



सत्यमेव जयते

GOVERNMENT OF PONDICHERRY

REVENUE MANUAL

VOLUME II

REVENUE DEPARTMENT
PONDICHERRY

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PART I

THE MAHE LAND REFORMS ACT, 1968

(4) "Collector" means the chief officer in charge of the revenue administration of the Union territory of Pondicherry, and includes in relation to any function to be performed by the Collector under this Act, such other officer not below the rank of a gazetted officer as the Government may, by notification in the Official Gazette, appoint for the purpose;

(5) "commercial site" means any land (not being a kudiyiruppu or a kudikidappu) which is used principally for the purposes of any trade, commerce, industry, manufacture or business;

(6) "court" means where a particular court is not specifically mentioned, the court having jurisdiction, under the law for the time being in force relating to civil procedure, to entertain the suit for the possession of the holding or part thereof to which any legal proceeding under this Act relates;

(7) "cultivate" means its grammatical variations means cultivate either solely by one's own labour or with the help of the members of his family or hired labourers or both, or personally direct or supervise cultivation by such members or hired labourers or both provided that such members or hired laborers have not agreed to pay or to take any fixed proportion or the produce of the land they cultivate it or as remuneration for cultivating it.

Explanation.- For the purposes of this clause, "members of family" shall mean,-

(i) in the case of lands held by a joint family, members of such family; and

(ii) in any other case, wife or husband, as the case may be, and the lineal descendants;

(8) "cultivating tenant" means a tenant who is an actual possession of, and is entitled to cultivate, the land comprised in his holding;

(9) "customary dues" means anything, other than rent, michavaram or renewal fees,-

(i) payable in cash or in kind by a tenant to his landlord; or

(ii) allowed to be taken by the landlord from the holding, periodically or on the happening of any event or on the occasion of any festival, and includes onakazhcha, utsavakoppu, perunnalkazhcha, nombacharam and vishoukazhcha;

(10) "double-crop nilam" means nilam on which more than one crop of paddy is ordinarily raised in an agricultural year;

(11) "dry land" means land which is not nilam, garden or palliyal land :

(12) "eviction" means the recovery of possession of land from a tenant or the recovery of a kudikidappu from the occupation of the kudikidappukaran;

(13) "fair rent" means the rent payable by a cultivating tenant under section 33 or section 37 or section 39;

(14) "family" means husband, wife and their unmarried minor children or such of them as exist;

(15) "garden" means land used principally for growing coconut trees, arecanut trees or pepper vines, or any two or more of the same;

(16) "Government" means the Administrator of the Union territory of Pondicherry appointed by the President of India under article 239 of the Constitution;

(17) "gross produce", in the case of a nilam means the normal produce of that nilam less the cost of harvesting and, in the case of a garden or dry land, means the normal produce of that garden or dry land:

Provided that in determining the gross produce in the case of any double-crop nilam, account shall be taken as though only a single paddy crop, which shall be the principal crop, has been raised on the land, if it had been converted, from single-crop into double-crop nilam at the tenant's expense, and as though two paddy crops have been raised on the land in other cases.

Explanation.- For the purposes of this clause, "normal produce" in respect of any land means the produce which would be raised in the rainfall and the season were of a normal character;

(18) "holding" means a parcel or parcels of land held under a single transaction by a tenant from a landlord and shall include any portion of a holding as above defined which the landlord and tenant have agreed or are bound to treat as a separate holding.

Explanation.- Where by act of parties or by operation of law, the interest of the tenant in his holding has been severed, splitting up the holding into two or more parts, or a portion of the holding has been sub-leased, before the commencement of this Act, each such part or as the case may be, the portion retained by the tenant or the portion sub-leased, shall be deemed to be a separate holding; but the rights of the landlord to recover proportionate rent and to exercise the right of resumption, if any, shall not be affected thereby;

(19) "improvement" means any work or product of a work which adds to the value of the holding, is suitable to it and is consistent with the purpose for which the holding was let, mortgaged or occupied, but does not include such clearances, embankments, levelling, enclosures, temporary wells and water channels as are made by the tenant in the ordinary course of cultivation and without any special expenditure or any other benefit accruing to land from the ordinary operations of husbandry;

Explanation.- Until the contrary is shown, the following works or the products of such works shall be presumed to be improvements for the purposes of this Act, namely :-

- (a) the erection of dwelling houses, buildings, appurtenant thereto and farm buildings;
- (b) the construction of tanks wells, channels, dams and other works for the storage or supply of water for agricultural or domestic purposes;
- (c) the preparation of land for irrigation;
- (d) the conversion of one-crop into two-crop land;
- (e) the drainage, reclamation from rivers or other waters or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or of waste-land which is cultivable;
- (f) the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes;
- (g) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto; and
- (h) the planting or protection and maintenance of fruit trees, timber trees and other useful trees and plants;

(20) "Intermediary" means any person who, not being a landlord or mortgagee, has an interest in the land and is entitled, by reason of such interest, to possession thereof, but has transferred such possession to any other person otherwise than by way of mortgage;

(21) "joint family" means a Hindu undivided family, a marumakkathayam tarwad or tavazhi, an aliasanthana kutumba or kavaru or a nambudiri illam;

(22) "kanam" means the transfer for consideration, in money or in kind or in both, by a landlord of an interest in specific immovable property to another person for the latter's enjoyment, whether described in the document evidencing the transaction as kanam or kanapattam, the incidents of which transfer include-

(a) a right in the transferee to hold the said property liable for the consideration paid by him or due to him;

(b) the liability of the transferor to pay to the transferee interest on such consideration unless otherwise agreed to by the parties; and

(c) payment of michavaram or customary dues or of renewal fee on the expiry of any specified period.

Explanation.- For the purposes of the clause, where there has been no stipulation in the document evidencing the transaction for renewal on the expiry of any specified period, but there has been a renewal or payment of renewal fees, it shall be deemed that there had been a provision for such renewal in the document;

(23) "kanam-kuzhikanam" means and includes a transfer by a landlord to another person of garden lands or of other lands or of both, with the fruit-bearing trees, if any, standing thereon at the time of the transfer, for the enjoyment of those trees and for the purpose of planting such fruit-bearing trees thereon, the incidents of which transfer include-

(a) a right in the transferee to hold the said lands liable for the consideration paid by him or due to him, which consideration is called 'kanartham'; and

(b) the liability of the transferor to pay to the transferee interest on the kanartham unless otherwise agreed to by the parties:

Provided that a usufructuary mortgage shall not be deemed to be a kanam-kuzhikanam;

(24) "kudikidappukaran" means a person who has neither a homestead nor any land exceeding three cents in extent, either as owner or as tenant in possession, on which he could erect a homestead, and-

(i) who has been permitted, with or without an obligation, to pay rent, by a person in lawful possession of any land, to have the use and occupation of a portion of such land for the purpose of erecting a homestead; or

(ii) who has been permitted by a person in lawful possession of any land, to occupy, with or without an obligation to pay rent, a hut belonging to such person and situate in the said land, but otherwise has no interest in the land; and

"kudikidappu" means the land and the homestead or the hut so permitted to be erected or occupied together with the easements attached thereto:

Provided that a person shall not be deemed to be a kudikidappukaran if the aforesaid permission was granted after the 28th April, 1962, by a mortgagee in possession or by a tenant from whom the land in which the kudikidappu is situate is liable to be resumed:

Provided further that a person shall be deemed to be a kudikidappukaran if the aforesaid permission was granted in respect of any hut not belonging to him and situate in any area or land which is appurtenant to a mill, factory or workshop, and in connection with the employment of such person in the mill, factory or workshop; unless he was, immediately before the commencement of this Act, entitled to the rights of a kudikidappukaran or the holder of a protected ulkudi or kudikidappu under any law then in force.

Explanation I.- For the purposes of this clause, 'hut' means any dwelling house which was constructed at a cost not exceeding five hundred rupees, or could have, at the time of construction, yielded a monthly rent not exceeding five rupees.

Explanation II.- Any person who was in occupation of a kudikidappu on the 28th April, 1962, and who continued to be in such occupation at the commencement of this Act, shall be deemed to be in occupation of such kudikidappu with permission as required under this clause.

Explanation III.- Where any kudikidappukaran secures any mortgage with the possession over the land in which the kudikidappu is situate, his kudikidappu rights shall receive on the redemption of the mortgage, provided that he has at the time of the redemption no other homestead or any land exceeding three cents in extent, either as owner or as tenant in possession, on which he could erect a homestead.

Explanation IV.- Where a mortgagee with possession erects for his residence a hut on the land to which the mortgage relates, he shall notwithstanding the redemption of the mortgage, be deemed to be a kudikidappukaran in respect of such hut, provided that at the time of redemption-

(a) he has no other homestead or any land exceeding three cents in extent, either as owner or as tenant in possession, on which he could erect a homestead; or

(b) his annual income does not exceed one thousand and five hundred rupees.

Explanation V.- Where a kudikidappukaran transfers his right in the kudikidappu to another person, such person shall be deemed to be a kudikidappukaran if-

(a) he has no other homestead or any land exceeding three cents in extent, either as owner or as tenant in possession, on which he could erect a homestead; or

(b) his annual income does not exceed one thousand and five hundred rupees;

(25) "kudiyiruppu" means a holding or part of a holding consisting of the site of any residential building, the site or sites of other buildings appurtenant thereto, such other lands as are necessary for the convenient enjoyment of such residential building and easements attached thereto, but does not include a kudikidappu;

(26) "kuzhikanam" means and includes a transfer by a landlord to another person of garden lands or of other lands or of both, with the fruit-bearing trees, if any, standing thereon at the time of the transfer for the enjoyment of those trees and for the purpose of planting such fruit-bearing trees thereon, but shall not include a usufructuary mortgage;

(27) "landlord" means a person under whom a tenant holds and to whom he is liable to pay rent, and includes a landowner;

(28) "landowner" or "owner" means a person entitled to the absolute proprietorship of land and includes-

(a) a trustee in respect thereof; and

(b) a pattadar of ryotwari land;

(29) "Land Board" means the Land Board constituted under section 110;

(30) "Land Tribunal" means a Land Tribunal constituted under section 109;

(31) "licensee" means any person who is in occupation of any nilam belonging to another and who, under any local custom or usage or under an agreement, cultivates that nilam, with paddy for a

remuneration and with the risk of cultivation, does not include a person who cultivates the nilam of another merely as an agent or servant;

(32) "Mahe" means commune of Mahe in the Union territory of Pondicherry;

(33) "member of the Armed forces" means a person in the service of the Air Force, Army or Navy of the Union of India;

(34) "michavaram" means whatever is agreed by a kanamdar to be paid periodically as residual rent, in money or in kind or in both to, or on behalf of the landlord, but does not include customary dues;

(35) "net income" means income derived from any property after deducting therefrom the cultivation expenses or charges for maintaining fruit trees, timber trees or other useful trees and plants, and taxes and access due to the Government or any local authority;

(36) "nilam" means land adapted for the cultivation of paddy;

(37) "palliyal land" means land which is used ordinarily for raising seedlings of paddy and includes land so used and known as pallimanayal, myal, potta, njal, njattadi or banabettu;

(38) "pay" means its grammatical variations includes deliver:

(39) "person" shall include a company, family, joint family, association or other body of individuals, whether incorporated or not, and any institution capable of holding property;

(40) "possession" in relation to land includes occupation of land by a person deemed to be a tenant under section 4, section 5 or section 6;

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

(42) "rent" means whatever is lawfully payable in money or in kind or in both by a person permitted to have the use and occupation of any land to the person so permitting, and includes michavaram, but does not include customary dues;

(43) "resumption" means the recovery of possession of land from a tenant;

(44) "Scheduled Castes" means the Scheduled Castes in relation to the Union territory of Pondicherry as specified in the Constitution (Pondicherry) Scheduled Castes Order, 1964;

(45) "seaman" means every person (including a master, pilot or apprentice) employed or engaged as a member of the crew of a ship or a sailing vessel to which the merchant Shipping Act, 1958 (Central Act 44 of 1958) applies;

(46) "small holder" means a landlord who does not have interest in land exceeding eight standard acres or twenty-four acres in extent, whichever is less, as owner, intermediary, or cultivating tenant, or in two or more of the above capacities, so, however, that the extent of non-resumable land in his possession as owner, or as cultivating tenant, or partly as owner and partly as cultivating tenant, does not exceed-

(i) four standard acres; or

(ii) four acres in extent,

whichever is greater.

Explanation.- For the purposes of this clause, a person who was in possession of, or had

interest in, land exceeding the limits specified in this clause immediately before the 28th April, 1962, but such extent of land was reduced to the said limits or below by partition or transfer effected after the date mentioned above, shall not be deemed to be a small holder; nor shall such partition or transfer entitle the allottee or transferee to exercise the rights of a small holder in respect of the land allotted or transferred to him;

(47) "standard acre" means, in relation to any class of land specified in Schedule I, the extent of land specified against it in that Schedule;

(48) "tenant" means any person who has paid or has agreed to pay rent or other consideration, for his being allowed by another to possess and to enjoy the land of the latter, and includes-

(a) an intermediary,

(b) a kanamdar,

(c) a kanam-kuzhikanamdar,

(d) a kuzhikanamdar,

(e) a varamdar,

(f) a verumpattamdar,

(g) the holder of a kudiyruppu, and

(h) a person who is deemed to be a tenant under section 4, section 5 or section 6;

(49) "timber trees" means trees, the yield or income from which has not to be taken into account for the determination of fair rent;

(50) "to hold land" means to be in possession of land as owner or as tenant or partly as owner and partly as tenant;

(51) "Union territory" means the Union territory of Pondicherry;

(52) "usufructuary mortgage" means a transaction wherein the mortgagor delivers possession or expressly or by implication binds himself to deliver possession of the mortgaged property to the mortgagee, and authorises him to retain such, possession until payment of the mortgage-money, and to receive the rents and profits accruing and to appropriate the same in lieu of interest, or in payment of the mortgage-money, or partly in lieu of interest or partly in payment of the mortgage-money;

(53) "varam" means an arrangement for the cultivation of nilam with paddy and sharing the produce, made between the owner or other person in lawful possession of the nilam and the person who undertakes cultivation under such arrangement, and includes the arrangements known as pathivaram, pankuvaram and pankupattam; and "varamdar" means the person who undertakes cultivation under a varam arrangement;

(54) "verumpattamdar" means a lessee or sub-lessee of immovable property, whether called verumpattamdar, or venpattamdar, who has expressly or impliedly contracted to hold the same, under a lease with or without security for rent, but does not include a kanamdar, kanam-kuzhikanamdar, or kuzhikanamdar.

CHAPTER II
PROVISION REGARDING TENANCIES

Exemptions.

3. Nothing in this chapter shall apply to-

(i) leases of lands or of buildings or of both, belonging to or vested in the Government of the Union territory of Pondicherry, the Government of India, the Government of any State in India, a local authority, or a Corporation owned or controlled by any of the said Governments or authority; or

(ii) leases only of buildings, including a house, shop or warehouse, and the site thereof, with the land, if any, appurtenant thereto.

Explanation.- Permission given to a kudikidappukaran to occupy a hut shall not be deemed to be a lease of building for the purposes of this clause; or

(iii) leases of land or of buildings or of both specifically granted for industrial or commercial purposes; or

(iv) tenancies of land or of buildings or of both created by the Administrator-General or the Official Trustee or an Official Receiver or officer appointed by a court under the provisions of any law, or by the court of wards, or by any person holding under or deriving title from any of the officers or the court aforesaid:

Provided that the provisions of this clause shall not apply to-

(a) a tenancy created in favor of a person who was a tenant on the date on which the land or building or both came under the control of any of the said officers or the court of wards; or

(b) a tenancy renewed in favor of any such person:

Provided further that the provisions of this clause shall cease to apply to any tenancy created by the court of wards, where the landlord on whose behalf the tenancy was created does not terminate the tenancy by registered notice within a period of six months from the date on which the property was released from the superintendence of the court of wards; or

(v) tenancies in respect of land or of buildings or of both created by mortgagees in possession or by persons deriving title from such mortgagees; or

(vi) tenancies in respect of land or of buildings or of both created by persons having only life interest or other limited interest in the land or in the buildings or in both:

Provided that the provisions of sections 8 to 32 relating to fixity of tenure shall apply to tenancies falling under clauses (v) and (vi) so long as the mortgage, or, as the case may be, the life interest or other limited interest subsists.

Explanation.- For the purposes, of clause (vi), a sthani or trustee or owner of any temple, mosque, church or other place of public religious worship or of any other public religious or charitable institution or endowment shall not be deemed to be a person having only life interest or other limited interest in ownership; or

(vii) tenancies in respect of sites, tanks and premises of any temple, mosque or church (including sites on which religious ceremonies are conducted) and sites of office buildings and other buildings attached to such temple, mosque or church;

Provided that nothing in this clause shall affect the rights to which a tenant was immediately before the commencement of this Act under the contract of tenancy or under any law then in force; or

(viii) lands transferred for felling trees; or

(ix) any transaction relating only to the usufruct of trees or to the tapping of coconut or other palm trees or to the tapping of rubber trees.

Certain persons occupying land as tenants to be deemed tenants.

4. Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgement' decree or order of court,-

(i) any person who, on the 28th April, 1962, was continued in occupation of the land of another for not less than two years, honestly believing himself to be a tenant and continued to be in occupation of such land at the commencement of this Act, shall be deemed to be a tenant;

(ii) where on or after the 28th April, 1962, a tenant holding land less in extent than the ceiling area, had executed a deed surrendering his leasehold right to the landlord, but had not actually transferred possession of the land to the landlord before the commencement of this Act, such deed shall be deemed to be invalid and such person shall be deemed to be a tenant.

Certain persons who were cultivating land on varam arrangements to be deemed tenants.

5. Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgement decree or order of court, any person who, by virtue of the provisions of the Mahe stay of Eviction proceedings Order, 1962 (published with the notification No.G.S.R. 615, dated 28-4-1962) of the Government of India in the Ministry of External Affairs was entitled to cultivate any nilam after the 28th April, 1962 and was cultivating the nilam at the commencement of this Act shall be deemed to be a tenant, notwithstanding the expiry of the term fixed under the varam arrangement.

Certain mortgages to be deemed tenants.

6. Notwithstanding anything to the contrary contained in any law or in any contract, custom or usage, or in any judgement, decree or order of court,-

(i) a mortgagee with possession of immovable property shall be deemed to be a tenant, if-

(a) the property comprised in the mortgage was waste land at the time of the mortgage;

(b) the mortgage money was less than forty per cent of the market value of the land at the time of the mortgage;

(c) he was by himself or through any member of his family or tarwad holding the property comprised in the mortgage for a period of not less than thirty years before the commencement of this Act; or

(d) he or any member of his family or tarwad effected substantial improvements on the property comprised in the mortgage.

Explanation I.- For the purposes of this clause, a land shall be deemed to be waste land notwithstanding the existence thereon of scattered trees.

Explanation II.- The mortgage money or any portion thereof, may, at the option of the mortgagor, be treated as security for rent and he shall return the mortgage money or any portion thereof which he does not elect to treat as security for rent to the tenant within six months from the commencement of this Act.

(ii) a mortgagee with possession of immovable property shall be deemed to be a tenant, if-

(a) the property comprised in the mortgage consists of agricultural land;

(b) he was by himself or through any member of his family or tarwad holding the property comprised in the mortgage as a tenant on or after the 1st July, 1958; and

(c) the tenancy was terminated after the 1st July, 1958, and before the commencement of this Act, but he continued in possession of the property, without interruption, by himself or through any member of his family or tarwad, as a mortgagee with possession, from the date of such termination till the commencement of this Act.

Explanation.- In any case to which this clause applies, the mortgage money or any portion thereof may, at the option of the mortgagor, be treated as security for rent and he shall return the mortgage money or the portion thereof which he does not elect to treat as security for rent to the tenant within six months from the commencement of this Act.

Right to prove real nature of transaction.

7. (1) Notwithstanding anything in the Indian Evidence Act, 1872, (Central Act 1 of 1872) or in any other law for the time being in force any person interested in any land may prove that a transaction purporting to be a mortgage, otti, karipanayam, panayam or nerpanayam or license of that land is in substance a transaction by way of kanam, kanamkuzhikanam, kuzhikanam, verumpattam or other lease, under which the transferee is entitled to fixity of tenure in accordance with the provisions of section 8 and to the other rights of a tenant under this Act.

(2) where under sub-section (1), the court or the Land Tribunal holds that the transferee is entitled to fixity of tenure in accordance with the provisions of section 8, it shall be lawful for the court or the Tribunal to pass a decree or order containing directions regarding the application of the sum, if any, advanced to the landlord and making other suitable alterations in the terms recorded in the instrument executed by the parties.

(3) Notwithstanding anything in the Indian Evidence Act, 1872, (Central Act 1 of 1872) or in any other law for the time being in force a person described as an agent or servant in a document evidencing the contract for the cultivation of any nilam may prove that he is a licensee.

Right of tenants to fixity of tenure.

8. (1) Notwithstanding anything to the contrary contained in any law, custom, usage or contract, or in any decree or order of court, every tenant shall fixity of tenure in respect of his holding, and no land from the holding shall be resumed except as provided in section 9 to 17.

(2) Nothing in sub-section (1) shall confer fixity of tenure on a tenant holding under a landlord-

(i) who is a member of the Armed Forces or is a seaman, if the tenancy was created by such landlord within a period of three months before he became a member of the Armed Forces or a seaman or while he was serving as such member or seaman; or

(ii) who is the legal representative of the landlord referred to in clause (i) :

Provided that no such landlord shall resume any land from his tenant, if he is already in possession of an extent of land not less than the ceiling area; and where he is in possession of an extent of land less than the ceiling area, the extent of land that may be resumed shall not, together with the land in his possession, exceed the ceiling area:

Provided further that such tenant shall be deemed to have fixity of tenure in respect of his holding if-

(a) the landlord referred to in clause (i) has not claimed resumption of the land comprised in the holding within one year from the date on which he ceased to be a member of the Armed Forces or a seaman, or within one year from the commencement of this Act, or within one year from the expiry of the period of tenancy, whichever period expires last;

(b) the landlord referred to in clause (ii) has not claimed resumption of the land comprised in the holding within one year from the date on which he received intimation of the death of the member of the Armed Forces or seaman, or within one year from the commencement of this Act, or within one year from the expiry of the period of tenancy, whichever period expires last :

Provided also that the provisions of this sub-section shall not apply to tenants who were entitled to fixity of tenure immediately before the 28th April, 1962, under any law then in force.

Resumption for extension of places of public religious worship.

9. A trustee or owner of a place of public religious worship may resume from a tenant the whole or any portion of his holding when the same is needed for the purpose of extending the place of public religious worship and the Collector certifies that the same is so needed.

Resumption for construction of residential buildings.

10. A landlord (other than a sthani or the trustee or owner of a place of public religious worship) who is not in possession of any land or is in possession of land less than five standard acres and who needs the holding for the purpose of constructing a building *bona fide* for his own residence or for that of any member of his family may resume from his tenant-

(i) an extent of land not exceeding twenty cents, where resumption is sought on behalf of one person; and

(ii) an extent of land not exceeding fifty cents, where resumption is sought on behalf of two or more persons.

Provided that, by such resumption, the total extent of land in the possession of the landlord shall not be raised above five standard acres and the total extent of land in the possession of the tenant shall not be reduced below twenty cents :

Provided further that no landlord shall be entitled to resume under this section any land in the possession of a tenant who is a member of any Scheduled Caste.

Explanation.- For the purposes of this section and section 11, "member of family" shall mean,-

(i) in the case of a landlord who has granted a lease on behalf of a joint family, member of such family ; and

(ii) in any other case, wife or husband, as the case may be, or a lineal descendent of the landlord.

Resumption for personal cultivation from tenant holding more than ceiling area.

11. A landlord (other than a sthani or the trustee or owner of a place of public religious worship) who requires the holding *bona fide* for cultivation by himself, or any member of his family, may resume from his tenant, who is in possession of land exceeding the ceiling area, the whole or a portion of the holding, subject to the condition that, by such resumption, the total extent of land in the possession of the landlord is not raised above the ceiling area and the total extent of land in the possession of the cultivating tenant is not reduced below the ceiling area.

Explanation.- In this section, references to the ceiling area in relation to the landlord or the tenant shall, where such landlord or tenant is a member of a family, be constructed as references to the ceiling area in relation to that family.

Resumption by small holder.

12. Without prejudice to the right of resumption under section 11, a small holder (other than a sthani or the trustee or owner of a place of public religious worship) may resume from his tenant a portion of the holding not exceeding one-half :

Provided that, by such resumption, the total extent of land in the possession of the small holder shall not be raised above four standard acres or four acres in extent, whichever is greater and that in the possession of the tenant shall not be reduced below twenty cents :

Provided further that except as provided in sub-sections (2) and (3) of section 61, no land shall be resumed under this section from a tenant who was entitled to fixity of tenure in respect of his holding immediately before the 28th April, 1962, under any law then in force.

Cases where resumption permissible.

13. (1) Notwithstanding anything contained in section 12, in respect of tenancies subsisting at the commencement of this Act, no person shall have the right to resume, under section 12, any land which is subject to such tenancy unless such person is, at such commencement,-

- (i) a minor,
- (ii) a person of unsound mind,
- (iii) a member of the Armed Forces or a seaman, or
- (iv) a legal representative of such member or seaman.

(2) An application for resumption under section 11 or 12 shall be made,-

- (a) by a minor, within one year from the date on which he attains maturity;
- (b) by a person of unsound mind, within one year from the date on which he ceases to be of unsound mind;
- (c) by a member of the Armed Forces or seaman, within one year after he ceases to be a such member or seaman;
- (d) by the legal representative of member of the Armed, Forces or seaman within one year after the member or seaman ceases to be such member or seaman, or within one year from the date on which intimation of his death is received, whichever period expires later;

(e) by any other person entitled to resume land under section 11, within one year from the commencement of the Act, and by any such person entitled to resume land as provided under subsections (2) and (3) of section 61, within one year from the date of agreement referred to in subsection (2) of section 61.

(3). The right of resumption in respect of a holding shall be exercised only once, and the order of the Land Tribunal allowing resumption shall be given effect to only at the end of an agricultural year.

(4) The provisions relating to resumption shall not apply to any land which is a kudiyruppu.

Priority for Resumption

14. Where in respect of any holding there are more landlords than one, the landlords mentioned below and in their order of priority shall be entitled to resumption:-

(a) small holder;

(b) any person, other than small holder, entitled to fixity of tenure in respect of the holding immediately before the 28th April, 1962, under any law then in force;

(c) kanamdar not falling under item (a) or item (b);

(d) landowner, not being a small holder :

Provided that where there are more landlords than one falling under the same category, the landlord nearer the cultivating tenant shall have preferential right over the landlord more remote.

Procedure for Resumption

15. (1) A landlord desiring to resume any land shall apply to the Land Tribunal for an order of resumption. The application shall be in such form and shall contain such particulars as may be prescribed.

(2). The Land Tribunal shall duly enquire into the application and pass appropriate orders thereon, and where the order allows resumption, it shall specify the extent and location of the land allowed to be resumed, the rent payable in respect of the portion, if any, that would be left after resumption and such other particulars as may be prescribed and directing the landlord to make, within such time and such manner as may be prescribed, payments to extinguish the rights of the cultivating tenant and the intermediaries, if any, who would be affected by such resumption.

(3) The Land Tribunal may, for sufficient reasons, extend the time prescribed under subsection (2) for making payments by the landlord.

(4) In deciding the location of the portion of the holding allowed to be resumed, the Land Tribunal shall have regard to the nature, fertility and other conditions of the portion of the land which may be allowed to be resumed and the portion left with the cultivating tenant.

(5) Where the application is made under section 11 for resumption from a tenant who is in possession of land exceeding the ceiling area and there are other landlords under whom the tenant holds, the Land Tribunal shall give notice of the application to all other landlords entitled to claim resumption under section 13 on the date of such application, so far as known to it, specifying a date within which they may apply for resumption of any land from such tenant. The Land Tribunal shall consider all applications from landlords for resumption from such tenant received within the specified time together, and, where the extent of land in the possession of the tenant in excess of land applied

to be resumed by the landlords, the Land Tribunal shall allow resumption by all the landlords equitably having regard to all circumstances.

(6) Where any land is resumed after making the payments as directed by the Land Tribunal all the rights of the cultivating tenant and the intermediaries, if any, holding between the landlord resuming the land and the cultivating tenant in respect of the land, shall stand extinguished.

(7) An order for resumption may be executed through the court as if the order were a decree passed by it.

(8) Where a landlord fails to deposit the amounts in accordance with the directions of the Land Tribunal, the order of resumption shall be treated as cancelled and the landlord shall have no further right for resumption.

Tenants from whom land is resumed to be paid compensation for improvements, and solatium.

16. (1) A tenant from whom land is resumed under the provisions of this Act shall be entitled to-

- (i) compensation for the improvements belonging to him; and
- (ii) a solatium of an amount equal to one year's rent.

(2) The compensation payable under clause (i) of sub-section (1) shall be determined in accordance with the provisions of sections 17 to 28 of this Act.

Tenant may remove buildings, works or trees not deemed improvements.

17. Whenever a court passes a decree or order for eviction against a tenant and such tenant has erected any buildings, constructed any work or planted any tree which the court finds it not an improvement for which compensation can be claimed, but which the court finds can be removed without substantial injury to the holdings, such tenant may remove such building, work or tree within a time to be fixed by the court in its decree or order.

Improvement producing an increase in the value of the annual net produce.

18. (1) When the improvement is not an improvement to which section 22 applies and has caused an increase in the value of the annual net produce of the holding, the court shall determine, as nearly as may be, the average net money value of such increase and shall award as compensation for the improvement three-fourths of the amount arrived at by the capitalising such net money value at twenty times.

Explanation 1.- The value of the net produce means the amount remaining after deducting from the value of the gross produce the cost of cultivation and the Government assessment and local taxes.

Explanation 2.- In determining the net money value of the increase, regard shall also be had to the condition of the improvement and probable duration of its effects and the labour and capital required for making such improvement.

(2) Nothing in sub-section (1) shall apply to improvements of the nature of embankment, reclamation and other similar works.

Trees or plants spontaneously grown.

19. When the improvement is not an improvement to which sub-section (1) of section 18 applies, but consists of timber trees or of other useful trees or plants spontaneously grown during the period of the tenancy or sown or planted by any of the persons mentioned in section 16, the compensation to be awarded shall be three-fourths of the sum which the trees or plants might reasonably be expected to realise if sold by public auction to be cut and carried away.

Other kinds of improvements.

20. When the improvement is not an improvement to which sub-section 18 or section 19 applies, the compensation to be awarded shall be cost of the labour including supervision thereof and of the materials together with other expenditure if any, which would at the time of the valuation, be required to make the improvement, less a reasonable deduction on account of the deterioration, if any, which may have taken place from age or other cause.

Value of improvement to be ascertained in the way most favourable to the tenant.

21. Notwithstanding anything contained in section 18 or 19 or 20, the amount of compensation to be awarded for an improvement shall be ascertained in the way prescribed by any of the said sections which is most favourable to the tenant.

ILLUSTRATIONS :-

(a) The compensation to be awarded for a jack tree as a fruit tree is ascertained under section 18 to be Rs. 7 , but for the same tree as a timber tree it is ascertained under section 19 to be Rs. 10.

(b) The compensation to be awarded for an immature casuarina plantation is ascertained under section 19 to be Rs. 20 but under section 20 to be Rs. 100.
In each case, the court shall award the higher amount.

Improvement consisting in protection and maintenance of trees and plants.

22. When the improvement consists in the protection and maintenance of timber or fruit trees or of other useful trees or plants not sown or planted by any of the persons mentioned in section 16, or of such trees or plants spontaneously grown prior to the commencement of the tenancy, the compensation to be awarded shall be the proper cost of such protection and maintenance ascertained as provided in section 20.

Power to frame tables of maximum and minimum rates of compensation.

23. The Government may prepare tables showing the maximum and minimum rates of compensation to be awarded under this Act, for all or any class of improvements and when such tables have been published, the amount awarded as compensation under section 18 or 19 or 21 shall not ordinarily exceed such maximum rates nor shall it in any case be less than such minimum rates.

Power to prepare tables of prices of produce, etc.

24. (1) For the purpose of determining the amount of compensation to be awarded under this

Act, the Government may prepare tables showing all or any of the following matters, namely :-

(a) the price of coconuts, arecanuts, cashewnuts, mangoes, pepper and paddy ;

(b) the cost of-

(i) cultivating and harvesting a crop of paddy ;

(ii) planting, protecting and maintaining a coconut tree, an arecanut tree, a jack tree, a cashewnut tree, a mango tree, such other tree as may be notified by the Government from time to time and a pepper vine, until the tree or vine is in bearing ;

(iii) protecting and maintaining a coconut tree, an arecanut tree, a jack tree, a cashewnut tree, a mango tree, such other tree as may be notified by the Government from time to time and a pepper vine for one year when in bearing ;

(2) The tables prepared under this section shall, on publication, be receivable in evidence and the rates and amounts therein specified shall be presumed to be the proper rates, and amounts until the contrary is proved :

Provided that, in so far as such tables prescribe prices of products, the resumption shall not be rebuttable except by proof of the average price as provided in section 25.

