

LAW SCHOOL NOTES

SUBJECT TITLE:

M.L.C.A.

MAHARASHTRA AGRICULTURAL LAND
(CEILING ON HOLDINGS) ACT



Prepared by Adv. Govinda S. Zalte | For educational use only
Contact: +91 77987 90378 | Email: govindazalte2001@gmail.com

URBAN

RURA AGRARIAN

Date: / /

Page No:

→ Maharashtra Agricultural Lands (Ceilings on Holdings) Act, 1961

* LAND CEILING

- It means placing ceiling on holdings.
- Secondly to redistribute land to all classes [Land Reform]

* Importance.

- i) It is considered as state policy to create economic equality
- ii) Agrarian reform
- iii) Reduces disparity
- iv) Uplifts weaker section of society (marginalised) SCs, STs

AGRARIAN

* Land Reform

→ Taking away excess land and redistributing it with landless and small landholders.

Thus, In 1950s laws were passed by the state Govts regarding ceiling on holdings of agricultural land.

* Features of Agrarian Land reform legislations

- ① Abolition of Zamindari system or Abolition of intermediaries.
- ② Maintenance of cultivation rights.
- ③ Tenancy reforms
- ④ Simplification of land tenure system.
- ⑤ Consolidation of holdings & prevention of their further fragmentation.
- ⑥ Ceilings on holdings & distribution of surplus land among tillers.
- ⑦ Uniform rule of succession.

* Shortcomings of this act, / legislations:

- ① Exemptions in clauses in ceiling act
↳ landlord used them to escape.
- ② Problems of transferring ownership rights from the actual cultivators to tenants, sub-tenant, share cropper.
- ③ And Inadequate compensatn to landlord & tenants
- ④ Limited coverage.

* Benefits of Land Reform

- ① Reductn in land equality.
- ② Improvement in agricultural productivity.
- ③ Protection of tenant Rights.
- ④ Promotion of Social & economic equality

* Major Land Reforms in India:

- ① Abolition of Zamindari System (1950) [Land to tillers]
- ② Tenancy Reforms (1950-60)
↳ Regulatn of rent, preventn from eviction
recognition of rights of share croppers
- ③ Ceiling on Land holdings (1961)
↳ Govt. formed policy ↳ state framed laws.
- ④ Land consolidation (1960-70)
↳ to improve production

* Agrarian Ceiling Legislation

- ① 1961-62 policy
→ Vary from state to state
→ Ceiling limits vary from 20 acres to 125 acres:

New policy evolved in 1971

Lowering of ceiling to 28 acres of wet land & 54 acres of unirrigated land.

Fewer exemptions from ceiling

No scope to move on infringement of F.R.

1972 guidelines

i) best land 10 acres.

ii) Second class land 18-27 acres.

iii) for the rest, 27-54 acres (hill region & desert areas)

Urban Ceiling Land Ceiling

like agrarian reform
but in cities

Urban Land Ceiling Act, 1976

Aim :- 1) to impose ceiling on vacant land in urban

agglomerations.

2) for acquisition of such land in excess of

ceiling limit.

3) to regulate construction of building on such land

4) To prevent concentration of urban land in few hands

5) To bring equitable distribution of land for common good.

Ceiling range :- 500 to 2,000 sq. meters

Exemptions :- Industrial purpose

Agricultural purpose

Repealed in 1999

* Shortcomings of the Act

- (1) It could not meet its purpose
- (2) Resulted in inc. in no. of slums in urban areas
- (3) Govt. lands were filled with slums

Maharashtra Agricultural Land (Ceilings on Holdings) Act, 1961

- (A) Aim of the Act
- (B) Definitions
- (C) Constitution of Tribunals
- (D) Lowering of ceiling on holdings [ss. 3-7]
- (E) Surplus Land [s. 12-21A]
- (F) Distribution of Surplus Land [s. 27-29]
- (G) Compensation [s. 22-26]
- (H) Power of Collector

(A) Aims of the Act

- i) To impose max. limit on holding of agricultural land
- ii) To provide for acquisition & distribution of such land
- iii) To ensure efficient use of the land for agriculture.

