm buildings appurtenant to such land;

(ii) in relation to any other period, land which is used or capable of being used for agricultural purposes, and

includes-

(a) the sites of farm buildings appurtenant to such land;

(b) the lands on which grass grows naturally;

(c) the bid lands held by the Girasdars or Barkhalidars under the Saurashtra Land Reforms Act, 1951, (Sau. Act XXV of 1951) the Saurashtra Barkhali Abolition Act, 1951 or the Saurashtra Estates Acquisition Act, 1952, (Sau. Act XXVI of 1951) as the case may be;

(d) such bid lands as are held by a person who, before the commencement of the Constitution (Twenty- Sixth Amendment) Act, 1971 (Sau. Act III of 1952) was a Ruler of an Indian State comprised in the Saurashtra area of the State of Gujarat, as his private property in pursuance of the covenant entered into by the Ruler of such State ;

(e) trees and standing crops on such land;

(f) canals, channels, wells, pipes or reservoirs and other works constructed or maintained on such land for the supply or storage of water for the purpose of agriculture ;

(g) drainage works, embankments, bandharas or any other works appurtenant to such land, or constructed or maintained thereon for the purpose of agriculture, and all structures and permanent fixtures on such land;

Explanation - In clause (d), the expressions "Ruler" and "Indian State" shall have the same meanings as are assigned to them in clauses (22) and (15) respectively of article 366 of the Constitution and the expression "covenant" shall have reference to the covenant which was referred to in article 291 of the Constitution before the repeal of that article by the Constitution (Twenty- Sixth Amendment) Act, 1971;]

(18) "landless person" means a person who holds no land for agricultural purposes whether as an owner or tenant, but earns his livelihood principally by manual labour on agricultural land and intends to take to the profession of agriculture ;

(19) "Mamlatdar" includes a Mahalkari and any other officer whom the State Government may appoint to perform the duties of a Mamlatdar under this Act;

**9** [(19A) "orchard" means a compact area of land, having fruit bearing trees grown thereon in such number that they preclude, or when fully grown would preclude, a substantial part of such land from being used for any agricultural purpose, which has been used for the growing of such trees for a period of not less than three years immediately preceding the 24th day of January, 1971; but shall not include vine yards or other areas of land used exclusively for growing coconuts, arecanuts, bananas and guavas;]

(20) "owner" in relation to land includes a person holding the land as occupant, or land-holder as defined in the **10** [\*] Code or as lessee of Government and a person holding land for his maintenance;

(21) "person" includes a joint family;

(22) "physical or mental disability" means physical or mental disability by reason of which the person subject to such disability is incapable of cultivating land by personal labour or supervision;

(23) "prescribed" means prescribed by rules made under this Act;

**11** (24)\*\*\*\*\*]

(25) "relevant tenancy law" means-

(a) in the Bombay area of the State of Gujarat the Bombay Tenancy and Agricultural Lands Act, 1948 (Bombay LXVII of 1948) ;

(b) in the Saurashtra area of the State of Gujarat, any law relating to tenancies of agricultural lands in force in that area; and

(c) in the Kutch area of the State of Gujarat, the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (Bombay XCIX of 1958) ;

(26) "serving member of the armed forces" means a person in the service of the armed forces of the Union; provided that if a question arises whether any person is a serving member of the armed forces of the Union, such question shall be decided by the State Government and its decision shall be final;

(27) "small holder" means an agriculturist cultivating less than <sup>12</sup>[one-sixteenth] of the ceiling area and who earns his livelihood principally by agriculture or by agricultural labour;

**13** [(27A) "specified date" means the date of the coming into force of the Amending Act of 1972;]

(28) "surplus land" means land which is deemed to be or declared to be surplus land under the provisions of this Act;

(29) "tenant" and "landlord" shall have the meaning assigned to corresponding words under the relevant tenancy law;

(30) "Tribunal" means the Agricultural Lands Tribunal constituted for any area under the relevant tenancy law and where in any part of the State of Gujarat the relevant tenancy law does not provide for the constitution of the Tribunal, such officer not below the rank of a Mamlatdar as the State Government may appoint to be the Tribunal for any area in that part of the State of Gujarat;

(31) words and expressions used in this Act but not defined shall have the meanings assigned to them in the **14** [ \* \* ] Code;

1. This clause was substituted for the Original by Gujarat 2 of 1974, s. 4(1).

2. Clause (3A) was inserted by Gujarat 2 of 1974, s. 4(2).

3. This clause was substituted for the Original *ibid*, s. 4 (3)

4. These words were inserted for the words, brackets and figures "a canal-officer as defined in clause (6) of section 3 of the Bombay Irrigation Act, 1879" by Presi. Act 43 of 1976, S. 2 (1).

5. Explanation III was inserted, *ibid*, S. 2 (2).

6. Clause (6A) was inserted by Gujarat 2 of 1974, s. 4 (4).

7. Clause (8) was deleted by Gujarat 15 of 1964, s. 4 Sch.

8. Clause (17) was substituted for the Original by Gujarat 2 of 1974, s. 4(5).

9. Clause (19A) was inserted by Gujarat 2 of 1974, s. 4 (6).

10. The word "relevant," was deleted, *ibid*, s. 4(7).

11. Clause (24) was deleted ,*ibid*, s. 4 (8).

12. This word was substituted for the word "one eighth," by Gujarat 2 of 1974, s. 4(9).

13. Clause (27A) was inserted *ibid*, s. 4 (10).

14. The word "relevant" was deleted *ibid*, s. 4 (11).

### **3. Exempted lands :-**

(1) <sup>1</sup> [Subject to the provisions of sub-sections (1A) to (1D) (both inclusive), the following lands] shall be exempted from the provisions of this Act, that is to say-

(a) lands belonging to, or held on lease, by Government <sup>2</sup> [\* \* \* \* \*];

<sup>3</sup> [(aa) khar lands and tidal lands as defined in the Gujarat Khar Lands Act, 1963 (Gujarat 17 of 1964) and any other lands which, being in the opinion of the State Government such as need special efforts for their reclamation for the purpose of bringing them under cultivation, are notified in this behalf by the State Government by a notification in the Official Gazette, held on lease from Government for a period not exceeding twenty years;]

<sup>4</sup> [(b) lands belonging to, or held on lease by, a local authority and lands belonging to, or held on lease by a University established by law in the State of Gujarat or by an institution in the State of Gujarat which is declared to be a University by the Central Government under section 3 of the University Grants Commission Act, 1956, (Act III of 1956.) where such lands are used by the University or such institution for the purpose of imparting education in agriculture, or are specified by the University or such institution as being reserved for being used for future expansion of the University or such institution].

(c) lands situated in any area which has been specified as being reserved for non-agricultural or industrial development under the relevant tenancy law;

<sup>5</sup> [(cc) lands which are the property of a public trust for a hospital existing on the specified date, to such extent as may be decided in each case by a Committee consisting of the Collector, such officer of the Medical Department as the Director of Health and Medical Services may nominate and a representative of the hospital concerned;

(d) lands which are the property of a public trust for an educational institution imparting education in agriculture, to such extent as may be prescribed].

<sup>6</sup> [(dd) lands held by a Panjrapole or a Gaushala for the purpose of grazing of cattle or storage of grass for cattle in the institution to such extent as may be specified from time to time in each case by a Committee consisting of the Collector, such officer of Animal Husbandry Department as the Director of Animal Husbandry may nominate and a representative of the Panjrapol, or as the case may be, the Gaushala, having regard to the number of cattle normally maintained or cared for in the institution concerned, provided the Panjrapol or the Gaushala, as the case may be uses such lands solely and directly for the purpose for which such lands are held and not for the purpose for which such lands are held and not for the purpose of deriving income for the institution;

(ddd) lands being lands utilised for maintenance of Panjrapole or Gaushala, which were exempt from the provisions of this Act immediately before the specified date by reason of their being the property of an institution for public religious worship registered as a public trust under the Bombay Public trust Act, 1950, (Bombay XXIX of 1950) provided such institution creates a separate trust in respect of such lands for the purposes of Panjrapole or Gaushala applies within a period of ninety days from the specified date, for the registration of such trust under the said Act, to the Deputy or Assistant Charity Commissioner having jurisdiction and endeavours to get such separate trust registered under the said Act within a period of one year from the specified date;]

<sup>7</sup> [(e) \* \* \* \* \*]



(f) lands leased to or held by an industrial undertaking which in the opinion of the State Government bona fide carries on any industrial operation and which is approved by the State Government <sup>8</sup> [to the extent necessary for the purpose of expansion or present need of the industry, as certified by the Commissioner of Industries;]

**9** [(g) \*\*\*\*\*]

**10** [(h) lands held or leased by a land Development Bank, a bank specified] in column 2 of the first Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, (Act 5 of 1970) or a Corporation (including a Company) owned or controlled by Government provided such lands are required and used by these institutions in connection with the discharge of their bonafide functions or achievement of their bonafide objects :

(i) lands held or leased by such co-operative societies as are approved in the prescribed manner by the State Government and as have for their objects the improvement of the economic and social conditions of peasants or ensuring the full and efficient use of land <sup>11</sup>[for agriculture, provided that the sum total of land held by any one member of such society as such member as well as separately as an individual does not in any case exceed the ceiling areas which such member shall be entitled to hold as one person;]

(j) lands held by a Bhoodan Samiti recognised by the State Government in this behalf;

**12** [(k)\*\*\*\*\*]

**13**[(1A) Every person who holds land which is eligible to the exemption provided in sub-section (1) shall,

(i) in a case where such land was eligible to exemption immediately before the specified date or where such land becomes eligible to exemption on the specified date within a period of ninety days from the specified date, and

(ii) in any other case within a period of ninety days from the date on which it becomes eligible to exemption by reason of its satisfying the requirements of the provisions of sub-section (1), make an application in the prescribed form to the Collector within whose jurisdiction such land is situate, for a certificate that the land in question is eligible to exemption from the provisions of this Act.

(1B) On receipt of such application the Collector shall, after giving to the applicant an opportunity to be heard and after making such inquiry as he thinks fit, decide whether the land is eligible to exemption or not,

(1C) If the Collector decides that the land or any portion thereof is eligible to exemption, he shall issue a certificate in the prescribed form to the applicant to the effect that the land specified therein is entitled to exemption from the provisions of this Act, and no land in respect of which such certificate of exemption has not been issued shall be eligible to exemption under subsection (1).

(1D) The decision of the Collector under sub-section (1B) shall, subject to the decision of the State Government in an appeal, if any, which may be filed by the applicant aggrieved by the decision of the Collector within a period of ninety days from the date of communication of the decision to the applicant the decision of the State Government in such appeal or in exercise of its powers under section 52, shall be final and conclusive and shall not be called in question in any suit or proceeding in any court or before any authority.]

(2) An exempted land shall cease to be exempted land if it ceases to satisfy [the requirements of the provisions of sub-section (1) applicable thereto.