Values how ascertained when no table has been prepared or the presumption is rebutted.

25. In respect of any product for which no table showing the price has been published and whenever the presumption under section 24 as to the price is sought to be rebutted, the court shall adopt as the money value for the purpose of awarding compensation under sub-section (1) of section 18, the average price in Mahe, as nearly as may be ascertainable, for a period of 10 years immediately preceding the institution of the suit.

Tables to be published.

26. (1) The tables prepared under this Act shall be published in English and Malayalam in the Official Gazette and shall be kept publicly posted in the civil court in Mahe.

(2) The Government may, by like publication, cancel or vary, from time to time, the tables so published.

Compensation when area is overplanted.

27. When trees are planted in excess of the following scale, the court, if satisfied that, in the circumstances of the particular case, the land is overplanted, may, notwithstanding anything herein before contained, either refuse to grant any compensation or may grant compensation at a lower rate, for so many of the trees as are in excess of the scale and are immature :-

Coconut trees ... 100 per acre.

Arecanut trees ... 720 per acre.

Jack trees ... 60 per acre.

Explanation: In the case of a mixed garden, each tree shall be allowed a proportionate fraction of an acre according to the above scale.

Contracts affecting tenant's right to make improvements.

28. Nothing in any contract entered into whether before or after the commencement of this Act shall take away or limit the right of a tenant to make improvements and to claim compensation for them in accordance with the provisions of this Act.

Tenant's right to sue for restoration of possession of land.

29. (1) In any case in which any land has been resumed on the ground specified in section 9 or section 10 or section 11 or section 12, if, within three years of such resumption, the person who resumed the land fails without reasonable excuse to use the land for the purpose for which it was resumed, the cultivating tenant shall, subject to the provisions of section 30 be entitled to apply to the Land Tribunal for the restoration to him of the possession of the land or a portion of the land which was resumed and to hold it with all rights and subject to all the liabilities of a cultivating tenant :

Provided that a cultivating tenant shall not be entitled to restoration under this sub-section if he is in Possession of land equal to or exceeding the ceiling area, nor shall a cultivating tenant be entitled to restoration or an extent of land which together with the extent of land in his possession will exceed the ceiling area.

(2) The provisions of section 15 shall, mutatis mutandis be applicable to the form and procedure in regard to the application for restoration and the manner of execution of the orders of restoration.

Limitation for application for restoration under section 29.

30. An application for restoration under section 29 shall be made within one year from the expiry of three years after the resumption.

Effect of an order of restoration.

31. (1) Where restoration of any land resumed is ordered under section 29, the cultivating tenant shall hold the land directly under the landlord from whom restoration has been ordered, and the rights of the intermediaries extinguished under sub-section (6) of section 15 shall not receive.

(2) On such restoration, the cultivating tenant shall pay to the person who resumed the land-

(i) the amounts paid by such person to the cultivating tenant and to the intermediary, if any towards the value of the improvements effected by them and existing at the time of restoration ;

(ii) the value of the improvements, if any, effected *bona fide* by such person between the date of resumption and the date of the application ; and

(iii) any amount other than solatium received by the cultivating tenant from such person on account of the resumption.

(3) The rent payable by the cultivating tenant after the restoration of the holding shall be the fair rent.

Recovery of arrears of rent by summary procedure.

32. (1) The Land Tribunal shall be competent to dispose of application for recovery of arrears of rent, where the amount of such arrears does not exceed five hundred rupees.

(2) Any landlord may apply to the Land Tribunal for recovery of arrears of rent in such form as may be prescribed.

(3) In disposing of the application, the Land Tribunal shall follow such procedure as may be prescribed.

(4) The order of the Land Tribunal under this section may be executed the court as if it were a decree passed by it.

Fair rent.

33. The fair rent in respect of a holding shall be the rent payable by the cultivating tenant to his landlord and it shall be rent calculated at the rates specified in Schedule II applicable to the class of lands comprised in the holding or the contract rent, whichever is less.

Explanation Where the fair rent in respect of a holding has been determined under any law in force immediately before the commencement of this Act, the fair rent so determined shall be deemed to be the contract rent for the purposes of this section.

Exclusion of certain lands from liability to fair rent.

34. Notwithstanding anything contained in section 33, where any land included in a holding is set apart for communal purposes, and is used for such purposes, the extent of the land so set apart shall not be taken into account when determining the fair rent of the holding in accordance with that section.

Preparation of record of rights and bar of proceedings under Chapter XII of the Code of Criminal Procedure.

35. (1) Any cultivating tenant may, at any time within four years from the commencement of this Act or such further period as the Government may, from time to time by notification in the Official Gazette, specify in this behalf, apply to the Land Tribunal for the preparation of a record of rights in respect of his holding; and the Land Tribunal shall admit such application if it is *prima facie* satisfied that the application has been made *bona fide*.

(2) Notwithstanding anything contained in sub-section (1), the Government may, suo motu, direct the land Tribunal for the preparation of a record of rights in respect of any holding.

(3) Where an application for the preparation of a record of rights is admitted or when directed by the Government to prepare such record, the Land Tribunal shall direct such officer as the Collector may, by general order, specify in this behalf, to prepare record of rights in respect of the holding.

(4) The record of rights shall be prepared in such manner as may be prescribed, after giving an opportunity to the landlord and all other interested persons to be heard and such record of rights shall contain -

(a) the description and extent of the holding ;

(b) the name and address of the owner ;

(c) the nature of the applicant's interest in the holding ;

(d) the names and addresses of the intermediaries in respect of the holding and the nature of the interest of each of such intermediaries ; and

(e) such other particulars as may be prescribed.

(5) The officer specified under sub-section (3) shall for the purposes of proceedings under this section, have all the powers of a civil court while trying a suit under the law for the time being in force relating to civil procedure in respect of the following matters, namely :-

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

(b) requiring the discovery and production of any document ;

(c) receiving evidence on affidavit; and

(d) issuing commissions for the examination of witnesses or for local investigation.

(6) The record of rights prepared under this section shall be admissible in evidence before any court or tribunal.

(7) Where an application for the preparation of a record of rights in respect of a holding is admitted, no application under section 37 for the determination of fair rent in respect of that holding shall be disposed of till the record of rights is prepared under this section.

(8) Where a person claiming to be a varamdar applies to the Land Tribunal for the preparation of a record of rights or for determination of fair rent in respect of the nilam cultivated by him, then notwithstanding anything contained in any other law, no Magistrate shall have jurisdiction under Chapter XII of the code of Criminal Procedure, 1898 (Central Act 5 of 1898) in respect of a dispute between that person and the owner of the nilam, relating to that nilam, pending preparation of the record of rights or the determination of the fair rent.

Rent payable by an intermediary.

36. Where in respect of a holding there is an intermediary at the commencement of this Act and as a result of the determination of the fair rent, there has been a reduction or increase in the rent payable by the cultivating tenant, the rent payable by the intermediary to his landlord shall be reduced or increased in the same proportion as the rent to which he was entitled was reduced or increased.

Determination of fair rent by Land Tribunal.

37. (1) The cultivating tenant or any landlord may apply in such form as may be prescribed, to the Land Tribunal for determining the fair rent in respect of a holding.

(2) On receipt of an application under sub-section (1), the Land Tribunal shall issue notices to all persons interested and after enquiry determine by an order-

(i) the fair rent in respect of the holding ;

(ii) if there is an intermediary or intermediaries, the rent payable by such intermediary or intermediaries to his landlord or to their respective landlords.

(iii) the installments, if any, in which the rent shall be payable ; and

(iv) the date or dates on which the said rent or instalment shall be payable.

(3) In determining the fair rent under sub-section (2) the Land Tribunal may take into account the statistics published under section 50.

Bar of suits for eviction, etc., pending application for determination of fair rent.

38. During the pendency of an application for determination of fair rent before a Land Tribunal, no court shall entertain any suit for eviction of the applicant from the holding to which the application relates, or pass any order or injunction prohibiting him from entering the holding or pass any order staying the proceedings before the Land Tribunal.

Agreements as to fair rent.

39. Notwithstanding anything contained in the foregoing sections, it shall be competent for the landlord and the tenant to agree as to what shall be the fair rent payable in respect of the holding and, where such an agreement signed by the landlord and the tenant, is filed with the Land Tribunal, the Tribunal shall pass orders determining such agreed rent as the fair rent in respect of the holding :

Provided that the agreed rent shall not exceed the fair rent under section 33, in respect of the holding :

Provided further that where there are intermediaries or other persons having an interest in the holding, the landowner, the cultivating tenant and all the intermediaries and other persons interested shall be parties to such an agreement :

Provided also that this section shall not apply to a case where the landlord is a religious, charitable or educational institution of a public nature.

Refund of payments in certain cases where fair rent is fixed.

40. Any order determining the fair rent under section 37 or section 39, and the rent payable by an intermediary consequent on such determination, shall take effect from the beginning of the agricultural year immediately following the commencement of this Act, and any amount paid by the tenant before such determination, which is in excess of the fair rent that may be payable to the landlord in accordance with the provisions of section 37, shall be adjusted towards the payment of future rent or the purchase price payable under section 63, as the case may be, and where the amount of rent paid to the landlord is less than the rent so determined, the balance payable by the tenant shall be paid at the time of or before the payment of the rent that first accrues after such determination or at such time manner as the Land Tribunal may specify.

Rent payable when Land Tribunal has not determined fair rent.

41. (1) Where in case the rent payable in respect of a holding has not been determined by the Land Tribunal, either under section 37 or section 39, the landlord shall be entitled to receive and the tenant shall be bound to pay the rent that was payable immediately before the commencement of this Act.

(2) The provisions contained in sub-section (1) shall be without prejudice to the provisions contained in section 40.

Explanation.- For the purposes of this section "the rent that was payable immediately before the commencement of this Act", in the case of a varamdar, shall mean the average of the share of the landlord in the produce for the three years immediately preceding such commencement, or where the varamdar was not cultivating the land continuously for the said period of three years, the share of the landlord for the year in which the varamdar cultivated the land last, immediately before such commencement.

Mode of payment of rent.

42. (1) Where the rent is payable in kind, it shall be paid either in kind or in money at the option of the tenant.

(2) Where the rent payable is the rent determined under section 37 calculated at the rates specified in Schedule II or the agreed rent determined under section 39 and such rent is payable in kind, the money value of such rent shall be computed with reference to the rates published in the Official Gazette under section 49 for the date on which the rent is payable and, if no rate is published for that date, at the rate for the nearest previous date for which the rate is so published :

Provided that where in respect of any commodity the price has not been published in the Official Gazette, the money value of such commodity shall be calculated at the market rate prevailing on the date on which the rent became due.

(3) The tenant shall be entitled to send by money order the rent payable by him to his landlord.

Liability for assessment

43. (1) As between the tenant and the landlord, the former shall be liable for any cess or special charges leviable by the Government for special or additional crops raised, where such special or additional crops have not been taken into account in fixing the fair rent.

(2) A tenant making any payment to the Government or any local authority towards land revenue or any tax in respect of the land comprised in the holding and payable by the landlord, shall be entitled to deduct the same from the rent payable by him to the landlord :

Provided that so deduction shall be made if the rent payable by the tenant to the landlord is equal to or less than the land revenue or other tax so payable.

Remission of rent.

44. (1) Where there has been a damage to, or a failure of crops owing to causes beyond the control of the tenant in any holding the tenant shall be entitled to a remission of the rent payable by him in proportion to the extent of such damage or failure.

(2) The Collector or any other officer authorised by the Government, by notification in the Official Gazette, in this behalf shall, on an application to him by the tenant, determine after such enquiry as may be prescribed the extent of damage to, or failure of, crops under sub-section (1) and order such remission of rent as appears to him just and proper, and the decision of the Collector or such other officer shall be final and the tenant shall be entitled to get the benefit of the remission so ordered.

(3) If, in any proceeding under sub-section (2), any question arises as to whether a person is or is not a tenant, it shall be competent for the Collector or the officer authorised by the Government under sub-section (2) to decide the question, subject to the orders of any competent civil court.

(4) Where, in respect of a holding, there is an intermediary and the rent to which the intermediary is entitled is reduced as a result of the remission granted under sub-section (2), the rent payable by the intermediary to his landlord shall be reduced in the same proportion.

Explanation.- For the purposes of this section, the term "crops" shall include cereal as well as cash crops.

Abatement or reduction of rent.

45. (1) The fair rent determined under this Act shall not be liable to alteration or revision except on the application made by the cultivating tenant to the Land Tribunal on the grounds specified in sub-sections (2) and (3).

(2) Where a portion of the land comprised in the holding is acquired under any law for the time being in force for the compulsory acquisition of land for public purposes, the tenant shall be entitled to an abatement in the rent in the same proportion as the yield from the portion acquired bears to the yield from the entire holding.

(3) Where any material part of the holding is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was let by fire or flood or any other act of God, the rent payable shall be proportionately reduced.

(4) Where in respect of a holding, there is an intermediary and the rent to which the intermediary is entitled is reduced as a result of the abatement in the rent granted under sub-section (2) or reduction of rent granted under sub-section (3), the rent payable by the intermediary to his landlord shall be reduced in the same proportion.

Invalidity of claims of dues other than rent payable.

46. Notwithstanding any contract to the contrary, express or implied, no tenant shall be liable to pay to his landlord any customary dues or renewal fees or anything more or anything else than the rent payable under this Act.

Arrears of rent to bear interest.

47. Arrears of rent shall bear interest at the rate of six per cent per annum or at the contract rate, whichever is less.

Priority of claim for arrears of rent.

48. Arrears of rent due to the landlord, together with interest thereon, shall be a charge on the interest of the tenant, from whom they are due, in the holding and shall, subject to the priority of the rights of the Government and any local authority for arrears of land revenue, tax, cess or other dues, be a first charge on such interest of the tenant.

Publication of prices of commodities.

49. The Collector shall cause to be published every quarter, in such manner as may be prescribed, prices prevailing in Mahe of paddy, coconut, arecanut, pepper, groundnut, tapioca, cashewnut and any other crop which may be specified by the Government, by notification in the official Gazette, for the Purpose.

Provided that, before publishing such prices, the Collector shall cause notice to be given to the public, in such manner as he thinks fit, of the prices proposed to be published and consider objections, if any, received within two weeks from the date of the notice.

Publication of statistics relating to gross produce of lands.

50. The Government shall cause to be published statistics of gross produce of different crops for different classes of land for different areas.

Tenant's right to obtain receipt.

51. (1) Every tenant paying any rent shall be entitled to receive and the landlord shall be bound to grant a receipt containing such particulars as may be prescribed.

(2) If any landlord fails to grant a receipt as provided under sub-section (1), the tenant shall be entitled to send by money order after deducting the charges for doing so, -

- (i) the money, if the rent is payable in money ; and
- (ii) the money value of the rent, if it is payable in kind.

Application to Land Tribunal when landlord refuses to accept a tender.

52. (1) If the landlord refuses to accept a tender of the rent or if the tenant is doubtful as to the person entitled to receive the same and no suit has been brought against the tenant or application made for recovery of the said dues, the tenant may apply to the Land Tribunal in the prescribed manner for permission to pay the same through the Land Tribunal.

(2) Along with the application under sub-section (1), the tenant shall deposit with the Land Tribunal, the said dues together with interest, if any, accrued thereon.

Procedure on application under section 52.

53. (1) When an application and deposit have been made under section 52, the Land Tribunal shall cause return notice thereof to be given at the cost of the applicant to every person, who in the opinion of the Land Tribunal, is entitled to be heard thereon and, after hearing such of them as appear, order the payment of the amount to the person entitled or bound to receive it and make directions regarding any interest, casts and such other matters as the Land Tribunal may deem fit.

(2) Nothing in sub-section (1) shall affect the right of any person to recover the said amount by suit from the person to whom it is paid, but the order allowing the application under section 52 shall be deemed a full acquittance to the tenant in respect of the amount covered by it.

Apportionment of rent on severance of interest of landlord or tenant.

54. (1) Where, by act of parties or by operation of law, the interest of the landlord or of the tenant in the land demised has been severed or a portion of the land demised has been sub-leased, the landlord or the tenant may apply to the Land Tribunal for the apportionment of the rent and the security for rent, if any.

(2) The application shall be in such form as may be prescribed.

(3) The Land Tribunal shall, after giving an opportunity to all persons interested to be heard, pass an order on such application apportioning the rent and the security for rent if any, and directing the execution of a lease deed on the basis of such apportionment within a specified period and make such order as to the costs of the application as it may deem fit.

(4) If, within the time fixed by the Land Tribunal, such deed is not executed, The Land Tribunal shall, on the application of the person in whose favour such deed is to be executed and on the deposit by such person of such amount as the Land Tribunal may direct, execute the deed on behalf of the person in default; and the Land Tribunal shall by order, direct that the cost of the execution of the deed may be realised by the applicant from the person in default.

(5) The order of the Land Tribunal under sub-section (3) or sub-section (4) regarding costs may be executed through the court as if it were a decree passed by it.

Notice to landlord and intermediary when the interest in the holding of the tenant is acquired.

55. (1) Any person deriving an interest in the holding or part of the holding of a tenant by virtue of a title acquired by act of parties or by operation of law shall, where such interest is acquired after the commencement of this Act within sixty days from the date of such acquisition, give registered notice of his interest in the holding or part of the holding to the landlord and the intermediaries, if any. The said notice shall contain particulars of the property, its extent, the nature of the interest acquired and the date of acquisition of such interest.

(2) Where default is made by tenant in the payment of rent, his landlord shall give registered notice of the default to the persons who have acquired interest in the holding or part of the holding prior to the date of such default and who have notified the existence of their interest under sub-section (1). The persons having interest in the holding shall be bound to receive such payment :

provided that a person who has acquired interest only in a part of the holding shall be bound to pay only so much of the rent or arrears of the same, as will on apportionment fall on such portion of the holding.

(3) Where there has been no agreement among the persons interested as to the apportionment referred to in the proviso to sub-section (2), the person who has acquired interest in the part of the holding may, within sixty days from the date of service of the notice of default, apply to the Land Tribunal for the Apportionment, and the Land Tribunal shall, by order, make the apportionment.

(4) The order of the Land Tribunal under sub-section (3) may be executed through the court as if it were a decree passed by it.

Rights to tenant to be heritable and alienable.

56. Subject to the provisions of this Act, all rights which a tenant has in his holding shall be heritable and alienable.

Surrender by tenant.

57. (1) Notwithstanding anything contained in this Act, a tenant may terminate in respect of any land held by him at any time by surrender of his interest therein :

Provided that no such surrender shall be made in favour of any person other than the Government :

Provided further that such surrender shall not be effective unless it is made in writing and is admitted by the tenant before the Land Tribunal and is registered in the office of the Land Tribunal in the prescribed manner.

(2) The Government shall pay to the landlord fair rent of the tenancy surrendered to it under sub-section (1).

(3) The Government may, let any land surrendered to it under sub-section (1) to any person, in accordance with such rules as may be made under this Act.

(4) The tenant to whom any land is let under sub-section (3) shall pay the fair rent thereof

directly to the landlord and the Government's liability under sub-section (2) with regard to the payment of the rent of that land shall, on and from the date of induction of the tenant on such land, cease.

Abandonment by a tenant.

58. (1) No landlord shall enter on any land which has been abandoned by a tenant.

(2) If a tenant abandons his tenancy and ceases to cultivate his holding either by himself or by some other persons, the landlord of such tenancy shall, within sixty days of such abandonment, inform the Government in writing that the tenant has abandoned such tenancy and the Government shall, on receipt of such intimation, forthwith take possession of the land appertaining to such tenancy.

(3) The Government shall pay to the landlord fair rent for the land possessed by it under sub-section (2) from the date on which it takes possession of such land.

(4) The Government may let to another tenant any land, possession of which has been taken under sub-section (2), in accordance with such rules as may be made under this Act.

(5) The tenant to whom any land is let under sub-section (4) shall pay the fair rent thereof directly to the landlord and the Government's liability under sub-section (3) with regard to the payment of the fair rent for such land shall, on and from the date of induction of the tenant on the land, cease.

Landlord not to enter on surrendered or abandoned land.

59. If any landlord enters into the possession of any abandoned land or any land which has been surrendered in accordance with the provisions of section 57, he shall be deemed to have contravened the provisions of section 89 of this Act and shall be punished accordingly.

Rights as to timber trees.

60. (1) Notwithstanding any law, custom or contract to the contrary all timber trees planted by the cultivating tenant or his predecessor-in-interest or spontaneously sprouting and growing in the holding after the commencement of the tenancy in favour of the cultivating tenant or his predecessor-in-interest shall belong to the cultivating tenant.

(2) Subject to the provisions of sub-sections (3) to (5) in the case of timber trees standing in the holding of a cultivating tenant at the commencement of his tenancy, the cultivating tenant and if he does not require, the landowner or the intermediary, as the case may be, shall have the right to cut and remove such trees, provided that the right conferred by this sub-section shall be exercisable by the intermediary only in case such timber trees were either planted by him or had spontaneously sprouted and grown during the period in which he was in possession of the holding.

(3) Where the cultivating tenant exercises his right under sub-section (2) he shall be liable to pay to the landowner or the intermediary, as the case may be one-half of the market value of the timber trees so cut and removed.

(4) Where the landowner or the intermediary exercises his right under sub-section (2) he shall be liable to pay to the cultivating tenant one-half of the market value of the timber trees so cut and removed.

(5) The right conferred by sub-section (2) shall not be exercisable unless reasonable notice thereof in writing is given to the party to be affected by the exercise of the said right.

(6) If any dispute arises as to the rights of the landowner, intermediary and cultivating tenant over timber trees, the Land Tribunal shall, on the application of the landowner, intermediary or cultivating tenant, by order, decide the question after hearing all the persons interested.

Cultivating tenant's right to purchase landlord's rights.

61. (1) Subject to the provisions of sub-section (2), a cultivating tenant (including the tenant of a kudiyiruppu), entitled to fixity of tenure under section 8, shall be entitled to purchase the right, title and interest of the landowner and the intermediaries, if any, in respect of the land comprised in his holding :

Provided that, -

(i) if the landlord is entitled to resume any portion of the holding under this Act and he applies for such resumption, the cultivating tenant shall be entitled to purchase the right, title and interest of the landowner and the intermediaries only in respect of the remaining portion of the holding.

(ii) no cultivating tenant shall be entitled to purchase the right, title and interest in respect of any land under this section if he, or if he is a member of a family, such family, owns an extent of land not less than the ceiling area ;

(iii) where the cultivating tenant or, if he is a member of a family, such family, does not own any land or owns an extent of land which is less than the ceiling area, he shall be entitled to purchase the right, title and interest in respect of only such extent of land as will together with the land, if any, owned by him or his family, as the case may be, be equal to the ceiling area.

Explanation.- In calculating the extent of land owned by the cultivating tenant or, where he is a member of a family, for the purposes of clause (ii) or clause (iii), of the proviso to this sub-section, the portion of the land owned by such cultivating or by the family, which is liable to be purchased by the cultivating tenant holding under such tenant or family, shall not be taken into account.

(2) Notwithstanding anything contained in sub-section (1), where the landowner or an intermediary is a small holder, the cultivating tenant shall not be entitled to purchase the right, title and interest of the landowner and the intermediaries, unless the cultivating tenant agrees in writing that the small holder may exercise the right of resumption in respect of the holding under section 12.

(3) where a cultivating tenant agrees under sub-section (2) that the small holder may exercise the right of resumption,-

(i) the small holder shall, notwithstanding anything contained in the second proviso to section 12 or sub-section (1) of section 13, be entitled to exercise the right of resumption under section 12 to the same extent and in the same manner as if the cultivating tenant was not entitled to fixity of tenure immediately before the 28th April, 1962, and as if the small holder was a person entitled to resume land under sub-section (1) of section 13 ; - and

(ii) the cultivating tenant shall be entitled to purchase the right, title and interest of the landowner and the intermediaries in respect of the remaining part of the holding left after resumption.

Application for purchase of landlord's rights by cultivating tenants.

62. (1) A cultivating tenant entitled to purchase the right, title and interest of the landowner and the intermediaries under section 61 may apply to the Land Tribunal for the purchase of such right, title and interest.

(2) The application for the purchase under sub-section (1), shall be in such form and shall contain such particulars as may be prescribed.

(3) The application from a cultivating tenant referred to in sub-section (2) of section 61 shall be accompanied by a statement agreeing to the exercise of the right of resumption by the small holder.

(4) where a cultivating tenant is entitled to purchase the right title and interest in respect of only a portion of the land held by him, he may indicate in the application, his choice of the portion, the right, title and interest over which he desires to purchase.

Purchase price

63. The price payable by the cultivating tenant for the purchase of the right, title and interest of the landowner and the intermediaries, if any shall be the aggregate of -

(i) sixteen times the fair rent in respect of the holding or part thereof to which the purchase relates ;

(ii) the value of structures, wells and embankments of a permanent nature belonging to the landowner or the intermediaries, if any ; and

(iii) one-half of the value of timber trees belonging to the landowner or the intermediaries, if any.

Explanation.- For the purposes of this section, where the rent is payable in kind, the money value of the rent shall be computed at the average of the prices of the commodity for the six years immediately preceding the year of determination of the purchase price, and, in calculating the average of the prices, the prices, if any, published under section 49 may also be taken into account.

Purchase price to be distributed among landowner and intermediaries.

64. (1) Where the right, title and interest of the landowner and the intermediaries in respect of a holding have been purchased by the cultivating tenant, the purchase price paid by the cultivating tenant shall be paid to the landowner or apportioned among the landowner and the intermediaries, as the case may be, in accordance with the provisions of sub-sections (2) and (3).

(2) Where there is no intermediary, the landowner shall be entitled to the entire purchase price paid by the cultivating tenant.

(3) Where there is an intermediary or there are intermediaries, -

(i) the amount of sixteen times the fair rent paid by the cultivating tenant shall be apportioned among the landowner and the intermediary or the intermediaries in proportion to the profits derived by them from the holding ; and

(ii) the value of structures, wells and embankments of a permanent nature and half the value of the timber trees paid by the cultivating tenant shall be payable to the landowner or the intermediaries to whom such structures, wells, embankments and timber trees belong.

Explanation.- "Profits derived from the holding" shall, for the purposes of this sub-section, mean, in the case of the landowner, the rent to which he is entitled and, in the case of an intermediary, the difference between the rent due to him from his tenant and the rent for which the intermediary is liable to his landlord.

Procedure before Land Tribunal.

65. (1) As soon as may be after the receipt of the application under section 62, the Land

Tribunal shall give notice to the landowner the intermediaries and all other persons interested in the holding, to prefer claims or objections with regard to the application. The Land Tribunal shall also by notice inform the landowner or the intermediary is entitled to resumption, and has not already applied for such resumption, that he may apply for resumption.

(2) The Land Tribunal shall, after considering the claims and objections received and hearing any person appearing in pursuance of the notice issued under sub-section (1) and after making due enquires pass orders -

(i) on the application, if any, whether pending before it or filed in pursuance of the notice under sub-section (1) from the landowner or intermediary for resumption in accordance with the provisions of section 15 ; and

(ii) on the application for purchase under section 62.

(3) Where the cultivating tenant is entitled to purchase only a portion of the land left after resumption, the Land Tribunal shall, as far as possible, allow the purchase of the portion indicated in the application under sub-section (4) of section 62.

(4) An order under clause (ii) of sub-section (2) allowing the application shall specify -

(i) the purchase price payable by the cultivating tenant ;

(ii) the amount due to the landowner and each of the intermediaries, if any, on the apportionment of the purchase price paid by the cultivating tenant ;

(iii) the value of encumbrances subsisting or claims for maintenance or alimony charged on the right, title and interest of the landowner and the intermediaries, if any ;

(iv) the amounts payable to the holder of the encumbrance or the person entitled to the maintenance or alimony ; and

(v) the amount payable to the landowner and each of the intermediaries after deducting the value of the encumbrance or the claims for maintenance or alimony.

(5) If the landowner or intermediary is liable to pay any amount to the cultivating tenant under this Act, the Land Tribunal shall, in passing orders on the application for purchase, set off such amount against the purchase price payable to the landowner or the intermediary.

(6) The Land Tribunal shall, as soon as may be, forward a copy of the orders under sub-section (2) to the Land Board.

Purchase price payable in installments or in lump.

66. The purchase price determined under section 65 shall be payable in sixteen equal annual installments.

Provided that where the purchase price is less than Rs. 160 the number of installments shall be so fixed by the Land Tribunal that the amount payable in each instalment shall not be less than Rs. 10 :

Provided further that it shall be open to the cultivating tenant to pay the entire purchase price in a lump, in which case the amount payable shall be only seventy-five- per cent of the purchase price.

Deposit of purchase price and issue of certificate of purchase.

67. (1) Where an application under section 62 has been allowed and the purchase price determined under section 65 by the Land Tribunal, the cultivating tenant deposit with the Land Tribunal to the credit of the Land Board, -

(i) where the purchase price is proposed to be paid in a lump, the entire amount due within one year ; or

(ii) where the purchase price is proposed to be paid in installments, the first instalment thereof within the three months from the date on which the period prescribed for preferring appeal from the orders of the Land Tribunal has expired or, where there was an appeal, from the date on which the appeal was disposed of.

(2) On the deposit of the purchase price in a lump or of the first instalment of such price, the Land Board shall issue a certificate of purchase to the cultivating tenant and thereupon the right, title and interest of the landowner and the intermediaries, if any, shall vest in the cultivating tenant free from all encumbrance with effect from the date of such deposit. The certificate of purchase shall be conclusive proof of the purchase by the tenant of the right, title and interest of the landowner and intermediary, if any, over the holding or portion thereof.

(3) Where a cultivating tenant fails to deposit the purchase price in lump or the first instalment thereof on or before the due date, the order of the Land Tribunal under section 65 shall stand cancelled and the cultivating tenant shall continue as cultivating tenant.

(4) Where the purchase price is paid in installments, the second and subsequent installments shall be deposited in the Government treasury in the prescribed manner to the credit of the Land Board.

Purchase price to bear interest.

68. (1) The purchase price payable shall bear interest at the rate of 4 1/2 per cent per annum from the date on which the right, title and interest of the landowner and the intermediaries vested in the cultivating tenant.

(2) Where the purchase price is paid in installments, the second and subsequent installments shall be deposited together with interest on the amount outstanding on the date of deposit.

Cultivating tenant to pay rent pending purchase.

69. Notwithstanding the filing of an application under section 62, a cultivating tenant shall be liable to pay rent to his landlord until he makes the deposit under sub-section (1) of section 67.

Recovery of installments of purchase price on default.

70. For the purchase price payable by the cultivating tenant, there shall be a first charge on the land to which the purchase relates, subject to the charges for any dues payable to the Government. Where the second or any subsequent instalment is not deposited on the due date the Land Board may, on application from any person entitled to the instalment of the purchase price in default or any part thereof, pass an order directing the payment of the amount ; and the order of the Land Board may be executed through the court as if it were a decree passed by it ;

Provided that where the right, title and interest of the landowner or intermediary which is a religious, charitable or educational institution of a public nature have vested in the Government under section 74, the instalment of the purchase price in default or any part thereof due to the Govern-

ment shall be recoverable as an arrear of land revenue under the provisions of the law for the time being in force relating to the recovery of land revenue.

Payment of purchase price, amount of encumbrance, maintenance or alimony.

71. (1) The purchase price payable to the landowner and the intermediaries shall be distributed by the Land Board according to the provisions of sub-sections (2) to (9).

(2) Where the right, title and interest of the landowner or the intermediaries are not subject to any encumbrance or charge for maintenance or alimony, the purchase price paid by the cultivating tenant shall be paid to the landowner or apportioned among the landowner and the intermediaries in the manner specified in sub-section (2) or sub-section (3), as the case may be, of section 64.

(3) Where the right, title and interest of the landowner or the intermediaries in the holding are subject to any encumbrance or charge for maintenance or alimony the value of such encumbrance, maintenance or alimony shall be deducted from the purchase price payable to the landowner or the intermediary, as the case may be, and the balance amount shall be paid to the landowner or apportioned among the landowner and the intermediaries in the manner specified in sub-section (2) or sub-section (3), as the case may be, of section 64. If the total amount of such encumbrance, maintenance or alimony is equal to or more than the amount of the purchase price payable to the landowner or the intermediary, the whole amount shall be reserved for payment to the holder of the encumbrance, or the person entitled to the maintenance or alimony and no amount shall be paid to the landowner or the intermediary, as the case may be.

(4) Where the right, title and interest of the landowner or the intermediary vested in the cultivating tenant form part of the security for any encumbrance or charge for maintenance or alimony, the Land Tribunal shall, for the purpose of discharging the same, apportion the entire encumbrance or the charge for the maintenance or alimony between the portion of the land, the right, title and interest over which vested in the tenant and the portion remaining after such vesting, in proportion to the values of the two portions of the property, and discharge only the liability pertaining to the portion to which the purchase relates.