Definitions.

Agriculture includes S. 2(i)

- a) horticulture
- b) raising of crops, grass or garden.
- c) use by an agriculturist of land held by him, or part thereof for grazing,
- d) use of land for rice, paddy or rab-manure.
- e) dairy farming.
- f) poultry farming.
- g) breeding of live stock.

ii) class of land.

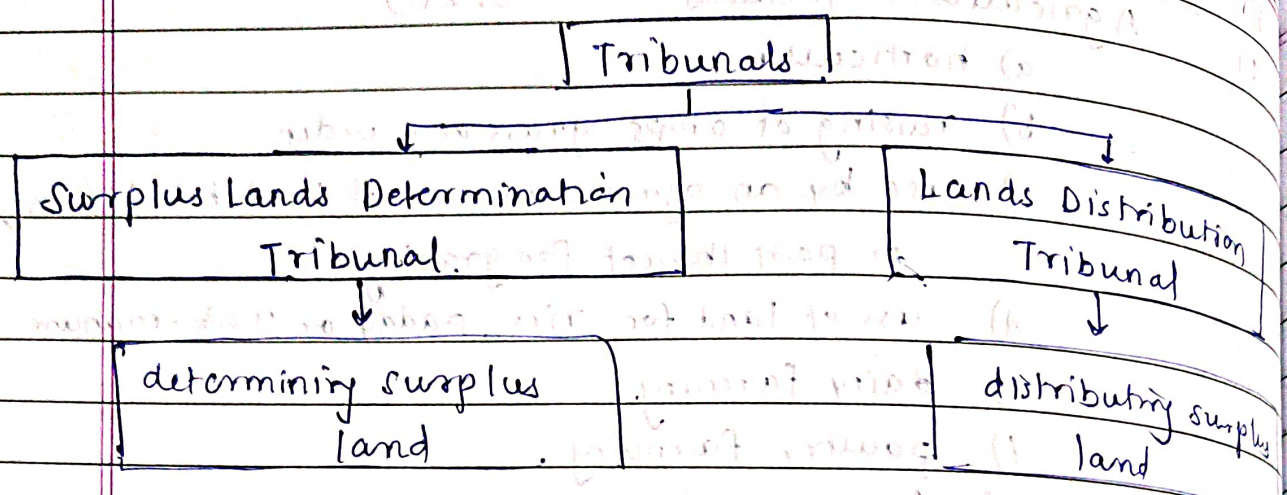
- (a) land with assured supply of water for irrigation (2 crops or annually)
- (b) land with no assured perennial supply of water for irrigation (1 crop in year)
- (c) land irrigated seasonally by flow irrigation from any source.
- (d) dry crop land

iii) land - S. 2(16) - is used or capable of being used for purpose of agriculture

It includes

- a) sites of farm building or, or appurtenant
- b) land on which grass grows naturally
- c) trees and standing crop on such land
- d) channels, canals, wells, pipes & reservoirs, etc
- e) embankment, drainage works, bhandaras, all structure & permanent fixtures

(C) Constitution of Tribunals [S. 2-A]



2A(1) State Govt. by notification in official Gazette can constitute as many as tribunal.

* Composition of Tribunals (total - 3 members)

- (1) Chairman → (not below rank of Tehsildar)
- (2) 2 members

(4) * Appointed & Removed by → S.G.

(5) Quorum - chairman → (if alone present)
(if no one is present within 1/2 hr of meeting)

(6) In other cases → decision of majority opinion.
→ If Chairman disagrees with majority. It is referred to collector he shall himself hear such matter.

(8) Allowances to be given by S.G.
→ travel, daily & other allowances.

Surplus land → S.V.

Date: / /

Page No.:

Lowering of Ceiling on Holdings

Prohibition on holding land in excess of ceiling area & area in excess of ceiling to be surplus.