**14** [If at any time it appears to the Collector that any exempted land or portion thereof has ceased to satisfy any of the requirements of the provisions of sub section (1) and has consequently ceased to be exempted land,

the Collector may, after giving to the holder of such land an opportunity to be heard and satisfying himself that the land or any portion thereof has ceased to be exempted land, by order published in the prescribed manner, direct that with effect from such date as may be specified in the order such land or portion thereof shall cease to be exempted from the provisions of this Act and thereupon the certificate granted to the holder under sub-section (1C) shall stand revoked in respect of such land, or as the case may be, portion thereof,]

**15** [(3) The Devasthan lands which immediately before the date of the commencement of the Gujarat Devasthan Inams Abolition Act, 1969 (Gujarat 16 of 1969) were exempted under clause (d) of sub-section (1) shall with effect on and from the said date cease to be exempted lands].

**16** [(4) No exempted land shall be transferred by way of sale, gift, exchange, mortgage, lease, assignment or otherwise, or partitioned, without the previous permission of the Collector :

Provided that the Collector may grant such permission on such conditions as may be prescribed.

(5) Any transfer or partition of exempted land in contravention of sub-section (4) shall be void.

(6) Notwithstanding anything contained in the Bombay public trusts Act, 1950 (Bombay XXIX of 1950) or in the instrument of trust relating to any institution referred to in clause (ddd) of sub-section (1), for the purpose of giving effect to the provisions of the said clause (ddd) it shall be lawful :

(a) for the trustees of such institution to create and get registered a separate trust in respect of the lands utilised by such institution for maintenance of Panjrapole or Gaushala and for that purpose to make an application for the registration of such separate trust in accordance with the provisions of the said Act, to the Deputy or Assistant Charity Commissioner having jurisdiction under section 18 of the said Act, and

(b) for the Deputy or Assistant Charity Commissioner having jurisdiction to deal with such application in accordance with the provisions of the said Act, as if it were an application for registration of a new trust.

1. These words, brackets, figures and letters were substituted for the words "The following lands" by Gujarat 2 of 1974, s. 5. (1) (a)

2. The words "or land held on lease from Government for a period and not exceeding twenty years" were deleted *ibid*, s. 5 (1) (b).

3. Clause (aa) was inserted *ibid*, s. 5(1)(c).

4. Clause (b) was substituted for the Original *ibid*, s. 5(1) (d)

5. These clauses were substituted for clause (d) by Gujarat 2 of 1974, s. 5(1) (e).

6. These clauses were inserted *ibid*, s. 5(1)(f).

7. Clause (e) was deleted *ibid*, s. 5 (1) (g)

8. This portion was added *ibid*, s. 5(1) (h).

9. Clause (g) was deleted *ibid*, s. 5(1) (i)

10. Clause (h) was substituted for the original *ibid*, s. 5 (1)(i).

11. These words were substituted for the words "for agriculture" by Gujarat 2 of 1974, s. 5(1) (k)

12. Clause (k) was deleted *ibid*, s. 5(1)(l).

13. Sub-section (1A) to (1D) were inserted *ibid*, s. 5 (2)

14. This portion was added *ibid*, s. 5 (3).

15. Sub-section (3) was inserted by Gujarat 16 of 1969, Schedule.

16. Sub-sections (4), (5) and (6) were added by Gujarat 2 of 1974, s. 5(4).

## **CHAPTER 2 CEILING AREA**

#### **4. Delimitation of local areas :-**

There shall be classes of local areas in the State as specified in Schedule I and the local areas falling in each such class shall be as respectively specified in Schedule II.

#### **5. Ceiling areas :-**

(1) Subject to the provisions of sub-sections (2) and (5) in relation to each class of local area as specified in Schedule I, the ceiling area with reference to each class of land shall be as specified in the said schedule against the respective class of local area :

<sup>1</sup> [Provided that in areas which in the opinion of the State Government are desert or hill areas of drought-prone areas and which are specified by the State Government from time to time, by notification in the Official Gazette, as such areas, the ceiling area with reference to dry crop land shall be such area as is twelve and a half percent more than the ceiling area as specified with reference to dry crop land against the class of local area in which the said areas fall, provided however that such ceiling area shall in no case exceed an area of 21.85 hectares (54 acres), and for the purpose of determining whether any area is a desert or hill area or a drought-prone area, regard shall be had to the soil classification of the land, the climate and rainfall of the area, the extent of irrigation facilities in the area, the average yield of crop and the agricultural resources of the area, the general economic conditions prevalent therein and such other factors.]

(2) Where a person holds land consisting of different classes in the same class of local area, then for determining the question whether the total land held by him is less than, equal to, or more than, the ceiling area, the acreage of each class of land held by such person shall be converted to the acreage of dry crop land on the basis of the proportion which the ceiling area for the class of land to be so converted bears to the ceiling area for dry crop land.

(3) Where a person holds, lands, whether consisting of different classes of land or not, in different classes of local areas, the question whether the total land held by him is less than, equal to, or more than, the ceiling area, shall be determined as follows, that is to say-

(i) the acreage of each class of land held by the person in each class of local area shall be first converted into the acreage of dry crop land in that local area in accordance with sub-section (2) and the total acreage so arrived at shall be expressed in terms of a multiple or, as the case may be, fraction of such ceiling area;

(ii) the multiple or fraction so expressed in the case of each of the local areas shall be added together:

(iii) the person shall be deemed to hold land less than equal to, or more than, the ceiling area according as the sum total of the multiples and fractions under clause (ii) is less than equal to, or more than, one.

1. This proviso was added *ibid*, s. 6.

### **CHAPTER 3** FIXATION OF CEILING ON HOLDING LANDS, DETERMINATION OF SURPLUS LAND AND ACQUISITION THEREOF

#### **6. Ceiling on holding land :-**

(1) Notwithstanding anything contained in any law for the time being in force or in any agreement, usage or decree or order of a Court, with effect, from the appointed day no person shall, subject to the provisions of <sup>1</sup> [sub-sections (2), (3), (3A) and (3B)] be entitled to hold whether as owner or tenant or partly as owner and partly as tenant land in excess of the ceiling area.

(2) Where an individual, who holds lands, is a member of a family, <sup>2</sup> [ not being a joint family which consists of the individual and his spouse (or more than one spouse) and their minor sons and minor unmarried daughters, irrespective of whether the family also includes any major son and ] land is also separately held by such individual's spouse or minor children, then the land held by the individual and the said members of the individual's family <sup>3</sup> [excluding major sons, if any ] shall be grouped together for the purposes of this Act and

the provisions of this Act shall apply to the total land so grouped together as if such land had been held by one person.

(3) Where on the appointed day a person holds exempted land along with other land then,

(i) if the area of exempted land is equal to or more than the ceiling area he shall not be entitled to hold other land, and

(ii) if the area of exempted land is less than the ceiling area, he shall not be entitled to hold other land in excess of the area by which the exempted land is less than the ceiling area.

**4** [(3A) Where any person holds any land in any other part of the India outside the State, then, the area of land so held by him in such other part, not exceeding the maximum area of land which such person is entitled to hold in such other part of India under any law, if any, relating to ceiling on land, used or capable of being used for agricultural purposes, shall be excluded from the ceiling area in excess of which a person is not entitled to hold land under this section and the extent of land determined after so excluding such area shall in relation to such person, be deemed to be the ceiling area, to be held by him in this State :

Provided that where any such person disposes of, at any time before the determination of ceiling area under this Act, any land or part thereof so held by him in any other part of India outside the State, in accordance with the provisions of law in force in such part, the area equal to the land or part thereof so disposed of shall not be excluded while determining the ceiling area under this sub-section.

(3B) Where a family or a joint family consist of more than five members comprising a person and other members belonging to all or any of the following categories, namely:-

(i) minor son,

(ii) widow of a pre-deceased son,

(iii) minor son or unmarried daughter of a pre-deceased son, where his or her mother is dead, such family shall be entitled to hold land in excess of the ceiling area to the extent of one-fifth of the ceiling area for each member in excess of five, so however that the total holding of the family does not exceed twice the ceiling area and in such a case, in relation to the holding of such family , such area shall be deemed to be the ceiling area :

Provided that if any land is held separately also by any member of such family, the land so held separately by such member shall be grouped together with the land to such family for the purpose of determining the total holding of such family :

Provided further that where, in consequence of any member of such family holding any land in any other part of India outside the State, the ceiling area in relation to the family is reduced as provided in sub-section (3A) the one-fifth of the ceiling area as aforesaid shall be calculated with reference to the ceiling area as would have been applicable had no such land been held by such member in any other part of India.

(3C) Where a family or a joint family irrespective of the number of members includes a major son, then each major son shall be deemed to be a separate person for the purposes of sub-section (1).

(3D) For the purpose of sub-section (2), (3B) or (3C), the members comprised in a family or as the case may be, a joint family on the specified date shall alone be taken into consideration and any changes in the character or number of members of the family occurring thereafter shall be ignored.]

(4) **5**[ Land in this State] which under the foregoing provisions of this section a person is not entitled to hold

shall be deemed to be surplus land held by such person.

1. These words, brackets, figures and letters were substituted for the words, brackets and figures "sub-section (2) and (3)" by Gujarat 2 of 1974, s. 7(1)
2. These words and brackets were substituted for the words "not being a joint family, and" ibid, 7(2) (a).
3. These Words were inserted ibid, s. 7(2) (a).
4. Sub-Sections (3A) to (3D) were inserted ibid, s. 7(3).
5. These words were substituted for the word "Land" by Gujarat 2 of 1974, s. 7(4).

**7. Restrictions on transfers of subdivisions of land and consequences of transfer or subdivision made in contravention thereof :-**

(1) Notwithstanding anything contained in any law for the time being in force, no land shall, after the appointed day, be-

(a) transferred whether by way of sale (including sale in execution of a decree of a Civil Court or of an award or order of any other competent authority) or by way of gift, exchange, lease or otherwise, or

(b) sub-divided (including sub-division by a decree or order of a Civil Court or any other competent authority) whether by <sup>1</sup> [ partition, family arrangement] or otherwise except with the permission in writing of the Collector.

(2) The Collector may refuse to give such permission if in his opinion the transfer of sub-division of land is likely to defeat the object of this Act.

(3) In computing under the provisions of this Act, the area of surplus land, if any, held by a person, the transfer or sub-division of land made by or on behalf of, such person in contravention of sub-section (1) shall be ignored.

(4) Nothing in the foregoing provisions of this section shall apply to a person who hold land not exceeding the ceiling area.

1. These words were substituted for the word "partition" ibid, s. 8.

**8. Transfers or partitions made after 15th January, 1959 but before commencement of this Act :-**

(1) Where after 15th day of January, 1959 but before the commencement of this Act, <sup>1</sup> [for after 24th day of January, 1971, but before the specified date], any person has transferred whether by sale, gift, mortgage, with possession, exchange, lease, surrender or otherwise or partitioned any land held by him, then notwithstanding anything contained in any law for the time being in force such transfer or partition shall, unless it is proved to the contrary, be deemed to have been made in anticipation in order to defeat the object of this Act. <sup>2</sup> [Where such transfer or partition was made after 15th day of January, 1959 but before the commencement of this Act or in order to defeat the object of the Amending Act of 1972 where such transfer was made after 24th day of January, 1971 but before the specified date] :

<sup>3</sup> [Provided that where any transfer or partition of land is effected by a document required by law to be registered which is however not registered and such document, purports to have been executed before 24th day of January, 1971 no court shall pass a decree in any suit filed for the grant of specific relief on the basis of any such document unless the court is satisfied on merits of the case that the document is a bona fide document executed in fact before 24th January, 1971, and that it is not ante-dated as a result of collusion between parties or otherwise in order to defeat the object of the Amending Act of 1972 :

Provided further that nothing in this sub-section shall apply to any transfer of land by way of gift or partition

made on or after the 24th January, 1971 to a son who was major on the said date.]