(5) Where any amount has been deducted or reserved for payment to the holders of the encumbrance or the persons entitled to the maintenance or alimony, the same shall be paid in their order of priority to the persons entitled thereto.

(6) Where the cultivating tenant pays the purchase price in installments, the amount of each instalment shall be distributed in the manner specified above. The interest on the purchase price paid by the cultivating tenant shall also be paid to the landowner intermediary, holder of the encumbrance or the person entitled to the maintenance or alimony, as the case may be.

(7) Where a person entitled to the purchase price or the value of the encumbrance, maintenance or alimony dies before it is paid to him, it shall be paid to his legal representatives.

(8) Where the person entitled to receive the purchase price or the value of encumbrance is a private trust or endowment or a minor or a person suffering from legal disability or a limited owner, the purchase price or the value of encumbrance may, notwithstanding anything contained in any law, but subject to any general directions that the Government may give, be deposited for and on behalf of the person with such authority or bank as may be prescribed.

(9) Where before any court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the purchase price or the amount of encumbrance or maintenance or alimony payable under this Act, the court or authority may require the Land Board to place at its disposal the amount so payable and thereupon the same shall be disposed of in accordance with the orders of the court or authority.

**Payment of purchase price to the landowner, or
intermediary to be full discharge.**

72. The payment of purchase price or the value of encumbrance, maintenance or alimony to the landowner or intermediary or other persons entitled thereto in the manner specified in section 71 shall be a full discharge of the liability for payment of purchase price to the landowner and the intermediaries, and no further claims for payment of purchase price shall lie.

**Special provisions relating to religious, charitable and
educational institutions of a public nature.**

73. (1) Notwithstanding anything contained in sections 61 to 72, where, in respect of a holding, the landowner or the intermediary is a religious or educational institution of a public nature, such institution may choose -

(i) whether the right, title and interest of the institution in respect of the holding may be permitted to be purchased from the institution by the cultivating tenant on payment of the purchase price ;
or

(ii) whether such right, title and interest should be vested in the Government in consideration of the payment of an annuity in perpetuity by the Government :

Provided that the choice of the institution under this sub-section shall be the same in respect of all lands held by tenants under it.

(2) The annuity payable to the institution in consideration of the vesting in the Government of its right, title and interest in respect of a holding shall be a sum equal to the annual rent which the institution was entitled to receive immediately before the commencement of this Act, after deducting 21/2 per cent thereof by way of collection charges :

Provided that where, in respect of a holding held by a tenant referred to in section 6, there was no stipulation for payment of any rent immediately before the commencement of this Act, the annuity shall be an amount equal to 4 1/2 per cent of sixteen times the fair rent in respect of the holding determined under section 37.

Explanation.- Where the rent payable to an institution is in kind, the annuity payable shall be commuted into money of the average of the prices of the commodity for six years immediately preceding the year in which the annuity is determined.

**Procedure for vesting of rights of religious, charitable or educational institutions
in Government and determination of annuity.**

74. (1) A religious, charitable or educational institution of a public nature may apply to the Government to vest its right, title and interest in respect of all lands held by tenants under it, in the Government and for the payment of the annuity.

(2) The application shall be in such form as may be prescribed.

(3) On receipt of such application, the Government shall direct the Land Tribunal to determine the annuity payable to the institution.

(4) The Land Tribunal shall thereupon determine, after due enquiry, the annuity payable to the institution in respect of all lands held by tenants under it.

(5) As soon as may be after determination of the annuity, the Government shall issue a notification in the Official Gazette declaring that the right, title and the interest of the institution in respect of all lands held by tenants under it shall vest in the Government with effect from a date to be

specified in the notification and all such right, title and interest shall accordingly vest in the Government free from all encumbrances.

Payment of annuity.

75. The Government shall pay the annuity payable to the institution every year in perpetuity on such date or dates and in such manner as may be prescribed.

Provided that where the right, title and interest of the institution are subject to any encumbrance, -

(i) the value of the encumbrance shall be paid to the holder of the encumbrance ; and

(ii) five per cent of the value of the encumbrance shall be deducted from the annuity and the balance, if any, alone shall be paid to the institution :

Provided further that where the value of the encumbrance is more than twenty times the annuity, -

(i) if there is only one encumbrance, twenty times the annuity shall be paid to the holder of the encumbrance ; and

(ii) if there are more than one encumbrance, twenty times the value of the encumbrances shall be paid to the holders thereof in their order of priority, and no amount by way of annuity shall be payable to the institution.

Vesting of the rights of religious, charitable or educational institutions in the Government not to operate as bar to the purchase of landlord's rights by cultivating tenant.

76. The filing of an application by a religious, charitable or educational institution of a public nature under sub-section (1) of section 74 or the vesting of the right, title and interest of the institution in the Government under sub-section (5) of the said section shall not affect the right of the cultivating tenant to purchase such right, title and interest in accordance with the provisions of sections 61 to 72.

Choice for annuity where cultivating tenant applies for purchase.

77. Where a religious, charitable or educational institution of a public nature receives under section 65 notice of an application by a cultivating tenant for the purchase of the right, title and interest of the institution, the institution may file a statement with the Land Tribunal specifying its choice that the right, title and interest of the institution in respect of all lands held by tenants under it may be vested in the Government and the institution be paid the annuity to which it is entitled under section 73. On receipt of the statement, the Land Tribunal shall forward a copy of the same to the Government together with the application received from the cultivating tenant for the purchase of the right, title and interest of the landowner and intermediaries. Thereupon, the provisions of sections 73 to 75 shall apply as if the statement were an application under section 74 ; and orders on the application of the cultivating tenant shall be passed only after the right, title and interest of the institution are vested in the Government.

Purchase of right, title and interest of institutions.

78. Where, on receipt of a notice under section 65, the institution does not file a statement of its choice as provided in section 77, the institution shall be deemed to have chosen to permit the cultivating tenant to purchase its right, title and interest and the provisions of

sections 61 to 72 shall apply to the purchase of the right, title and interest of the landowner and the intermediaries, the payment of purchase price and the discharge of liabilities.

Tenant holding under the institution to continue as tenant under the Government.

79. (1) Where a cultivating tenant does not apply for the purchase of the right, title and interest vested in the Government under section 74, the tenant holding directly under the religious, charitable or educational institution of a public nature shall continue as tenant under the Government.

(2) The rent payable by such tenant to the Government shall, on default, be recoverable as an arrear of land revenue under the provisions of law for the time being in force relating to the recovery of land revenue.

Vesting of landlord's rights in tenants.

80. (1) At any time after the commencement of this Act, the Government may, by notification in the Official Gazette, declare that the right, title and interest of the landowners and intermediaries in respect of holdings, which have been purchased by cultivating tenant, shall vest in the cultivating tenant free from all encumbrances :

Provided that no declaration under this sub-section shall apply to a holding where the landowner or an intermediary is a small-holder.

(2) Upon the issue of a notification under sub-section (1), the right, title and interest of the landowners and intermediaries in respect of holdings to which the declaration applies shall vest in the cultivating tenants of such holdings free from all encumbrances, and the provisions of sections 63 to 72 shall, as far as may be, apply in regard to the purchase price payable by the cultivating tenants, the distribution of the purchase price among the landowners and the intermediaries, the payment of recovery of purchase price and the discharge of encumbrances, as if the cultivating tenants had applied for the purchase of the right, title and interest of the landowners and intermediaries :

Provided that where in respect of a holding the landowner or intermediary is a religious, charitable or educational institution of a public nature and such institution and before the issue of such notification, expressed its choice for annuity instead of purchase price, the Government shall pay to such institution the annuity that would have been payable to the institution under section 75 if its right, title and interest had vested in the Government, and the Government shall be entitled to the purchase price that would have been payable to the institution.

Discharge of arrears of rent.

81. (1) Notwithstanding anything to the contrary contained in any law for the time being in force or in any contract, or in any decree or order of court, all arrears of rent accrued due from a tenant during the period and outstanding on the date specified in column (2) of the Table below, shall be deemed to be fully discharged by payment to the landlord, or deposit in court for payment to the landlord, of the amount referred to in the corresponding entry in column (3) of the said Table, together with interest at the rate of six per cent per annum, within the period specified in column (4) thereof :

TABLE

Sl. No.	Periods during which the arrears accrued due and the dates on which they were outstanding	Amount of the rent to be paid for discharge	Period within which the payment is to be made.
(1)	(2)	(3)	(4)
(i)	All arrears outstanding on 1st July, 1958.	Fifty per cent of such arrears provided that the amount payable shall not be less than an amount equal to one year's rent or the actual amount in arrears, which ever is less, and shall not be more than an amount equal to three year's rent.	3 months from the date of commencement of this Act.
(ii)	Arrears of rent accrued due on or after 1st July, 1958 and outstanding on 28th April, 1962	Seventy-five per cent of such arrears, provided that the amount payable shall not be less than an amount equal to one year's rent or the actual amount in arrears, whichever is less, and shall not be more than an amount equal to two year's rent.	3 months from the date of commencement of this Act.
(iii)	Arrears of rent accrued due on or after 28th April, 1962 and outstanding at the commencement of this Act.	Seventy-five percent of the contract rent or, where fair rent has been fixed under any law in force immediately before the date of commencement of this Act, such fair rent.	6 months from the date of commencement of this Act.

Provided that where an intermediary has collected rent in excess of the amount payable under this sub-section for any period and has not paid the same to his landlord, he shall be liable to pay such excess also to his landlord.

Explanation.- For the purpose of this sub-section, arrears of rent due from a varamdar shall be calculated on the basis of the average of the share of the landlord in the produce for the three years immediately preceding the commencement of this Act or, where a varamdar was not cultivating the land continuously for the said period of three years, the share of the landlord for the year in which the varamdar cultivated the land last immediately before the commencement of this Act.

(2) Where a tenant has paid or deposited before the commencement of this Act, any amount towards the arrears to in item (i) or (ii) or (ii) or (iii) of the Table in sub-section (1), such amount shall be deducted from the amount to be paid or deposited under that item, and it shall be sufficient, if the tenant pays or deposits the balance, if any, after such deduction, and where the amount so paid or deposited, exceeds the amount to be paid or deposited under sub-section (1) for the discharge of the arrears, the excess shall be adjusted towards the rent accrued due thereafter.

(3) Notice of any deposit made under sub-section (1) shall be given to the landlord by the court, and cost of the notice shall be paid by the tenant so depositing the rent, and the landlord shall be at liberty, to withdraw such amount under the orders of the court.

(4) Where the rent is payable in kind, the amount to be paid or deposited under sub-section (1) shall be computed at the market rate of the commodity prevailing on the date on which the rent became payable under the contract of tenancy or under any law or under any custom or usage.

(5) Where any amount deposited under sub-section (1) is found to be less than the amount to be deposited under that sub-section computed in the manner specified in sub-section (4) due to *bona fide* error in the computation, the court may allow the person who has deposited the amount, reasonable time for depositing the balance amount, and where the balance amount is deposited within the time so allowed, the person who has so deposited shall be deemed to have deposited the amount within the time allowed under sub-section (1).

(6) Where a tenant fails to make the payment or deposit as required under item (i) or (ii) or (iii) of the Table in sub-section (1) within the period specified thereof, the tenant shall forfeit the benefits conferred by that sub-section in so far as it relates to the arrears of rent specified in that item, and he shall be liable to pay the entire arrears lawfully recoverable for the period to which such arrears relate.

(7) The assignment by a landlord of his right to receive arrears of rent to any other person shall not affect the rights of the tenant under this section for this discharge of arrears of rent.

Prohibition of future tenancies.

82. (1) After the commencement of this Act, no tenancy shall be created in respect of any land

:

Provided that any landowner who is-

(i) a minor,

(ii) a widow,

(iii) an unmarried woman,

(iv) a divorced woman,

(v) a person incapable of cultivating land by reason of any physical or mental disability, or

(vi) a serving member of the Armed Forces or a seaman,
may create a temporary tenancy by an agreement in writing, and no such tenant shall be entitled to any right conferred on a tenant under this chapter.

(2) Any tenancy created in contravention of the provisions of sub-section (1) shall be invalid.

Kudikidappukaran to have fixity.

83. (1) No kudikidappukaran shall be liable to be evicted from his kudikidappu except on the following grounds, namely :-

(i) that he has alienated his right of kudikidappu to a person other than-

(a) member of his family, or

(b) a person who has no other homestead or any land exceeding three cents in extent, either as owner or as tenant in possession, on which he could erect a homestead,

(ii) that he has rented or leased out his kudikidappu to another person,

(iii) that he has ceased to reside in the kudikidappu continuously for a period of two years, or

(iv) that he has another kudikidappu or has obtained ownership and possession of land which is fit for erecting a homestead.

Explanation.- For the purposes of this sub-section, a kudikidappukaran shall not be deemed to have ceased to reside in a kudikidappu, notwithstanding the fact that he was not actually residing therein if any of his near relatives who was residing with him in the kudikidappu for a continuous period of not less than one year continues to reside in the kudikidappu ; and in such a case the near relative who continues to reside in the kudikidappu shall be liable for the rent payable by the kudikidappukaran; and 'near relative' shall mean husband or wife, children, grand-children, father, mother, brother or sister.

(2) Notwithstanding anything contained in sub-section (1), the person in possession of the land on which there is a homestead or hut (hereinafter in this sub-section referred to as the landholder) in the occupation of a kudikidappukaran may, if he *bona fide* requires the land-

(a) for building purposes for himself or any member of his family including major sons and daughters ; or

(b) for purposes in connection with a town planning scheme approved by the competent authority ; or

(c) for any industrial purpose, require the kudikidappukaran to shift to a new site belonging to him, subject to the following conditions, namely :-

(i) the landholder shall pay to the kudikidappukaran the price of the homestead, if any, erected by the kudikidappukaran ;

(ii) the new site shall be fit for erecting a homestead and shall be within a distance of one mile from the existing kudikidappu ;

(iii) the extent of the new site shall be the extent of the existing kudikidappu, subject to a minimum of three cents and a maximum of ten cents ;

(iv) the landholder shall transfer ownership and possession of the new site to the kudikidappukaran and shall pay to him the reasonable cost of shifting the kudikidappu other new site.

(3) Where the conditions specified in sub-section (2) are complied with, the kudikidappukaran shall be bound to shift to the new site.

(4) Notwithstanding anything contained in sub-sections (1) to (3), where a person does not hold more than twenty-five cents of land and there is a hut in the occupation of a kudikidappukaran on such land he may, if he requires the land occupied by such hut, for constructing a building for his own residence, apply to the Government for the acquisition he shall offer to deposit, whenever called for, the cost of acquisition of land equal to the extent of the existing kudikidappu, subject to a minimum of three cents and a maximum of ten cents. An officer authorised by the Government in this behalf may, after collecting the cost of acquisition from the applicant, acquire the necessary land under the Land Acquisition Act, 1894 (Central Act 1 of 1894) give possession of the land to the kudikidappukaran and require him to shift to the said land. The kudikidappukaran shall thereupon be bound to shift to the new site. The kudikidappukaran shall be entitled before he so shifts to receive from the person in possession of the land on which his hut was originally located, the expenses as determined by such officer to be reasonably required to shift to the new site.

(5) Where the owner of the land in which there is a kudikidappu considers that the kudikidappu is so located as to cause inconvenience to him, he may require the kudikidappukaran to shift to another part of the land :

Provided that the site to which the kudikidappu is required to be shifted is fit for the location of the kudikidappu.

Provided further the owner of the land shall transfer to the kudikidappukaran ownership and possession of the land equal to the extent of the existing kudikidappu, subject to a minimum of three cents and a maximum of ten cents and pay the price of the homestead if any erected by the kudikidappukaran and the cost of shifting the kudikidappu.

Rent payable by kudikidappukaran.

84. (1) All arrears of rent, if any, payable, by a kudikidappukaran on the date of the commencement of this Act, whether the same be payable under any law, custom or contract or under a decree or order of court, shall be deemed to be fully discharged if he pays one year's rent or the actual amount in arrears, whichever is less.

(2) On and after the commencement of this Act, notwithstanding any contract, decree or order of court, a kudikidappukaran shall not be required to pay more than six rupees yearly as rent in respect of his kudikidappu.

Provided that a kudikidappukaran who was not liable to pay any rent in respect of his kudikidappu immediately before the commencement of this Act shall not be liable to pay any rent ; nor shall a kudikidappukaran be liable to pay any rent in excess of that which he was paying before the commencement of this Act.

Filing of suits against kudikidappukaran in certain cases.

85. (1) If the kudikidappukaran does not comply with the requisition made by the person in possession of the land under sub-sections (2) and (3) of section 83 or by the owner under sub-section (5) of that section to shift to a new site, the person in possession of the land or the owner, as the case may be, may institute a suit against him for the purpose :

Provided that no such suit shall be instituted without giving the kudikidappukaran one month's notice by registered post.

(2) The court, on being satisfied that such person has complied with all the conditions mentioned in sub-sections (2) and (3) or sub-section (5) of section 83, may pass a decree for shifting the kudikidappu.

Right of kudikidappukaran to be heritable but not alienable.

86. The rights of a kudikidappukaran in his kudikidappu shall be heritable, but not alienable except as provided in this Act.

Right of kudikidappukaran to maintain, repair, etc., homestead or hut.

87. The kudikidappukaran shall have the right to maintain, repair and reconstruct with the same or different materials, but without increasing the plinth area, the hut belonging to the person who permitted occupation by the kudikidappukaran, or the homestead at his own cost.

Register of kudikidappukars.

88. (1) The Government shall cause a register of kudikidappukars to be prepared and maintained in each village.

(2) The register shall show -

- (a) the description of the land in which the kudikidappu is situate ;
- (b) the location of the kudikidappu and its extent ;
- (c) the name of the landowner and of the person in possession of the land in which the kudikidappu is situate ;
- (d) the name and address of the kudikidappukaran ; and
- (e) such other particulars as may be prescribed.

(3) The register shall be prepared and maintained by such officer and in such manner as may be prescribed.

(4) The prescribed officer shall, before the preparation of the register, publish a notice in the village inviting applications from kudikidappukars for registration, to be presented before such date as may be specified in the notice.

(5) On receipt of an application within the time specified in the notice or within such further time as may be allowed by him the prescribed officer shall, after enquiry and after giving an opportunity to the landowner or other person in possession of the land to be heard, register the kudikidappukaran or reject the application.

(6) Notwithstanding anything contained in sub-section (4) or sub-section (5), the Land Board, if it is satisfied that all the kudikidappukars in a village have not applied for registration within the time specified under sub-section (4) or allowed under sub-section (5), may, at any time, direct the prescribed officer to invite applications for registration and thereupon the prescribed officer shall take action under sub-sections (4) and (5).

(7) Any gazetted officer authorised by the Government in this behalf may, either of his own motion or on an application by any person aggrieved by the registration of a kudikidappukaran under sub-section (5) or the rejection of an application under that sub-section, call for the record of any proceeding which has been taken by the prescribed officer under this section and may make such enquiry or cause such enquiry to be made and may pass such orders; as he thinks fit :

Provided that no order prejudicial to any person shall be passed without giving him an opportunity of being heard.

(8) No order shall be passed under sub-section (7) after the expiry of a period of one year from the date of registration of the kudikidappukaran under sub-section (5) or the rejection of the application under that sub-section, as the case may be.

Prevention of eviction of scheduled castes.

89. Notwithstanding anything to the contrary contained in this Act or in any law or in any contract, custom or usage, or in any judgement, decree or order of court, no person shall evict or attempt to evict a cultivating tenant or holder of a kudiyruppu or kudikidappukaran, from his holding, kudiyruppu or kudikidappu if such tenant or holder is a member of any Scheduled Caste :

Provided that nothing in this section apply to -

(i) lands or buildings or both belonging to or vested in the Government of the Union territory of Pondicherry, the Government of India, the Government of any State in India, a local authority, or a Corporation owned or controlled by any of the said Government or authority ; or

(ii) Any lease of land or building or both granted by the Administrator-General, Official Trustee or Official Trustee or Official Receiver.

Stay or suits or other proceedings for eviction.

90. Where, in any suit or other proceeding for the eviction of a cultivating tenant, a holder of a kudiyiruppu or a kudikidappukaran, from his holding kudiyiruppu or kudikidappu, as the case may be, whether pending at the commencement of this Act or instituted after such commencement, the cultivating tenant, or the holder of a kudiyiruppu or the kudikidappukaran, makes a representation to the court in which such suit or other proceeding is pending or instituted that no record of rights in respect of the holding or register of kudikidappukars in respect of the village in which the kudikidappu is situate, as the case may be, has been prepared, the court shall not proceed with the suit or proceeding until the record of rights in respect of the holding or the register of kudikidappukars, as the case may be, is prepared and made available to it and the court shall also by order direct the officer specified under sub-section (3) of section 35, to prepare a record of rights in respect of the holding, or as the case may be, a register or kudikidappukars and to file the same in court, and such officer shall cause the same to be prepared in the manner prescribed.

CHAPTER III

RESTRICTION ON OWNERSHIP AND POSSESSION OF LAND IN EXCESS OF CEILING AREA AND DISPOSAL OF EXCESS LANDS.

Exemptions.

91. (1) The provisions of this Chapter shall not apply to -

(a) lands owned or vested in the Government of the Union territory of Pondicherry, the Government of India, the Government of any State in India, a local authority which the Government may, in public interest, exempt, by notification in the Official Gazette, from the provisions of this Chapter.

(b) lands taken under the management of the court of wards :

Provided that the exemption under this clauses cease to apply at the end of three years from the commencement of this Act.

(c) lands comprised in mills, factories or workshops and which are necessary for the use of such mills, factories or workshops ;

(d) cashew estates existing at the commencement of this Act and having a contiguous extent of ten acres or more.

Explanation.- For the purposes of this clause, "cashew estate" shall mean dry lands principally cultivated with cashewnut trees;

(e) pure pepper gardens and pure arecanut gardens existing at the commencement of this Act and having a contiguous extent of five acres or more.

Explanation I.- For the purposes of this clause, "pure pepper garden" shall mean a garden

planted with not less than 300 pepper vines per acre and "pure arecanut garden" shall mean a garden planted with not less than 600 arecanut trees per acre.

Explanation II.- For the purposes of this clause, in calculating the number of pepper vines in a pure pepper garden, the vines, if any, trained on coconut trees or arecanut trees shall not be taken into account ;

(f) lands mortgaged to the Government, or to a co-operative society (including a co-operative land mortgage bank) registered or deemed to be registered under the Co-operative Societies Act for the time being in force, as security for any loan advanced by the Government or by such society ; so long as the mortgage subsists :

Provided that the exemption under this clause shall cease to apply at the end of three years from the commencement of this Act ;

(g) lands purchased by a Co-operative Land Mortgage Bank under the law for the time being in force relating to such Bank, so long as such lands continue in the possession of the Bank ;

(h) lands belonging to or held by an industrial or commercial undertaking at the commencement of this Act, and set apart for use for the industrial or commercial purpose of the undertaking :

Provided that the exemption under this clause shall cease to apply if such land is not actually used for the purpose for which it has been set apart, within such time as the Collector may, by notice to the undertaking, specify in that behalf ;

(i) house sites, that is to say, sites occupied by dwelling houses, tanks, wells or any other structures together with the land necessary for the convenient enjoyment of the same ;

(j) unculturable waste lands ;

(k) sites, of temples, churches, mosques and cemeteries and burial and burning grounds ;

(l) sites of buildings including warehouses ;

(m) commercial sites ;

(n) lands occupied by educational institutions including land necessary for the convenient use of the institutions and playgrounds attached to such institutions ;

(o) lands owned or held by -

(i) a University established by law ; or

(ii) a religious, charitable or educational institution of a public nature ; or

(iii) a public trust (which expression shall include a wakf) :

Provided that -

(i) the entire income of such lands is appropriated for the University, institution or trust concerned ; and

(ii) where the University, institution or trust comes to hold the said lands after the commencement of this Act, the Government have certified previously that such lands are *bona fide* required for the purposes of the University, institution or trust, as the case may be ; and

(p) lands granted to defence personnel for gallantry.

(2) The Government may exempt any land required by any person *bona fide* for any industrial or commercial purpose, the promotion of which will, in the opinion of the Government, be in the public interest :

Provided that such land shall be used for the purpose for which it is intended within such time as the Government may specify in that behalf ; and, where the land is not so used the time specified, the exemption shall cease to be in force.

(3) The Government may, if they are satisfied that it is necessary to do so in public interest on account of any special use to which any land is put, or on account of any being *bona fide* required for the purpose of conversion into plantation or for starting dairy farms or cattle breeding farms, by notification in the Official Gazette, exempt such land from the provisions of this Chapter, subject to such restrictions and conditions as they may deem fit to impose.

Ceiling area.

92. (1) The ceiling area of land shall be, -

(a) in the case of an adult unmarried person or a family consisting of not more than five members, twelve standard acres ; and

(b) in the case of a family consisting of more than five members, twelve standard acres increased by one standard acre for each member in excess of five, so however that the total extent of the ceiling area shall not exceed twenty standard acres :

Provided that the ceiling area shall, in no case, be -

(i) less than fifteen acres in extent ; or

(ii) more than thirty six acres in extent.

(2) For the purpose of this Chapter, all the lands owned or held individually by the members of a family or jointly by some or all of the members of such family shall be deemed to be owned or held by the family.

(3) In calculating the extent of land owned or held by a family or an adult unmarried person, the shares of the members of the family or the adult unmarried person, as the case may be, in the lands owned or held by a co-operative society or by an institution, or by a joint family, shall be taken into account.

Explanation.- For the purposes of this sub-section, the share of a member of a family or an adult unmarried person in the lands owned or held by a co-operative society or by an institution, or by a joint family, shall be deemed to be extent of land which would be allotted to such member or person had such lands been divided or partitioned, as the case may be, on the date notified under the sub-section (1) of section 93.

(4) Where, after the commencement of this Act, any class of land specified in Schedule I has been converted into any other class of land specified therein, the extent of land that may be owned or held by a family or adult unmarried person owning or holding such land at the time of the conversion shall be determined without taking into account such conversion.

(5) The lands owned or held by a private trust or a private institution shall be deemed to be lands owned or held by the person creating the trust or establishing the institution, or, if he is not alive, by his successors in interest.

(6) In computing the ceiling area, lands exempted under section 91 shall be excluded.

Explanation I.- For the purposes of this section, where a person has two or more legally wedded wives living, the husband, one of the wives named by him for the purpose and their unmarried minor children shall be deemed to be one family ; and the other wife or each of the other wives and her unmarried minor children shall be deemed to be a separate family.

Explanation II.- For the purposes of this section, an adult unmarried person shall include a divorced husband or divorced wife who has not remarried.

Provided that if such divorced husband or divorced wife is the guardian of any unmarried minor child, he or she together with such unmarried child shall be deemed to be a family.

**Families and adult unmarried person not to own or hold lands
in excess of the ceiling area.**

93. (1) Subject to the provisions of sub-section (2), with effect from such date as may be notified by the Government in the Official Gazette, no family or adult unmarried person shall be entitled to own or hold or to possess under a mortgage lands in the aggregate in excess of the ceiling area.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for any adult member in a family to own or hold land in excess of the ceiling area to the extent necessary to make up the ceiling area of his lineal descendants, other than his minor unmarried children, who are alive on the date notified under sub-section (1) and who would inherit his lands on his death :

Provided that the aforesaid adult member shall take into account all acquisitions of land or interests in land made by such lineal descendants or the members of their families for fixing the total extent that such adult member shall be entitled to own or hold, from time to time, and shall be bound to surrender the excess.

Explanation.- In the case of lineal descendants who are members of other families, the ceiling area shall be that applicable to their families.

Explanation II.- For the purposes of this sub-section, "to hold land" shall include possessing land under a usufructuary mortgage.

Certain voluntary transfers to be null and void.

94. Notwithstanding anything contained in any law for the time being in force, all voluntary transfers effected after the date of publication of the Mahe Land Reforms Bill, 1968, in the Official Gazette, otherwise than -

(i) by way of partition ; or

(ii) on account of a natural love and affection ; or

(iii) in favour of a person who was a tenant of the holding before the date aforesaid and continued to be so till date of transfer ; or

(iv) in favour of a religious, charitable or educational institution of a public nature solely for the purpose of the institution.

by a family or any member thereof or by an adult unmarried person owning or holding land in excess of the ceiling area, shall be deemed to be transfers calculated to defeat the provisions of this Act and shall be invalid :

Provided that without prejudice to any other right of the parties to any such transfer, when any

purchase price is payable under section 64 or any compensation is payable under section 98 for any land covered by the said transfer, it shall be competent for the Land Tribunal to award to the transferee, out of the purchase price or compensation amount in respect of such land, such sum as the Land Tribunal may consider just and proper.

Surrender of excess lands.

95. (1) Where a family or an adult unmarried person owns or holds land in excess of the ceiling area on that date notified under sub-section (1) of section 93, such excess land shall be surrendered by the person who is competent to do so within such time and to such authority as may be prescribed :

Provided that where any person *bona fide* believes that the ownership or possession of any land owned or held by him or by the members of his family is liable to be purchased by the cultivating tenant or to be resumed by the landowner or the intermediary under the provisions of this Act, the extent of the land so liable to be purchased or to be resumed shall not be taken into account in calculating the extent of the land to be surrendered under this sub-section.

Explanation.- Where any land owned or held by a family or adult unmarried person owning or holding land in excess of the ceiling area was transferred by such family or any member thereof or by such adult unmarried person, as the case may be, after 28th April, 1962, and on or before the date of publication of Mahe Land Reforms Bill, 1968, in the Official Gazette, otherwise than -

(i) by way of partition ; or

(ii) on account of a natural love and affection ; or

(iii) in favour of a person who was a tenant of the holding before the 28th April, 1962 and continued to be so till date of transfer ; or

(iv) in favour of a religious, charitable or educational institution of a public nature solely for the purpose of the institution, the extent of land owned or held by such family or adult unmarried person shall be calculated for purposes of fixing the extent of land to be surrendered under this section as if such transfer had not taken place, and such family or adult unmarried person shall be bound to surrender an extent of land which would be in excess of the ceiling area on such calculation, or, where such family or person does not own or hold such extent of land, the entire land owned or held by the family or person ; but nothing in this Explanation shall affect the rights of the transferee under the transfer.

(2) Where a family or an adult unmarried person owns or holds lands in excess of the ceiling area, the husband, or in his absence, the wife, or in the absence of both, the guardian of the minor children, or, as the case may be, the adult unmarried person, shall, within a period of three months from the date notified under sub-section (1) of section 93 file a statement before the Land Board intimating the location, extent and such other particulars as may be prescribed, of all the lands owned or held by the family or adult unmarried person, and indicating the lands proposed to be surrendered.

Explanation I.- Where lands owned or held by a family stand in the name of more than one member of the family, the identity of the land, the ownership or possession or both of which is or are to be surrendered, shall be indicated as far as practicable with the concurrence of all the members in whose names they stand.

Explanation II.- Where land to be surrendered is owned or held by two or more persons jointly, whether or not as members of an institution or of a joint family, the identity of the same shall be indicated as far as practicable with the concurrence of all the persons who own or hold such land.

Explanation III.- Where a family or adult unmarried person owns or holds lands, including shares in the lands owned or held by a co-operative society, in excess of the ceiling area, the excess

lands to be surrendered shall be lands other than shares in the lands owned or held by the co-operative society.

(3) Where -

(a) after the final settlement of claims for resumption of lands held by a family or an adult unmarried person as tenant, such family or person holds land in excess of the ceiling area, or

(b) after the purchase of the right, title and interest of the landowner and the intermediary by the cultivating tenant in respect of land owned by a family or adult unmarried person, such family or person owns land in excess of the ceiling area,

such excess shall be surrendered by the person who is competent to do so within a period of three months from the date of final settlement or purchase, as the case may be. At the time of the surrender, he shall file a statement before the Land Board containing the particulars specified in sub-section (2) of the lands held or owned by him. The provisions of sub-section (2) shall, as far as may be, apply in regard to the calculation of the excess land and the procedure for the surrender of the same.

(4) Where a member of a joint family surrenders under this section, any land belonging to the joint family and the surrender is accepted by the Land Board with or without modification in extent or identity of the lands surrendered, he shall be deemed to have become divided in status from the other members of the family, with effect from the date of the surrender and the lands, the surrender of which has been lands allocated to the share of such member on partition.

(5) On receipt of the statement under sub-section (2) or sub-section (3), the Land Board shall-

(a) cause the particulars mentioned in the statement to be verified ;

(b) ascertain whether the family or person to which or to whom the statement relates, owns or holds any other lands ; and

(c) by order determine the extent and identity of the land to be surrendered.

(6) In determining the identity of the land, the Land Board shall, as far as practicable, accept of the choice indicated under sub-section (2) or sub-section (3) :

Provided that where in such determination, the interest of other persons are also likely to be affected, the Land Board shall, except in cases where all the persons interested have agreed to the choice indicated, afford an opportunity to such other persons to be heard and pass suitable orders regarding the land to be surrendered.