- (1) No person or family unit shall hold land in excess of ceiling limit.
 - (2) All land held in this state or other if goes beyond ceiling limit shall be deemed to surplus land.
- Only land held in this state may be declared surplus land

Land held by family unit.

→ Family Unit :- Land held by all member of family (jointly or separately) be deemed to held by family unit.

Eg:- A person, his spouse/s, minor son, minor unmarried daughter.

→ If dissolution of marriage took place or is in proceeding it is to be taken into consideration & ignored form F.U.

Sec. 5

Ceiling area

- (i) Land of one class - ceiling limit for that class
- (ii) Land of diff. class - in given manner

Land u/ (a), (b), (c) of S. 2(5) shall be converted into S. 2(5)(d) or (e)

Sec. 6

Family Unit consist of member more than 5.
or entitled to hold land $\frac{1}{5}$ th of the ceiling area for each member in excess of five.

But shall not exceed twice of ceiling area.

Sec. 7

Person holding both exempted & other land.

(1) Exempted Land < Ceiling area
 → Other Land + Exempted Land = Ceiling area.

(2) In any other case not entitled to hold other land.

(D) Surplus Land

S.12 Submission of returns

- to collector particulars of land held by him.
- before 1970, Sept 26 or when acquire land exceeding ceiling

S.13 Failure to submit return

→ Penalty can be imposed

* Power of Collector. (S.14 - to hold enquiry)

- i) To hold enquiry suo moto on expiry of period.
- ii) power to determine the surplus land by such person / family

In case of land in

- a) 2 taluk or more - Collector.
- b) 2 districts or more - by Collector whom Comm. may designate.
- c) diff. divisions - by Collector whom S.G. may designate.
- d) Industrial Undertaking -

S.18

Collector to consider certain matters

- 1) total area of land held by holder
- 2) whether transfer or partition of land be considered or ignored etc.

S.19

Power of collector to restore land to landlord in certain case

→ When surplus land is deemed to be held by person from landlord.

+ Landlord has right of resumption in respect of that land.

S.21 Collector to make declaration regarding surplus land, etc

& consequence thereof.

→ Declaration shall state

- a) total area of land entitled to hold as ceiling.
- b) ———— which is in excess of ————
- c) name of landlord to whom possession is to be restored
- d) area, description and full particulars of land which is delimited as surplus.

→ Then collector shall affix copy of the statement at the Village chawdi

→ IF after declaration any disposition or transfer is made, it shall be invalid.

(G) Compensation

(S.23)

Quantum of Compn

- Max. price 5,000 /-hectar.
- Column 1 = District & Talukas
- Column 2, 3, 4, 5, & 6 = Land described
- for 5 & 6 ⇒ rate mentioned in 7th column
- for 2, 3 & 4 ⇒ 100%, 50% & 25% resp of 7th

(S.24)

Collector to give notice calling upon interested persons to submit claim to compensation.

- upon making declaration public
- such person can personally or through agent make such claim

(S.26)

Mode of Payment

- In transferable bond @ 3% interest / annum.
- Denomination of bond - Rs 20, 100, 500, 1000, 5000 & 10,000
- two classes
 - a) repayable during 20 yrs
 - b) redeemable at end 20 yrs.
- If compensation cannot be paid in bond to be paid in cash

g S.42 :- Proceeding before collector & MAT shall be considered to be Judicial proceeding

Date: / /

Page No:

* Power of Collector

→ In making inquiries

→ Same power as civil courts.

a) proof of facts by affidavit

b) summoning & enforcing the attendance of any person

c) examining him on oath

d) compelling prodⁿ of documents

→ to correct clerical errors, mistakes in declaration (S.37)

* Appeal [S.33]

Collector's order or award

↓

Maharashtra Revenue Tribunal

* Revisionary power → Comm.

suo moto/ appⁿ made to him

* Power of Comm

→ to inquire or call for record.

→ pass order after hearing both parties.

Exception

↳ No revision after expiry of one year of order under S.25 or S.27