(2) Any person affected by the provisions of sub-section (1) may, within the prescribed period and in the prescribed form, make an application to the Collector for a declaration that the transfer or partition was not made in anticipation in order to defeat the object of <sup>4</sup> [this Act, or as the case may be, of the Amending Act of 1972].

(3) On receipt of such application, the Collector shall hold an inquiry and after giving an opportunity to the transferor and the transferee or, as the case may be, to the partition, to be heard and after considering the evidence which may be produced, decide whether the transfer or, as the case may be the partition was or was not made in anticipation in order to defeat the object of <sup>4</sup>[this Act, or, as the case may be, of the Amending Act of 1972] and accordingly may-

(i) reject the application, or

(ii) by order in writing make a declaration that the transfer or, as the case may be, the partition was not made in anticipation in order to defeat the object of <sup>4</sup>[this Act, or as the case may be, of the Amending Act of 1972.]

(4) Where the application is rejected, the transfer or, as the case may be, the partition shall be ignored in computing under this Act the area of surplus land, if any, held by such person.

1. These words, figures and letters were inserted by Gujarat 2 of 1974 s. 9(1) (a).

2. These words figures and letters were inserted Gujarat 2 of 1974, s. 9 (1) (b).

3. These provisions were added Gujarat 2 of 1974, s. 9 (1) (c).

4. These words and figures were substituted for the words "of this Act" Gujarat 2 of 1974, s. 9(2).

#### **9. Consequences of acquisition of land in excess of area permitted under section 6 :-**

Where after the appointed day, on account of gift, purchase, assignment, lease, surrender or any other kind of transfer inter vivos or by succession or partition, any land comes into the possession of any person, or any land held by any person ceases to be exempted land <sup>1</sup> [\*\*\*\*] and in consequence thereof the total land held by such person exceeds the area which he is entitled to hold under section 6, then-

(i) if the acquisition of such excess land was otherwise than by succession or partition it shall be invalid and the excess land shall be forfeited to the State Government, and

(ii) if the acquisition was by succession or partition or the excess was due to the land ceasing to be exempted land the excess land shall be deemed to be surplus land held by such person.

1. These words, brackets and figures "under sub-section (2) of section 3" were deleted Gujarat 2 of 1974, s. 10.

#### **9A. Ceiling area where land converted into another class by Government irrigation :-**

<sup>1</sup> (i) Where in consequence of the conversion after the appointed day of any land into any class of land described in sub-clause (i) or (ii) of clause (6) of section 2, as a result of irrigation from a source constructed by Government, the land held by any person exceeds the ceiling area, or

(ii) where in consequences of the amendments made in any of the provisions of this Act by the Amending Act of 1972, the land held by any person on the specified date exceeds the ceiling area, the land so in excess shall be deemed to be surplus land.]

1. Section 9A was inserted by Gujarat 2 of 1974, s. 11.

**10. Holders land to furnish particulars of land to mamlatdars :-**

(1) <sup>1</sup> [Every person-

(a) holding land (including exempted land, if any) in excess of the ceiling area whether as owner or tenant or partly as owner and partly as tenant on the appointed day,

(b) who, on or after the appointed day, comes into possession of, or holds, any land (including exempted land, if any and land, if any, held in any other part of India outside this State) in excess of the ceiling area, whether as owner or tenant or partly as owner and partly as tenant, in the circumstances described in section 9,

(c) whose land is converted into another class of land, thereby causing his holding to exceed the ceiling area, in the circumstances described in clause (i) of section 9A,

(d) whose land becomes, surplus under the circumstances described in clause (ii) of section 9A,-

shall-

(i) in the case under clause (a), within a period of ninety days from the appointed day.

(ii) in the case under clause (b), within a period of ninety days from the date of his coming into possession of the land in excess of the ceiling area,

(iii) in the case under clause (c), within a period of ninety days from the date of such conversion (such date being a date notified, in the Official Gazette by the State Government in respect of any area),

(iv) in the case under clause (d), within a period of ninety days from the specified date, furnish to each of the Mamlatdars in whose jurisdiction any piece of such land is situate, a true statement specifying]-

(1) particulars of all lands including their survey numbers and areas ;

(2) particulars of all exempted lands, if any, including their survey numbers and areas;

(3) particulars of all lands held as owner ;

(4) particulars of all lands held as tenant ;

(5) particulars of all the encumbrances, if any, over the lands together with the names and addresses of the creditors ;

(6) particulars of lands held as a member of a joint family along with their survey numbers and area; and

(7) such other particulars, if any, as may be prescribed.

<sup>2</sup> [(1A) Every such person who does not hold any land in any part of India outside this State shall also furnish, with such statement, an affidavit that he does not hold any land in any such part.]

(2) The Mamlatdar shall forward to the Tribunal the statements received by him under sub-section (1).

1. This portion was substituted for the portion beginning with the words "Every person" and ending with the words "a true statement specifying, Gujarat 2 of 1974, s. 12 (a).
2. Subsection (1A) was inserted by Gujarat 2 of 1974, s. 12(b).

**11. Penalty for failure to furnish statement [or affidavit] etc :-**

<sup>1</sup> If a person liable to furnish a statement <sup>1</sup> [or affidavit] under section 10 fails, without reasonable cause, to furnish the statement, <sup>1</sup> [or affidavit], or furnishes a statement <sup>1</sup> [or affidavit] containing incorrect particulars, with an intention to suppress the information about surplus land held by him <sup>2</sup> [then he shall be liable to a penalty which shall not be less than one hundred rupees and which may, extend upto five hundred rupees].

1. These words were inserted Gujarat 2 of 1974, s. 13 (1).
2. These words were substituted for the words" then he shall be liable to a penalty not exceeding five hundred rupees Gujarat 2 of 1974, s. 13 (2).

**12. Surplus land needed for Public purpose and power to acquire it :-**

All surplus lands shall be deemed to be needed for a public purpose and may be acquired by the State Government in accordance with the provisions of this Act.

**13. Tribunal proceed to prepare list of persons holding surplus land :-**

(1) As soon as may be after the expiry of the period specified in section 10, <sup>1</sup>[or the further period referred to in sub-section (2) of section 16], the Tribunal shall, on the basis of the statements received <sup>2</sup> [under either of those sections] and such other records as may be prescribed proceed to prepare a list of persons holding surplus land.

(2) The Tribunal shall specify in such list-

- (a) the total land held by each person,
- (b) the maximum area of land which such person is entitled to hold,
- (c) the extent of land to be deemed to be surplus land held by such person, and
- (d) such other particulars as may be prescribed.

FOOTNOTES:

1. These words, brackets and figures were inserted Gujarat 2 of 1974, s. 14(a).
2. These words were substituted or the words and figures "under section 10" Gujarat 2 of 1974, s. 14(6).

**14. Designated Tribunal to exercise jurisdiction in respect of persons holding land in different areas :-**

(1) If in the course of preparing a list under section 13 or at any time thereafter, the Tribunal finds in respect of any person that in addition to the land held by him within the area of its jurisdiction he holds other land outside such area, the Tribunal shall refer the case in the prescribed manner,-

- (i) to the Collector, if the other land is situate in the same district,
- (ii) <sup>1</sup> [\*\*\*\*\*]
- (iii) to the State Government, if the other land is situate in another <sup>2</sup> [district].



(2) On receipt of the reference, the Collector, <sup>3</sup>[\*\*\*] or, as the case may be, the State Government shall-

(a) call for from each of the Tribunals within whose jurisdiction land is held by such person the details about the land so held, and

(b) after taking into consideration the extent of land held by the person within the jurisdiction of different Tribunals, designate one of such Tribunals to exercise jurisdiction under this Act in respect of such person and the lands held by him and transfer the case to the Tribunal so designated, and

(c) give intimation of the transfer to the Tribunal, to the person whose case has been so transferred and to other persons interested in the land

(3) On such transfer, the Tribunal designated under sub-section (2) shall exercise jurisdiction under this Act in respect of such person and the lands held by him.

1. Clause (ii) was deleted by Gujarat 15 of 1964, s.4, Schedule .

2. This word was substituted for the word "division" Gujarat 2 of 1974, s. 4, Schedule.

3. The word "Commissioner" was deleted Gujarat 15 of 1964, s. 4, Schedule.

#### **15. Computation of surplus land :-**

The extent of surplus land, if any, held by any person <sup>1</sup> [ \* \* ] shall be computed on the basis of the total land held by such person <sup>2</sup> [ \*\*\*];

Provided that the total land so held shall include-

(a) where such person holds in addition to the land held by him individually as owner or tenant, a share in the land held by a joint family, an area of land equivalent to his share in the land which such joint family is entitled to hold under section 6,

(b) land, if any, transferred or sub-divided by or on behalf of such person in contravention of section-7, and

(c) land, if any, transferred or partitioned by such person after the 15th day of January, 1959 but before the commencement of this Act [3] [or after 24th January, 1971 but before the specified date], and in respect of which no application for a declaration under section 8 was made or any application made under section 8 has been rejected.

1. The words "on the appointed day" were deleted by Gujarat 2 of 1974, s. 15 (1).

2. The words "on that day" were deleted, Gujarat 2 of 1974, s. 15 (1).

3. These words, figures and letters were inserted Gujarat 2 of 1974, s. 15 (2).

#### **16. Tribunal to hold inquiry in respect of contravention of section 11 :-**

(1) If in preparing a list under section 13, the Tribunal has reason to believe that any person, holding land in excess of ceiling area, has failed to furnish <sup>1</sup> [a statement or affidavit] under section 10 or has furnished [1] [a statement or affidavit] containing incorrect particulars, the Tribunal shall serve a notice on such person to show cause why a penalty should not be imposed on him under section 11.

(2) After serving such notice, the Tribunal shall hold an inquiry and after giving such person an opportunity to be heard, <sup>2</sup> [ if the Tribunal is satisfied that the person has without reasonable cause failed to furnish the statement or affidavit within time, or has submitted, a statement or an affidavit which is false or which contains incorrect particulars, the Tribunal may impose the penalty provided in section 11 and require him to furnish a true and correct statement or affidavit complete in all particulars, within a period of one month from

the date of the order ].

**3**[(2A) If the person fails to comply with the order within the time so granted by the Tribunal, then as a penalty for failure to furnish statement or affidavit, or true and correct particulars complete in all respects, the right, title and interest in the land held by him in excess of the ceiling area shall, subject to the provisions of this Chapter, be forfeited to the State Government, and thereupon such surplus land shall vest in the State Government free from all encumbrances.]

(3) Any sum imposed by way of penalty under this section, if not paid before such date as the Tribunal may direct, shall be recovered as an arrear of land revenue.

1. These words were substituted for the words "a statement" Gujarat 2 of 1974, s. 16(1)

2. This portion was substituted for the words it may pass such order as it thinks fit" by Gujarat Gujarat 2 of 1974, s. 16 (2).