(7) Where any person fails to file the statement specified under sub-section (2) or sub-section (3), the Land Board shall, after necessary enquiries, by order, determine the extent and other particulars of the land, the ownership or possession or both of which is or are to be surrendered :

Provided that before such determination the Land Board shall give an opportunity to the persons interested in the land, to be heard.

(8) Where the Land Board determines the extent of the land to be surrendered by any person without hearing any person interested, such person may, within sixty days from the date of such determination, apply to the Land Board to set aside the order and, if he satisfies the Land Board that he was prevented by any sufficient cause from appearing before the Land Board, it shall set aside the order and shall proceed under sub-section (5) or sub-section (7) as the case may be.

Explanation.- For the purposes of this section and section 96, "hold" with reference to land shall include "possess land under mortgage with possession".

Vesting of excess lands in Government.

96. (1) On the determination of the extent and other particulars of the lands, the ownership or possession or both of which is or are to be surrendered under section 95, the Land Board shall issue a notice to the person bound to surrender demanding the surrender, before a specified date, not being earlier than thirty days from the date of the notice, of the lands or the ownership of lands to such authority as may be specified therein and intimating that in case of default the ownership or possession or both, as the case may be, of the lands determined by the Land Board shall be assumed by the Government before a specified date.

(2) On receipt of such notice, such person shall make the surrender demanded, in such manner as may be prescribed.

(3) Where any person fails to make the surrender demanded, the Land Board may authorise any officer to take possession or assume ownership of the land in such manner as may be prescribed.

(4) Upon the surrender under sub-section (2) or the assumption under sub-section (3), the land or the ownership or possession of the land shall, as the case may be, vest in the Government free from all encumbrances. Where the ownership of any such land is surrendered or assumed, the rights of the intermediary, if any, in respect of the land shall stand extinguished ; and where the possession of any such land is surrendered by, or assumed from, a cultivating tenant, the ownership of such land shall vest in the Government and the rights of the intermediary, if any, in respect of the land, shall stand extinguished.

Excess land obtained by gift etc., to be surrendered.

97. (1) Where any person comes by any land after the date notified under sub-section (1) of section 93 on account of gift, purchase, mortgage with possession, lease, surrender or any other kind of transfer inter vivos or by bequest or inheritance or otherwise and in consequence thereof the total extent of land owned or held by the family of such person, or by such person, if he is an unmarried adult, exceeds the ceiling area, such excess shall be surrendered to such authority as may be prescribed within six months of the date of his coming into ownership or possession.

(2) The provisions of section 95 and 96 shall, as far as may be, apply to the surrender to, and vesting in the Government of the ownership or possession or both of lands under sub-section (1).

Persons surrendering land entitled to compensation.

98. (1) Where ownership or possession or both of any land is surrendered by, or assumed from, a person or is vested in the Government under section 96 or section 97, such person shall be entitled to compensation. Where the rights of an intermediary are extinguished, such intermediary shall also be entitled to compensation.

(2) The compensation payable to an owner for the surrender or assumption of ownership and possession of land shall be fifty-five per cent of the market value of the land and improvements, if any, thereon.

(3) The compensation payable to the landowner, intermediary or cultivating tenant for the surrender, assumption, vesting in the Government or extinguishment of their rights shall be the portion of fifty-five per cent of the market value of the land and the improvements, if any, thereon that will fall to his share if such value were apportioned among the landowner, cultivating tenant and intermediary, if any, in respect of the land, according to the following provisions :-

(i) the portion of the compensation for any building or other improvements shall be set apart to the person to whom such buildings or other improvement belongs ;

(ii) ninety per cent of the portion of the compensation for the site of any homestead or hut in the occupation of a kudikidappukaran shall be deducted from the total amount of compensation.

(iii) the balance remaining after deducting the amounts referred to in clauses (i) and (ii) shall be apportioned among the landowner, the intermediaries and cultivating tenant in proportion to the profits derivable by them from the land immediately before the surrender, assumption or vesting in the Government, as the case may be.

Explanation.- "Profits derivable from the land" shall be deemed to be equal to (i) in the case of a landowner, the rent which he was entitled to get from the tenant holding immediately under him; (ii) in the case of an intermediary, the difference between the rent which he was entitled to get from his tenant and the rent for which he was liable to his landlord; and (iii) in the case of a cultivating tenant, the difference between the net income and the rent payable by him; and the rent payable by the cultivating tenant and the intermediary for the purposes of this explanation shall be as calculated under the provisions of this Act.

(4) Where a mortgagee in possession surrenders possession of the land mortgaged to him,-
(i) where the ownership of the land mortgaged has been surrendered by the owner of the land, the mortgagee shall be treated as a holder of an encumbrance in respect of the land, and the encumbrance shall be discharged as provided in sections 101 and 102 ;
(ii) in other cases, the Government shall pay to the mortgagee the amount to which he would have been entitled under clause (i) if the ownership of the land mortgaged had been surrendered to the Government, and hold the land as mortgagee with possession with all the rights and liabilities of the mortgagee.

Payment of advance towards compensation.

99. Pending determination of the amount of compensation payable to any person under section 98, it shall be competent for the Land Board to pay such amount as it considers proper to such person as part payment of the compensation on taking proper security, in case it is found that he is entitled to such amount. The amount so paid shall be deducted from the compensation payable to such person and the Land Board shall pay to him only the balance.

Preparation of compensation roll.

100. (1) As soon as may be after the Land Board has determined the extent and particulars of any land, the ownership or possession or both of which is or are to be surrendered, the Land Board shall, forwarding the necessary documents, direct the Land Tribunal to prepare and submit to the Land Board a compensation roll showing -

(a) the description of the land or the interests in the land surrendered or assumed ;

(b) the name and address of the person surrendering the same or from whom the same was assumed ;

(c) the names and addresses of the landowner, intermediary and the cultivating tenant and the amount of compensation payable to each ;

(d) the names of the holders of the encumbrances (including mortgagees who have surrendered possession of excess lands), maintenance or alimony and the value of the encumbrances or of the claims for maintenance or alimony ; and

(e) such other particulars as may be prescribed.

(2) On receipt of the direction under sub-section (1), the Land Tribunal shall, after giving an

opportunity to all persons interested to be heard and after making such enquiry as it considers necessary, prepare the draft compensation roll and furnish copies thereof to the persons interested.

(3) Where any land, the ownership or possession or both of which is or are surrendered to, or assumed by, the Government, forms part of the security for an encumbrance, maintenance or alimony, the Land Tribunal shall for the purpose of discharging the same apportion the entire encumbrance, maintenance or alimony between the land surrendered to, or assumed by, the Government and the portion of the security remaining, in proportion to the values of the two portions of the security.

(4) Within two weeks after the expiry of the period of appeal from the orders of the Land Tribunal prescribed under section 112, or where there has been an appeal, within two weeks after the disposal of the same, the Land Tribunal shall prepare a final compensation roll showing the particulars mentioned in sub-section (1). A copy of the final compensation roll so prepared shall be forwarded to the Land Board by the Land Tribunal.

Payment of compensation.

101. (1) On receipt of the compensation roll under section 100, the Land Board shall pay the compensation to the persons entitled thereto, subject to the provisions of sub-section (2).

(2) Where the land or the ownership or possession of land which has vested in the Government, is subject to any encumbrance, maintenance or alimony, the value of the encumbrance, maintenance or alimony shall be deducted from the compensation amount payable to the person liable for such encumbrance, maintenance or alimony. If the total amount of such encumbrance, maintenance or alimony is more than the amount of compensation, the compensation amount shall be distributed to the holders of the encumbrance and the persons entitled to the maintenance or alimony in the order of priority.

(3) The Land Board shall also pay the mortgage amount payable to a mortgagee under clause (ii) of sub-section (4) of section 98.

Payment of compensation and amount of encumbrance.

102. (1) The compensation or the amount of encumbrance, as the case may be, shall be paid either in cash or in negotiable bonds redeemable in sixteen years and carrying interest at the rate of 4 1/2 per cent per annum with effect from the date on which the ownership or possession or both of the land has or have vested in the Government under section 96 or section 7, or partly in cash and partly in such bonds, in such manner as may be prescribed.

(2) The provisions of sub-sections (7), (8) and (9) of section 71 shall, as far as may be, apply in regard to the payment of compensation and other amounts under this section.

Payment of compensation to be full discharge.

103. The payment of compensation in the manner specified in section 102 shall be a full discharge of the liability for payment of compensation, and no further claim therefor shall lie.

Assignment of rights vested in the Government to small-holders.

104. (1) Where the landowner whose ownership of land is vested in the Government or the intermediary whose rights are extinguished under sub-section (4) of section 96 was a small-holder and the cultivating tenant of the holding was entitled to fixity of tenure immediately before the 28th

April, 1962, under any law then in force, the ownership or possession or both of land vested in the Government shall be assigned to such small-holder :

Provided that where are more than one such small-holder in respect of such land, the small-holder nearest to the cultivating tenant shall have priority for such assignment.

(2) The purchase price payable by the small-holder referred to in sub-section (1) for assignment of the ownership or possession or both of the land shall be fifty-five per cent of the market value of such rights.

(3) The purchase price shall be payable either in a lump or in sixteen equal annual installments.

(4) A small-holder entitled to the assignment of the ownership or possession or both of the land vested in the Government may apply to the Land Board for the assignment of the same within such time and in such manner as may be prescribed.

(5) On receipt of an application under sub-section (4), the Land Board shall, after due enquiry and being satisfied that the applicant is entitled to such assignment, assign the ownership or possession or both of such land to the small-holder on payment of the purchase price in a lump or the first instalment of the purchase price.

(6) The provisions of sub-sections (2) and (3) of section 107 shall, as far as may be, apply to the payment and recovery of the installments of the purchase price and interest thereon and as regards the charge for the amounts due from the assignee.

Application for assignment of lands.

105. Any person who does not possess any land or possesses only less than five acres of land in extent may apply to the Land Board for assignment on registry of lands to him.

Assignment of lands by Land Board.

106. (1) Subject to the provisions of section 104, the Land Board shall, after reserving in each village the lands necessary for public purposes, assign on registry the remaining lands vested in the Government under section 96 or section 97, as specified below namely :-

(i) the holdings in which there are kudikidappukars shall, as far as possible, be assigned to such kudikidappukars ;

(ii) out of the remaining area available for assignment -

(a) fifty per cent shall be assigned to the landless agricultural labourers of which one-half shall be assigned to the landless agricultural labourers belonging to Scheduled Castes residing in the same village or adjacent villages ;

(b) twenty-five per cent shall be assigned to small-holders and other landlords who are not entitled to resume any land ;

(c) the remaining twenty-five per cent shall be assigned to the cultivators who do not possess more than five acres of land in extent ;

Provided that in assigning lands under this sub-section to the persons specified in sub-clause (a), sub-clause (b) or sub-clause (c), first preference shall be given to dependants of members of the

Armed Forces who died in action, and ex-servicemen belonging to the respective classes, and subject as above, preference shall be given to co-operative societies formed by persons specified in the respective sub-clauses.

Explanation.- For the purposes of this sub-section, a kudikidappukaran or a tenant of a kudikidappu shall be deemed to be a landless labourer if he does not possess any other land.

(2) The Land Board shall not assign to any person more than five acres in extent of land.

(3) Where a person possesses any land, only so much land as will make the extent of land in his possession five acres shall be assigned to him.

Payment of purchase price.

107. (1) The purchase price of the land assigned on registry under section 106 shall be an amount equal to fifty-five per cent of the market value of the land and improvements, if any, thereon, and shall be payable either in lump or in sixteen equal annual installments. The assignment shall be made on payment of the Purchase price either in lump or the first installments thereof.

(2) where the purchase price is payable in installments, the amount outstanding after payment of each instalment shall bear interest at the rate of 4 1/2 per cent per annum.

(3) All amounts due from an assignee shall be a first charge on the land assigned and shall be recoverable as arrears of land revenue under the law for the time being in force relating to the recovery of land revenue.

Management of surrendered lands till assignment.

108. The Land Board shall, subject to such rules as may be made by the Government in this behalf, manage the lands vested in them, until they are assigned under sections 104 and 106, by making arrangements for their cultivation and protection.

CHAPTER IV

MISCELLANEOUS

Constitution of Land Tribunal.

109. The Government may, by notification in the Official Gazette, constitute a Land Tribunal consisting of a single member who shall be a judicial officer of the rank of Judge de Peix for the purpose of performing the functions of a Land Tribunal under this Act.

Constitution of Land Board.

110. The Government shall constitute a Land Board for performing the functions of the Land Board under this Act. The Board shall consist of a single member, who shall be the Secretary to Government, Revenue and Development Department, Pondicherry or such officer of an appropriate rank, as the Government may specify for the purpose.

Power of the Land Board and Land Tribunal.

111. (1) The Land Board and the Land Tribunal constituted under this Act shall have all the powers of a civil court while trying a suit under the law for the time being in force relating to civil procedure, in respect of the following matters, namely :-

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of any document ;
- (c) receiving evidence on affidavit ;
- (d) issuing commissions for the examination of witnesses or for local investigation ; and
- (e) any other matter which may be prescribed.

(2) The Land Board shall have superintendence over the Land Tribunal, and the Land Board may -

- (a) call for returns from the Land Tribunal,
- (b) make and issue general rules and prescribe forms for regulating the practice and proceedings of the Land Tribunal ; and
- (c) prescribe forms in which books, entries and accounts shall be kept by the Land Tribunal,

(3) Where in any proceeding before the Land Tribunal a question arises whether a person is a small-holder or not or whether a person is or is not a tenant, it shall be competent for the Land Tribunal to decide the question.

(4) If any question arises as to whether any land is principally used for the purposes specified in clause (5) of section 2, the question shall be decided by the Land Board, after taking into account the extent of, the amount invested in, and the income from the portion of the land so used and the remaining portion and other relevant matters, and the decision of the Land Board shall be final.

Appeals.

112. (1) Any person aggrieved by the orders of the Land Tribunal under sub-section (2) of section 7, section 15, section 29, section 37, section 53, sub-section (3) or sub-section (4) of section 54, sub-section (3) of section 5, sub-section (6) of section 60, section 65, sub-section (4) of section 74, section 100 or section 116 may appeal against such order within such time as may be prescribed to the President, Court of First Instance, Pondicherry, who shall hear the appeal as persona designata and his decision thereon shall be final, subject to the provisions of section 113.

(2) The President, Court of First Instance shall have power to pass interlocutory order or to remand any case to the Land Tribunal for reconsideration in accordance with his directions.

(3) Where there has been any modification in appeal from the orders of the Land Tribunal, such orders shall be modified accordingly.

Revision by High Court.

113. (1) Any person aggrieved by -

- (i) Any person order passed in an appeal against the order of the Land Tribunal ; or
- (ii) any final order passed by the Land Board under this Act, may within such time as may be

prescribed, prefer a petition to the High Court against the order on the ground that the appellate authority or the Land Board, as the case may be, has either decided erroneously, or failed to decide, any question of law.

(2) The High Court may, after giving an opportunity to the parties to be heard, pass such orders as it deems fit and the orders of the appellate authority or the Land Board, as the case may be, shall, wherever necessary, be modified accordingly.

(3) The High Court may, for the purpose of satisfying itself that an order made by the Land Tribunal under section 32 was according to law, call for the records and pass such order with respect thereto as it thinks fit.

Proceedings by or against joint families, etc.

114. (1) Where, in any proceeding under this Act, a joint family is a party, it shall be sufficient to implead the manager, karanavan or yajaman and the senior most male member of such family and, in the case of a maramakkathayam or aliyasanthana family, also the karanavan or yajaman of each tavazhi or kavaru, but any other member of the family shall have the right to get himself impleaded as a party.

(2) Where any such proceeding/relates to any property or part thereof under the management of a receiver appointed by a court, it shall be sufficient to implead the receiver as party to the proceeding.

Authorised officer empowered to obtain information from persons.

115. (1) For the purpose of carrying into effect the provision of this Act, any officer not below the rank of a Deputy Tahsildar authorised by the Government in this behalf (hereinafter in this section referred to as the authorised officer) may, by notice, require any person to furnish any information relating to the extent of land held by such person the number of members of the family, if any, of such person, and such other particulars as may be prescribed. The person aforesaid shall furnish the information to such officer within such time as may be specified in the notice or within such further time not exceeding thirty days as the authorised officer may, in his discretion, allow.

(2) (a) Where any person on whom notice under sub-section (1) has been served fails to furnish the information within the time specified in that notice or within the further time allowed by the authorised officer under sub-section (1), the authorised officer may obtain, in such manner as may be prescribed, the necessary information either by himself or through such agency as he thinks fit.

(b) The authorised officer shall, as soon as may be after obtaining the information under clause (a), give to the person concerned a reasonable opportunity of making his representation and of adducing evidence, if any, in respect of such information and consider any such representation and evidence and pass such orders as he deems fit.

Special provisions relating to leases for commercial or industrial purposes.

116. Notwithstanding anything contained in this Act, or in any other law, or in any contract, or order or decree of court, where, on any land leased for commercial or industrial purpose, the lessee has constructed buildings for such commercial or industrial purpose before the date of publication of the Mahe Land Reforms Bill, 1968 in the Official Gazette, he shall not be liable to be evicted from such land, but shall be liable to pay rent under the contract of tenancy. Such rent shall be liable to be varied every twelve years on the motion of the lessor or the lessee, in such manner as may be prescribed.

Costs.

117. (1) Subject to the provisions of this Act, the costs of an incident to all proceedings before the Land Tribunal shall be in its discretion and it shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purposes aforesaid. The fact that any proceeding before the Land Tribunal is without jurisdiction shall be no bar to the exercise of such powers.

(2) An order passed by the Land Tribunal in exercise of the powers vested in it under sub-section (1) may be executed through the court as if the order were a decree passed by it.

Special provisions for application of the Act.

118. (1) If any difficulty arises in the application of the provisions of this Act to any area on account of local variations or difference in nomenclature between the tenures prevailing in that area (by whatever name such tenures may be known) and the corresponding tenures prevailing in the parts adjoining that area, the Government may, subject to the provisions of sub-section (2), by notification in the Official Gazette, direct that the said provisions shall apply to the aforesaid area subject to such adaptations, exceptions and modifications as may be specified in this behalf in such notification.

(2) A draft of the notification proposed to be issued under sub-section (1) shall be laid before the Legislature Assembly for a period of fourteen days, and the Legislature Assembly may approve the draft with or without modification or disapprove the draft during the period in which it is so laid. On approval of the draft by the Legislative Assembly, the Government shall publish the notification as approved, in the Official Gazette. If the Legislative Assembly does not -

- (i) approve with or without modification ; or
- (ii) disapprove,

the said draft during the period aforesaid, it shall be lawful for the Government to publish the notification in the Official Gazette in terms of the draft.

Restoration of possession of land to certain evicted tenants.

119. Where a tenant has, on or after the 28th April, 1962, been evicted from his holding in contravention of the law for the time being in force regulating the relationship of landlord and tenant, the Administrator or any other authority empowered by him in this behalf may, suo motu or on application made by the tenant before the expiration of one year from the date of commencement of this Act and after such enquiry as he may deem fit, restore to the tenant the possession of the land from which he was evicted unless some other tenant, not being a member of the landowner's family, had been admitted to possession of such land before the date of publication of this Act.

Apportioned of land value in cases of acquisition.

120. (1) Where the land comprised in a holding is acquired under the law for the time being in force providing for the compulsory acquisition of land for public purposes, the compensation awarded under such law in respect of the land acquired shall be apportioned among the landowner, intermediaries, cultivating tenant and kudikidappukaran in the manner specified in sub-sections (2) to (4).

(2) The compensation for any building or other improvements shall be awarded to the person entitled to such building or other improvements.

(3) The kudikidappukaran shall be entitled to ninety per cent of the value of the land occupied by his homestead or hut.

(4) The balance remaining after making the payments referred to in sub-sections (2) and (3) shall be apportioned among the landowner the intermediaries and the cultivating tenant in proportion to the profits derivable by them from the land acquired immediately before, such acquisition.

Explanation.- "Profits derivable from the land" shall be deemed to be equal to,-

(i) in the case of a landowner the rent which he was entitled to get from the tenant holding immediately under him ;

(ii) in the case of an intermediary, the difference between the rent which he was entitled to get from his tenant and the rent for which he was liable to his landlord ; and

(iii) in the case a cultivating tenant, the difference between net income and the rent payable by him ;

and the rent payable by the cultivating tenant and the intermediary for the purpose of this explanation shall be as calculated under the provisions of this Act.

Prices published under section 49 to be deemed to be market rates.

121. If for the purposes of this Act, the price of any commodity referred to in section 49 has to be commuted into money at the market rate for any date, such commutation shall be made at the price of that commodity published by the Collector under the said section for the relevant quarter.

Appearance before Land Tribunal or Land Board.

122. (1) Any appearance, application or act in or to any Land Tribunal or the Land Board required or authorised by law to be made or done by a party in such Land Tribunal or the Land Board, may be made or done by the party in person or by his recognised agent or by a pleader appearing , applying or acting, as the case may be, on his behalf :

Provided that any such appearance, shall, if the Land Tribunal or Land Board so directs, be made by the party in person.

(2) The recognised agents of parties by whom such appearance, application and act may be made or done are persons holding powers of attorney authorising them to make and do such appearance, application and act on behalf of such parties.

Court fees.

123. Notwithstanding anything contained in any law for the time being in force relating to court fee, every application or appeal made under this Act to the Land Tribunal or the Land Board shall bear court fee stamp of such value as may be prescribed.

Members of Land Board and Land Tribunal to be deemed public servants.

124. The members of the Land Board and the Land Tribunal and any officer appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code 1860 (Central Act 45 of 1860).

Penalty for disturbance of easements attached to kudikidappu.

125. Any person who in any manner disturbs or interferes with the easements to which a kudikidappukaran is entitled shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Penalty for failure to furnish return.

126. (1) If any person who is under an obligation to furnish a return or information under this Act refuses or wilfully fails to furnish the return or information within the time specified for the purpose, he shall be punishable with fine which may extend to two hundred rupees.

(2) If any person who, after having been convicted under sub-section (1), continues to refuse or to wilfully fail to furnish the return or information, he shall be punishable with fine which may extend to fifty rupees for each day after the previous date of conviction during which he continued so to offend.

Penalty for furnishing false returns or information.

127. If any person who is under an obligation to furnish any return or information furnishes any return or information which he knows or he has reason to believe to be false, he shall be punishable with fine which may extend to one thousand rupees.

Penalty for making false declaration.

128. (1) After the date notified under sub-section (1) of section 93, no document relating to any transfer of land shall be registered unless the transferee makes a declaration in such form as may be prescribed in writing (in duplicate) as to the total extent of land held by him. The registering officer shall forward a copy of the declaration to the officer authorised by the Government for such action as may be necessary.

(2) If any person makes any declaration before the registering officer under sub-section (1), which he knows or has reason to believe to be false he shall be punishable with fine not exceeding one thousand rupees.

Penalty for contravention of any lawful order.

129. If any person wilfully contravenes any lawful order passed under this Act or obstructs any person from lawfully taking possession of any land under any of the provisions of this Act, he shall be punishable with fine which may extend to five hundred rupees.

Penalty for eviction.

130. Any person who,-

(i) contravenes the provisions of section 89, or

(ii) evicts or attempts to evict a cultivating tenant, or a holder of a kudikidappu or a kudikidappukaran from his holding, kudiyruppu or kudikidappu, as the case may be, in contravention of any other provision of this Act, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Penalty for cutting trees or for removing any machinery, etc.

131. Any person causing destruction or damage to, or removal of, trees, buildings, machinery, plant, or apparatus, situated on any land indicated as lands to be surrendered under sub-section (2) of section 95 shall be punishable with imprisonment for a term which may extend to one year, or with fine not exceeding one thousand rupees, or with both.

Cognizance of offences.

132. (1) No court shall take cognizance of any offence punishable under this Act, except on complaint in writing made by an officer authorised by the Government in this behalf.

(2) No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

Protection of action taken under Act.

133. No suit, prosecution or other legal proceeding shall lie against any officer for anything in good faith done or intended to be done under this Act, or the rules made thereunder.

Bar of jurisdiction of courts.

134. No order of the Land Tribunal or the Land Board under this Act shall be called in question in any court, except as provided in this Act.

Construction of references to acres and cents.

135. All references in this Act to acres of land expressed in terms of acres (but not standard acres) and cents shall be constructed as references to acres expressed in terms of hectares and ares, converted thereto.

Act to over-ride other laws, etc.

136. The provisions of this Act shall have effect notwithstanding anything in any other law or any custom or usage or in any contract, express or implied, inconsistent with the provision of this Act.

Power to remove difficulties.

137. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order to be notified in the Official Gazette, do anything not inconsistent with the provisions of this Act which appears to the Government to be necessary for the purpose of removing the difficulty :

Provided that no such order shall be made under this section with reference to any matter relating to any provision of this Act after the expiration of two years from the date of the commencement of that provision.

Power to make rules.

138. (1) The Government may make rules to carry out all or any of the purposes of the Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely :-

- (a) the procedure relating to resumption ;
- (b) the fees payable on applications or claims made before the Land Tribunal or the Land Board and the persons by whom and the period within such fees shall be paid.
- (c) the registers to be kept and maintained by the Land Tribunal and the Land Board and the Particulars to be entered therein ;
- (d) the manner of preparation of record of rights ;
- (e) form of application for fair rent and procedure in relation thereto ;
- (f) the manner of publication of prices of commodities ;
- (g) the apportionment of rent on severance of interest of landlord or tenant and form for the purpose ;
- (h) the procedure to be followed in the preparation of compensation rolls ;
- (i) the filing of statements before the Land Tribunal and the Land Board ;
- (j) the procedure to be followed by the Land Tribunal and the Land Board ;
- (k) for the joint consideration by the Land Tribunal of two or more applications involving the same question ;
- (l) the assignment of lands by the Land Board under sections 104 and 106 and ;
- (m) the management of land before assignment under section 108 ;and
- (n) any other matter which under this Act is to be, or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly, Pondicherry while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made or issued, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Limitation.

139. In computing the period of limitation for the institution of suits or proceedings under this Act, the time during which such suits or proceedings were prohibited or stayed under any of the enactments repealed by this Act, shall be excluded.

Repeal and savings.

140. (1) (a) The Mahe (Stay of Eviction Proceedings) Regulation, 1963 (5 of 1963) is hereby repealed and all suits, appeals, revisions, reviews and proceedings in execution of decrees stayed by

the said enactment may be disposed of by the courts in which they were pending at the commencement of this Act, in accordance with the provisions of this Act :

Provided that where a tenant has, on or after the 31st December, 1963, been evicted from his holding and the eviction could not have taken place if the aforesaid law relating to the stay of eviction had been in force, the Administrator or any other authority empowered by him in this behalf may, *suo motu* or on application made by the tenant before the expiry of one year after the commencement of this Act and after making such enquiry as he may deem fit, restore to the tenant the possession of the land from which he was evicted, unless some other tenant, not being a member of the landowner's family, had been admitted to possession of such land before the 18th November, 1964, and section 3-C of the said regulation shall, for that purpose, be deemed to continue in force.

(b) The costs in respect of the suits, appeals, revisions, reviews and execution proceedings stayed by the enactment specified in clause (a) shall be in the discretion of the court.

(2) The Malabar Tenancy Act, 1929 (Madras Act 14 of 1930) (hereinafter referred to as the said Act) as applicable to Mahe area is hereby repealed.

Notwithstanding the repeal of the Malabar Tenancy Act, 1929 (Madras Act 14 of 1930), under sub-section (2),-

(a) any decree passed before the commencement of this Act for the eviction of a tenant from his holding pursuant to which eviction has not been effected, may, on the application of the tenant or the landlord, be reopened and the matter may be disposed of in accordance with the provisions of this Act ;

(b) any suit for restoration filed under section 24 or section 26 of the said Act and pending disposal at the commencement of this Act shall be disposed of in accordance with the provisions of the said Act as if it had not been repealed ;

(c) (i) where the decree-holder, plaintiff, appellant or petitioner, as the case may be, is a person entitled to resumption of land under this Act and shall contain a statement of facts in support of the claims of the applicant and also the names and addresses of all persons who have interest in the holding or any part thereof to which he is entitled ;

(ii) the application under sub-clause (i) shall be made within one year from the commencement of this Act and shall contain a statement of facts in support of the claims of the applicant and also the names and addresses of all persons who have interest in the holding, either as owner, lessee or kudikidappukaran ;

(iii) the court shall dispose of the application as if it were an application for resumption before the Land Tribunal under this Act ;

(d) notwithstanding anything contained in the law for the time being in force relating to civil procedure in the matter of *res judicata*, the right conferred on the decree-holder, plaintiff, appellant or petitioner, as the case may be, under sub-clause (i) of clause (c) shall not be deemed to take away or in any manner affect his right to apply for resumption under this Act ;

(e) all applications for determination of fair rent filed or purported to have been filed under the said Act in which no order determining the fair rent had been passed by the rent court shall be deemed to have been filed under this Act and shall be disposed of according to the provisions of this Act ;

(f) where the rent court constituted under the said Act had passed an order determining the fair rent in respect of a holding, but an appeal or application for revision in respect of such order was pending before the appellate or revising authority, at the time of the commencement of this Act, such appellate or revising authority shall reopen the matter and dispose of it in accordance with the provisions of this Act and for purpose, shall have all the powers of the appellate or revising authority, as the case may be, under this Act ;

(g) where the rent court constituted under the said Act had passed an order determining the fair rent in respect of a holding, but the time for preferring an appeal or revision in respect of such order had not expired at the commencement of this Act, any party aggrieved by the order of the rent court may, within three months from the commencement of this Act, prefer an appeal or an application for revision against such order before the appellate or revising authority under this Act and thereupon such authority shall reopen the matter and dispose of it in accordance with the provision of this Act.

SCHEDULE-I

[See section 2 (47)]

PART-I

Lands other than nilams

Class of land	---	Standard acre
1. Garden	---	1-00
2. Dry land principally cultivated with cashew	---	1-50
3. Other dry land	---	3-00
4. Palliyal land	---	3-00

PART-II

Standard acres of nilam

Class of land	---	Standard acre
Double crop nilam	---	1-75
Single crop nilam	---	4-00

SCHEDULE-II

(See section 33)

Rates of fair rent

Sl. No. (1)	Class of land (2)	Rate of fair rent (3)
1.	Nilams-	
	(i) Land converted into nilam by tenant's labour.	1/8th of the gross paddy produce.

(ii) Other nilam.	1/4th of the gross paddy produce.
(iii) Nilam where fishing is carried on for part of the year by a varamdar.	Aggregate of rent fixed as for nilam and 1/8 of the gross annual income derived from fishing in such manner as may be prescribed.
(iv) Nilam not used for paddy cultivation (but not cultivated with sugarcane).	Rent that would have been payable had the land been used for cultivation of paddy.
 2. Garden-	
(i) Coconut trees in respect of which the landlord is bound to pay compensation	1/10th of the gross coconut produce
(ii) Coconut trees in respect of which the landlord is not bound to pay compensation.	1/3rd of the gross coconut produce
(iii) Arecanut trees in respect of which the landlord is bound to pay compensation	1/ 10 th of the gross arecanut produce
(iv) Arecanut trees in respect of which the landlord is not bound to pay compensation.	1/4th of the gross arecanut produce.
(v) pepper -vines in respect of which the landlord is bound to pay compensation	1/8 of the gross pepper produce
(vi) Pepper-vines in respect of which the landlord is not bound to pay compensation.	1/4th of the gross pepper produce.
 3. Dry land-	
(a) cultivated with groundnut or other crops notified by the Government.	1/8th of the gross produce.
(b) in other cases	Rs. 4 per acre.
4. Land not falling under any of items.	Contract rent.

THE PONDICHERRY CULTIVATING TENANTS PROTECTION ACT, 1970

THE PONDICHERY CULTIVATING TENANTS PROTECTION ACT, 1970

(Act No.9 of 1971)

30th March, 1971.

An Act

for the protection from eviction of cultivating tenants and matters incidental thereto in certain areas in the Union territory of Pondicherry

Be it enacted by the Legislative Assembly of Pondicherry in the Twenty-first Year of the Republic of India as follow :-

Short title, extent and commencement.

1. (1) This Act may be called the Pondicherry Cultivating Tenant Protection Act, 1970.

(2) It extends to the regions known as Pondicherry, Karaikal and Yanam in the Union territory of Pondicherry.

(3) It shall come into force on such date¹ as the Government may, by notification in the Official Gazette, appoint :

Provided that different dates may be appointed for different provisions of this Act or for different areas and any reference in any such provision to the commencement of this Act shall be construed, in relation to any area, as a reference to the coming into force of that provision in such area.

Definitions

2. In this Act, unless the context otherwise requires-

(a) "cultivating tenant" means a person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another, under an agreement express or implied on condition of paying rent therefor in cash or in kind or delivering or receiving a share of the produce and includes.