3. Sub-section (2A) was inserted Gujarat 2 of 1974, s. 16 (3).

#### **17. Mode of determining in certain area of surplus land out of total land :-**

Where the extent of surplus land is specified in the case of any person, and his total land includes the land referred to in clause (b) or (c) of the proviso to section 15, the surplus land shall be allocated on the following basis, that is to say-

(i) if the total land excluding the land referred to in the said clauses is more than or equal to the extent of surplus land specified in his case, then the surplus land shall come out of such total land, and

(ii) if such total land is less than the extent of such surplus land, then the surplus land shall first come out of the whole of such total land; the remainder shall come out of the land referred to in clause (b) of the proviso to section 15; and the remainder, if any, shall lastly come out of the land referred to in clause (c) of the proviso to section 15.

#### **18. Division of survey numbers or of sub-division thereof in determining area of surplus land :-**

(1) Where in determining the actual area of surplus land, a survey number or a sub-division of a survey number is required to be divided then-

(a) if the portion of such survey number or sub-division to be included in the surplus land is a fragment, the whole of such survey number or sub-division shall be excluded from the surplus lands,

(b) if the portion of such survey number or sub-division to be excluded from the surplus land is a fragment to, the whole of such survey number or sub-division shall be included in the surplus land,

(c) if on dividing such survey number or sub-division into two parts, each part is a fragment, the whole of such survey number or sub-division shall be included in the surplus land, and

(d) in any other case, the survey number or sub-division may be divided.

(2) Where any survey number or sub-division of a survey number is excluded under clause (a) of sub-division (1), the person holding it shall be entitled to hold it, notwithstanding the provisions of section 6.

#### **19. Restoration of surplus land held by tenant to landlord :-**

(1) Where any person holds the whole or part of the surplus land as tenant then the landlord of such land

shall, subject to the provisions of sub-section (2), be entitled to the restoration of the possession of such land.

(2) If the right of the landlord under the relevant tenancy law to terminate the tenancy of such land on the ground that he bona fide requires the land for cultivating personally subsisted on the date of the declaration of such land as surplus land under section 21, then the landlord shall be entitled to the restoration of possession of so much of such land as he would have been entitled to in accordance with the provisions of the relevant tenancy law had the tenancy been terminated on the aforesaid ground.

(3) The tenancy of land restored to the landlord under this section shall stand terminated,

(4) On the restoration of any land to the landlord, the landlord shall hold the land subject to the provisions of the relevant tenancy law in respect of fresh tenant.

**20. Publication of list and notice to persons affected thereby :-**

(1) As soon as may be after the list is prepared under section 13, the Tribunal shall publish it in the prescribed manner together with a public notice in the prescribed form calling upon all persons affected thereby to submit to the Tribunal their objections or suggestions, if any, within a period of one month from the date of its publication.

(2) As soon as may be after the publication of the list under sub-section (1), the Tribunal shall also serve a notice in the prescribed form on each holder of surplus land included in the list-

(a) specifying therein the extent of surplus land held by him and the maximum area of land which he is entitled to hold out of the total land held by him <sup>1</sup> [\*\*], and

(b) calling upon such person-

(i) to submit within one month from the date of the service of the notice to the Tribunal any objections or suggestions to the particulars given in the notice,

(ii) to select upto such maximum, area and subject to the order of preference mentioned in sub-section (3), the piece or pieces of land which he wishes to continue to hold, and

(iii) to furnish to the Tribunal within the said period of one month the particulars in the prescribed form of the piece or pieces of land so selected,

(3) For the purposes of the selection of land under sub-section (2), the order of preference shall be as follows, namely :-

(a) land held as owner on which there are encumbrances ;

(b) land held as owner on which there are permanent structures or wells ;

(c) land held as owner other than those mentioned in clauses (a) and (b) which are contiguous to the land mentioned in clause (a) or (b) ;

(d) lands held as tenant on which there are encumbrances ;

(e) lands held as tenant on which permanent structures or well; have been constructed by the tenant ;

(f) land held as tenant other than those mentioned in clauses (d) and (e), which are contiguous to the lands mentioned in clause (a) or (b), or clause (d) or (e);

(g) lands held as owner or tenant other than those mentioned in clauses (a) to (f).

<sup>2</sup> [(4) For the purpose of the selection of land under sub-section (2), in a case where land is held by each spouse separately, each spouse shall be entitled to select the land which the spouse wishes to continue to hold, so however that the lands selected for such continuance shall be in the same proportion in which lands were held by each spouse before furnishing the relevant statement under sub-section (1) of section 10.]

1. The words "on the appointed day" were deleted by Gujarat 2 of 1974, s. 17(a),

2. Sub-section (4) was added Gujarat 2 of 1974, s. 17 (b).

### **21. Tribunal to make order declaring surplus land etc. and consequence thereof :-**

(1) After taking into consideration the objections and suggestions, if any, received and the particulars if any, furnished under section 20, and making such further inquiry, if any, <sup>1</sup>[(including giving the holder of surplus lands an opportunity of being heard)] as it thinks fit, the Tribunal shall make in respect of such holder of surplus land an order declaring in particular-

(i) the total land held by him <sup>2</sup> [\*\*\*\*],

(ii) which land out of the total land is surplus land, and

(iii) which land out of the total land he is entitled to hold, and shall communicate the order so made to such holder.

(2) an order made under sub-section (1) shall be conclusive evidence that the surplus land specified therein is needed for a public purpose and such surplus land shall, subject to the provisions of section 19 and of Chapter VI, vest in the State Government free from all encumbrances with effect from the date of the order.

1. These brackets and words were inserted, Gujarat 2 of 1974, s. 18 (i).

2. The words "on the appointed day" were deleted, Gujarat 2 of 1974, s. 18 (ii).

### **22. Notice to interested persons :-**

(1) As soon as may be after an order is made under section 21, the Tribunal shall cause public notice to be given at the village where the surplus land specified in the order is situate, stating that-

(a) claims for possession of such surplus land or any part thereof under section 19, and

(b) claims to compensation for all interests in such land, may be made to it,

(2) Such notice shall require the landlord claiming possession under section 19 and in any other case, the owner, tenant, landlord and other persons interested in the land including the holders of encumbrances lawfully subsisting on the land to appear personally or by agent before the tribunal at a time and place therein mentioned (such time not being earlier than fifteen days after the said date) and to state the nature of their respective interests in the land <sup>1</sup> [The depreciated value of permanent structures and wells, if any, under clause (c) of sub-section (1) of section 23] and particulars of their claims to possession of land or, as the case may be, to compensation for such interest. Every such statement shall be made in writing and signed by the person interested or his agent.

(3) The Tribunal may also by a notice require the person holding the surplus land to make and deliver to it at a time and place mentioned in the notice a statement containing as far as practicable the name of the landlord entitled to possession of the land under section 19 and of every other person possessing any interest in the

land or any part thereof as co-sharer, mortgagee, landlord or otherwise and of the nature of such interest.

(4) Every person required to make or deliver a statement under sub-section (3) shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

1. These words, brackets, letter and figures were substituted, for the words, brackets, letter and figures "the value of permanent structures and wells, if any, under clause (b) of section 23" by Gujarat 2 of 1974, s. 19.

### **23. Quantum of compensation :-**

**1 2** [Subject to the provisions of sub-sections (2) and (3), the amount of compensation for the land] vesting in the State Government under section 21 shall be the aggregate of the following amounts, that is to say:-

**3** [(A)] an amount calculated in accordance with such of the following sub-clauses as may be applicable to the land, namely:-

(a) if the land is held on lease from Government, an amount equal to twelve times the full assessment thereof :

**4** [Provided that in the case of any such land which is held on lease for a period of less than twenty years from the appointed day,

(i) where the unexpired period of lease does not exceed five years an amount equal to six times the full assessment thereof,

(ii) where the unexpired period of lease exceeds five years but does not exceed ten years, an amount equal to nine times the full assessment thereof,

(iii) where the unexpired period of lease exceeds ten years, an amount equal to ten times the full assessment thereof;]

(b) in any other case, if the land is situate-

(i) in a class A local area, two hundred times the full assessment thereof:

(ii) in a class B local area, one hundred and eighty five times the full assessment thereof ;

(iii) in a class C local area, one hundred and seventy times the full assessment thereof;

(iv) in a class D local area, one hundred and fifty five times the full assessment thereof ;

(v) in a class E local area, one hundred and forty times the full assessment thereof ;

(vi) in a class F local area, one hundred and twenty five times the full assessment thereof ;

(vii) in a class G local area, one hundred and ten times the full assessment thereof ;

(viii) in a class H local area, ninety five times the full assessment thereof;

(ix) in a class I local area, eighty times the full assessment thereof :

**5** [(c) where the land to which sub-clause (b) applies has not been cultivated for a continuous period of three years immediately preceding the specified date, an amount equal to twenty-five per cent of the amount arrived at in respect thereof under sub-clause (b) ;

(d) where the land to which sub-clause (b) applies is impartible and non-transferable, an amount equal to two-thirds of the amount arrived at in respect thereof under sub-clause (b).]

**6** [(B) an amount equal to the market value of trees in the land belonging to the holder of the land ;

(C) an amount equal to the depreciated value of permanent structures and wells if any in the land belonging to the holder of the land and of the pipe lines placed on the land by the holder of the land, calculated as follows:

(i) where such depreciated value does not exceed Rs. 25,000 an amount equal to the full depreciated value ;

(ii) where such depreciated value exceeds Rs.25,000-

(a) for the first Rs. 25,000 an amount equal to the full depreciated value ;

(b) for the next Rs. 25,000 or part thereof, an amount equal to 80percent. of such amount ;

(c) for the next Rs. 50,000 or part thereof, an amount equal to 70percent. of such amount; and

(d) for the next Rs. 1,00,000 or part thereof, an amount equal to 60 percent. of such amount.

Explanation - In this section,-

(1) "full assessment" means, in a case where any land-

(a) is wholly or partially exempt from payment of land revenue, a sum which would have been assessed on such land, had there been no such exemption.

(b) is liable to payment of land revenue but is unassessed, a sum which would have been assessed on such land as land revenue.

(2) "depreciated value" means the value equal to the cost of the structures, wells or pipe-lines, as the case may be, and the cost of their construction or placing as reduced by an amount representing their depreciation calculated in the following manner, namely;-

Amount representing the depreciation

(1) For the first two years after construction Nil

(2) For the next 8 years 2-1/2 % of the value every year.

(3) For the next 20 years 4 % of the value every year.]

{Sub sections (2) and (3) were added by Gujarat 2 of 1974, s. 20 (4).}[(2) The amount to be calculated under clause (A) of sub-section (1) shall be subject to the maximum amount calculated at the rate of Rs. 2000 per acre (0.405 hectares).

(3) While determining the aggregate amount of compensation for the land under sub-section (1) the amount calculated under clause (A) of sub-section (1) read with sub-section (2) shall be reduced to the extent, if any, specified below:-

1. Section 23 of the Principal Act was renumbered as sub-section (1) of that section, Gujarat 2 of 1974, s. 20
2. These words, brackets and figures were substituted for the words "The amount of compensation for the land," Gujarat 2 of 1974, s. 20 (1).
3. Clause (1) was renumbered as clause (A) of that clause, Gujarat 2 of 1974, s. 20 (2).
4. This proviso was inserted, Gujarat 2 of 1974, 20 (2) (a).
5. These sub-clauses were substituted for the original clause (c) by Gujarat 2 of 1974, s.20(2) (b).
6. These clauses and Explanation were substituted for the original clause (2) Gujarat 2 of 1974, s. 20 (3).

**24. Determination of claim for possession under section 19 and of compensation and apportionment thereof :-**

(1) On the day fixed under section 22 or any other day to which the enquiry may be adjourned the Tribunal shall proceed to inquire into the claims, if any, for possession of land under section 19, and the amount of compensation for the land in accordance with section 23, the respective interest of the persons claiming the compensation, and the amount of each encumbrance lawfully subsisting on the land on the date of the order made under section 21.

(2) As respects any claim made by a landlord for possession of surplus land under section 19, the Tribunal-

(i) shall decide whether such landlord is entitled under section 19 to the possession of the whole or part of the surplus land and if so, the extent of such land, and

(ii) where the landlord is so entitled shall make an order directing the restoration of possession of such land to the landlord.

(3) As respects claims for compensation the Tribunal shall make an award determining-

(i) the amount of compensation payable in accordance with the provisions of section 23,

(ii) the apportionment of the said compensation, subject to the provisions of sub-sections (4) and (5) among all persons known or believed to be interested in the land of whose claims, it has information, whether or not they have appeared before it.

(4) (a) In the case of land held as tenant, the apportionment of compensation as between the tenant and the landlord shall be on the following basis, that is to say-

(i) two-third of the compensation shall be payable to the landlord and

(ii) one third thereof to the tenant ;

(b) Subject to the provisions of sub-section (5) encumbrances created by the landlord or for which the landlord is liable, shall be paid out of the amount of compensation payable to the landlord and those created by the tenant or for which the tenant is liable shall be paid out of the amount of compensation payable to the tenant.

(5) The apportionment of the compensation amongst the holders of encumbrances shall be determined on the following basis, that is to say :-

(a) if the total amount of encumbrances on the land is less than the compensation payable in respect of the land, the amount of encumbrances shall be paid to the holders thereof in full.

**1** [(b) If the total amount of such encumbrances exceeds the compensation payable in respect of the land, the amount of compensation shall be distributed Pro-rata first amongst the following holders of encumbrances irrespective of the dates on which such encumbrances were created, namely -

(i) co-operative societies registered or deemed to have been registered under the Gujarat Co-operative Societies Act, 1961 (Gujarat X of 1962).

(ii) land development banks ;

(iii) the State Bank of India constituted under the State Bank of India Act, 1955 (Act 23 of 1955) or a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Act 38 of 1959) ;

(iv) banks specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Act 5 of 1970).

If after distribution of the amount of compensation to the aforesaid holders of encumbrances there remains any surplus, the same shall be distributed pro-rata amongst other holders of encumbrances. ]

(6) If the surplus land has come out of the lands referred to in clause (b) or (c) of the proviso to section 15, the transferee of such land shall be entitled, out of the amount of compensation, to the amount of the consideration paid by Him to the transferor and if the amount of compensation is less than the amount of such consideration, the transferee shall be entitled to recover the remaining sum from the transferor.

(7) The award made by the Tribunal subject to an appeal to the Gujarat Revenue Tribunal under section 36 and the decision of the Gujarat Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

1. This clause was substituted for the original by Gujarat 2 of 1974, s. 21.

#### **25. Mode of payment of amount of compensation :-**

(1) The amount of the compensation payable under this Act shall be payable in cash, or in transferable bonds as provided in sub-section (2) or partly in cash and partly in such transferable bonds, according as the State Government may think fit.

(2) Where any amount of compensation is to be paid in transferable bonds, such bonds shall carry interest at the rate of four and half percent per annum from the date of their issue and shall be repayable, during such period not exceeding twenty years from the date of their issue as may be prescribed, by equated annual installments of principal and interest.

(3) The bonds shall be of such denomination and shall be in such forms as may be prescribed.

#### **26. Inquiry as respect land held in contravention of section 9 :-**

(1) Where the Tribunal suo motu or on an application made to it by any persons has reason to believe that the acquisition of any excess land by any person is invalid under section 9 or any excess land is liable to be



deemed as surplus land under that section <sup>1</sup> [or under section 9A], the Tribunal shall issue a notice in the prescribed form to the persons holding the land and other persons known to be interested in the land to show cause within one month from the date of the service of the notice, why the acquisition of such excess land should not be declared to be invalid or, as the case may be, why the excess land should not be declared to be surplus land.

(2) The Tribunal shall there upon hold an inquiry and after giving the person holding the land and other persons interested in the land an opportunity to be heard decide <sup>2</sup> [whether the land is excess land under section 9 or, as the case may be, under section 9A, and if so,-

(i) in the case of land under section 9, whether the acquisition of excess land is invalid, or whether the excess land is liable to be deemed as surplus land,

(ii) in the case of land under section 9A, whether the excess land is liable to be deemed as surplus land and the Tribunal shall there upon made a declaration accordingly.]

(3) If the Tribunal declares the acquisition of excess land to be invalid the excess land shall be forfeited to the State Government from the date of the declaration.

(4) If the Tribunal declares the excess land to be surplus lands, it shall vest in the State Government from the date of the declaration free from all encumbrances and the provisions of section 22 to 25 (both inclusive ), shall apply thereto.

1. These words, figure and letter were inserted by Gujarat 2 of 1974, s.22(1).

2. This portion was substituted for the portion beginning with the words and figure "whether the land is excess land under section 9" and ending with the words "and shall make a declaration accordingly" Gujarat 2 of 1974, s. 22 (2).

#### **CHAPTER 4 SPECIAL PROVISIONS FOR ACQUISITION OF LAND IN CERTAIN CASES**

##### **27. Acquisition of land needed for the formation of compact block out of lands to be allotted to a co-operative farming society :-**

(1) If the land to be allotted to a co-operative farming society under section 29 does not form a compact block due to some intervening land being held by a person who is not a member of the society and it appears to the Collector that in the interest of efficient cultivation, the land to be allotted to the society should form a compact block, he may serve a notice on the person and the society calling upon them, if willing, to take steps and admit the person to membership of the society within the period specified in the notice.

(2) If the person is unwilling and the society is willing or the person fails to comply with the notice under sub-section (1), the Collector, with the previous approval of the State Government, may make a declaration that is necessary to acquire the land held by the person for the formation of a compact block of land for the co-operative farming society.

(3) Such declaration shall be published in the Official Gazette and shall state the village, taluka, and district in which the land is situate, the purpose for which the land is needed, its area and assessment. The declaration shall also be published in the prescribed manner at convenient places in the village in which the land is situate.

(4) The declaration so made shall be conclusive evidence that the land specified therein is needed to be acquired for a public purpose.

(5) The person whose land is declared for acquisition under this section shall, without prejudice to his right to compensation under section 28, be entitled to the allotment, out of the land to be allotted to the society, of land to the extent of the land acquired under section 28, on payment of the market value of the land determined in accordance with sub-section (2) of section 28.

**28. Collector to determine value of land and to make award and effect of award :-**

(1) On the publication of the declaration, the Collector, shall issue notices to the owner of the land and all persons known or believed to be interested in the land stating that claims to compensation for all interest in the land may be made to him within the period specified in the notices.

(2) The Collector shall then make an inquiry and determine the market value of the land in accordance with the provisions of sections 23 and 24 of the Land Acquisition Act, 1894 (I of 1894).

(3) After determining the value of the land, the Collector shall, with the previous approval of the State Government, make an award which shall contain-

(a) the particulars of the land

(b) the compensation which in his opinion should be allowed for the land according to its market value ; and

(c) the apportionment of the compensation among all persons known or believed to be interested.

(4) The apportionment of compensation shall be in accordance with the provisions of section 24.

(5) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence as between the Collector and persons interested whether they have respectively appeared before the Collector or not, of all the particulars including area and value, of the land and the apportionment of compensation.

(6) When the Collector has made an award, the land therein shall vest in the State Government free from all encumbrances.

(7) The award made by the Collector subject to an appeal to the Gujarat Revenue Tribunal under section 36 and the decision of the Gujarat Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

**CHAPTER 5 ALLOTMENT OF LAND VESTING IN THE STATE GOVERNMENT UNDER THIS ACT**

**29. Allotment of land vesting in Government :-**

(1) <sup>1</sup> [ Subject to the provisions of sub-section (1A), land other than grazing land], which vests in the State Government under section 21 or 26 shall be allotted in accordance with the rules made in that behalf under this Act on payment of occupancy price payable there for in accordance with such rules in the following order of priority :-

**2** [\*\*\*\*\*]

(ii) co-operative farming society, where it is-

(a) a co-operative joint farming society, the members of which are agricultural labourers, landless persons or small holders or a combination of such persons ;

(b) a co-operative farming society, the members of which are agricultural labourers, landless persons or small holders or a combination of such persons ;

**3** [(iii) agricultural labourers and landless persons :

(iv) small holders ] :

Provided that the extent of land to be allotted to a co-operative farming society referred to in clause (ii) together with the land held as owner or tenant individually by the members thereof shall not exceed an area equal to the ceiling area multiplied by the number of members thereof :

Provided further that the State Government may, by notification in the Official Gazette, give, in relation to such local areas as it may specify, such priority in the above orders as it thinks fit to any class of persons who, by reason of the acquisition of their land for any development project approved for the purpose by the State Government, have been displaced, and require to be re-settled.

**4** [(1A) (a) Where there are two or more co-operative farming societies falling under sub-clause (a) or (b) of clause (ii) of sub-section (1) preference shall be given in the following order, namely-

(i) a co-operative society each of the members of which belongs to a Scheduled Tribe ;

(ii) a co-operative society, the membership of which is held partly by persons belonging to a Scheduled Tribe and partly by persons belonging to a Scheduled Caste ;

(iii) a co-operative society each of the members of which belongs to a Scheduled Caste ;

(iv) (a) a co-operative society, the membership of which is not solely held by persons belonging to a Scheduled Tribe or Scheduled Caste ;

(b) in the order of priority in the case of persons falling under **5** [clauses (iii) and (iv)] of sub-section (1), a person belonging to a Scheduled Tribe shall have precedence over other persons and a person belonging to a Scheduled Caste shall have precedence over persons other than those belonging to a Scheduled Tribe.

(1B) The amount of occupancy price in respect of any land under sub-section (1), shall be equal to the amount of compensation determined in respect of such land under section 23.]

(2) Where land which vests in the State Government under section 21 or 26 was used by the holder before such vesting, as grazing or growing grass or is grazing land, the State Government may dispose it of in such manner as it thinks fit.

(3) An order of allotment of land under sub-section (1) or (2) if made by a Revenue Officer shall be subject to an appeal or revision as provided in Chapter XIII of the Bombay Land Revenue Code, 1879 (Bombay V of 1879) as in force in the area within the jurisdiction of such officer and nothing in Chapter VI of this Act shall apply to such order.