(i) any such person who continues in possession of the land after the determination of the agreement.

(ii) the heir of such person, if the heir contributes his own physical labour or that of any member of his family in the cultivation of such land :

(iii) a sub-tenant if he contributes his own physical labour or that of any member of his family in the cultivation of such land ;

1. The Act came into force in Pondicherry, Karaikal and Yanam regions on the 10th day of April, 1971 vide Notification No. 6896/70/E, dated 10th April, 1971.

(iv) any such sub-tenant who continues in possession of the land notwithstanding that the person who sublet the land to such sub-tenant ceases to have the right to possession of such land. and

(v) a person who cultivates the land on payment of waram :but does not include a mere intermediary or his heir :

(b) "cultivation" means the use of lands for the purpose of agriculture or horticulture and a person is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land ;

(c) " garden land" means dry land irrigated by lifting water from wells or other sources ;

(d) "Government" means the Administrator appointed by the President under article 239 of the Constitution ;

(e) " holding" means a parcel or parcels of land held by a cultivating tenant ;

(f) " land" means land used for the purpose of agriculture or horticulture and includes any building, or any waste, vacant or forest land, appurtenant thereto, and any house-site belonging to the landlord and let to the cultivating tenant under the same agreement of tenancy ;

¹[(g)"land lord" in relation to a holding or part thereof means the person entitled to receive the rent due in respect of such holding or part ;]

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

(i) " Revenue Court" means the Revenue Court constituted by notification in the Official Gazette by the Government ; and

(i) "Wet land " means land registered as such in revenue accounts.

Explanation - One hectare of wet land shall be deemed to be equivalent to one and a half hectares of garden land or three hectares of dry land and reference to hectares of wet land shall be deemed to include a reference to dry or garden land reduced to their equivalent extent of wet land.

²[Act not to apply in certain cases

2-A. Nothing in this Act shall apply, to-

(i) leases or tenancies of lands belonging to or vested in the Government of the Union territory of Pondicherry, the Central Government, a State Government, a local authority, or a corporation owned or controlled by any of the said Government, or authority ; or

(ii) leases or tenancies of lands created by the Administrator General or the Official Trustee or an Official Receiver or officer appointed by a Court under the provisions of any law, or by any person holding under or deriving title from any or the Officers aforesaid.]²

Landlords not to evict cultivating tenants

3. (1). Notwithstanding anything to the contrary in any law, custom, usage or contract or any decree or order of court, no cultivating tenant shall be evicted from his holding or any part thereof, by or at the instance of his landlord except as provided in this section.

1. Substituted by Act 9 of 1972, with effect from 10-4-1971.

2. Inserted by Act 9 of 1972, section 3, with effect from 10-4-1971.

2. Subject to the next succeeding sub-section, sub-section (1) shall not apply to a cultivating tenant.

(a) Who, in the areas where the Karaikal Tenants Protection Order, 1960 was in force immediately before the commencement of this Act, if in arrears at such commencement with respect to the rent payable to the landlord does not pay such rent within such time as may be prescribed or who in respect of rent payable to the landlord after the commencement of this Act, does not pay such rent within a month after such rent becomes due ; or

(b) who, in the other areas, if in arrear at the commencement of this Act, with respect to the rent payable to the landlord and accrued due subsequent to 31st March,, 1970, does not pay such rent within such time as may be prescribed, or who in respect of rent payable to the landlord after the commencement of this Act, does not pay such rent within a month after such rent become due ; or

(c) who has done any act or has been guilty of any negligence which is destructive of, or injurious to the land or any crop thereon or has altogether ceased to cultivate the land ; or who has used the land for any purpose not being an agricultural or horticultural purpose ; or

(d) who has wilfully denied the title of the landlord to the land ;

Explanation- A denial of the landlord`s title under a **bona fide** mistake of fact is not wilful within the meaning of this clause.

(3)(a) A cultivating tenant may deposit in Court the rent or, if the rent be payable in kind, its market value on the date of deposit, to the account of the landlord-

(i) in the case of rent accrued due subsequent to the 31st March, 1970 within such time as may be prescribed :

(ii) in the case of rent accrued due after the commencement of this Act, within a month after the date on which the rent accrued due.

(b)(i) The court shall cause notice of the deposit to be issued to the landlord and determine, after a summary inquiry, whether the amount deposited represent the correct amount of rent due from the cultivating tenant and if the Court finds that any further sum is due, it shall allow the cultivating tenants such time as it may consider just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant, for depositing such further sum inclusive of such costs as the court may allow.

(ii) If the Court adjudge that no further sum is due, or if the cultivating tenant deposits within the time allowed such further sum as is ordered by the Court, the cultivating tenant shall be deemed to have paid the rent within the period specified in the last foregoing sub-section.

(iii) If, having been ordered to deposit a further sum, the cultivating tenant fails to do so within the time so allowed by the Court, the landlord may evict the cultivating tenant as provided in sub-section (4).

Explanation.- The expression "Court" in this sub-section means the Court which passed the decree or order for eviction or where there is no such decree or order, the Revenue Court.

(4)(a) Every landlord seeking to evict a cultivating tenant falling under sub-section (2) shall, whether or not there is an order or decree of a Court for the eviction of such cultivating tenant, make an application to the revenue Court and such application shall bear a court-fee stamps of one rupee.

(b)(i) On receipt of such application, the Revenue Court shall, after giving a reasonable opportunity to the landlord and the cultivating tenant to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application or dismissing it and in a case falling under clause (a) or (b) of sub-section (2) in which the tenant had not availed of the provisions con-

tained in sub-section (3), the revenue Court may allow the cultivating tenant such time as he considers just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant for depositing the arrears of rent payable under this Act inclusive of such costs as he may direct.

(ii) If the cultivating tenant deposits the sum as directed he shall be deemed to have paid the rent under clause(b) of sub-section (3) and if the cultivating tenant fails to deposit the sum as directed, the Revenue Court shall pass an order for eviction.

Right to restoration of possession

4.(1) Every cultivating tenant who was in possession of any land on the 1st December, 1969 and who is not possession thereof at the commencement of this Act shall, on application to the Revenue Court, be entitled to be restored to such possession on the same terms as those applicable to the possession of the land on the 1st December, 1969.

(2) Nothing sub-section (1) shall be deemed to entitle any such cultivating tenant to restoration of possession.

(i) If, at the Commencement of this Act, he is in possession, either as owner or as tenant or as both, of land exceeding the extent specified in the explanation below or if he has been assessed to any sales tax, profession -tax or income-tax under the respective laws relating to the levy of such taxes during 1967-68 ; or

(ii) If the landlord, after evicting such cultivating tenant from the land has been carrying on personal cultivating on the land provided as follows :-

(a) the total extent of land held by such landlord inclusive of the land, if any, held by him as a tenant does not exceed the extent specified in the Explanation below ; and

(b) the landlord has not been assessed to any sales tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1967-68 or 1968-69 ; or

(iii) If subsequent to the 1st December, 1969 the landlord has bona fide admitted some other cultivating tenant to the possession has cultivated the land before the commencement of this Act :

Provided that where such other tenant is in possession, either as owner or as tenant or as both of any other land which exceeds the extent specified in the Explanation below and the cultivating tenant who was evicted is not in possession of any land or is in possession of any other land which is less than the extent specified in the said Explanation, the cultivating tenant shall be entitled to restoration of possession.

Explanation.- The extent referred to in clauses (i) to (iii) above is $2 \frac{2}{3}$ hectares of wet land.

(3) Every application to the Revenue Court under sub-section (1), shall be made within such time as may be prescribed and shall bear a court-fee stamp of one rupee :

Provided that the application may be received after the prescribed period, if the applicant satisfies the Revenue Court that he had sufficient cause for not making the application within that period.

(4) On receipt of an application under sub-section (3), the Revenue Court shall, after giving a reasonable opportunity to the landlord and the cultivating tenant, if any, in possession of the land, to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application or dismissing it and in passing an order allowing the application, the Revenue Court may impose such conditions as it may consider just and equitable including conditions is regard to-

(i) the payment by the applicant of any arrear of rent already due from him to the landlord, but not exceeding one year's rent, and

(ii) the reimbursement by the applicant of the landlord or the other cultivating tenant in respect of the expenses incurred or the labour done by him during the period when the applicant was not in possession, on any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement.

Explanation.- In lieu of imposing any condition in relation to reimbursement as provided in clause(ii), the Revenue Court may, in its discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon at the time when the order is passed, has been harvested.

(5) Any cultivating tenant who after the commencement of this Act has been evicted except under the provisions of sub-section (4) of section 3 shall be entitled to apply to the Revenue Court within two months from the date of such eviction for the restoration to him of the possession of the lands from which he was evicted and to hold them with all the rights and subject to all the liabilities of a cultivating tenant and the provisions of sub-section (4) shall, so far as may be, apply to such an application.

¹[Provided that the Revenue Court may, if satisfied that the applicant had sufficient cause for not making the application within the said period of two months, consider the application even after expiry of such period.]¹

5. ²[*****]² Section 5 is omitted.

Special privileges for members of the Armed Forces.

6. (1) A cultivating tenant who is enrolled as a member of the Armed Force, may, on or after such enrolment, sublet the lands held by him as a cultivating tenant.

(2) A cultivating tenant who is enrolled as a member of the Armed Forces, on discharge or retirement from service or on being sent to Reserve, shall, on application for resumption made within the prescribed period to the Revenue Court, be entitled to resume possession of the land sublet by him under sub-section (1).

(3) A landlord who is enrolled as a member of the Armed Forces shall, on discharge or retirement from service or on being sent to Reserve, be entitled to resume from any cultivating tenant possession of land which he had leased out on or after such enrolment for purpose of personal cultivation.

³[(4)(a) Any person desiring to resume any land under sub-section (2) or, as the case may be, under sub-section(3) (hereafter in this sub-section referred to as the applicant) shall apply to the Revenue Court and on receipt of such application, the Revenue Court shall, after giving a reasonable opportunity to the applicant and the person in possession of the land (hereafter in this sub-section referred to as the possessor) to make their representations, hold a summary inquiry into the matter and pass an order either directing the possessor to put the applicant in possession of the land or dismissing the application.

(b) Where a Revenue Court passes an order under clause(a) directing the possessor to put the applicant in possession of the land, the Revenue Court may impose such conditions as it may consider just and equitable including conditions in regard to the reimbursement, by the applicant, to the possessor in respect of the expenses incurred by the possessor or the labour contributed by him

1. Inserted vide Act No.6 of 1982 dt.31-5-1982.

2. Omitted vide Act No.6 of 1982 dt.31-5-1982.

3. Substituted by Act No. 6 of 1982 dt.31-5-1982.

on any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement ;

Provided that in lieu of imposing any condition relating to reimbursement under this clause, the Revenue Court may, in its discretion, postpone the restoration of the applicant, to possession of the land, until any crop which is being grown thereon at the time when the order is passes, has been harvested.]³

(5) where a member of the Armed Forces dies while in service, the special privileges conferred by this section on such member shall be available to the widow of such member, or any person dependent upon such member immediately before his death.

(6) The provisions of this section shall have effect notwithstanding anything inconsistent therewith contained in any other provision of this act or of any other Act.

1[* * *]

(7) If a question arises whether any person is a member of the Armed Forces or not such question shall be decided by the Government and the decision of the Government thereon shall be final.

Explanation.- For the purposes of this Act.-

(a) a "member of the Armed Forces' means-

(i) a person in the service of the Air Force, Army or Navy or the Union of India and includes a seaman :

(ii) a member of the Armed Forces who has been discharges or retired from service or who has been sent to Reserve is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land ; and

(b) a member of the Armed Forces in service shall be deemed to carry on personal cultivation on a land if such land is cultivated by the members of his family or by his own servants or by hired labour, with his own or hired stock.

Execution of lease

7.(1) In the case of every tenancy agreement entered in to after the coming into force of this Act between a cultivating tenant and a landlord, a lease deed shall be executed in triplicate in the prescribed form, within a reasonable time after the commencement of such tenancy, specifying the name and description of the cultivating tenant the name (if any), survey number, description and extent of the land leased out and the terms of the tenancy; and shall be signed both by the landlord or his agent and by the cultivating tenant. One of the three copies shall be kept by the landlord, one shall be kept by the cultivating tenant and the third shall be caused to be lodged in the Taluk Office or Sub-Taluk Office, as the case may be by the landlord or his agent within a fortnight of the date on which the cultivating tenant signs it ;

Provided that if the landlord or the cultivating tenant refuses or delays unreasonably to execute the lease deed, it shall be open to the cultivating tenant or the landlord, as the case may be, to lodge the deed in the Taluk Office or the Sub-Taluk Office, as the case may be, with a declaration that the other party has refused or delayed unreasonably to execute it.

1. Omitted by Act No.6 of 1982 dt.31-5-1982.

(2) No stamp need be affixed to the lease deed.

(3) In the case of any tenancy, if the landlord or his agent or the cultivating tenant refuses to sign or fails to lodge the lease deed in accordance with the provisions of sub-section (1) the Revenue Court may impose on the landlord or cultivating tenant, as the case may be, a penalty which may extend to fifty rupees; and any penalty so imposed may be recovered as if it were an arrear of land revenue.

Bar of jurisdiction of Civil Courts

8. No Civil Court shall, except to the extent specified in sub-section (3) of section 3, have jurisdiction in respect of any matter which the Revenue Court is empowered by or under this Act to determine and no injunction shall be granted by any Court in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Transfer of certain suits to the Revenue Court by Civil Courts.

9. If any suit before any court for possession of or injunction in relation to any land, it is proved by affidavit or otherwise that the defendant is a cultivating tenant entitled to the benefits of this Act, the Court shall not proceed with the trial of the suit but shall transfer it to the Revenue Court which shall thereupon deal with and dispose of it as though it were an application under this Act and all the provisions of this Act shall apply to such an application and the applicant.

Revision by the High Court

10. The Reserve Court shall be deemed to be a Court subordinate to the High Court for the purpose or section 115 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) and its orders shall be liable to revision by the High Court under the provisions of that section.

Transfer of application or other proceeding by High Court.

11.(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, of its own motion without such notice, the High Court may, at any stage, transfer any application or other proceeding under this Act pending before any Revenue Court for disposal to any other Revenue Court.

(2) Where any application or other proceeding has been transferred under sub-section (1), the Revenue Court which thereafter holds the enquiry may, subject to any special directions in the case of an order of transfer, either hold the inquiry **de novo** or proceed from the point at which the said application or other proceedings stood when it was transferred.

Surrenders

12. (1) No surrender of land made by a cultivating tenant after the commencement of this Act shall be valid unless it is made in such manner as may be prescribed.

(2) Where a surrender of land is made under sub-section (1) the rights of the cultivating tenant shall vest in the Government and the Government may assume the management of the land or settle another cultivating tenant thereon.

(3) Where the management of the land is assumed under sub-section (2) the Government shall be liable to pay to the landlord fair rent payable under the Pondicherry Cultivating tenants (Payment of Fair Rent) Act, 1970 and the liability of the cultivating tenant who has surrendered his

holding to pay the rent to the landlord in respect of that land shall cease from the date ¹[on which the management of the land is assumed by the Government]¹

Provided that nothing contained in this sub-section shall affect the liability of such tenant to pay rent in respect of any period before such date.

(4) Where in pursuance of surrender under sub-section (1), another cultivating tenant has been settled by the Government, ¹[the cultivating tenant so settled by the Government shall with effect on and from the date on which he has so settled, pay to the landlord fair rent as payable under the Pondicherry Cultivating tenant (Payment of Fair Rent) Act, 1970.

Abandonment by cultivating tenant

13. (1) No landlord shall enter on any land which has been abandoned by a cultivating tenant.

(2) If a cultivating tenant abandons his tenancy and ceases to cultivate his holding either by himself or by some other person the landlord of such tenancy shall, within thirty days of such abandonment, inform the Government in writing that the cultivating tenant has abandoned such tenancy and the Government shall, on receipt of such intimation, forthwith take possession of the land appertaining to such tenancy.

(3) The Government shall pay to the landlord fair rent payable under the Pondicherry Cultivating Tenants (Payment of Fair Rent) Act, 1970, for the land possessed by that Government under sub-section (2) from the date on which the Government takes possession of such land.

(4) The Government may settle any other cultivating tenant on any land possession of which has been taken under sub-section (2).

(5) The cultivating tenant settled under sub-section (4) shall pay the fair rent as payable under the Pondicherry Cultivating Tenants (Payment of Fair Rent) Act, 1970, directly to the landlord and the Government's liability under sub-section (3) with regard to the payment of fair rent for such land shall, on and from the date on which the cultivating tenant has been settled on the land, cease.

Landlord to take possession in specified cases

14. No landlord shall obtain possession of any land held by a cultivating tenant at the commencement of this Act, except where such tenant under section 12 or section 13, as the case may be.

Penalty

15. Whoever contravenes the provisions of section 13 shall, on conviction, be punishable with fine which may extend to two hundred and fifty rupees and the possession of the land shall be restored to the cultivating tenant.

Power to make rules

16.(1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly of Pondicherry while it is in session for a total period of fourteen days, which

1. Substituted by Act 9 of 1972, section 5, with effect from 10-4-1971.

may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that any such rule should not be made, that rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and saving

17.(1) As from the commencement of this Act, the Karaikal Tenants Protection Order, 1960 (hereinafter referred to as the said order), is hereby repealed.

(2) Nothing in sub-section (1) shall affect -

(a) the previous operation of the said order or anything duly done or suffered thereunder: or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said order : or

(c) any penalty incurred in respect of any offence committed against the said order : or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability or penalty as aforesaid :

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, may be imposed as if this Act had not been passed.

**THE PONDICHERRY LAND REFORMS
(FIXATION OF CEILING ON LAND) ACT, 1973**

LA GAZETTE DE LE'TAT DE PONDICHERRY

THE GAZETTE OF PONDICHERRY

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GOVERNMENT OF PONDICHERRY

LAW DEPARTMENT

Pondicherry, the 5th October, 1973.

The following Act of the Legislative Assembly, Pondicherry, received the assent of the President on the 22nd September, 1974 and is hereby published for general information : -

**THE PONDICHERRY LAND REFORMS
(FIXATION OF CEILING ON LAND) ACT, 1973**

(No.9 of 1974)

(22-9-1974)

AN ACT

to provide for the fixation of ceiling on agricultural land holdings and for certain other matters connected therewith in the regions of Pondicherry and Karaikal.

BE it enacted by the Legislative Assembly of Pondicherry in the Twenty-fourth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1.(1) This Act may be called the Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973.

(2) It extends to the regions of Pondicherry and Karaikal of the Union territory of Pondicherry.

(3) It shall come into force at once,

Definitions

2. In this Act, unless the context otherwise requires,-

(1) "agriculture" includes-

- (a) horticulture;
- (b) the raising of crops, grass or garden produce ;
- (c) the use by an agriculturist of land held by him, or part thereof, for grazing ;
- (d) the use of any land for the purpose of raising manure crops ;
- (e) dairy farming;
- (f) poultry farming ;
- (g) livestock breeding ;
- (h) growing of trees ;

and "agricultural" shall be construed accordingly ;

(2) "agricultural company" means any company formed for the purpose of carrying on any business that has for its main object the acquisition of gain by the company from agricultural land;

(3) "agricultural year" means the year commencing on the 1st April in any year and ending with the 31st March of the year next succeeding, provided that the Collector may, in respect of any crop, area or category of land, by notification, specify the year between such other dates, as he may deem fit, as an agricultural year;

(4) "appointed day" means the 24th day of January, 1971;

(5) "authorised officer" means any Gazetted Officer authorised by the Government by notification to exercise the powers conferred on, and discharge the duties imposed upon, the authorised officer under this Act for such area as may be specified in the notification:

(6) "ceiling area" means the extent of land which a person is entitled to hold under section 4

(7) "company" means a company as defined in section 3 of the Companies Act, 1956 ;

(8) "creditor" means a secured creditor and includes any decree-holder who has obtained an attachment of land in execution of a decree or order;

(9) "cultivating tenant" except in Chapter VI means a person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another, under an agreement express or implied on condition of paying rent therefor in cash or in kind or delivering or receiving a share of the produce and includes -

(i) any such person who continues in possession of the land after the determination of the agreement ;

(ii) the heir of such person, if the heir contributes his own physical labour or that of any member of his family in the cultivation of such land ;

(iii) a sub-tenant if he contributes his own physical labour or that of any member of his family in the cultivation of such land ;

(iv) any such sub-tenant who continues in possession of the land notwithstanding that the person who sub-let the land to such sub-tenant ceases to have the right to possession of such land; and

(v) a person who cultivates the land on payment of waram ;

but does not include a mere intermediary or his heir ;

(10) "family" in relation to a person, means the person, the wife or husband, as the case may be, of such person and his or her minor sons and unmarried daughters;

(11) "forest land" includes any waste land containing trees or shrubs;

(12) "full owner" means a person entitled to the absolute proprietorship of land;

(13) "Government" means the Administrator of the Union territory of Pondicherry appointed by the President under article 239 of the Constitution;

(14) "to hold land" with its grammatical variations and cognate expressions means to own land as owner or to possess or enjoy land as possessory mortgagee or as tenant or as intermediary or in one or more of those capacities ;

(15) "intermediary" means any person who, not being an owner or a possessory mortgagee, has an interest in land, and is entitled, by reason of such interest, to possession thereof, but has transferred such possession to others:

(16) "land" means agricultural land, that is to say, land which is used or capable of being used for agricultural purposes or purposes subservient thereto and includes forest land, pasture land, orchard and tope, but does not include house site or land used exclusively for non-agricultural purposes;

(17) "Land Commissioner" means the Secretary to Government, Revenue Department;

(18) "land owner" means the owner of the land let for cultivation by a tenant and includes the heirs, assignees, legal representatives of such owner or persons deriving rights through him;

(19) "Land Tribunal" means a Land Tribunal constituted under section 44;

(20) "limited owner" means any person entitled to a life estate in any land and includes persons deriving rights through him;

Explanation.- A person who has a right to enjoy the land during his life time shall be deemed to be a limited owner notwithstanding that he has no power to alienate the land.

(21) "member of the Armed forces" means a person in the service of the Air Force, Army or Navy of the Union of India:

Provided that if a question arises whether any person is a member of the Armed Forces, such question shall be decided by the Government and its decision thereon shall be final;

(22) "non-agricultural company" means a company other than an agricultural company ;

(23) "notification" means a notification published in the Official Gazette ;

(24) "notified date" means the date specified in the notification issued by the Government under sub-section (1) of section 7:

(25) "owner" means any person holding land severally or jointly or in common or in any way subject to the payment of revenue direct to the Government and includes full owner or limited owner;

(26) "person" includes any company, family, firm, society or association of individuals, whether incorporated or not or any private trust or public trust ;

(27) "possessory mortgagee" means a mortgagee entitled to the possession of the whole or part of the mortgaged property and to receive the rents and profits accruing from such property or any part of such rents and profits and to appropriate the same in lieu of interest or in payment of the mortgaged money or partly in lieu of interest or partly in payment of the mortgage money and "possessory mortgage" and "possessory mortgagor" shall be construed accordingly ;

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

(29) "private trust" includes a trust under which the beneficiaries are persons, who are ascertained or capable of being ascertained ;

(30) "public trust " means a trust for a public purpose of a religious, charitable or of an educational nature;

Provided that where the income from a public trust is substantially appropriated for the benefit of the founder of the trust or his heirs or of the family of the founder or of his heirs, such a trust shall be deemed to be a private trust notwithstanding the terms of the trust ;

(31) "religious institution " means any-

- (i) temple ;
- (ii) math ;
- (iii) mosque ; or
- (iv) church ;

which is dedicated to, or for the benefit of or used as of right by, the public as a place of religious worship ;

(32) "standard hectare" means-

(a) in the case of wet land,-

- (i) 1.0 hectare of wet land assessed to land revenue at a rate exceeding Rs.15 per hectare ;
- (ii) 1.2 hectares of wet land assessed to land revenue at a rate exceeding Rs.10 but not exceeding Rs.15 per hectare ;
- (iii) 1.4 hectares of wet land assessed to land revenue at a rate exceeding Rs.7 but not exceeding Rs.10 per hectare ;
- (iv) 1.6 hectare of wet land assessed to land revenue at a rate exceeding Rs.4 but not exceeding Rs.7 per hectare;
- (v) 1.8 hectares of wet land assessed to land revenue at a rate not exceeding Rs.4 per hectare;

(b) in the case of dry land,-

- (i) 2.0 hectares of dry land assessed to land revenue at a rate exceeding Rs.9 per hectare ;
- (ii) 2.5 hectares of dry land assessed to land revenue at a rate exceeding Rs.7 but not exceeding Rs.9 per hectare ;
- (iii) 3.0 hectares of dry land assessed to land revenue at a rate exceeding Rs.3 but not exceeding Rs.7 per hectare ;
- (iv) 3.6 hectares of dry land assessed to land revenue at a rate not exceeding Rs.3 per hectare.

Explanation I - For the purposes of this Act -

- (a) “dry land” means the land classed as waste or uncultivated ;
- (b) “wet”, “dry” and “waste or uncultivated “ respectively mean lands referred to as, “Terres A Nelly (Rizieres)” “Terres A Menu Grains” (Terres Vagues)” and “Terres Biosees on Incultes (Terres Vagues)” in the Deliberation of the Conseil General, dated the 24th December, 1933 enforced by the Arrete dated the 22nd August, 1934 ; and
- (c) “land revenue” means the land tax levied only in accordance with the deliberation referred to in clause (b).

Explanation II.- Where the land held by a person consists of more than one of the kinds of land specified in this clause, the extent of the land held by him shall, for the purposes of this Act, be reduced to standard hectares calculated according to the proportions specified therein ;

(33) “surplus land” means the land held by a person in excess of the ceiling area and declared to be surplus land under section 11 , section 12 or section 13 ;

(34) “tenant” means any person who has paid or has agreed to pay rent or other consideration for his being allowed by another to enjoy the land of the latter under a tenancy agreement, express or implied, and includes-

- (i) any such person who continues in possession of the land after the determination of the tenancy agreement ;
- (ii) the heirs, assignees, legal representatives of such person, or persons deriving rights through such persons ;
- (iii) a cultivating tenant ;

(35) “trust” means a private trust or a public trust.

Act to override other laws, contracts , etc.,

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom, usage or contract or decree or order of a Court or other authority.

CHAPTER II

FIXATION OF CEILING ON LAND HOLDINGS

Ceiling area

4. (1) (a) Subject to the provisions of Chapter VI, the ceiling area in the case of every person and in the case of every family consisting of not more than five members, shall be 6 standard hectares.

(b) The ceiling area in the case of every family consisting of more than five members, shall subject to the provisions of Chapter VI, be 6 standard hectares together with an additional 1.2 standard hectares for every member of the family in excess of five ;

Provided that the total extent of land held by any family shall in no case exceed twice the ceiling area referred to in clause (a).

(2) For the purposes of this section, all the lands held individually by the members of a family or jointly by some or all of the members of such family shall be deemed to be held by the family.

(3) (a) In calculating the extent of land held by a member of a family or by an individual person, the share of the member of the family or of the individual person in the land held by an undivided Hindu family or of the individual person in the land held by an un-divided Hindu family shall be taken into account.

(b) In calculating the extent of land held by a family or by an individual person, the share of the family or of the individual person in the land held by a firm, society or association of individuals (whether incorporated or not) or by a company (other than a non-agricultural company) shall be taken into account.

Explanation.- For the purposes of this section -

- (a) the share of a member of a family or of an individual person in the land held by an undivided Hindu family, and
- (b) the share of a family or of an individual person in the land held by a firm, society or association of individuals (whether incorporated or not) , or by a company (other than a non-agricultural company), shall be deemed to be the extent of land -
 - (i) which, in case such share is held on the appointed day would have been allotted to such member, person or family had such land been partitioned, or divided in proportion to the share held by such member, person or family, as the case may be, on such day ; or
 - (ii) which, in case such share is acquired in any manner whatsoever after the appointed day would be allotted to such member, person or family if a partition, or division in proportion to the share held by such member, person or family, were to take place on the date of the preparation of the draft statement under sub-section (1) of section 9.

(4) In calculating the extent of land held by any person, any land which was transferred by sale, gift or otherwise or partitioned by that person after the appointed day but before the commencement of this Act, shall be taken into account as if such land had not been transferred or partitioned, as the case may be.

(5) (a) The land held by the public trust referred to in the proviso to clause (30) of section 2 shall be deemed to be held by the founder of the trust or his heirs or the family of the founder or of his heirs.

(b) In calculating the extent of land held by such founder or his heirs or such family, the extent of the land held by the public trust shall be taken into account.

(6) In calculating the extent of land held by any person, the extent of land which may revert to such person immediately after the death of any limited owner shall, during the lifetime of the limited owner, be excluded.

Basis of calculation of the extent of land held by the founder of a public trust

5. (1) Where under the terms of a public trust any interest either in the land in respect of which the public trust is created or in the income from such land is reserved in favour of the founder of such public trust, the authorised officer shall declare the extent of land which bears to the total extent of land held on the appointed day in respect of which the public trust is created, the same proportion as such interest bears to the total interest in such land or the income therefrom.

(2) The extent of the land so declared under sub-section (1)-

(a) shall, with effect from the date of such declaration, be deemed to be held by the founder;

(b) shall be taken into account in calculating the extent of land held by him ; and

(c) shall cease to be the public trust property from the date of such declaration ;

but shall be subject to any other liability that may be subsisting on such land ;

Provided that the extent of such liability shall bear the same proportion to the entire liability as the extent so declared bears to the total extent.

Ceiling on holding land

(6) On and from the appointed day, no person shall, except as otherwise provided in this Act, but subject to the provisions of Chapter VI, be entitled to hold land in excess of the ceiling area:

Provided that in calculating the total extent of land held by any person, the authorised officer may, for reasons to be recorded in writing permit any person to hold land in excess of the ceiling area if the extent of excess of land does not exceed 0.2 hectare in the case of wet land and 0.4 hectare in the case of dry land.

Furnishing of return by persons holding land in excess of ceiling area

7 (1) Within thirty days from such date as may be specified in the notification issued by the Government in this behalf, every person, who, on the appointed day, held land in excess of the ceiling area shall, in respect of all land held by such person on such day, furnish to the authorised officer within whose jurisdiction the holding of such person or the major part thereof is situated, a return containing the following particulars, namely :-

(i) particulars of all the land ;

(ii) particulars of the members of the family and of the land held by each member of the family ;

(iii) particulars of any interest either in the land held by a trust or in the income from such land reserved in his favour or in favour of any member of his family;

- (iv) particulars of the encumbrances, if any, over the land together with the name and address of the creditor;
- (v) particulars of any pending litigation respecting the land or part thereof ;
- (vi) particulars of the land which such person desires to retain within the ceiling area and the land which he desires to be declared as surplus land ;
- (vii) particulars of land held by tenant, if any, and the name and address of such tenant
- (viii) such other particulars as may be prescribed.

Explanation I - In the case of a member of the Armed Forces, the reference to thirty days shall be deemed to be a reference to one year.

Explanation II - Where land is held by -

- (a) an individual, the return shall be furnished by him or any person authorised by him in writing in this behalf.
- (b) a person who is a minor, lunatic, idiot, or is subject to a like disability , the return shall be furnished by the guardian, manager or other person in charges of such person or of the property of such person.
- (c) a company or other corporate body, the return shall be furnished by any person competent to act for such company or body in this behalf.

Explanation III - Where land is held by a family, the return shall be furnished by the person in management of such family or of the property of such family and the return so furnished shall be binding on the other members of the family ;

Provided that the authorised officer shall give to the other members of the family a reasonable opportunity of making their representations and of adducing evidence, if any, in respect of such return and shall consider such representations and evidence before the preparation of the draft statement under sub-section (1) of section 9.

Explanation IV - Where in a family both husband and wife hold land separately and the aggregate of such land exceeds the ceiling area ; the extent of land to be declared surplus by each of them shall bear the same proportion to the extent of land held by them.

(2) The notification referred to in sub-section (1) shall contain such particulars and shall be published in such manner as may be prescribed.

Collection of information

8. (1) If any person who has held land in excess of the ceiling area fails to furnish the return under section 7 or furnishes an incorrect or incomplete return under that section, the authorised officer may, by notice, require such person to furnish the return or the additional particulars, as the case may be, within the time specified in the notice, or within such further time not exceeding thirty days as the authorised officer may allow.

(2) (a) Where any person, on whom notice under sub-section (1) has been served, fails to furnish the return, or the additional particulars, as the case may be, within the time specified in that notice, or within the further time allowed by the authorised officer under sub-section (1), the authorised officer may obtain in such manner as may be prescribed the necessary information either by himself or through such agency as he thinks fit.

(b) The authorised officer shall, as soon as may be, after obtaining the information under clause (a) give to the person concerned a reasonable opportunity of making his representation and of adducing evidence, if any, in respect of such information and consider any such representation and evidence and pass such orders as he deems fit.