**6** [Explanation - For the purposes of this Act-

(1) "Scheduled Caste" means such caste, race or tribe or part of or group within such caste, race or tribe as is deemed to be a Scheduled Caste in relation to the State of Gujarat under articles 341 of the Constitution of India ;

(2) "Scheduled Tribe" means such [tribe or tribal community or part of or group within such tribe or tribal community as is deemed to be a Scheduled Tribe in relation to the State of Gujarat under article 342 of the Constitution of India.]

1. These words, brackets, figure and letter were substituted for the words, "Land other than grazing land" by

Gujarat 4 of 1968, s. 2 (1).

2. Clause (i) was deleted by Gujarat 2 of 1974, s. 23 (1) (a).

3. These clauses were substituted for the original clause (iii), Gujarat 2 of 1974, s. 23 (1) (b).

4. Sub-sections (1A) and (1B) were inserted by Gujarat 4 of 1968, s. 2(2).

5. These words brackets, and figures were substituted for the word, brackets and figure "clause (iii)" by Gujarat 2 of 1974, s. 23 (2).

6. Explanation to sub-section (3) was inserted by Gujarat 4 of 1968, s. 2 (3).

**29A. Special provision in respect of efficiently managed compact blocks of land and orchards to ensure efficient cultivation and continuity of production :-**

**1** Where in respect of any orchards, or in respect of any compact blocks of land which have been so efficiently managed that the breaking or the block is likely to lead to a fall in production, and which vest, after the specified, date, in the State Government, under section 21 or 26, the State Government is of the opinion that it is necessary in the interest of maintenance of efficient cultivation and avoidance of any loss of production of agricultural produce to maintain the integrity of such orchards, or as the case may be, of such compact blocks of land and for that purpose to allot such orchards or blocks otherwise than in accordance with the provisions of sub-section (1) of section 29, the State Government may allot such orchards, or as the case may be, such blocks of land in accordance with the rules made in that behalf under this Act, on payment of occupancy price, if any, as may be provided therefor in such rules in the following order of priority, namely :-

(a) to a co-operative farming society having not less than sixty per cent of its members, belonging to a Scheduled Tribe or a Scheduled Caste or both ;

(b) to any other co-operative farming society ;

(c) to a corporation (including a company) owned or controlled by the State Government :

Provided that if the State Government considers that the allotment of an orchard or compact block of land in any case is likely to take time and that with a view to preventing it from remaining uncultivated, it is necessary to take such a step, it may allot it to a Department of the State Government for cultivation for such period as may be specified in the order of such allotment ;

Provided further that the State Government, while allotting the land to a cooperative farming society or a corporation, shall impose any such conditions as to the production of improved seeds trial of new varieties of crops of fruits, maintenance of high standards of agriculture, wages of working workers on the land, subject to any law pertaining to payment of wages, adoption of improved methods of agriculture and sale of marketable surplus of agricultural produce to Government, as it may think fit.]

1. New sections 29A and 29B were inserted by Gujarat 2 of 1974, s. 24.

**29B. Application of Code to surplus land :-**

**1** Any surplus land vesting in the State Government under section 21

2

[ or section 26 ] and allotted under this Chapter to any person other than a Department of the State Government shall be subject, on such allotment, to the provisions of the Code.]

1. New sections 29 A and 29 B were inserted by Gujarat 2 of 1974, s. 24.

2. These words and figures were inserted by Presi. Act 43 of 1976, s. 3.

**30. Restriction on transfer or sub-division of land allotted under section 29 :-**

(1) Save as otherwise provided in sub-section (2) no land allotted under section 29 shall be-

(a) transferred whether by way of sale (including sale in execution of a decree of a civil suit or of an award or order of any other competent authority) or by way of gift, mortgage, exchange, lease or otherwise, or

(b) sub-divided (including sub-division by a decree or order of a Civil Court or any other competent authority) whether by partition or otherwise, without the previous sanction of the Collector. Such sanction shall not be given <sup>1</sup> [except in such circumstances and on such conditions as hereinafter mentioned, namely :-

(i) In the case of land allotted to a co-operative society, the membership of which is held wholly or partly by persons belonging to a Scheduled Tribes or Scheduled Caste or of land allotted to a person belonging to a Scheduled Tribe or Scheduled Caste, if the transfer or sub-division thereof is in favour of a co-operative society of the same class or of a person belonging to a Scheduled Tribe or Scheduled Caste or of a person not belonging to a Scheduled Tribe or Scheduled Caste for want of a person belonging to a Scheduled Tribe or Scheduled Caste.

(ii) In the case of land allotted to any co-operative society or person other than a co-operative society or person referred to in clause (i) ,-

(a) the transfer or sub-division is in favour of an agriculturist who holds land less in area than the ceiling area, an agricultural labourer or a landless person,

(b) the transfer or sub-division is in favour of a person not being a person referred to in clause (i), who bona fide requires the land for a non agricultural purpose,

(c) the land is required for benefit of an industrial or commercial undertaking of an educational or charitable institution,

(d) the land is required by a Co-operative farming society,

(e) the land is being sold in execution of a decree of a Civil Court or for the recovery of arrears of land revenue or of any sums recoverable as arrears of land revenue, or

(f) the land is being given in gift whether by way of trust or otherwise and such gift is made bona fide by the holder in favour of a member of his family.

(iii) The person who obtains land by transfer or sub-division in accordance with the provisions of this sub-section shall commence the use of the land for the purpose for which he obtained land, within a period of one year from the date on which he takes possession of the land or within such further period not exceeding five years in the aggregate as the Collector for reasons to be recorded in writing may from time to time fix.

(iv) If the person fails to comply with the condition specified in clause (iii), the sanction given under this sub-section shall stand cancelled and the transfer or as the case may be, the sub-Division of the land in favour of the person shall for the purposes of sub-section (4) be deemed to be in contravention of this sub-section].

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for a person to mortgage or create a charge on his interest in the land allotted to him under section 29 in favour of the State Government in consideration of a loan advanced to him by the State Government under the Land Improvement Loans Act, 1883, (XIX of 1883) the Agriculturists Loans Act, 1884 (XXII of 1884) or the Bombay Non-Agriculturists Loans Act, 1928, (Bombay III of 1928) or in favour of a co-operative society <sup>2</sup> [or in favour of a land development bank or the State Bank of India constituted under the State Bank of India Act, 1955 (Act 23 of 1955) or a subsidiary banks as defined in the State Bank of India (Subsidiary Banks) Act, 1959, (Act 38 of 1959) or a bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970] (Act 5 of 1970) in consideration of a loan advanced to him by such co-operative society <sup>3</sup> [ or by any such bank], and without prejudice to any other remedy open to the <sup>4</sup> [ State

Government, the co-operative society, or as the case may be, the bank], in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the [State Government, the co-operative society, or as the case may be, the bank], to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.

(3) Any subsequent transfer or sub-division of land transferred or sub-divided in accordance with sub-section (1), shall also be subject to the provisions of sub-section (1).

(4) Any transfer or sub-division of land in contravention of sub-section (1) or (3) and the acquisition of such land under such transfer or sub-division shall be invalid and the land shall stand forfeited to the State Government.

1. This portion was substituted for the words "except in such circumstances and on such conditions as may be prescribed" by Gujarat 4 of 1968, s. 3.

2. These words, figures and brackets were inserted by Gujarat 2 of 1974, s. 25 (i).

3. These words were inserted Gujarat 2 of 1974, s. 25 (ii)

4. These words were substituted for the words "State Government or the Co-operative Society as the case may be" Gujarat 2 of 1974, s. 25 (iii).

### **31. Temporary leases of land liable to be allotted under section 29 :-**

(1) If in the case of land vesting in the State Government under this Act, the Mamlatdar consider that the allotment of such land under section 29 is likely to take time and that with a view to preventing the land remaining uncultivated, it is necessary to take such a step, he may lease the land for cultivation to any small holder subject to the following conditions :-

(i) the lease shall be for a period of one year ;

(ii) the lessee shall pay rent at the rate fixed by the Mamlatdar subject to the provisions of the relevant tenancy law ;

(iii) the lessee shall be liable to pay the land revenue and the other cesses payable in respect of the land ;

(iv) if the lessee fails to vacate the land on the expiry of the term of the lease, he shall be liable to be summarily evicted by the Mamlatdar.

(2) The person holding land on lease under sub-section (1) shall not be deemed to be a tenant within the meaning of the relevant tenancy law.

(3) The amount of rent realised under sub-section (1) shall be credited to Government.

## **CHAPTER 6 PROCEDURE APPEALS AND REVISION**

### **32. Powers of Mamlatdar, Tribunal and Collector in making inquiries :-**

The Mamlatdar, the Tribunal and the Collector shall have the same powers in making inquiries under this Act as are vested in Courts in respect of the following matters under the Code of Civil Procedure, 1908, (V of 1908) in trying a suit, namely :-

(a) proof of facts by affidavits ;

(b) summoning and enforcing the attendance of any person and examining him on oath; and

(c) compelling the production of documents.

**33. Inquiries to be held in accordance with prescribed procedure :-**

(1) Subject to the provisions of section 32, the Mamlatdar, the Tribunal and the Collector shall in holding inquiries under this Act follow such procedure as may be prescribed save as otherwise provided in this Act.

(2) Every decision of the Mamlatdar, Tribunal and Collector shall be recorded in the form of an order which shall state reasons for such decision.

**34. Notices to be served in prescribed manner :-**

All notices issued under this Act shall save as otherwise provided in this Act be served in the prescribed manner.

**35. Appeals against orders except awards :-**

(1) An appeal against any order of the Mamlatdar or any order other than an award under section 24 made by the Tribunal may be filed to the Collector.

(2) Every petition for an appeal under sub-section (1) shall be accompanied by a certified copy of the order to which objection is made unless the production of such copy is dispensed with.

(3) On the filing of an appeal under sub-section (1), the Collector may either admit it or, after calling for the record and giving the appellant an opportunity to be heard, may summarily reject it :

Provided that the Collector shall not be bound to call for the record where the appeal is time-barred or does not lie.

(4) If the appeal is admitted, a date shall be fixed for hearing and notice thereof shall be served on the respondent in the prescribed manner.

(5) After hearing the parties, if they appear, the Collector may confirm, vary or reverse the order appealed against or may direct such further investigation to be made, or such additional evidence to be taken, as he may think necessary ; or may himself take such additional evidence or may remand the case for disposal with such directions as he may think fit. The Collector shall also have power to award costs.

(6) The Collector may, pending decision of the appeal, direct the execution of the order appealed against to be stayed for such time as he may think fit and subject to compliance with such conditions (including a condition of furnishing security) as he may think fit to impose.

(7) The Collector may set aside or modify any direction made under sub-section (6).

**36. Appeal against awards :-**

(1) Any person aggrieved by the award made by the Tribunal under section 24 or by the Collector under section 28 may appeal to the Gujarat Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957 (Bombay XXXI of 1958).

(2) Every petition of appeal under sub-section (1) shall be accompanied by a certified copy of the award against which the appeal is made on less the production of such copy is dispensed with.

(3) In deciding such appeal the Gujarat Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding Appeals from the decree or order of the original

court under the Code of Civil Procedure, 1908 (V of 1908).

### **37. Collectors power of revision :-**

Where no appeal has been filed within the period provided for it, the Collector may, suo motu or on a reference made in this behalf by <sup>1</sup> [\* \* \*] the State Government, at any time,-

(a) call for the record of any inquiry of the proceedings of any Mamlatdar or of the Tribunal other than the proceedings of an award for the purpose of satisfying himself as to the legality, or propriety of any order passed by, and as to the regularity of the proceedings of such Mamlatdar or Tribunal as the case may be, and

(b) pass such order thereon as he deems fit :

Provided that no such record shall be called for after the expiry of one year from the date of such order and no order of such Mamlatdar or Tribunal shall be modified, annulled or reversed unless opportunity has been given to the interested parties to appear and be heard.

1. The words "the Commissioner or" were deleted by Gujarat 15 of 1964, s. 3 Sch.

### **38. Revisional jurisdiction of Gujarat Revenue Tribunal :-**

Notwithstanding anything contained in the Bombay Revenue Tribunal Act, 1957, (Bombay XXXI of 1958) an application for revision may be made to the Gujarat Revenue Tribunal constituted under the said Act against any order of the Collector on the following grounds only:-

(a) that the order of the Collector was contrary to law ;

(b) that the Collector failed to determine some material issue of law ; or

(c) that there was a substantial defect in following the procedure provided by this Act, which has resulted in the miscarriage of justice.

(2) In deciding applications under this section the Gujarat Revenue Tribunal shall follow the procedure which has been prescribed by rules and regulations made under the Bombay Revenue Tribunal Act, 1957 (Bombay XXXI of 1958).

### **39. Limitation for appeals and applications for revision :-**

<sup>1</sup> [Save as otherwise provided in this Act, every appeal] or application for revision under this Act shall be filed within a period of sixty days, from the date of the order of the Mamlatdar, Tribunal or Collector as the case may be. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908) shall apply to the filing of such appeal or application for revision.

1. These words were substituted for the words "Every appeal" by Gujarat 2 of 1974, s. 26.

### **40. Court fees :-**

Notwithstanding anything contained in the Bombay Court-fees Act, 1959, (Bombay XXXVI of 1959) every application or appeal made under this Act to the Mamlatdar, Tribunal, Collector or Gujarat Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

### **41. Powers of Gujarat Revenue Tribunal to confirm, modify, etc., order taken in revision :-**

The Gujarat Revenue Tribunal in revision under section 38 may confirm, modify or rescind the order in revision or its execution or may pass such other orders as may seem legal and just in accordance with the provisions of this Act.

### **42. Power of Collector to transfer appeals :-**

The Collector may, after due notice to the parties, by order in writing,-



(a) transfer any appeal pending before him or before any Assistant or Deputy Collector subordinate to him to any Additional, Assistant or Deputy Collector, specified in such order, performing the duties and exercising the power of a Collector and upon such transfer the Additional Collector, Assistant Collector or Deputy Collector, as the case may be, shall have power to hear and decide the appeal as if it was originally filed to him ; or

(b) withdraw any appeal pending before any Assistant or Deputy Collector and himself hear and decide the same.

**42A. Revenue Officer to be a necessary party to all proceedings :-**

Notwithstanding anything contained in any law for the time being in force, in all inquiries and proceedings relating to any land before any officer or authority under this Act, such revenue officer having jurisdiction in the area in which such land is situated, as may be authorised in this behalf by the State Government by an order published in the Official Gazette, shall be a necessary party.]

1. New section 42A was inserted, Gujarat 2 of 1974, s. 27.

**CHAPTER 7 MISCELLANEOUS**

**43. Sums recoverable as arrears of land revenue :-**

Any sum whether by way of occupancy price, rent or otherwise payable by any person to the State Government by or under the provisions of this Act, shall, if not paid by such person, be recoverable as an arrear of land revenue.

**44. Mode of putting any person in possession of land :-**

(1) Any order of the Mamlatdar or Tribunal awarding possession or restoring the possession or use of any land shall be executed in the manner provided in section 21 of the Mamlatdars Courts Act, 1906, (Bombay II of 1906) as if it was the decision of the Mamlatdar under the said Act :

Provided that such order shall not be executed till the expiry of the period, of appeal or application for revision as provided in section 39, or if an appeal is filed before the Collector and the Collector has refused to grant a stay order, until the date of such order, whichever is earlier :

Provided further that any order to be issued to village officers shall be issued by the Mamlatdar to whom such village officers are subordinate.

(2) An order of the Collector, or the Gujarat Revenue Tribunal, in appeal or revision shall be executed in the manner provided for the execution of an order of the Mamlatdar or Tribunal under sub-section (1).

**45. Summary eviction :-**

Any person unauthorisedly occupying or wrongfully in possession of any land-

(a) which vests in the State Government under this Act, or

(b) to the use and occupation of which he is not entitled under the provisions of this Act, may be summarily evicted by the Collector after such inquiry as he deems fit.

**46. Pleaders, etc., excluded from appearance :-**

Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under this Act before the Mamlatdar, the Tribunal or the Collector :

Provided that the Mamlatdar, the Tribunal or the Collector may, in the interest of justice for reasons to be recorded in writing, allow the parties to be represented at their own cost by a pleader :

Provided also that if any officer of Government is appointed or declared by a competent Court or is authorised under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such officer shall be entitled to appear through a representative authorised by him in writing in this behalf in any proceedings before the Mamlatdar, the Tribunal or the Collector. Such representative may also submit any application and otherwise act on behalf of the officer in any such proceedings.

Explanation - For the purposes of this section the expression "pleader" includes an advocate, attorney, vakil or any other legal practitioner.

**47. Bar of jurisdiction :-**

No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Mamlatdar, Tribunal, Collector, [1] [\* \*], the Gujarat Revenue Tribunal or the State Government.

Explanation - For the purpose of this section a civil court shall include a Mamlatdars Court constituted under the Mamlatdars Courts Act, 1906 (Bombay II of 1906).

1. The word "Commissioner" was deleted by Gujarat 15 of 1964, s. 4 Schedule.

**48. Inquiries and proceedings to be judicial proceedings :-**

All inquiries and proceedings before the Mamlatdar, the Tribunal, the Collector, <sup>1</sup> [\*\*\*\*] and the Gujarat Revenue Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the India Penal Code (XLV of 1860).

1. The words "the Commissioner" were deleted, Gujarat 2 of 1974, s. 5.

**49. Tribunal etc., to be public servants :-**

The officers and members constituting a Tribunal and other officers functioning under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

**50. Protection of action taken under this Act :-**

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or purports to be done under this Act.

**51. Delegation of powers :-**

The State Government may, subject to such restrictions and conditions as it may impose, by notification in the Official Gazette, delegate to <sup>1</sup> [any of its officers not below this rank of a Collector] All or any of the powers conferred on it by this Act.

1. Those words were substituted for the words "the Commission" by Gujarat 15 of 1964, s. 6.

**52. Control :-**

In All matters connected with this Act the State Government shall have the same authority and control over the Tribunals, the Mamoatdars, <sup>1</sup> [and the Collectors] acting under this Act as they do in the general and revenue administration.

1. These words were substituted for the words "the Collectors and the Commissioners" by Gujarat 15 of 1964, s. 7.

**53. Rules :-**

(1) The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing, power, such rules may provide for-

**1** [(i) the extent of land to be prescribed under clause (d) of sub -section (1) of section 3 ;]

(ii) the period within which and the form in which an application under sub -section (2 ) of section 8 shall be made ;

(iii) other particulars to be given in a statement to be furnished under sub -section (1 ) of section 10 ;

(iv) there cords to be prescribed under sub -section (1) of section 13 ;

(v) the other particulars to be prescribed under clause (d) of sub- section (2) of section 13 ;

(vi) the manner in which a case shall be referred by the Tribunal under sub -section (1) of section 14 ;

(vii) the manner in which a list shall be published and the form in which a notice shall be given under sub -section (1) of section 20 ;

(viii) the form in which a notice shall be served under sub -section (2) of section 20 and the form in which particulars shall be furnished under that sub -section ;

(ix) the period within which bonds shall be repayable under sub -section (2) of section 25 and denomination and forms of such bonds ;

(x) the form of notice to be issued by the Tribunal under sub -section of section 26 ;

(xi) the manner of publishing a declaration under sub -section (3) of section 27 ;

(xii) Rules for the Allotment of lands under section 29 ;

**2** [(xii-a) the Allotment of orchards or blocks of land and the occupancy price, if any, to be provided therefor, under section 29 -A;]

(xiii) the circumstances in which and the conditions on which sanction sh all be given under sub -section (1) of section 30 ;

(xiv) the manner of serving notices under section 34 ;

(xv) the manner of serving notice on the respondent under sub-section (4) of section 35 ;

(xvi) the value of court-fee stamp under section 40 ;

(xvii) such other matters as may be prescribed.

(3) All rules made under this section shall be published in the Official Gazette.

(4) All rules made under this section shall be laid before the State Legislature as soon as may be after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

1. Clause (i) was substituted for the Original by Gujarat 2 of 1974, s. 28.

2. Clause (xii-a) was inserted by Presi, Act 43 of 1976, s 4.

#### 54. Enactments amended :-

With effect from the appointed day the enactments specified in Schedule III shall be amended to the extent mentioned in the fourth column thereof.

#### SCHEDULE 1

##### SCHEDULE I

(See Section 4 and 5)										
Ceiling area in Hectares and its approximate equivalent in Acres										
Class Perennially irrigated land of										
Local Area	(i) Irrigated by source other than private source		(ii) Irrigated by private source		Seasonally irrigated land		Superior dry cropland		Dry cropland	
	Hectares	Approximate equivalent in acres	Hectares	Approximate equivalent in acres	Hectares	Approximate equivalent in acres	Hectares	Approximate equivalent in acres	Hectares	Approximate equivalent in acres
1	2		3		4				5	
A	4.05	10	5.06	12.50	6.07	15	8.09	20	12.14	30
B	4.45	11	5.56	13.75	6.47	16	8.90	22	13.55	33
C	4.86	12	6.07	15	7.28	18	9.71	24	14.57	36
D	5.26	13	6.58	16.25	7.69	19	10.52	26	15.78	39
E	5.67	14	7.08	17.50	8.50	21	11.53	28	17.00	42
F	6.07	15	7.28	18	8.90	22	12.14	30	18.21	45
G	6.47	16	7.28	18	9.71	24	12.95	32	19.42	48
H	6.88	17	7.28	18	10.12	25	13.76	34	20.64	51
I	7.28	18	7.28	18	10.93	27	14.57	36	21.85	54

Note.-In this Schedule, "Irrigated by private source" means irrigated from a tube-well or lift irrigation from a perennial water source operated by diesel or electric power]

#### SCHEDULE 2

##### SCHEDULE II

(See Section 4)		
PART I		
Local Areas falling in Class A.		
District	Taluka or Mahal	Villages
1	2	3
Kara	Petlad	All villages of the taluka other than those included in the local area C.
	Barsad	All villages of the taluka other than those included in the local area C.
	Nadiad	The following villages: 1. Mahudha, 2. Hajipur Tornial, 3. Nadgam, 4. Mangalpur, 5. Vina, 6. Valla, 7. Madia, 8. Salunvanto, 9. Salun Talpad, 10. Alindra, 11. Manghroli, 12. Moholel, 13. Kanjoda, 14. Surasamal, 15. Chalali, 16. Fatepur, 17. Uttarsanda, 18. Chaklashi, 19. Bhumel, 20. Kanjari, 21. Wadtal, 22. Mohmodpura, 23. Narsauda, 24. Gutal, 25. Kariavi, 26. Pipalata, 27. Akhdol, 28. Valetwa, 29. Mitral, 30. Piplag, 31. Dumral, 32. Tundol, 33. Pij, 34. Rampura, 35. Gangapura, 36. Vaso, 37. Palana, 38. Dabtali, 39. Bamroli, 40. Dabhan, 41. Zerol, 42. Dehgam 43. Hathanoi, 44. Silod, 45. Bilodra, 46. Aldapati, 47. Hirjipati, 48. Kakarkhadpati, 49. Lakhavadpati, 50. Ratanjipati, 51. Chaklashipati, 52. Kiledaripati, 53. Baladi, 54. Khaladi.
	Anand	All villages of the taluka other than those included in the local area C.