Preparation and publication of draft statement as regards land in excess of the ceiling area

9. (1) (a) On the basis of the return furnished under sub-section(1) of section 7 and on the basis of the representation and evidence under the proviso to Explanation III to sub-section (1) of section 7 or on the basis of the return furnished under that sub-section, or on the basis of the information obtained by the authorised officer under clause (a) of sub-section (2) of section 8 and the orders passed on the representation and the evidence, if any, under clause (b) of sub-section (2) of section 8, as the case may be, the authorised officer shall, subject to the provisions of sub-sections (2), (3) and (4) and after making such inquiry as he deems fit, prepare a draft statement in respect of each person holding or deemed to have held land in excess of the ceiling area.

(b) The draft statement prepared under clause (a) shall contain the following particulars namely :-

(i) the name and address of the person ;

(ii) particulars of all land held by such person and the total extent of such land ;

(iii) particulars of the members of the family and of the stridhana land held by each female member of the family ;

(iv) particulars of any interest either in the land held by a trust or in the income from such land reserved in his favour or in favour of any member of his family;

(v) particulars of encumbrances, if any, over the land together with the name and address of the creditor ;

(vi) particulars of the land which such person desires to retain within the ceiling area:

(vii) the extent of the ceiling area of the person ;

(viii) particulars of the land which may be comprised within the ceiling area ;

(ix) particulars of the land held by tenant, if any, and the name and address of such tenant ;

(x) particulars of the land proposed to be declared as surplus land :

(xi) such other particulars as may be prescribed.

2 (a) For the purpose of calculating after the appointed day the ceiling area of a family holding land on the appointed day in excess of 6 standard hectares, the authorised officer shall take into account only those members of that family who are alive on the notified date.

(b) For the purpose of calculating after the appointed day, the ceiling area of any other family, the authorised officer shall take into account only those members of that family who are alive on the date of the preparation of the draft statement under sub-section (1).

(3). If any person fails to specify the particulars of the land which he desires to retain within his ceiling area, the authorised officer shall, as far as practicable, specify in the draft statement, the land which is capable of easy and convenient enjoyment as the land to be retained by such person within his ceiling area.

(4) If any person has specified the particulars of the land which he desires to retain within his ceiling area, the authorised officer shall, as far as practicable, declare the same land as comprised within his ceiling area;

Provided that where in the opinion of the authorised officer, the utility of any land or part thereof held by any person has been diminished by any wilful act of such person, after the appointed day, the authorised officer shall declare such land or any part thereof as comprised within his ceiling area;

Provided further that the authorised officer shall, subject to such conditions as may be prescribed, declare the share of any person in the land held by an agricultural company, a co-operative society or a land mortgage bank, or any part of such share as comprised within the ceiling area ;

Provided also that subject to the above provisions the land which the authorised officer proposed to declare as surplus land under clause (x) of sub-section (1) shall, as far as practicable, be such as is capable of easy and convenient enjoyment.

(5) The draft statement shall be published in such manner as may be prescribed and a copy thereof shall be served on the persons concerned, the tenants, creditors and all other persons who in the opinion of the authorised officer are interested in the land to which such draft statement relates, together with a notice stating that any objection to the draft statement shall be preferred within thirty days from the service of such notice.

(6) (a) The Authorised Officer shall duly consider any objection received within the time specified in the notice referred to in sub-section (5) from the persons on whom a copy of the draft statement has been served or any objection received within thirty days from the date of the publication of the draft statement from any other person.

(b) The Authorised Officer shall, after giving the objector a reasonable opportunity of being heard and of adducing evidence, if any, and subject to such rules as may be made under this Act, pass such orders as he deems fit.

Authorised officer to decide question of title in certain cases

10. (1) If while considering the objections received under sub-section (5) of section 9 or otherwise, the authorised officer finds that any question has arisen regarding the title of a person to any land and such question has not already been finally determined by, or is not pending before, a competent court, the Land Tribunal or other authority the authorised officer may, subject to the provisions of sub-section (2) , decide such question summarily in such manner as may be prescribed and may pass such order as he deems fit.

(2) Where in the opinion of the Authorised Officer the decision of a question under sub-section (1) involves a substantial question of law or of fact, he shall, for reasons to be recorded in writing, refer the question to the Land Tribunal.

(3) The order of the Authorised Officer under sub-section (1) shall not be subject to any appeal or revision but any party may, within three months from the date of service of a copy of such order, institute a suit in the Land Tribunal within whose jurisdiction the land or the major part thereof is situated to have the order set aside or modified but subject to the final result of such suit, if any, the order of the authorised officer shall be final.

Publication of final statement

11. (1) After the disposal of the objections, if any, preferred under sub-section (5) of section 9, and after passing the order, if any, under sub-section (1) of section 10, the authorised officer shall, subject to the provisions of this Act and the rules made thereunder, make necessary alterations in the draft statement in accordance with the order passed on the objections aforesaid and the order, if any, passed under sub-section (1) of section 10, and shall declare the surplus land held by each person.

(2) The authorised officer shall thereafter publish in such manner as may be prescribed a final statement specifying therein the entire land held by each person, the land to be retained by him within the ceiling area and the land declared to be surplus land and such other particulars as may be prescribed and cause a copy thereof to be served on the persons referred to in sub-section (5) of section 9.

(3) The statement referred to in sub-section (2) shall, subject to the provisions of section 13, be conclusive evidence of the facts stated therein.

Exclusion of certain land from calculation of ceiling area

12. (1) Notwithstanding anything contained in sections 10 and 11, the authorised officer shall, in calculating the extent of land held by any person, exclude the land in respect of which any question of title is pending before a competent court, or the Land Tribunal or other authority and where after such exclusion the land held by such person is in excess of the ceiling area, he shall declare the land in excess to be surplus land.

(2) The land so declared as surplus land shall be incorporated in the final statement published under section 11.

Amendment of final statement in certain cases

13. (1) As soon as may be, after the final disposal of the suit or other proceeding or suit relating to the question of title of any land excluded under section 12, the Authorised Officer shall-

- (i) amend the final statement published under section 11, or
- (ii) where there is no such final statement, prepare a final statement, if necessary, under section 11

in accordance with the decision of the court or the Land Tribunal or other authority, as the case may be.

(2) The final statement amended or prepared under sub-section (1) , shall be published in such manner as may be prescribed and the authorised officer shall cause a copy of the final statement as so amended or prepared to be served on the persons referred to in sub-section (5) of section 9.

Powers to rectify bona fide mistakes and clerical errors

14. Notwithstanding anything contained in section 11 and 12, the authorised officer may, either of his own motion or on the application of any of the parties,-

- (a) if he is satisfied that a *bona fide* mistake has been made in regard to any entry in the final statement published under section 11 or section 13, make the necessary corrections therein ;

(b) at any time, correct any clerical or arithmetical mistake in regard to any entry in such final statement.

**Possession of land held by possessory mortgagee to
revert to the possessory mortgagor in certain cases**

15. (1) Where any land held by any person as possessory mortgagee is in excess of the ceiling area of such person, the possession of the land in such excess shall, with effect from the date of publication of final statement under section 11 or section 13 -

(a) in any case where the total holding of the possessory mortgagor is not in excess of the ceiling area, revert to the possessory mortgagor ;

(b) in any case where the total holding of the possessory mortgagor is in excess of the ceiling area, and where he desires the land mortgaged by him or any part thereof to be included within his ceiling area in the return furnished by him under section 7 revert to him subject to the condition that the land so reverted together with the other land held by him does not exceed the ceiling area.

(2) Where the possession of the land in excess held by a possessory mortgage or any part thereof does not revert to the possessory mortgagor under sub-section (1) , the Government may acquire such land under section 17.

(3) (a) (i) The possessory mortgagor to whom possession of the land mortgaged reverts under sub-section (1), shall pay the mortgage money due to the possessory mortgagee in respect of that land.

(ii) Where possession of a part only of the land mortgaged reverts to the possessory mortgagor under sub-section (1) , the possessory mortgagor shall pay to the possessory mortgagee such amount of the mortgage money as bears to the entire amount of the mortgage money, the same proportion as the value of the part aforesaid on the date of such reversion bears to the value of the entire extent of the land mortgaged on the said date.

(iii) Where no agreement can be reached in respect of the mortgage money payable under sub-clause (i) or sub-clause (ii) , the authorised officer shall, subject to the provisions of sub-clause (iv) and after making such inquiry as he deems fit, decide the amount so payable.

(iv) Where in the opinion of the authorised officer the decision of a question under sub-clause (iii) involves a substantial question of law or of fact, he shall, for reasons to be recorded in writing, refer the question to the Land Tribunal.

(b) The land or any part thereof, the possession of which reverts to the possessory mortgagor under sub-section (1) , shall be the security for the payment of the mortgage money.

(Central Act 36 of 1963)

(c) The mortgage money referred to in clause (a) shall, for the purpose of article 62 of the Schedule to the Limitation Act, 1963 , be deemed to have become due with effect from the date of reversion under sub-section (1) , and shall carry interest at the rate of five and a half per centum per annum from the said date.

(4) Where the possession of any land or any part thereof is likely to revert to the possessory mortgagor under sub-section (1), the authorised officer shall first fix the ceiling area of the possessory mortgagee.

Possession of land held by tenant to revert to the land owner in certain cases

16. (1) Where any land held by any person as tenant is in excess of the extent of land which he is entitled to hold under section 4, the possession of the land in such excess shall, with effect from the date of publication of the final statement under section 11 or section 13, revert to the land owner to the extent to which the land of the land owner himself is not liable to be declared as surplus land in accordance with the provisions of this Act.

(2) Where in respect of any land, the possession of which reverts to the land owner under sub-section (1), the contract of tenancy provides for the continuance of the tenancy after the expiry of the agricultural year immediately succeeding the date of such reversion, such land owner shall pay to the tenant an amount equivalent to one eighth of the fair rent calculated in the manner specified in paragraph 4 of Part I of Schedule I and out of such amount, three- fourths shall be paid to the cultivating tenant and one-fourth to the intermediary, if any.

(3) If any dispute arises in regard to the amount payable under sub-section (2), either party may make an application to the authorised officer within whose jurisdiction the land or the major part thereof is situated. for deciding such dispute and the authorised officer shall decide such dispute in accordance with such procedure as may be prescribed.

Acquisition of surplus land

17. (1) After the publication of the final statement under section 11 or section 13, the Government shall, subject to the provisions of sections 15 and 16, publish a notification to the effect that the surplus land is required for a public purpose.

(2) As soon as may be after the publication of a notification under sub-section (1), the authorised officer shall --

- (a) cause to be published in every village or town in which any part of the land specified in such notification is situated a proclamation containing the terms of the notification :
- (b) cause a copy of the notification to be served on the persons concerned, the creditors, persons whose names appear in the final statement published under section 11 or section 13 and such other persons as may be specified in the rules made under this Act.

(3) on the publication of the notification under sub-section (1), the land specified in the notification together with the trees standing on such land and building, machinery, plant, apparatus, wells, filter points or power lines constructed, erected or fixed on such land and used for agricultural purposes shall, subject to the provisions of this Act, be deemed to have been acquired for a public purpose and vested in the Government free from all encumbrances with effect from the date of such publication and all right, title and interest of all persons in such land shall, with effect from the said date, be deemed to have been extinguished:

Provided that where there is any crop standing on such land on the date of such publication, the authorised officer may, subject to such conditions as may be prescribed, permit the harvest of such crop by the person who had raised such crop.

(4) Subject to the rules made under sub-section (5), the authorised officer may, at any time after the publication of the notification under sub-section (1), take possession of any land specified in the said notification.

(5) (a) The Government may make rules -

(i) specifying the classes of tenants, who may be allowed to continue in possession of the land :

(Act 11 of 1965 ; Madras Act of 1934)

(ii) permitting any co-operative society registered or deemed to have been registered under the Pondicherry Co-Operative Societies Act, 1965 or any land mortgage bank to which the Madras Co-operative Land Mortgage Banks Act, 1934 in its application to the Union territory of Pondicherry applies or any agricultural company to continue in possession of the land notwithstanding anything contained in sections 4 and 6, even after the publication of the notification under sub-section (1).

(b) The rules to be made under clause (a) may also provide -

(i) for the conditions subject to which the persons referred to in sub-clause (i) and sub-clause (ii) of clause (a) may continue in possession of the land ;

(ii) that the share of a member of the co-operative society in such land together with his other land, if any, or if he is a member of a family, together with the land owned by the members of his family, if any, does not exceed the ceiling area.

Direction by Land Commissioner

18. Where for any reason, the extent of any land held by any person has not been included in the total extent of the land held by such person for the purposes of this Act, the land Commissioner may, at any time, direct the authorised officer to include such land in such total extent and the ceiling area shall be calculated in accordance with the provisions of this Act, and accordingly, the provisions of section 8 and the other provisions of this Act shall, as far as may be, apply as if the extent of the land so included were mentioned in the return required to be furnished under section 7.

CHAPTER III

CEILING ON FUTURE ACQUISITION AND RESTRICTION ON CERTAIN TRANSFERS

Declaration to be made before the registering authority in certain cases.

19 (1) On or after the notified date, no document relating to any transfer of land either by sale, gift, exchange, lease, possessory mortgage, surrender, agreement, settlement or otherwise, shall be registered unless a declaration in writing is made in duplicate in such form as may be prescribed and filed by the transferee before the registering authority under the Registration Act, 1908 as to the total extent of land held by him.

(2) The registering authority referred to in sub-section (1) shall forward within such time and in such manner as may be prescribed one copy of the declaration referred to in sub-section (1) to the authorised officer within whose jurisdiction the land which is the subject matter of the transfer or the major part thereof is situated.

(3) On receipt of the copy of the declaration under sub-section (2), the authorised officer may obtain such information as may be necessary and take such action as he deems fit in accordance with the provisions of this Act, and in accordance with such rules as may be made in this behalf.

Penalty for future acquisition in contravention of section 6

20 (1) If, as a result of any transfer of land either by sale, gift (other than gift made in contemplation of death), exchange, surrender, agreement, settlement or otherwise effected on or after the notified date, the extent of land held by the transferee exceeds the ceiling area, then, the right, title or interest accrued in his favour by virtue of such transfer in the land in excess of the ceiling area shall, as a penalty for contravention of the provisions of section 6, be deemed to have been transferred to the Government with effect from the date of such transfer, on a declaration made by the authorised officer within whose jurisdiction such excess land or the major part thereof is situated and the authorised officer shall record in writing the reasons for such declaration :

Provided that —

(a) no such declaration shall be made unless the transferor and the transferee have been given a reasonable opportunity of being heard and of adducing evidence, if any ;

(b) the transferee shall be liable for payment of the consideration for, and to discharge other liabilities under, such transaction and the transferor shall have no claim for such consideration against the Government, otherwise than in respect of such land ;

(c) no suit or other proceeding by the transferee shall lie in any court for the refund of the consideration for any such transaction.

Explanation - For the purposes of this sub-section, “transfer” does not include inheritance, bequest, lease or possessory mortgage.

(2) The Government may make rules, providing for the manner in which any right, title or interest transferred to the Government under sub-section (1) shall be disposed of.

Ceiling on future acquisition by inheritance, bequest or by sale in execution of decree, etc.

21. (1) If, on or after the appointed day --

(a) any person acquires by inheritance or bequest from any person ;

(b) but before the notified date, any person acquires by sale in execution of a decree or order of a civil court or of an award or order of a civil court or of an award or order of any other lawful authority, any land, which, together with the land, if any, already held by him, exceeds in the aggregate the ceiling area, then he shall, within ninety days from the notified date or from the date of such acquisition, whichever is later, furnish to the authorised officer within whose jurisdiction his holding or the major part thereof is situated, a return containing the following particulars, namely :-

(i) particulars of the land already held by him and those of the land so acquired ;

(ii) particulars of the land which he desires to retain within the ceiling area:

(iii) particulars of the date of acquisition ;

(iv) particulars of the manner of acquisition and of the documents, if any, under which such acquisition was made ;

(v) the name and description of the person who held the land immediately before the date of acquisition;

(vi) particulars of the land held by tenant, if any, and the name and address of such tenant and

(vii) such other particulars as may be prescribed.

Explanation.- In this sub-section, "bequest" shall include gift made in contemplation of death,

(2) If, as a result of marriage or adoption on or after the appointed day, the extent of land held by any person exceeds in the aggregate the ceiling area, then, he shall, within ninety days from the notified date or from the date of marriage or adoption, as the case may be, whichever date is later, furnish to the authorised officer within whose jurisdiction his holding or the major part thereof is situated, a return containing the following particulars, namely.-

(i) particulars of the land held before the date of the marriage or adoption ;

(ii) particulars of the land held after the date of marriage or adoption ; and

(iii) such other particulars as may be prescribed.

(3) If he fails to furnish the return or furnishes an incorrect or incomplete return within the period specified in sub-section (1) or sub-section (2) , the provisions of section 8 and other provisions of this Act shall, as far as may be, apply as if it were a return required to be furnished under section 7.

Restriction on transfer of land by a person

22. (1) Except where a person is permitted in writing, by the authorised officer, a person, holding land in excess of the ceiling area applicable to him under section 4, shall not, after the commencement of this Act, transfer by sale, gift or otherwise or make any partition of any land held by him or any part thereof until the excess land, which is to be acquired by the Government under section 17, has been determined and taken possession of by or on behalf of the Government.

(2) (a) If any person makes any transfer, whether by sale, gift or otherwise, of any land in contravention of the provisions of sub-section (1) : the Government may, in the first instance, take possession of land, equal in area to the land which is to be acquired by the Government, from out of the land held by such person, and where such recovery from the person is not possible from the transferee.

(b) Where there are more transferees than one, the deficiency of the surplus area shall be made up from each of the transferees in proportion to the land transferred to them.

(3) Any person who transfers any land in contravention of the provisions of sub-section (1) shall be punishable with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months or with both.

CHAPTER IV

PERMISSION BY GOVERNMENT TO HOLD LAND IN EXCESS OF CEILING AREA BY INDUSTRIAL OR COMMERCIAL UNDERTAKINGS

Industrial or commercial undertakings to apply to Government for permission to hold-land in excess of ceiling area.

23. (1) If any industrial or commercial undertaking desires to hold or acquire any land in excess of the ceiling area for non-agricultural purposes, it shall make an application to the Government for permission to hold or acquire such land and every such application shall be in writing and shall contain such particulars as may be prescribed.

Explanation.- In this section, “industrial or commercial undertaking” means any industrial or commercial undertaking (other than a co-operative society) which *bona fide* carries on any industrial or commercial operation.

(2) The Government may, subject to the provisions of sub-section (3), grant the permission for the whole or part of the land specified in the application subject to such conditions as it may specify or refuse to grant such permission. The order granting such permission shall contain the particulars of the land in respect of which such permission is granted.

(3) The Government shall, in deciding whether to grant or refuse the permission under sub-section (2) , take into consideration the following factors, namely -

- (a) the nature of the industrial or commercial operation ;
- (b) whether the excess land is required for immediate use or use in future ; and
- (c) such other particulars as may be prescribed.

(4) The Government may cancel the permission in respect of any land granted under this section on the breach of any condition specified by the Government.

Provided that no application under sub-section (3) shall be refused or permission under sub-section (4) cancelled unless the party who may be affected by such refusal or cancellation has been given a reasonable opportunity for making a representation in the matter.

CHAPTER V

DETERMINATION OF AMOUNT FOR ACQUIRING SURPLUS LAND

Determination of amount for land acquired by Government

24. (1) Every person whose right, title or interest in any land is acquired by the Government under Chapter II shall subject to the provisions of section 28, be paid an amount according to the rate specified in Schedule I.

(2) Any person claiming any amount under sub-section (1) may, within thirty days from the date of publication of the notification under sub-section (1) of section 17 prefer the claim before the authorised officer in such form and containing such particulars as may be prescribed.

(3) (a). The authorised officer shall determine the amount at the rate specified in Schedule I and prepare a draft assessment roll in such manner and containing such particulars as may be prescribed indicating the amount so determined and shall cause it to be published together with-

(i) a statement that the amount specified therein is the entire amount payable for all interests in the land and that subject to the other provisions of this Act, the persons named therein are the only persons who are entitled thereto in the proportion stated therein, and

(ii) a notice stating that objections, if any, in respect of any entry in the draft may be preferred by any person in such manner as may be prescribed within thirty days from the date of publications:

Provided that the authorised officer may allow such further time not exceeding thirty days.

(b) The authorised officer shall cause to be served on the persons whose names appear in the draft assessment roll a copy of the draft together with a copy of the statement and of notice referred to in clause (a).

(4) The authorised officer shall consider any objection which may be preferred under sub-section (3) and after giving the parties a reasonable opportunity of being heard and of adducing evidence, if any pass such order as he thinks fit and record the reasons therefor.

(5) When such objection, if any, in regard thereto has been finally disposed of, the authorised officer shall make such alteration in the draft assessment roll as may be necessary to give effect to any order made in regard to the objection and shall cause the draft so altered to be published finally in such manner as may be prescribed.

(6) If no objection is preferred within the period specified in the notice published under sub-section (3) or within the further time allowed by the authorised officer under that sub-section, the authorised officer shall cause the draft compensation assessment roll to be published finally in such manner as may be prescribed.

(7) Every entry in the assessment roll published finally under sub-section (5) or sub-section (6) shall, except as provided in this Act, be final and conclusive evidence of --

(a) the matters referred to therein ;

(b) the nature of the interest of the person named therein; and

(c) the apportionment of the amount among the persons claiming interest thereto.

(8) When the assessment roll has been published finally under sub-section (5) or sub-section (6), the authorised officer shall, within such time as may be prescribed, endorse a certificate thereon stating the date of the final publication thereof and shall date and subscribe the same with his name and official designation and such certificate shall be conclusive proof of such publication and the date of such publication.

(9) The authorised officer may, if he is satisfied either of his own motion or on the application of any of the parties that a *bona fide* mistake has been made in regard to any entry in the assessment roll as published finally, make necessary correction therein and on such correction being made, the provisions of sub-section (3) to (8) shall, as far as may be, apply thereto.

(10) Notwithstanding anything contained in sub-section (9), the authorised officer may, at any time, correct either of his own motion or on the application of any of the parties any clerical or arithmetical mistake in regard to any entry in the assessment roll as published finally,

Claims of mortgagee or charge holder on surplus land

25. (1) (a) Where any surplus land acquired under the provisions of this act is subject to a mortgage or charge subsisting on the date of the acquisition, the mortgagee or the charge holder shall, where the amount due to him or part thereof can be fixed by agreement, be paid such amount or part.

(b) Where no such agreement can be reached, the mortgagee or the charge holder shall within sixty days from the date of the acquisition, prefer a claim in such manner as may be prescribed before the authorised officer who shall subject to the provisions of sub-section (3), decide the claim in such manner as may be prescribed and record the reasons for the decision.

(2) Where there are more claimants than one, the authorised officer shall settle the order in which each claimant is entitled to receive the amount due to him, and in doing so he shall be guided by the appropriate provisions of the Transfer of Property Act, 1882.

(3) Where in the opinion of the authorised officer the decision of a claim under sub-section (1) or sub-section (2) involves a substantial question of law or of fact, he shall, for reasons to be recorded in writing, refer the claim to the Land tribunal for decision.

(4) If the amount of claim allowed to the mortgagee or the charge holder by the authorised officer exceeds the amount payable under section 24, the entire amount shall be paid to the mortgagee or the charge holder, as the case may be, and the balance may be recovered by the mortgagee or the charge holder in accordance with law for the time being in force.

Claims of limited owner on surplus land

26.(1) Where any surplus land acquired under the provisions of this Act is held by a limited owner on the date of the acquisition, the amount payable in respect of such surplus land under section 24 shall, subject to such conditions as may be prescribed, be kept in deposit before such authority as may be prescribed, and the authorised officer shall direct payment of the interest accruing from the amount so deposited to the person or persons who would, for the time being, have been entitled to the possession of the said land:

Provided that where the limited owner has created an encumbrance over the surplus land referred to in this section, the whole or any portion of the interest aforesaid shall be paid to the encumbrancer, to the extent to which the encumbrancer is entitled and the balance shall be paid to the person or persons who would, for the time being, have been entitled to the possession of the said land.

(2) The amount referred to in sub-section (1) shall remain so deposited until the same is paid to any person or persons becoming absolutely entitled thereto.

Claims of maintenance holder on surplus land

27. Where any surplus land acquired under the provisions of this Act is on the date of the acquisition subject to a charge for payment of maintenance to another, the amount payable in respect of such surplus land under section 24 shall, subject to such conditions as may be prescribed, be kept in deposit before such authority as may be prescribed, and such amount shall be deemed to be substituted security and shall continue to remain such security till the death of the maintenance-holder or till the right to receive maintenance cease to exist or till the liability to pay maintenance is discharged.

Payment of amount to certain tenants

28. (1) Where the contract of tenancy provides for the continuance of the tenancy in respect of any surplus land that vests in the Government under section 17, after the expiry of the agricultural year immediately succeeding the date of such vesting, the tenants shall be entitled to the payment of such amount as is specified in Schedule II :

Provided that such tenant shall not be entitled to any amount in respect of such surplus land also under sub-section (1) of section 24.

(2) The amount referred to in sub-section (1) shall be apportioned between the cultivating tenant and the intermediary concerned in the manner specified in Schedule II.

Manner of payment of amount

29 (1) The amount payable as finally determined under this Act shall, within such period as may be prescribed, be paid in cash either in one lump or in annual installments, not exceeding three, together with interest at six per cent per annum.

(2) The interest shall be paid -

- (i) in the case of any land held by any persons referred to in sub-clause (i) or sub-clause (ii) or clause (a) of sub-section (5) of section 17, with effect from the date of publication of notification under sub-section (1) of that section; and
- (ii) in any other case, with effect from the date of taking possession of the land under sub-section (4) of section 17.

CHAPTER VI

CULTIVATING TENANTS' CEILING AREA

Definition

30. In this Chapter, "cultivating tenants ceiling area" means 2 standard hectare held by any person partly as cultivating tenant and partly as owner or wholly as cultivating tenant.

Explanation.- For the purpose of this Chapter "cultivating tenant" includes any tenant who is in actual possession of land but does not contribute his own physical labour or that of any member of his family in the cultivation of such land.

Person holding land as cultivating tenant to furnish return in certain cases.

31. (1) Every cultivating tenant who holds on the notified date land in excess of the cultivating tenant's ceiling area shall, within ninety days from the said date, furnish to the authorised officer a return containing the following particulars, namely: -

- (i) particulars of the land, if any, which he holds as owner ;
- (ii) particulars of the land which he holds as cultivating tenant ;
- (iii) particulars of the name and address of the land owner concerned ; and
- (iv) such other particulars as may be prescribed.

(2) If any cultivating tenant who has held land in excess of the cultivating tenant's ceiling area, fails to furnish the return under sub-section (1) or furnishes an incorrect or incomplete return under that sub-section, the authorised officer may, by notice, require such cultivating tenant to furnish the return or the additional particulars as the case may be, within the time specified in the notice or within such future time not exceeding thirty days as the Authorised Officer may, in his discretion allow.

(3) (a) Where any cultivating tenant on whom notice under sub-section (2) has been served fails to furnish the return or the additional particulars, as the case may be, within the time specified in that notice or within the further time, if any, allowed by the authorised officer under that sub-section, the authorised officer may obtain in such manner as may be prescribed the necessary information other by himself or through such agency as he thinks fit.

(b) The authorised officer shall, as soon as may be after obtaining the information under clause (a), give to the cultivating tenant concerned a reasonable opportunity of making his representation and of adducing evidence, if any, in respect of such information and consider any such representation and evidence and pass such orders as he deems fit.

Authorised officer to take possession of land in excess of cultivating tenant's ceiling area

32. On the basis of the return furnished under sub-section (1) of section 31 or on the basis of the return furnished under sub-section (2) of that section, and the additional particulars, if any, furnished under that sub-section, or on the basis of the information obtained by the authorised officer under clause (a) of sub-section (3) of section 31 and the order passed on the representation and the evidence, if any, under clause (b) of sub-section (3) of that section, the authorised officer shall subject to such rules, as may be made in this behalf and subject to the rights of the owner of the land, take possession on behalf of the Government, of the land held by the person, as cultivating tenant and in excess of the cultivating tenant's ceiling area:

Provided that the authorised officer shall not take possession of such land unless he has given the land owner and the cultivating tenant concerned a reasonable opportunity of being heard in the matter :

Provided further that the authorised officer shall give in such manner as may be prescribed not less than three months notice in writing intimating the cultivating tenant of his decision to take possession of the land and the notice shall expire with the end of the agricultural year in which such notice given :

Provided also that the authorised officer may, for reasons to be recorded in writing permit the possession of the land held by the person as cultivating tenant and in excess of the cultivating tenant's ceiling area, if the total extent of such excess land does not exceed 0.2 hectare in the case of wet land and 0.4 hectare in the case of dry land :

Provided also that where there is any crop standing on such land on the date of the expiry of the notice aforesaid, the authorised officer may postpone taking possession of the land and permit the harvest of such crop by the person who had raised such crop.

Liability of Government to pay rent

33. (1) With effect on and from the date on which the authorised officer takes possession of the land under section 32, the Government shall be deemed to be the tenant of the owner of the land

(2) In respect of land referred to in sub-section (1), the Government shall be liable to pay annually to the owner of such land fair rent as calculated in the manner specified in paragraph 4 of Part I of Schedule I and such rent shall be paid in cash or in kind accordance with such rules as may be made under this Act.

(3) If any dispute arises in regard to the rent payable under sub-section (2), either party may make an application to the Land Tribunal within whose jurisdiction the land referred to in sub-section (1) or the major part thereof is situated for deciding such dispute.

Authorised Officer to distribute possession of land

34. (1) The authorised officer shall distribute possession of the land, the possession of which he has taken under section 32, to the landless persons preferably persons belonging to the Scheduled castes and Scheduled Tribes or to persons holding land below the cultivating tenant's ceiling area.

(2) (a) The distribution under sub-section (1) shall be in accordance with such rules as may be made under this Act and subject to such conditions as may be prescribed.

(b) The rules made under clause (a) may also provide for the manner of recovery of any amount due to the Government from, and the manner of evicting, the person to whom such distribution made.

¹ [Power of the Government to reserve land for other public purposes.

34 - A. Notwithstanding anything contained in section 34, the Government may, if it considered necessary that any surplus land, the possession of which the authorised officer has taken under section 32, is required for any public purpose, reserve such land for such purpose.]

Authorised officer empowered to summarily dispossess persons in certain cases.

35. The authorised officer may summarily dispossess:

- (i) any person to whom any land has been distributed under section 34, if such person fails to comply with the conditions subject to which the distribution was made, or contravenes any rule made under this Chapter :
- (II) any other person occupying such land except in accordance with the provisions of this Chapter or the rules made thereunder.

Amount payable to tenants in certain cases

36. (1) Where, in respect of any land the possession of which has been taken by the authorised officer under section 32, the contract of tenancy provides for the continuance of the tenancy after the expiry of the agricultural year immediately succeeding the date of taking such possession, the Government shall pay to the tenant such amount as is provided in sub-section (2).

(2) The amount payable to any tenant under sub-section (1) shall be one-eighth of the fair rent for the land calculated in the manner specified in paragraph 4 of Part I of Schedule I and out of such amount, three-fourths shall be paid to the cultivating tenant and one-fourth to the intermediary, if any,

(3) If any dispute arises in regard to the amount payable under sub-section (2) , either party may make an application to the Land Tribunal within whose jurisdictions the land or the major part thereof is situated and the Land Tribunal shall decide such dispute in such manner as may be prescribed.

Certain claims for arrears of rent not to be enforced against Governments

37. No claim of any person to any arrear of rent or any other amount accrued or due in respect of any land for the period prior to the date of taking possession of such land under section 32 shall be enforced by any court whether in execution of a decree or otherwise against the Government or against any person holding the land under the Government.

Land owner's right to resume possession under Pondicherry Act 9 of 1971 not affected

38. Nothing contained in this Chapter shall be deemed to affect the right of any land owner under the Pondicherry Cultivating Tenants Protection Act, 1970 to resume possession for purposes of personal cultivation of the land the possession of which has been taken by the authorised officer under this Chapter and for the purposes of such resumption the Government shall be deemed to be the cultivating tenant in respect of the land aforesaid.

1. Insertion vide No. 99 / Leg / 2003 -LD dated 25-07-2003 published vide EOG No. 23 dated 25-07-2003.

Furnishing of return on acquisition by lease of any land in excess of cultivating tenant's ceiling area

39. (1) If on or after the notified date, any person acquires by lease any land which together with the land, if any, already held by him, exceeds in the aggregate the cultivating tenant's ceiling area, he shall, within ninety days of such acquisition furnish to the authorised officer within whose jurisdiction the land or the major part thereof is situated a return containing such particulars as may be prescribed.

(2) If the person referred to in sub-section (1) fails to furnish the return or furnishes an incorrect or incomplete return, within the period specified in that sub-section, the provisions of sub-section (2) and (3) of section 31 and other provisions of this Chapter shall, as far as may be, apply as if it were a return required to be furnished under sub-section (1) of section 31.

Effect of certain Acts

40. The provisions of the Pondicherry Cultivating Tenants Protection Act, 1970, the Pondicherry Cultivating Tenants (Payment of Fair Rent) Act, 1970 and any other law relating to tenancy shall except in so far as they are inconsistent with any of the provisions of this Chapter, continue in force.

Provisions of this Chapter to override other provisions

41. The provisions of this Chapter shall, subject to the provisions of section 16, have effect notwithstanding anything inconsistent therewith contained in any other provision of this Act.

CHAPTER VII

Exemption

42. Except as otherwise provided in sub-sections (2) and (3) of section 4 and in section 5, nothing contained in this Act shall apply to -

- (i) any land held by the Central Government or any State Government or any local authority.
- (ii) any land held by -
 - (a) any charitable or educational institution of public nature ;
 - (b) any religious institution ;
 - (c) any public trust, or religious trust of a public nature existing on the appointed day
 - (d) any agricultural university constituted by any law;

(iii) any land in respect of which the Government has granted permission to any industrial or commercial undertaking under section 23 and such permission continues to be in force ;

Provided that the land referred in clause (iii) shall be exempt only so long as the conditions, if any, specified by the Government under the said section are complied with.

Act not to apply to land held by sugarcane factory

43. Nothing contained in this Act shall apply to any land held by a sugarcane factory up to an

area not exceeding 40 hectares which, in the opinion of the Government, is necessary for the purpose of research and development.

CHAPTER VIII

LAND TRIBUNALS

Constitution of Land Tribunals

44. (1) The Government shall constitute as many Land Tribunals as may be necessary for the purpose of this Act.

(2) Each Land Tribunal shall consist of one person who shall be a judicial officer not below the rank of a Sub-ordinate Judge *.

Jurisdiction and powers of Land Tribunals

45. (1) Each Land Tribunal shall have such jurisdiction over such areas such as the Government may, by notification, from time to time determine.,

(2) If any question is referred by the authorised officer to the Land Tribunal for its decision under sub-section (2) of section 10, sub-clause (iv) of clause (a) of sub-section (3) of section 15 or sub-section (3) of section 25, the Land Tribunal shall decide such question in such manner as may be prescribed.

(3) In deciding any reference or appeal under this Act, every land Tribunal shall have all the powers of a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely :-

- (a) summoning and enforcing the attendance of witness and examining him on oath ;
- (b) requiring the discovery and production of any documents ;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) receiving evidence on affidavits .

CHAPTER IX

APPEALS AND REVISION

Appeal to Land Tribunal

46. (1) Any person aggrieved by any decision of the authorised officer under clause (b) of sub-section (2) of section 8, sub-section (3) or sub-section (4) or sub-section (6) of section 9, sub-clause (iii) of clause (a) of sub-section (3) of section 15, section 20, section 22, sub-section (4) of section 24, sub-section (1) or sub-section (2) of section 25, section 26, clause (b) of sub-section (2) of section 68, may, within ninety days from the date of decision, appeal to the Land Tribunal in such manner as may be prescribed.

* The Lieutenant-Governor , Pondicherry has constituted one Land Tribunal each for Pondicherry and Karaikal regions and appointed the Principal Sub-Judge, Pondicherry and Sub-Judge, Karaikal, as such Land Tribunals, for the purpose of performing the functions under this Act. Notification No. 5020/75/c dated 25-4-1975 in Gazette No.18 dt 6-5-1975.

Explanation.- In this section and in section 47, “date of decision” means the date on which such decision is communicated to the party concerned.

(2) The Land Tribunal may admit an appeal presented after the expiration of the period mentioned in sub-section (1) , but not exceeding thirty days, from such period, if it is satisfied that the party concerned had sufficient cause for not presenting the appeal within the said period.

(3) on receipt of an appeal under sub-section (1), the Land Tribunal after giving the parties a reasonable opportunity of being heard, shall

(a) determine a case finally ;

(b) remand a case ;

(c) take additional evidence or require such evidence to be taken by the authorised officer.

Appeal to High Court

47. Any person aggrieved by a decision of the Land Tribunal under sub-section (3) of section 10 or sub-section (2) of section 45, may, within sixty days from the date of decision, appeal to the High Court:

Provided that the High Court may admit an appeal presented after the expiration of the said period if it is satisfied that the party concerned had sufficient cause for not presenting the appeal within the said period.

Limitation Act to apply to appeal under section 46 or 47

48. The provisions of section 4 and of sub-section (1) and (2) of section 12 of the Limitation Act, 1963, shall, as far as may be, apply to any appeal under section 46 or section 47.

Revision by Land Commissioner

49. The Land Commissioner may call for and examine the record of any authorised officer in respect of any proceeding under section 11, section 12, sub-section (1) of section 13, sub-section (3) of section (16), sub-section (4) of section 17, sub-section (5) or sub-section (9) of section 24 or the record of any proceeding under sub-section (2) of section 28 and in respect of any other proceeding under this Act not being a proceeding in respect of which a suit or an appeal to the Land Tribunal is prescribed by this Act to satisfy himself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed thereon and if, in any case it appears to the Land Commissioner that any such proceeding decision or order should be modified annulled, reserved or remitted for reconsideration he may pass order accordingly.

Provided that the Land Commissioner shall not pass any order prejudicial to any party unless he has been given a reasonable opportunity of being heard.

Revision by High Court

50. Subject to the provisions of section 47, every Land Tribunal shall be deemed to be a Court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908, and its orders shall be liable to revision by the High Court under the provisions of that section.

Power to Stay

51. The High Court, the Land Tribunal or the Land Commissioner may stay the execution of any decision or order pending the exercise of its or his powers under this Chapter.

CHAPTER X

PENALTIES AND PROCEDURE

Penalty for failure to furnish return

52. (1) If any person who is under an obligation to furnish a return under this Act, refuses or wilfully fails to furnish the return within the time specified in the notice under sub-section (1) of section 8 or under sub-section (2) of section 31 or within the further time, if any, allowed by the authorised officer under those sub-sections, he shall be punishable with fine which may extend to two hundred rupees.

(2) If any person who, after having been convicted under sub-section (1), continues to refuse or to wilfully fail to furnish the return, he shall be punishable with fine which may extend to fifty rupees for each day after the previous date of conviction during which he continues so to offend.

Penalty for failure to furnish information under section 68

53. If any person refuses or wilfully fails to furnish the information under sub-section (1) of section 68 within the time specified in the notice under that sub-section or within the further time if any, allowed by the authorised officer under that sub-section, such person shall be punishable with fine which may extend to two hundred rupees.

Penalty for furnishing false return or information

54. If any persons who is under an obligation to furnish any return or information under this Act, furnish any return or information which he knows or has reason to believe to be false, he shall be punishable with fine which may extend to one thousand rupees.

Penalty for making false declaration under section 19

55. If any person makes any declaration before the registering authority under sub-section (1) of section 19 which he knows or has reason to believe to be false, he shall be punishable with fine not exceeding one thousand rupees.

Penalty for acquisition by lease or possessory mortgage in excess of ceiling area

56. If any person, on or after the notified date voluntarily acquires by lease or possessory mortgage any land which together with the land, if any, already held by him exceeds in the aggregate the ceiling area, he shall be punishable with fine not exceeding one thousand rupees.

Penalty for contravention of any lawful order

57. If any person wilfully contravenes any lawful order passed under this Act or obstructs any person from lawfully taking possession of any land under any of the provisions of this Act, he shall be punishable with fine which may extend to five hundred rupees.

Penalty for cutting trees or for removing any machinery etc.

58. If any person, after the date of vesting in the Government of any land acquired under this Act and before the disposal of such land under this Act, cuts or causes to be cut, trees on the land, or removes or causes to be removed, any building, machinery, plant, apparatus, wells, filter points or power lines constructed, erected or fixed on the land and used for agricultural purposes, or does or causes to be done any act likely to diminish the utility of the land, he shall be punishable with imprisonment for a term which may extend to one year, or with fine not exceeding one thousand rupees, or with both.

Offences by companies

59. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section -

- (a) "company" means any body corporate and includes a firm or other association of individuals, and
- (b) "director" in relation to a firm, means a partner in the firm.

Cognizance of offences

60. (1) No court shall take cognizance of any offence punishable under this Act except on complaint in writing made by the authorised officer or any officer empowered by him by special order.

(2) No court inferior to that of Subdivisional Magistrate shall try any offence punishable under this Act.

CHAPTER XI

DISPOSAL OF LAND ACQUIRED BY THE GOVERNMENT UNDER THIS ACT

61. (1) Subject to the provisions of sub-section (2), the Government may make rules providing for the manner in which any land acquired by the Government under this Act shall be disposed and for the payment of the price to be paid by a person to whom the land has been allotted :

Provided that such price shall, in no case, be less than the amount paid by the Government for the acquisition of such land under this Act.

(2) In the disposal of the land acquired by the Government under this Act the Government shall give preference to any person who is completely dispossessed of his holding or whose extent of holding is reduced below 1.2 standard hectares held by him partly as cultivating tenant and partly as owner or wholly as cultivating tenant, by virtue of the provisions of this Act.

CHAPTER XII

MISCELLANEOUS

Conversion of one kind of land into another not to affect ceiling area in certain cases

62. (1) Notwithstanding anything contained in this Act, where on account of any improvements made in the land by or at the cost of the person holding such land, one kind of the lands specified in clause (32) of section 2 is converted into another kind of the lands specified in the said clause after the date of publication of the final statement under section 11 or section 13, such conversion shall not be taken into account in calculating the extent of land held by such person.

(2) Where such conversion takes place as a result of any irrigation project constructed at the cost of the Government, the land so converted shall be reduced to standard hectares according to the proportion specified in clause (32) of section 2, and the ceiling area of such person shall be fixed in accordance with the provisions of this Act.

Decrease in number of members of family not to affect ceiling area

63. Notwithstanding anything contained in this Act, the extent of ceiling area which a family is entitled to hold under the provisions of this Act, immediately after the date of publication of the final statement under section 11 or section 13 shall not be reduced by reason only of any decrease after the said date in the number of members of such family.

Power of Government to issue orders and directions to the authorised officer, etc.

64. The Government may issue such orders and directions of a general character as it may consider necessary in respect of any matter relating to the powers and duties of the authorised officer and the Land Commissioner and the authorised officer and the Land Commissioner shall give effect to all such order and directions.

Transfer of any application or other proceeding from one authorised officer to another

65.(1) On the application of any of the parties or of his own motion, the Land Commissioner may at any stage after giving the parties a reasonable opportunity of being heard, transfer any application or other proceeding under this Act pending before an authorised officer to any other authorised officer for disposal.

(2) Where any application or proceeding has been transferred under sub-section (1), the authorised officer to whom such transfer is made may, subject to any special directions given in the order of transfer, either hold the inquiry *de novo* or proceed from the stage at which the said application or other proceeding stood when it was transferred.

Returns and reports

66. The Authorised Officer or the Land Commissioner shall furnish to the Government such returns, statistics, accounts and other information as the Government may, from time to time, require.

Authorised officer empowered to obtain information from court, etc.

67. The authorised officer may obtain from any court, Land Tribunal or other authority any information relating to any proceeding pending before the authorised officer, and such court, Land Tribunal or authority, as the case may be, shall, if such information be available with it, furnish him with such information within a reasonable period.

Authorised officer empowered to obtain information from persons

68. (1) For the purpose of carrying into effect the provisions of this Act, the authorised officer may, by notice require any person to furnish any information relating to the extent of land held by such person, the number of members of the family, if any, of such person, and such other particulars as may be prescribed and the person aforesaid shall furnish the information to the authorised officer within such time as may be specified in the notice or within such further time not exceeding thirty days from such period as the authorised office may allow.

(2) (a) Where any person on whom notice under sub-section (1) has been served fails to furnish the information within the time specified in that notice or within the further time allowed by the authorised officer under sub-section (1), the authorised officer may obtain, in such manner as may be prescribed, the necessary information either by himself or through such agency as he thinks fit.

(b) The authorised officer shall, as soon as may be after obtaining the information under clause (a), give to the person concerned a reasonable opportunity of making his representation and of adducing evidence, if any, in respect of such information and consider any such representation and evidence and pass such order as he deems fit.

Costs

69. The costs of, and incidental to, all proceedings before the authorised officer, Land Commissioner, Land Tribunal or other authority shall be in his or its discretion.

Power to enter upon land

70. The authorised officer or any person acting under his orders may, at any time, enter upon any land but not a dwelling-house, with such other officers or persons as he considers necessary and make a survey and take measurements thereof or do any other act which he considers necessary for carrying out the provisions of this Act.

Indemnity

71. (1) No suit, prosecution or other legal proceeding shall lie against the authorised officer, Land Commissioner, Land Tribunal or other authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by virtue of any provision of this Act or by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Bar of jurisdiction of Civil Courts

72. Except as otherwise provided in this Act, no civil court shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by the authorised officer, the Land Commissioner, the Land Tribunal or other authority.

Court fees

73. The court-fee payable in respect of-

- (a) Any suit under sub-section (3) of section 10, shall be twenty-five rupees ;
- (b) Any appeal to the Land Tribunal under section 46, shall be five rupees ;
- (c) any appeal to the High Court under section 47, shall be twenty-five rupees ;
- (d) any application for revision by the Land Commissioner under section 49, shall be one rupee;
- (e) any application for revision by the high Court under section 50, shall be ten rupees; and
- (f) any other case, shall be such fee as may be prescribed.

Delegation of powers

74. The Government may, by notification, direct that any power exercisable by the Land Commissioner or any authorised officer, under this Act or the rules made thereunder, shall, in relation to such matters and subject to such conditions, as may be specified in such notification, be exercisable also by such officer or authority subordinate to the Government, as may be specified in the notification.

Power to remove difficulties

75. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to it necessary for the purpose of removing the difficulty ;

Provided that no such order shall be made under that action after the expiration of two years from the notified date.

Powers to make rules

76.(1) The Government may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for -

- (a) the manner of service of notice under this Act ;
- (b) the manner of giving reasonable opportunity or of adducing evidence under this Act.
- (c) the place at which and the manner in which the draft statement under sub-section (5) of section 9 and the final statement under section 11 or section 13 may be published.
- (d) the manner or service of a copy of the final statement under section 11 or section 13 ;
- (e) the manner of publication of a proclamation under clause (a) of sub-section 1 of section 17;
- (f) the manner in which the draft assessment roll may be published under subsection (3) of section 24 ;

- (g) the manner of apportionment of the amount payable under this Act among the persons claiming interest in such amount ;
- (h) the procedure to be followed by the authorised officer under this Act ;
- (i) the manner in which, and the officer by whom, fair rent shall be ascertained for the purpose of this Act ;
- (j) the circumstances under which, and the conditions subject to which, and the authority or officer before whom, any amount payable under this Act may be kept in deposit ;
- (k) the manner of payment of the amount so deposited to the persons entitled thereto ;
- (l) the manner of communicating to the party concerned every decision or order in any proceeding against which an appeal or revision is provided for by this Act ; and
- (m) any other matter which is to be or may be prescribed or provided for by rules made under this Act.

(3) All rules made under this Act and all orders made under section 75 shall be published in the Official gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published

(4) Every rule made under this Act and every order made under section 75 shall, as soon as possible after it is made, be laid before the Legislative Assembly, Pondicherry, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule or order should not be made or issued, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

SCHEDULE I

(See sections 16,24, 33, 36 and Schedule II)

PART I

Land other than the land specified in Part II

1. The amount payable to any person under section 24 in respect of any land (Other than the land specified in Part II) acquired by the Government under this Act shall be determined in the manner hereinafter in this Part specified.

2. A sum equivalent to the net annual income from the land shall be determined in the first instance.

3. The net annual income from the land shall be the amount of fair rent less the land revenue.

Explanation.- In this paragraph, `land revenue` shall in respect of any land mean land tax levied in accordance with the Deliberation dated the 24th December, 1933 and includes 50% surcharge levied pursuant to the Deliberation dated the 20th September, 1950 and centimes additional, and charge for water, if any.

4. The fair rent shall be the aggregate of -

- (a) (i) in the case of wet land, 40 per cent of the average gross produce or its value in money:

- (ii) in the case of wet land, the irrigation of which is supplemented by lifting water, 35 per cent of the average gross produce or its value in money ;
- (iii) in the case of land on which crops which do not give any yield within a period of one year from the time of cultivation, are cultivated, 40 percent of the average gross produce or its value in money ;
- (iv) in the case of any other class of land 33-1/3 per cent of the average gross produce or its value in money ;

Provided that in the case of lands referred to in items (ii) and (iv) for the cultivation of which water is lifted by pump-set installed at the cost of the land owner, the fair rent shall be increased to 40 per cent.

Explanation I - In this paragraph "average gross produce "-

(i) in respect of a land cultivated with any crop which does not give any yield within a period of one year from the time of cultivation, means the gross produce for one year if the land were cultivated with paddy;

(ii) in respect of a land cultivated with any other crop, means the produce which would be obtained for one year from a land of the same class as the land in question similarly situated and possessing similar advantage if the rainfall and the seasons were normal.

Explanation II- In the case of land on which different crops are cultivated at different times on different portions of the land, the fair rent shall be calculated with reference to the actual crops ordinarily cultivated according to the ordinary rotation of crops in the area in which such land is situated ; and

(b) the value of one-fifth of straw or stalk of all the crops cultivated on the land in an agricultural year.

5. In the case of land cultivated by the owner the fair rent shall be the fair rent as calculated in the manner specified in paragraph 4 in respect of a land of the same class as the land in question similarly situated and possessing similar advantages.

6. The amount payable for the land acquired by the Government under this Act, which in no case shall exceed five thousand rupees per standard hectare, shall be determined in accordance with the following scale, namely ;-

(i) for the first sum of Rs. 5,000 or any portion thereof of the net annual income from the land, 10 times such sum or portion :

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

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

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

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

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

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

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

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

7. (a) The amount payable for any building, machinery, plant, apparatus, wells, filter points or power lines acquired under this Act shall be the written down value determined in accordance with the provisions of the Income-tax Act, 1961 of such building, machinery, plant, apparatus, wells, filter points or power lines, on the date of the publication of the notification under sub-section (1) of section 17.

(b) The amount payable for any tree shall be the value of such tree on the date of the publication of the notification under sub-section (1) of section 17.

8. The amount payable under this Part shall be the aggregate of the amount as calculated under paragraph 6 and 7 less the amount payable under section 28 to the tenant, in respect of the land concerned.

PART II

Land Revenue of which or portion thereof has been assigned

Where the amount of land revenue or portion thereof in respect of any land acquired by the Government under this Act has been assigned in favour of any person, the Government shall pay such person an amount equal to ten times the difference between such amount of land revenue or portion thereof and the proportionate reduced rent, if any, payable by such person to the Government.

SCHEDULE II

(See section 28)

The amount payable to any tenant under section 28 shall be one-eighth of the fair rent for the land calculated in the manner specified in paragraph 4 of Part I of Schedule I.

**THE PONDICHERRY LAND REFORMS (FIXATION OF CEILING ON
LAND) AMENDMENT REGULATION, 1977.**

LA GAZETTE DE L'ETAT DE PONDICHERRY

THE GAZETTE OF PONDICHERRY

No.	Pondicherry	Mardi	22	Mars	1977
94					
No.	Pondicherry	Tuesday	22nd	March	1977

(1 Chaitra 1899)

GOVERNMENT OF PONDICHERRY

Revenue Department

No.19374/76/C.

Pondicherry, the 18th March 1977.

NOTIFICATION

The Pondicherry Land Reforms (Amendment Regulation. 1977 published as Regulation No.3 of 1977 in the Gazette of India, Extraordinary Gazette, Part II, Section I, dated 28-2-1977 is hereby republished for general information of the public.

(By Order)

Deputy Secretary to Government.

**THE PONDICHERRY LAND REFORMS (FIXATION OF CEILING ON LAND) AMENDMENT
REGULATION, 1977.**

Promulgated by the Vice-President acting as President in the Twenty-eight Year of the Republic of India.

A Regulation to amend the Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973.

In exercise of the powers conferred by the second proviso to clause (1) of article 240 of the Constitution, the Vice-President acting as President is pleased to promulgate the following Regulation made by him :—

Short title and commencement.

1. (1) This Regulation may be called the Pondicherry Land Reforms (Fixation of Ceiling on Land) Amendment Regulation 1977.

(2) It shall come into force at once.

Amendment of section 7 of Pondicherry Act 9 of 1974.

2. In section 7 of the Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973 (hereinafter referred to as the principal Act), in sub section (1), the proviso to Explanation III shall be omitted.

Amendment of section 8.

3. In section 8 of the principal Act, in sub-section (2) clause (b) shall be omitted.

Amendment of section 9.

4. In section 9 of the principal Act,—

(a) in clause (a) of sub-section (1), the words brackets and figures “and on the basis of the representation and evidence under the proviso to Explanation III to sub-section (1) of section 7”

and the words, brackets, letter and figures “and the orders passed on the representation and the evidence, if any, under clause (b) of sub-section (2) of section 8” shall be omitted ;

(b) in sub-section (5), for the word “thirty”, the word “fifteen” shall be substituted ;

(c) in clause (a) of sub-section (6), for the word “thirty” the word “fifteen” shall be substituted.

Amendment of section 21.

5. In section 21 of the principal Act,—

(a) in clause (b) of sub-section (1), for the word “ninety” the word “thirty” shall be substituted;

(b) in sub-section (2), for the word “ninety”, the word “thirty” shall be substituted ;

Amendment of section 24.

6. In section 24 of the principal Act,—

(a) in sub-section (2), for the word “thirty” the word “fifteen” shall be substituted ;

(b) in sub-section (3), in sub-clause (ii) of clause (a) (including the proviso thereto), for the word “thirty” in the two places where it occurs, the word “fifteen” shall be substituted.

Amendment of section 25.

7. In section 25 of the principal Act, in clause (b) of sub-section (1), for the word “sixty”, the word “thirty” shall be substituted.

Amendment of section 31.

8. In section 31 of the principal Act, in sub-section (2), for the word “thirty”, the word “fifteen” shall be substituted.

Amendment of section 32.

9. In section 32 of the principal Act, in the second proviso, for the words “three months”, the words “fifteen days” shall be substituted.

Amendment of section 39.

10. In section 39 of the principal Act, in sub-section (1), for the word “ninety”, the word “thirty” shall be substituted

Amendment of section 46.

11. In section 46 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :-

“(1) Any person aggrieved by any decision of the authorised officer under sub-section (1), or sub-section (2), of section 11 or sub-clause (iii) of clause (a) of sub-section (3) of section 15 or section 20 or section 22 or sub-section (4) of section 24 or sub-section (1), or sub-section (2) of section 25 or section 26 or clause (b) of sub-section (3) of section 31 or clause (b) of sub-section (2) of section 68, may, within thirty days from the date of such decision, prefer an appeal to the Land Tribunal in such manner as may be prescribed.

Explanation:- In this section and in section 47, “date of decision” means the date on which the decision is communicated to the party concerned.”

Amendment of section 47.

12. In section 47 of the principal Act, for the word “sixty” the word “thirty” shall be substituted.

Amendment of section 52.

13. In section 52 of the principal Act, in sub-section (1), for the words “with fine which may extend to two hundred rupees”. the words “with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both” shall be substituted.

Amendment of section 53.

14. In section 53 of the principal Act for the words “with fine which may extend to two hundred rupees”, the words “with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both” shall be substituted.

Amendment of section 54.

15. In section 54 of the principal Act, for the words “with fine which may extend to one thousand rupees”, the words “with imprisonment of either description for a term which may extend to two years, or with fine which may extend to two thousand rupees or with both” shall be substituted.

Amendment of section 55.

16. In section 55 of the principal Act, for the words “with fine not exceeding one thousand rupees”, the words “with imprisonment of either description for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both” shall be substituted.

Amendment of section 56.

17. In section 56 of the principal Act for the words “with fine not exceeding one thousand rupees”, the words “with imprisonment of either description for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both” shall be substituted.

Amendment of section 57.

18. In section 57 of the principal Act, for the words “with fine which may extend to five hundred rupees”, the words, “with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both” shall be substituted.

Amendment of section 68.

19. In section 68 of the principal Act, in sub-section (1), for the word “thirty”, the word “fifteen” shall be substituted.

Insertion of new section 72 A.

20. After section 72 of the principal Act, the following section shall be inserted, namely :-

Parties not to be represented by legal practitioners before the authorised officer

72 A. Notwithstanding anything contained in any law for the time being in force, no party to any proceeding under this Act shall be entitled to be represented by a legal practitioner before the authorised officer :

Provided that the authorised officer may, in the interests of justice and for reasons to be recorded in writing, allow any such party to be represented by a legal practitioner at his own cost.

Explanation .- For the purposes of this section, “legal practitioner” has the same meaning as in clause (1) of sub-section (1) of section 2 of the Advocates Act, 1961 (25 of 1961)”

Savings.

21. (1) Notwithstanding the amendment of section 9, 21, 24, 25, 39 and 47 of the principal Act by this Regulation, where any objection or claim or return could have been preferred or furnished to the authorised officer, or where any appeal could have been preferred to the High Court against the decision of the Land Tribunal before the commencement of this Regulation but has not been so preferred or furnished before such commencement, such objection or claim or return or appeal may be preferred or furnished within the period specified in the relevant provision of the principal Act as if this Regulation had not been made.

(2) An appeal preferred against any order or decision of the authorised officer under clause (b) of sub-section (2) of section 8 or sub-section (3) or sub-section (4) or sub-section (6) of section 9, of the Principal Act as it stood before the commencement of this Regulation and pending on the date of such commencement shall be heard and disposed of as if this Regulation had not been made.

**THE YANAM LAND REFORMS (CEILING ON AGRICULTURAL
HOLDINGS) REGULATION, 1977**

LA GAZETTE DE L'ETAT DE PONDICHERRY

THE GAZETTE OF PONDICHERRY

No. 108	Pondicherry	Mercedl	6	Avril	1977
No. 108	Pondicherry	Wednesday	6th	April	1977
		(16 Chaitra 1899)			

GOVERNMENT OF PONDICHERRY

Revenue Department

No. 17805/76/C

Pondicherry, the 29th January 1977

NOTIFICATION

S. O. No. 13.- The Yanam Land Reforms (Ceiling on Agricultural Holdings) Regulation, 1977 (No. 1 of 1977) promulgated by the President of India and published in Gazette of India Extraordinary. Part II, section 1 dated 12th January, 1977 is hereby republished for general information of the public.

THE YANAM LAND REFORMS (CEILING ON AGRICULTURAL HOLDINGS) REGULATION 1977.

Promulgated by the President in the Twenty-seventh Year of the Republic of India.

A Regulation to provide for the fixation of ceiling on agricultural holdings in the region known as Yanam in the Union territory of Pondicherry and taking over of surplus lands and to provide for matters connected therewith.

In exercise of the powers conferred by the second proviso to clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :-

Short title, extent and commencement

1. (1) This Regulation may be called the Yanam Land Reforms (Ceiling on Agricultural Holdings) Regulation, 1977.

(2) It extends to the whole of the Yanam region in the Union territory of Pondicherry.

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

Definitions

2. In this Regulation unless the context otherwise requires,-

(a) " agricultural year " means the year commencing on the 1st day of April in any year and ending with the 31st day of March of the year next succeeding :

Provided that the Collector may, with respect to any crop, area or category of land, by notification, specify the year between such other dates as he may deem fit, as an agricultural year ;

(b) " Appellate Tribunal " means the Appellate Tribunal constituted under section 18 and where no such Appellate Tribunal is in existence, the Collector ;

(c) " bank " means a banking company as defined in section 5 of the Banking Regulation Act, 1949 (10 of 1949), and includes the State Bank of India, constituted under the State Bank of India Act, 1955 (23 of 1955), a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), and a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), and such other financial institution owned, controlled or managed by a State Government or the Central Government as may be notified in this behalf by the Government ;

(d) " ceiling area " means the extent of land specified in section 3 to be the ceiling area ;

(e) " Collector " means the chief officer in charge of the revenue administration of the Union territory of Pondicherry ;

(f) " Deputy Collector (Revenue) " means the Deputy Collector (Revenue), Yanam ;

(g) " double crop wet land " means any wet land on which two crops per fasli year have, dufassal crop has been raised with the use of water from a Government source of irrigation in any four fasli years within a continuous period of six fasli years immediately before the specified date ;

(h) " dry land " means land registered as Terres a Pasturage in the revenue accounts of the Government other than lanka or padugai land or land used as coconut or grape garden immediately before the specified date ;

(i) " family unit " means -

(i) in the case of an individual who has a spouse or spouses, such individual, the spouse or spouses and their minor sons and unmarried minor daughters, if any ;

(ii) in the case of an individual who has no spouse living, such individual and his or her minor sons and unmarried minor daughters, if any ;

(iii) in the case of an individual who is a divorced husband and who has not remarried, such individual and his minor sons and unmarried minor daughters, if any, whether in his custody or not ; and

(iv) where an individual and his or her spouse are both dead, their minor sons and unmarried minor daughters, if any.

Explanation.- Where a minor son is married, his wife and their offspring, if any, shall also be deemed to be members of the family unit of which the minor son is a member ;

(j) " fasli year " means the year commencing on the 1st day of July in any year and ending with the 30th day of June of the year next succeeding ;

(k) " Government " means the Administrator of the Union territory of Pondicherry appointed under article 239 of the Constitution ;

(l) " Government source of irrigation " means a source of irrigation registered in the land revenue accounts of the Government as such, including a well constructed or maintained by the Government or any local authority ;

(m) " holding " means the entire land held by a person,-

(i) as an owner ;

(ii) as a limited owner ;

(iii) as an usufructuary mortgagee ;

(iv) as a tenant ;

(v) who is in possession by virtue of a mortgage by conditional sale or through part performance of a contract for the sale of land or otherwise ;

or partly in one of the said capacities and partly in any other of the said capacity or capacities; and the expression " to hold land " shall be construed accordingly.

Explanation.- Where the same land is held by one person in one capacity and by another person in any other capacity such land shall be included in the holding of both such persons ;

(n) " land " means land which is used or is capable of being used for purposes of agriculture, or for purposes ancillary thereto, including horticulture, forest land, pasture land, waste land and topes ; and includes land deemed to be agricultural land under this Regulation ;

(o) " law " includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law ;

(p) " notification " means a notification published in the Official Gazette, and the expression " notify " shall be construed accordingly ;

(q) " notified date " means the date notified under sub-section (3) of section 1 ;

(r) " owner " includes a person by whom or in whose favour a trust is created and a person entitled to a vested remainder ; but does not include a limited owner ;

(s) " person " includes an individual, a family unit a trustee, a company, a firm, a society or an association of individuals, whether incorporated or not ;

(t) " prescribed " means prescribed by rules made by the Government under this Regulation;

(u) " specified date " means,-

(i) in the case of a declaration required to be filed under section 7, the notified date ; and

(ii) in the case of a declaration required to be filed under section 16, the date of acquisition, usufructuary mortgage, lease, marriage, adoption or alteration in the classification of the land referred to therein as the case may be ;

(v) " standard holding" means the extent of land specified in section 4 to be the standard holding ;

(w) " tenant " means any person who has paid or has agreed to pay rent or other consideration for his being allowed by another to enjoy the land of the latter under an agreement, express or implied, and includes his heirs and legal representatives ;

(x) " Tribunal " means a Tribunal constituted under section 5 ;

(y) " wet land " means any land on which paddy or dufassal crops have been raised with the use of water from a Government source of irrigation in any four fasli years within a continuous period of six fasli years immediately before the specified date and includes any land irrigated by a tubewell constructed by the Government or any person.

Ceiling area

3. (1) The ceiling area in the case of a family unit consisting of not more than five members shall be an extent of land equal to one standard holding.

(2) The ceiling area in the case of a family unit consisting of more than five members shall be an extent of land equal to one standard holding *plus* an additional extent of one-fifth of one standard holding for every such member in excess of five, so however, that the ceiling area shall not exceed two standard holdings.

(3) The ceiling area in the case of every individual who is not a member of a family unit, and in the case of any other person shall be an extent of land equal to one standard holding.

Explanation.- In the case of a family unit, the ceiling area shall be applied to the aggregate of the lands held by all the members of the family unit.