Baroda	Padra	The following villages;
		1. Amala, 2. Sejakuva, 3. Padra, 4.
		Darapura, 5. Sareja, 6. Latipura, 7. Saras-
		wani, 8. Sadhi, 9. Sangama, 10. Sok-
		hadakhurd, 11. Tajpura, 12. Ranu, 13.
		Pipli, 14. Vadadia, 15. Sultanpura, 16.
		Karnakuva, 17. Rajupura, 18. Vishram-
		pura, 19. Sandha, 20. Lola, 21.
		Dhobikuwa, 22. Somjipura, 23. Jal-
		lapura, 24. Chitral, 25. Bhoj, 26. Majatan,
Baroda	Padra	27. Vadu, 28. Narsipura, 29. Muwal, 30.
contd.	contd.	Gavadad, 31. Dabka, 32. Mahmaddpur,
		33. Mujpur, 34. Mahuwad, 35. Mobha,
		36. Kural, 37. Gayaj, 38. Gariad, 39.
		Anti, 40. Dabhasa, 41. Ekalbara, 42.
		Umaraya, 43. Karkhadi, 44. Dudhawada,
		45. Chokari, 46. Tithor, 47. Pavda, 48.
		Jaspura (Nava), 49. Jaspura (Juna), 50.
		Lakhadikui, 51. Fatehpura, 52. Luna.
	Savli	The following villages:
		1. Bhadarva, 2. Prathampura, 3. Rania, 4.
		Jalampur, 5. Khandi, 6. Mahapura, 7.
		Poicha, 8. Moksi.
	Baroda	The following villages:
		1. Dodka, 2. Rayaka, 3. Fajalpur,
		(Senkarda), 4. Nandeshari, 5. Angadha,
		6. Kotna, 7. Sindharoi, 8. Hingio, 9.
		Ampad, 10. Mahapura, 11. Savasi, 12.
		Vasansaiyad, 13. Tandaija, 14. Bhayali,
		15. Dhanora, 16. Karehia, 17. Dashrath,
		18. Ranoli, 19. Ajod, 20. Padamala, 21.
		Karodia, 22. Koyali, 23. Bajwa, 24. Un-
		dera, 25. Gorwa, 26. Ankodia, 27. Sub-
		hanpura, 28. Gotri, 29. Khanpur, 30.
		Akota, 31. Jetalpur, 32. Atladra, 33.
		Gokalpura, 34. Saroiyala, 35. Bal, 36.
		Sherkhi, 37. Sokhada, 38. Savad, 39.
		Nagarwada, 40. Wadiwadi, 41. Vasana
		Kotaria, 42. Dumad, 43. Asoj, 44. Man-
		jaipur, 45. Nijampura, 46. Chhani, 47.
		Siswa, 48. Sama.
Broach	Broach	The following villages:
		1. Angareshwar, 2. Nikora, 3. Manglesh-
		war, 4. Shukiatirth, 5. Kadid, 6. Jhanor.
	Ankleshwar	The following villages:
		1. Kansia, 2. Chhapara, 3. Mandva
		Buzurg.
Surat	Chorsashi	The following villages:-
		1. Navagam, 2. Dumbhal, 3. Parvat, 4.
		Magob, 5. Vedchha, 6. Sabargam, 7. Dab-
		holi, 8. Singanpore, 9. Ved, 10. Tunki, 11.
		Katargam, 12. Kosad, 13. Bharthana-
Surat	Chorsashi	Kasod, 14. Mota-Varachha, 15. Arnroli,
contd.	contd.	16. Utran, 17. Fulpada, 18. Karanj, 19.
		Kapadra, 20. Simada, 21. Sania-Hemad,
		22. Puna, 23. Saroli, 24. Kumbharia, 25.
		Nana-Varachha.
	Khamrej	All villages of the Taluka other those
		included in local area C.
	Bardoli	The following villages:-
		1. Bardoli, 2. Nadida, 3. Ten, 4. Urnrakh,
		5. Baben, 6. Asian, 7. Dharndor, 8.
		Sankari, 9. Rajparalumbha, 10. Rayam,
		11. Varad, 12. Panda, 13. Isanpur, 14.
		Khoj, 15. Pard Kadod, 16. Kantali, 17.
		Vagechkadid, 18. Ruwa, 19. Bharam-
		pore, 20. Motifalod, 21. Kulsad, 22.

		Akoti, 23. Sam than, 24. Bhamaiya, 25.
		Uchhareli, 26. Haripura, 27. Singod, 28.
		Bammi, 29. Orgam, 30. Palsod.
	Navsari	The following villages:-
		1. Puni, 2. Ponsra, 3. Vada Ponsara, 4.
		Chokhad, 5. Dabhel, 6. Simlak, 7. Par-
		than, 8. Asundar, 9. Dhaman, 10. Manek-
		pore, 11. Tankoli, 12. Kabilpore, 13.
		Kasabapar, 14. Veraval, 15. Chovisi, 16.
		Amri, 17. Telada, 18. Amadpore, 19.
		Pinsad, 20. Moldhara, 21. Sarona, 22.
		Pera, 23. Padga, 24. Vejalpose, 25. San-
		dalpur, 26. Kuched, 27. Sadodra, 28.
		Vesma, 29. Arak, 30. Pardi, 31..Sisodra
		(Arak), 32. Vachharvad, 33. Kaliavadi,
		34. Dharagiri, 35. Virvadi, 36. Dandesar,
		37. Tarasadi, 38. Supa (Kurel), 39. Onchi,
		40. Shingod, 41. Kurel, 42. Khergam, 43.
		Sahu, 44. Navapara, 45. Vasar, 46. Bhattai,
		47. Nasilpore, 48. Kolasana, 49. Tigra, 50.
		Kadipore, 51. Ambada, 52. Mansad, 53.
		Sisodara Ganesh, 54. Un, 55. Vada, 56.
		Adad^, 57. Toll, 58. Khadsupa, 59. Kach-
		hol, 60. Sarai, 61. Boriach, 62. Rajvada,
		63. Astagam, 64. Kanbad, 65. Pardi, 66.
		Sarpor, 67. Sadlav, 68. Dabhai, 69. Satem,
		70. Butlav, 71. Nagadhra, 72. Bhunvadi,
		73. Kambada, 74. Mahudi, 75. Ugat.
Surat	Gandevi	The following villages:-
		1. Salej, 2. Sonvadi, 3. Gadat, 4.
		Khakhwada, 5. Ajrai, 6. Kachholi, 7.
		Ganger, 8. Amalsad,9. Dhamdachha, 10.
		Gandevi, 11. Devdha, 12. Manekpore,
		13. Kolva, 14. Torangam, 15. Ancheli,
		16. Mohanpur, 17. Saribujrag, 18. Sarik-
		hurad.
	Paisana	All villages of the mahal other those
		included in local area C.

### SCHEDULE 3

#### SCHEDULE III

Enactments amended			
(See section 54)			
Year	No.	Short title	Extent of amendment
1	2	3	4
1948	LXVII	The Bombay	<sup>1</sup> [1. In section 5, after sub-section
		Tenancy and	(2), following sub-section shall be
		Agricultural	inserted, namely:-
		Lands Act,	"[(3) Where in any case the ceiling
		1948.	area as determined under the
			provisions of the Gujarat Agricul
			tural Lands Ceiling Act, 1960 (Guj.
			XXVII of 1961), as in force for the
			time being is less than the ceiling
			area specified in this section, then
			notwithstanding anything contained
			in this section, the ceiling area of
			land as determined under the said
			Act shall be ceiling area for the pur
			poses of this Act.]"
			<sup>2</sup> [2] Section 34 shall be deleted.
			<sup>2</sup> [3] Section 35 shall be deleted.
			<sup>2</sup> [4] In section 36, the words and
			figures "notwithstanding the restric
			tions imposed under sections 34 and
			35" shall de deleted.

			2[5] In section 43-A, in sub-section
			(1), the figures "34, 35" shall be
			deleted.
1958	XCIX	The Bombay	1. For section 81, the following shall
		Tenancy and	be substituted, namely:-
		Agricultural	
		Lands	"(81) (1) Where any land has been
		(Vidarbha	declared to be surplus land under any
		Region and	of the provisions of this Act, the
		Kutch Area)	State Government shall be deemed to
		Act, 1958.	have assumed the management of
			such land for a public purpose from
			the date of the declaration.
1958	XCIX	Assumption of	(2) In this section "public purpose"
		management	includes settlement of landless
		of Surplus	cultivators development of co
		land and pay	operative organisations and increas
		ment of com	ing the efficiency of cultivation and
		pensation	management.
		therefor	
			(3) The amount of compensation
			payable for the assumption of
			management of a surplus land shall
			consist of a recurring payment of a
			sum equal to the reasonable rent to be
			determined in accordance with the
			provisions of section 12 and of a fur
			ther sum equal to one-half of such
			reasonable rent to compensate the
			holder of surplus land for all or any
			of the following matters, namely:-
			(i) pecuniary loss due to assumption
			of management;
			(iii) expenses on account of vacating
			the land, the management of which
			has been assumed;
			(iii) expenses on account of reoc-
			cupying the land on the termination
			of the management;
			(iv) damage, if any, caused to the
			land during the period of manage
			ment including the expenses that
			may have to be incurred for restoring
			the land to the condition in which it
			was at the time of the assumption of
			management:
			Provided that where such surplus
			land was held by the holder as a
			tenant, one-third of the compensa
			tion shall be paid to such holder and
			the balance shall be paid to the per
			son from whom the land was held as
			tenant by such holder."
			2. In section 82 the words, brackets
			and figures "On the publication of an
			order under sub-section (8) of section
			81" shall be deleted.
			3. In section 83,-
			(i) for the words, brackets and figures
			"with the publication of an order under
			sub-section (8) of section 81" the
			words "with the declaration as surplus
			land" shall be substituted;
			(ii) in clause (d), in sub-clause (iii),
			for the words, brackets and figure
			"sub-section (9)" the words, brackets
			and figure "sub- section (4)" shall be

			substituted.
			4. Section 88 shall be deleted.
			5. In Schedule III, clause 33 shall be
			deleted.