Standard holding for different classes of lands and computation

4. (1) For the purposes of this Regulation, the extent of land which shall constitute a standard holding for the class of lands specified in column (1) of the Table below shall be that specified against it in column (2) thereof :

TABLE

Class of land (1)	Extend of standard holding (2)
WET LAND	
1 st class <input type="checkbox"/>	(Land assessed to land revenue at the rate exceeding Rs. 10 per hectare) 7.20 hectares
2nd class <input type="checkbox"/>	(Land assessed to land revenue at the rate exceeding Rs. 7 but not exceeding Rs. 10 per hectare) 8.40 hectares
3rd class	(Land assessed to land revenue at the rate exceeding Rs. 4 but not exceeding Rs. 7 per hectare) 9.60 hectares
4th class	(Land assessed to land revenue at the rate not exceeding Rs. 4 per hectare) 10.80 hectares
5th class	(Land assessed to land revenue at the rate not exceeding Rs. 4 per hectare) 10.80 hectares
DRY LAND	
1st class <input type="checkbox"/>	(Land assessed to land revenue at the rate not exceeding Rs. 3 per hectare) 21.00 hectares
2nd class <input type="checkbox"/>	(Land assessed to land revenue at the rate not exceeding Rs. 3 per hectare) 21.00 hectares

Explanation.- For the purpose of this section means the class of the land as determined by the Deliberation dated 5th December, 1925 and enforced by the Arrete, dated 16th April 1926.

(2) In computing the holding of a person or family unit consisting of lands of different classes, the relative proportion of the extent of land of each such class to the extent of a standard holding of the appropriate class shall be taken into account in the manner prescribed and the aggregate of all such proportions shall be deemed to be the holding of the person or the family unit in relation to the ceiling area.

(3) In computing the holding of an individual who is not a member of a family unit, but is a member of a joint family, the share of such an individual in the lands held by the joint family shall be taken into account and aggregated with the lands, if any, held by him separately and for this purpose, such share shall be deemed to be the extent of land which would be allotted to such individual had there been a partition of the lands held by the joint family.

(4) In computing, the holding of the member of a family unit who is also a member of a joint family, the share of such member in the lands held by the joint family shall be taken into account and aggregated with the lands, if any, held by him separately and for this purpose, such share shall be deemed to be the extent of land which would be allotted to such member had there been a partition of the lands held by the joint family.

(5) Where an individual or a member of the family unit is a member of a co-operative society, or firm, the share of such individual or member of a family unit in the land held by such co-operative society or firm shall also be included in the holding of the individual or member of the family unit, as the case may be, and for this purpose the share of the land so held shall be deemed to be the extent of the land which would have been allotted to him on a winding up of the co-operative society or dissolution of the firm.

(6) Lands owned or held under a private trust shall ,-

(a) in a case where the trust is revocable by the author of the trust, be deemed to be held by such author or his successor in-interest ; and

(b) in other cases, be deemed to be held by the beneficiaries of the trust in proportion to their respective interests in such trust, or the income derived therefrom.

Explanation.- Where a trust is partly private and partly public, this sub-section shall apply to lands covered by that part of the assets of the trust which is relatable to the private trust.

Constitution of a Tribunal

5. (1) The Government may, by notification, constitute a Tribunal for the purposes of this Regulation.

(2) The Tribunal constituted under sub-section (1) shall consist of one person who holds or has held the post of a Deputy Collector or that of a District Munsif or is qualified to held the post of a District Munsif or holds or has held a civil post under the Government not below the rank of a Deputy Collector.

Special provision in respect of certain transfers, etc. already made

6. (1) Where on or after the 24th January, 1971 but before the notified date, any person has transferred whether by way of sale (other than a *bona fide* under a registered deed for valuable consideration), gift, usufructuary mortgage, exchange, settlement, surrender or in any other manner

whatsoever, any land held by him or created a trust of any land held by him, then, the burden of proving that such transfer or creation of trust has not been effected in anticipation of, and with a view to avoiding or defeating the objects of this Regulation shall be on such person and where he has not so proved, such transfer or creation of trust shall be disregarded for the purpose of the computation of the ceiling area of such person.

(2) Where at any time within a period of five years before the notified date, any person has converted any agricultural land held by him into a non-agricultural land, then, the land so converted shall be deemed to be agricultural land on the notified date for the purpose of this Regulation.

(3) Where on or after the 24th January, 1971, but before the notified date,-

(a) any declaration of dissolution of marriage has been made by a court on an application made on or after the 24th January, 1971 ; or

(b) any other dissolution of marriage in accordance with any law or custom has taken place, then, the land held by each spouse immediately before the date of such dissolution shall, for the purposes of this Regulation, be deemed to be land held on the notified date by the family unit of which they were members immediately before such dissolution.

(4) Where on or after the 24th January, 1971, but before the notified date, any person has been given in adoption, then, the land held by such person immediately before the date of such adoption shall, for the purposes of this Regulation, be deemed to be held on the notified date by the family unit of which he was a member immediately before such adoption.

(5) In every case referred to in sub-section (3) or sub-section (4), the computation of the ceiling area shall first be made in respect of the family unit referred to in the said sub-section, and after the surrender of the land held in excess of the ceiling area by such family unit, the remaining land held by such divorced spouse or adopted person, as the case may be, shall be included in the holding of such divorced spouse or adopted person whether as an individual or as a member of a family unit of which such spouse or person has become a member.

(6) If any question arises,-

(a) whether any transfer or creation of a trust effected on or after the 24th January, 1971 had been effected in anticipation of, and with a view to avoiding or defeating the objects of, this Regulation ; or

(b) whether any conversion of agricultural land into non-agricultural land had taken place within a period of five years before the notified date ; or

(c) whether any dissolution of a marriage had taken place on or after the 24th January, 1971 but before the notified date either on an application made on or after the 24th January, 1971, or in accordance with any law or custom ; or

(d) whether any person had been given in adoption on or after the 24th January, 1971, but before the notified date ; such question shall be determined by the Tribunal, after giving an opportunity of being heard to the affected parties, and its decision thereon shall, subject to an appeal and a revision under this Regulation, be final.

(7) If the Tribunal decides that any transfer or creation of trust had been effected in anticipation of, and with a view to avoiding or defeating the objects of this Regulation and if as a result of such transfer or creation of trust, the holding of the person or the family unit that remains on the notified date, does not exceed the extent of land that he or the family units as liable to surrender, then, the Tribunal shall treat the entire holding thus left over as the extent of land to be surrendered under the provisions of this Regulation by the person or the family unit, as the case may be.

Declaration of holding

7. (1) Every person whose holding on the notified date together with any land transferred by him on or after the 24th January 1971, whether by way of sale (other than a *bona fide* sale under a registered deed for valuable consideration) gift, usufructuary mortgage, exchange, settlement, surrender or in any other manner whatsoever and any land in respect of which a trust has been created by him on or after the 24th January, 1971 exceeds the specified limit shall, within thirty days from the notified date or within such extended period as the Government may notify in this behalf, furnish a declaration in respect of his holding together with such land, to the Tribunal containing such particulars and in such form as may be prescribed.

Explanation I - Where the land is held or is deemed to be held by a minor or lunatic or an idiot or other person subject to like disability, not being a member of the family unit, the declaration shall be furnished by the guardian, manager or other person in charge of the property of such person and where the land is held or is deemed to be held by a company, firm association or other corporate body, the declaration shall be furnished by any person competent to act for such company, firm, association or corporate body in this behalf.

Explanation II - Where the land is held or is deemed to be held by a family unit, the declaration shall be furnished by a person in management of the property of such family unit and the declaration so furnished shall be binding on all the members of the family unit :

Provided that the Tribunal shall, in the event of a dispute as to the declaration furnished by the person in management, give to the other members of the family unit an opportunity of making their representations or of adducing evidence, if any, in respect of such declaration and shall consider such representations and evidence before determining the ceiling area under this Regulation.

Explanation III - In this sub-section, " Specified limit " means, -

(a) in the case of wet land - 7.20 hectares (18 acres) :

(b) in the case of dry land - 18.00 hectares (45 acres) :

and for the purpose of computing the specified limit in a case where the holding of any person includes both wet land and dry land, one hectare of wet land shall be deemed to be equal to two and one-half hectares of dry land.

(2) Without prejudice to the provisions of sub-section (1), the Tribunal shall have power to issue notice requiring any person holding land or residing within its jurisdiction who, it has reason to believe, holds or is deemed to hold land in excess of the ceiling area to furnish a declaration of his holding, or that of his family unit, under sub-section (1), within such period as may be specified in the notice not being less than fifteen days from the date of its communication, and such person shall furnish the declaration accordingly.

(3) If any person who is liable to furnish a declaration under sub-section (1) or sub-section (2) fails to furnish the declaration within the specified time, the Tribunal may obtain the necessary information in such manner as may be prescribed.

Determination of ceiling area

8. The Tribunal shall, on receipt of the declaration furnished or information obtained under section 7, publish the same, and make an inquiry, in such manner as may be prescribed, and pass orders determining whether the person holds or is deemed to hold on the notified date an extent of land in excess of the ceiling area and if so, the extent of land so held in excess as on that date.

Explanation.- Save as otherwise provided in this Regulation in the case of a family unit, the number of members of the family unit shall be reckoned with reference to the notified date.

Surrender of land in certain cases

9. (1) If the extent of the holding of a person is in excess of the ceiling area, the person shall be liable to surrender the land held in excess.

(2) The Tribunal shall serve on every person, who is liable to surrender the land held in excess of the ceiling area under sub-section (1) a notice specifying therein the extent of land which such person has to surrender and requiring him to file a statement within such period not being less than fifteen days as it may fix, indicating therein, full particulars of the lands which such person proposes to surrender.

(3) If the person on whom a notice is served sub-section (2), files the statement referred to in that sub-section within the period fixed therefor, and the Tribunal is satisfied, after making such inquiry as it deems fit, that the proposed surrender of the land is in accordance with the provisions of this Regulation, it shall pass an order approving the surrender and the said land shall thereupon be deemed to have been surrendered by such person.

(4) If the person on whom a notice is served under sub-section (2) does not file the statement referred to in that sub-section within the period fixed therefor or files such statement within the period fixed but does not specify therein the entire extent of land which such person has to surrender, the Tribunal may, after giving an opportunity to the person concerned of being heard, itself select, in the former case, the entire extent, and in the latter case, the balance of the extent which such person has to surrender, and pass an order to that effect, and thereupon the said land or balance of land, as the case may be, shall be deemed to have been surrendered by such person.

(5) (a) Notwithstanding anything in this section, it shall be open to the Tribunal to refuse to accept the surrender of any land -

(i) which has been converted into non-agricultural land and has been rendered incapable of being used for purposes of agriculture ;

(ii) the surrender of which is not acceptable on account of a dispute as to the title to the land or an encumbrance on the land or on account of the land being in the possession of any person mentioned in sub-clause (ii) or sub-clause (v) of clause (m) of section 2 or an account of the land proposed to be surrendered becoming inaccessible by reason of its severance from the remaining part of the holding ; and the Tribunal shall, in every such case, serve a notice on the person concerned requiring him to surrender any other land in lieu thereof ; and thereupon the provisions of sub-sections (3) and (4) shall *mutatis mutandis*, apply to such surrender :

Provided that where the land proposed to be surrendered under this section is burdened with a mortgage, the Tribunal may, on an application made by the mortgagor with the consent of the mortgagee, by order, transfer such mortgage from the land so proposed to be surrendered to the residuary holding of the mortgagor or to any part thereof.

(b) Where the land so surrendered under clause (a) is also not acceptable to the Tribunal the Tribunal shall, after giving an opportunity to the person concerned of being heard, select any other land in lieu thereof, the said land shall be deemed to have been surrendered by such person.

(6) Before passing an order under sub-section (3) or sub-section (4) or sub-section (5), the Tribunal shall publish the particulars of the land proposed to be surrendered or select in such manner as may be prescribed and consider the objections if any, received in pursuance of such publication.

Explanation I - In the case of a surrender of land of a family unit,-

(a) where the extent to be surrendered by each member is agreed upon by or on behalf of all the members of the family unit, the extent surrendered by each such member shall be in accordance with such agreement, so however, that the extent surrendered by any female member of the family

unit shall not exceed the extent which she would be liable to surrender in proportion to the total land held by her to the lands held by all the members of the family unit ;

(b) where there is no such agreement the extent surrendered shall be in proportion to the lands held by each member of the family unit ;

(c) where any land is held in the name of any female member of the family unit, it shall be presumed, unless the contrary is proved, that such female member is the owner of such land.

Explanation II - Where any person surrenders any land being the whole or part of his share of the land held by a co-operative society or firm, the share of such person in such co-operative society, or firm, as the case may be, shall, to the extent required for such surrender, be deemed to have been correspondingly reduced.

Explanation III - Where any person required to surrender any land under this Regulation is a member of a co-operative society or firm he may be required to surrender the land, if any, held by him separately and may then be required to surrender from his share of the land held by the co-operative society, or firm only to make up the deficiency.

Explanation IV - Where it is proposed to accept the surrender by any person of his share of the lands held by a joint family, co-operative society or firm of which he is a member, the lands so surrendered shall be selected in accordance with any agreement that may be arrived at between such person and the other members of such joint family, co-operative society or firm, and where there is no such agreement the share of such person in the lands so held shall, as far as practicable, be determined *pro rata* with reference to each class of land held by such joint family co-operative society or firm.

Vesting of land surrendered

10. Where any land is surrendered or is deemed to have been surrendered under this Regulation by an owner, the Tribunal may, subject to such rules as may be prescribed, by order take possession or authorise any officer to take possession of such land which shall thereupon vest in the Government free from all encumbrances from the date of such order :

Provided that any claim or liability enforceable against that land immediately before the date of vesting in the Government may be enforced only -

(i) against the amount payable under this Regulation irrespective of such land ; and

(ii) against any other property of the owner ;

to the same extent to which such claim or liability was enforceable against that land or other property, as the case may be, immediately before the date of vesting.

Explanation - Nothing in this section shall affect the provisions of any law, custom, usage or agreement relating to right of easement available for any land vesting in the Government under this section over any other land.

Reversion and vesting of land surrendered

11. (1) Where any land is surrendered or is deemed to have been surrendered under this Regulation by any usufructuary mortgage or tenant, the possession of such land shall, subject to such rules as may be prescribed, revert to the owner.

(2) The owner to whom the possession of the land reverts under sub-section (1) from an

usufructuary mortgagee shall be liable to pay the mortgage money due to the usufructuary mortgagee in respect of that land with interest at the rate of six percent per annum from the date of such reversion, and the said land shall continue to be the security for such payment.

(3) The owner to whom the possession of the land reverts under sub-section (1) from a tenant shall be entitled to receive from the tenant rent due for the period ending with the last crop harvested by such tenant.

(4) Where any land is surrendered or is deemed to have been surrendered under this Regulation by any limited owner or by any person in possession by virtue of a mortgage by conditional sale or through a part performance of contract for sale or otherwise, the possession of such land shall, subject to such rules as may be prescribed, revert to the owner.

(5) The owner to whom the possession of the land reverts under sub-section (4) shall be liable to discharge the claim enforceable against the land by the limited owner or person in possession ; and the land surrendered shall, if held as a security, continue to be the security.

(6) Notwithstanding anything contained in this section where any land surrendered by an usufructuary mortgage or a tenant or a limited owner or a person in possession referred to in sub-section (4), is also a land surrendered by the owner, the provisions of section 10 shall apply.

Disposal of land vested in Government

12. (1) The lands vested in the Government under this Regulation shall be allotted for use as house-sites for agricultural labourers, village artisans or other poor persons owning no houses or house-sites, or transferred to the weaker sections of the people dependent on agriculture for purpose of agriculture or for purposes ancillary thereto, in such manner as may be prescribed :

Provided that, as far as may be practicable, not less than one-half of the total extent of land so allotted or transferred shall be allotted or transferred to the members of the Scheduled Castes and such of the categories of the weaker sections as may be prescribed by the Government.

(2) Every person, to whom the land has been allotted for use as house-site or transferred for the purpose of agriculture or for purposes ancillary thereto, shall pay to the Government the value of the land within a period of fifteen years from the date of allotment or transfer or within a shorter period at his option, and in such installments as may be prescribed, and on payment of the entire amount such person shall be granted a patta in respect of that land :

Provided that such price shall in no case, be less than the amount paid by the Government for the vesting of such land under this Regulation.

Explanation - Where any land transferred under sub-section (1) contains any fruit - bearing trees or permanent structures, the transferee shall also be liable to pay the value of such trees or structures calculated in such manner as may be prescribed.

(3) Where any person fails to pay the sum referred to in sub-section (2) or any instalment thereof, the Deputy Collector (Revenue) may, subject to such rules as may be prescribed, resume the land after giving an opportunity to the person concerned of making a representation in this behalf and the amount already paid by such person to the Government shall be liable to be forfeited to the Government.

(4) Any transfer of the land under this section shall be subject to -

(i) the condition that the land shall not be alienated by the transferee by way of sale, gift, mortgage, lease or in any manner whatsoever otherwise than by way of mortgage in favour of the Government, a bank or a co-operative society, including a land mortgage bank ; and

(ii) such other conditions as may be prescribed.

(5) Any alienation effected or other act done in respect of any land in violation of the conditions specified in sub-section (4) shall be null and void ; and the Deputy Collector (Revenue) shall resume the land after giving an opportunity to the persons affected of making a representation in this behalf.

(6) Notwithstanding anything in this section, the Government may,-

(i) lease out any land vesting in them under the Regulation for such purposes and on such terms and conditions as may be specified by them ; or

(ii) reserve such land for any common use or benefit of the community.

Amount payable for lands vested in the Government

13. The amount payable for any land vested in the Government under this Regulation shall be a sum calculated at the rates specified in the Schedule and it shall be paid in such manner as may be prescribed.

Claims for the amount payable

14. (1) The Tribunal shall, after giving the persons known or believed to be interested in the land vested in the Government an opportunity of being heard, determine the amount payable under section 13 and publish a notification containing particulars of the land so vested and the amount payable therefor.

(2) Any person having an interest in the said land may file a claim for the amount due to him from out of the amount payable, within thirty days from the date of publication of the notification and the Tribunal shall, after making an inquiry into the validity of the claim, determine the persons who, in its opinion are entitled to payment from out of the said amount and the amount to which each of them is entitled and subject to such rules as may be prescribed, make payments in accordance with such determination.

Prohibition of alienation of holding

15. (1) No person whose holding, and no member of a family unit, the holding of all the members of which in the aggregate, is in excess of the ceiling area as on the 24th January, 1971 or at any time thereafter, shall, on or after the notified date, alienate his holding or any part thereof by way of sale, lease, gift, exchange, settlement, surrender, usufructuary mortgage or otherwise, or effect a partition thereof, or create a trust or convert an agricultural land into non-agricultural land, until he or the family unit, as the case may be, has furnished a declaration under section 7 and the extent of land, if any, to be surrendered in respect of his holding or that of his family unit has been determined by the Tribunal and an order has been passed by the Tribunal under this Regulation taking possession of the land in excess of the ceiling area and a notification is published under section 14 ; and any alienation made or partition effected or trust created in contravention of this section shall be null and void and any conversion so made shall be disregarded.

(2) For the purposes of determining whether any transaction of the nature referred to in sub-section (1) took place on or after the notified date, the date on which the document relating to such transaction was registered shall, notwithstanding anything in section 47 of the Registration Act, 1908 (16 of 1908), be deemed to be the date on which the transaction took place, whether such document was registered within or outside the Union territory of Pondicherry.

(3) The provisions of sub-section (1) shall apply to any transaction of the nature referred to therein in execution of a decree or order of a civil court or of any award or order of any other authority.

Declaration of future acquisition

16. Where on or after the notified date there takes place -

- (a) any acquisition in any manner whatsoever, usufructuary mortgage, or lease of any land ;
or
- (b) any marriage or adoption ; or
- (c) any alteration in the classification of the land ;

and after such acquisition, usufructuary mortgage, lease, marriage, adoption or alteration, the total extent of land held by any person adoption or alteration, the total extent of land held by any person or by all the members of any family unit in the aggregate exceeds the ceiling area such person or family unit shall, within a period of sixty days from the date of such acquisition, usufructuary mortgage lease, marriage, adoption or alteration, furnish a declaration of the holding of such person or family unit to the Tribunal ; and all the relevant provisions of this Regulation shall apply as if it was a declaration furnished under section 7.

Explanation I. - For the purpose of this section, the number of members of a family unit shall be reckoned with reference to the date of such acquisition, usufructuary mortgage, lease, marriage, adoption or alteration, as the case may be.

Explanation II - For the purpose of the application of the provisions of sections 8 and 15, the expression " notified date " shall be construed as the date of acquisition, usufructuary mortgage, lease, marriage, adoption or alteration, as the case may be.

Explanation III - For the removal of doubts, it is hereby clarified that no declaration under this section need be furnished where the total extent of land held by all the members of a family unit in the aggregate exceeds the ceiling area solely on account of any reduction in the number of members of the family unit.

Explanation IV - Where a land surrendered by a family unit under this Regulation is land held by a joint family, it shall be open to the members of the family unit and other members of the joint family to partition the land remaining with such joint family after such surrender and if such family unit comes to hold land in excess of the ceiling area solely on account of such partition, such family unit shall not be required to furnish a fresh declaration under this section and the relevant provisions of this Regulation applicable to a family unit holding, land in excess of the ceiling area shall not apply to such family unit.

Declaration to be furnished before registering officer

17. (1) Notwithstanding anything in the Registration Act, 1908 (16 of 1908), every person presenting before a registering officer appointed under the said Act, for registration on or after the notified date, any document relating to alienation of any land or creation of a trust in respect of any land shall at the time of such presentation, furnish a declaration in duplicate by the transferor making the alienation, or creating the trust, to the effect that the holding of the transferor does not exceed the ceiling area, and in a case where such transferor is a member of a family unit, that the holdings of all the members of such family unit in the aggregate do not exceed the ceiling area.

(2) The declaration mentioned in sub-section (1) shall be in such form and contain such particulars as may be prescribed.

(3) On or after the notified date, no registering officer shall accept for registration any document relating to the alienation, or the creation of any trust, of any land, if the document is not accompanied by the declaration mentioned in sub-section (1).

(4) The registering officer shall, as soon as may be after the date of registration of the document, forward one copy of the declaration referred to in this section to the Deputy Collector (Revenue) and on receipt of such copy the Deputy Collector (Revenue) may obtain such information as may be necessary for verifying as to the correctness of the statements contained in the declaration.

(5) Every village Karnam and every officer of the Revenue, Registration or Survey and Settlement Department of the Government, shall report to the Deputy Collector (Revenue) any information which they may receive of transactions in respect of any land made in contravention of any of the provisions of this Regulation and on receipt of such information the Deputy Collector (Revenue) may verify the correctness of the same.

(6) Where it appears to the Deputy Collector (Revenue) as a result of verification under sub-section (4) or sub-section (5) or in any other manner that a transaction has taken place in contravention of the provisions of this Regulation he shall, after giving an opportunity of making representation to the parties likely to be affected and holding such inquiry as he may consider necessary, by order, determine whether or not the transaction is in contravention of the provisions of this Regulation and where any transaction is so determined to be in contravention of the said provisions, it shall be null and void.

Constitution of Appellate Tribunal

18 (1) The Government may, by notification, constitute an Appellate Tribunal for the purpose of hearing appeals under this Regulation.

(2) The Appellate Tribunal shall consist of not more than three members of whom one shall be a person who holds or has held or is qualified to hold the post of a District Judge and such shall be the Chairman of the Tribunal.

(3) The Appellate Tribunal shall meet at such times and places as it thinks fit and shall regulate its own procedure.

Appeal

19. (1) An appeal shall lie against an order passed by the Tribunal or the Deputy Collector (Revenue) to the Appellate Tribunal within thirty days from the date of communication of the order and the Appellate Tribunal shall pass such orders on the appeal as it deems fit and such order shall, subject to any revision under section 20 be final :

Provided that the Appellate Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where the Government are aggrieved by an order passed by the Tribunal or Deputy Collector (Revenue), they may file an appeal to the Appellate Tribunal against that order.

Revision

20. An application for revision from any party aggrieved, including the Government shall lie to the High Court, within the prescribed period, from any order passed on appeal by the Appellate Tribunal on any of the following grounds, namely :-

- (a) that it exercised a jurisdiction not vested in it by law, or
- (b) that it failed to exercise a jurisdiction so vested, or
- (c) that it acted in the exercise of its jurisdiction illegally or with material irregularity

Power of authorities under this Regulation

21. (1) The Appellate Tribunal the Tribunal the Deputy Collector (Revenue) and any officer authorised by the Tribunal or Deputy Collector (Revenue) to exercise any powers under this Regulation shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), for summoning and enforcing the attendance of any person and examining him on oath and for requiring production of any document.

(2) The Appellate Tribunal the Tribunal the Deputy Collector (Revenue) or any officer authorised by the Tribunal or Deputy Collector (Revenue) in this behalf may at any time enter upon any land but not a dwelling house, with such officers or other persons as it or he considers necessary and make a survey and take measurements thereof or do any other act which it or he considers to be necessary for carrying out any of the provisions of this Regulation.

(3) The Tribunal or any officer authorised by it to take possession of any land vesting in the Government under this Regulation may while taking such possession remove any obstruction that may be caused or offered thereto and may for that purpose use such force as may be necessary.

Exemptions

22. Nothing in this Regulation shall apply to the following lands, namely :-

- (a) lands held by the Central Government or any State Government or any local authority;
- (b) lands held by religious charitable or educational institutions (including wakfs) of a public nature existing on the date of commencement of this Regulation ;
- (c) lands held by an undertaking owned controlled or managed by -
 - (i) a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956) ;
 - (ii) a corporation established by or under a Central, Provincial or State Act, which is controlled or managed by a State Government or the Central Government
- (d) lands held by -
 - (i) such co-operative farming societies of weaker sections of the people as may be approved by the Government in this behalf which approval the Government may for good and sufficient reason withdraw at any time;
 - (ii) other co-operative societies including land mortgage banks ;
- (e) lands held by a bank ;
- (f) lands in any area notified by the Government in this behalf as required for acquisition in connection with any major irrigation power industrial or other project under construction as on the date of the commencement of this Regulation ;

Provided that where any of the lands specified in clause (a), (b), (c), (d) or (e) are held by any person other than the authority, institution, body corporate or society specified in such clause, whether as a tenant or usufructuary mortgagee or otherwise, the provisions of this Regulation shall apply to such person in respect of such land :

Provided further that the exemptions under sub-clause (ii) of clause (d) and clause (e) shall be available only in respect of the lands acquired by such co-operative societies or banks in pursuance of the recovery of their dues :

Provided also that the exemption under sub-clause (i) of clause (c) shall be available only in respect of such part or the land as may be relatable to the share held by a State or the Central Government in such Government company, and for this purpose, the share of the land so relatable shall be deemed to be the extent of the land which would have been allotted to the said Government on a winding up of the company.

Penalty

23. (1) If any person, who is liable to furnish a declaration under this Regulation wilfully and without reasonable cause or excuse, fails to furnish the declaration within the period prescribed or specified therefor by or under this Regulation or furnishes any declaration which he knows or has reason to believe to be false, incorrect or incomplete he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(2) If any person wilfully and without reasonable cause or excuse contravenes any other provisions of this Regulation or of any rules made or orders issued thereunder, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(3) If any village Karnam, or any officer of the Revenue, Registration or Survey and Settlement Department of the Government wilfully and without reasonable cause or excuse fails to report to the Deputy Collector (Revenue) any information which he may receive of any transaction in respect of any land made in contravention of any of the provisions of this Regulation, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(4) No court shall take cognizance of an offence punishable under this Regulation except with the previous sanction of the Collector, which sanction shall be accorded subject to such rules as may be prescribed.

Protection of action taken under this Regulation

24. (1) No suit, prosecution or other legal proceedings shall lie against any person officer or authority for anything which is in good faith done or intended to be done in pursuance of this Regulation or any rules made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused or for any injury suffered or likely to be suffered, by virtue of any provision of this Regulation, or for anything which is in good faith done or intended to be done in pursuance of this Regulation or any rules made thereunder.

Bar of jurisdiction

25. Save as otherwise provided in this Regulation, no order passed or proceeding taken by

an officer or authority under this Regulation shall be called in question in any court, in any suit or application and no injunction shall be granted by any court in respect of any action taken or to be taken by such officer or authority in pursuance of any power conferred by or under this Regulation.

Power to make rules

26. (1) The Government may, by notification make rules to carry out all or any of the purposes of this Regulation.

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

(a) the form in which a declaration under sub-section (1) of section 7 may be furnished and the particulars which such declaration shall contain ;

(b) the manner in which information regarding lands in excess of the specified limit may be obtained under sub-section (3) of section 7 ;

(c) the manner in which an inquiry may be made under section 8 ;

(d) the circumstances under which lands surrendered or deemed to have been surrendered or deemed to have surrendered by usufructuary mortgagee or tenant shall revert to the owner under sub-section (1) of section 11 ;

(e) the manner of allotment under sub-section (1) of section 12 of lands vested in the Government ;

(f) the installments in which the value of the land may be paid to the Government under sub-section (2) of section 12 ;

(g) the circumstances under which lands may be resumed under sub-section (3) of section 12;

(h) the value of the court fee stamps to be affixed on an appeal under section 19 ;

(i) any other matter which has to be or may be prescribed.

(3) Every rule made under this Regulation shall, as soon as may be after it is made, be laid before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session, in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Regulation to override other laws

27. The provisions of this Regulation shall have effect notwithstanding anything inconsistent, therewith in any other law for the time being in force or any custom usage or agreement or decree or order of a court tribunal or authority.

Power to remove difficulties

28. If any difficulty arises in giving effect to the provisions of this Regulation, the Government may, by general or special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Regulation, as appear to them to be necessary or expedient for the removal of the difficulty :

Provided that no such order shall be made after the expiration of two years from the notified date.

THE SCHEDULE

(See section 13)

1. The amount payable to any person under section 13 in respect of any land vested in the Government under this Regulation shall be determined in the manner hereinafter specified.

2. A sum equivalent to the net annual income from the land shall be determined in the first instance.

3. The net annual income from the land shall be the amount of fair rent *less* the land revenue.

Explanation - In this Regulation "land revenue" means the land revenue payable as per the Deliberation dated 5th December, 1925 enforced by the Arrete, dated 16th April 1926 and includes 50 per cent surcharge thereon and centimes additions and charge for water, if any :

Provided that in the case of any land in respect of which no land revenue is payable, the land revenue in respect of such land shall be the same as the land revenue payable for similar land in the vicinity.

4. The fair shall be the aggregate of -

(a) (i) in the case of wet land, 40 per cent of the average gross produce or its value in money

(ii) in the case of wet land the irrigation of which is supplemented by lifting water, 35 per cent of the average gross produce or its value in money ;

(iii) in the case of land on which crops, which do not give any yield within a period of one year from the time of cultivation, are cultivated, 40 per cent of the average gross produce or its value in money ;

(iv) in the case of any other class of land, 33-1/3 per cent of the average gross produce or its value in money ;

Provided that in the case of lands referred to in items (ii) and (iv) for the cultivation of which water is lifted by pump set installed at the cost of the land-owner the fair rent shall be increased to 40 per cent.

Explanation I - In this paragraph, " average gross produce " , -

(i) in respect of a land cultivated with any crop which does not give any yield within a period of one year from the time of cultivation, means the gross produce for one year if the land were cultivated with paddy ;

(ii) in respect of a land cultivated with any other crop means the produce which would be obtained for one year from a land of the same class as the land in question similarly situated and possessing similar advantages if the rainfall and the seasons were normal.

Explanation II - In the case of land on which different crops are cultivated at different times on different portions of the land the fair rent shall be calculated with reference to -

(a) the actual crops ordinarily cultivated according to the ordinary rotation of crops in the area in which such land is situated ; and

(b) the value of one-fifth of straw or stalk of all the crops cultivated on the land in an agricultural year.

5. In the case of land cultivated by the owner, the fair rent shall be the fair rent as calculated in the manner specified in paragraph 4 in respect of a land of the same class as the land in question, similarly situated and possessing similar advantages.

6. The amount payable for the land vested in the Government under this Regulation, which in no case shall exceed five thousand rupees per standard hectare, shall be determined in accordance with the following scale, namely :-

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

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

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

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

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

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

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

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

(ix) for the balance of the net annual income from the land, two times such balance.

Explanation - In this paragraph "standard hectare" means, -

(a) in the case of wet land -

(i) 1.20 hectares of wet land assessed to land revenue at a rate exceeding Rs. 10 per hectare ;

(ii) 1.40 hectares of wet land assessed to land revenue at a rate exceeding Rs. 7 but not exceeding Rs. 10 per hectare ;

(iii) 1.60 hectares of wet land assessed to land revenue at a rate exceeding Rs. 4 but not exceeding Rs. 7 per hectare ;

(iv) 1.80 hectares of wet land assessed to land revenue at a rate not exceeding Rs. 4 per hectare ;

(b) in the case of dry land, 3.60 hectares of dry land assessed to land revenue at a rate not exceeding Rs. 3 per hectare.

7. (a) The amount payable for any building, machinery, plant, apparatus, wells, filters points

of power lines vested under this Regulation shall be the written down value determined in accordance with the provisions of the Income-tax Act 1961 (43 of 1961), of such building, machinery, plant, apparatus, wells, filter points or power lines on the date of the order made under section 10.

(b) The amount payable for any tree shall be the value of such tree on the date of the order made under section 10.

8. The amount payable shall be the aggregate of the amount as calculated under paragraphs 6 and 7 in respect of the land concerned.