

LAND CEILING LEGISLATIONS IN TAMILNADU

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Abstract

Land ceiling legislation, as part of the land reform legislation, aims at fixation of ceiling on land holding and distribution of the surplus land to the landless persons of the society. Land ceiling legislation were enacted in pursuance to the Directive Principles of the Constitution of India . Unless the provisions of each of the legislations in this regard for analysed in detail, the idea of land ceiling legislations in Tamilnadu would remain shallow.

Keywords: *Bill, land Ceiling, oppression, unfair advantages, fair dealing, agricultural lands, Land ceiling Legislations In Tamilnadu,*

Introduction

Land ceiling legislation, as part of the land reform legislation, aims at fixation of ceiling on land holding and distribution of the surplus land to the landless persons of the society. Land ceiling legislation were enacted in pursuance to the Directive Principles of the Constitution of India. Unless the provisions of each of the legislations in this regard for analysed in detail, the idea of land ceiling legislations in Tamilnadu would remain shallow.

The Tamil Nadu Land Reforms (Fixation of ceiling on Land) Act 1961

The Tamil Nadu Land Reforms Act as similar legislations of its kind in the other states of the union, is undoubtedly unique and is probably there culmination of the series of socio economic legislation of the post _ independence era. A government that is wedded to a policy of achieving a socialistic pattern of society and has incorporated its objectives as part of the state policy under constitution has of necessity to resort to legislation that will give a rude shock to the orthodox thinkers. The trend is not new and has been noticeable even a few years prior to independence. From its simple policy of giving relief to indebted agriculturists, the state has been by gradual stages adopting a series of legislations that has made the earlier concept of land as security or land ownership lose much of its glory and significance. With a number of legislation giving a fixity of tenure and immunity from eviction to cultivating tenants of lands and relieving them from the obligations of contract as to the rent payable by determining the fair rent payable by them and making recovery of anything over and above the fair rent unlawful, the pattern of land owning classes has undergone a through change. The zamindari abolition legislation though purported to change the tenure of the holding from one form to another, had in effect resulted in a redistribution of land in the erstwhile estates.

The Birth of the Act

The questions as to the level of ceiling to be adopted the lands which should be exempted from the ceiling limit the quantum of compensation to be paid for the surplus lands and the principle that should govern the redistribution of the surplus lands have been engaging the attention of the government for some years past. In 1954 a cabinet sub committee was appointed to go into these questions and other questions relating to comprehensive Land Reforms and submit a report. The sub committee submitted its report in 1955. The report was examined in detail and the Government of India was also consulted. The idea at first was to introduce a Bill for fixing ceiling on future acquisition only but later on it was considered that a measure would not be adequate and that ceiling should be imposed on existing holdings also. In order to arrive at a decision as to the level of ceiling to be adopted, statistics of holdings were collected from the Agricultural Income Tax Department records for each district . The collection of statistics took some time. Towards the end of last year bill was prepared and send to the Government of India for their concurrence. The Central Committee on the Bill. They were examined and were also

discussed at a meeting with the central committee early in March 1960. With reference to the discussion at the meeting, certain modifications were made in the Bill and it was finalized and introduced in the Legislative assembly on 6th April.

The object of the Act

The broad object of this enactment has been spelt out in its preamble itself. It is pointed out in the preamble that the constitution of India under article 39 (b) and (c) lays down that the state should in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good and that the operation of the economic system does not result in the concentration of wealth and means of production of the common detriment. It is pointed out by the Madras High court that the land ceiling Act had been enacted to give effect to the Directive Principle of State Policy in Article 39 of the Constitution. The court in this case differentiated the land Acquisition Act and the land Ceiling Act in terms of its object. The object of the Land Acquisition Act is to acquire lands needed for public purposes and for companies and for determination of the amount of compensation in respect of such acquisition. The Land Ceiling Act had been enacted to give effect to the directive principle of the state policy in article 39 of the constitution.

The Background to the Land Ceiling Act

Having regard to the recommendation of the planning commission in the second five year plan for reducing the glaring inequalities in the ownership of Agricultural land, the government have decided to undertake legislation, for prescribing the maximum extent of agricultural land that a person may hold. The ceiling will except as otherwise provided in the Bill, apply to all agricultural lands held by a person either as owner or as an usufructuary mortgagee or as a tenant or as an intermediary or in one or more of those capacities. The provisions of the Bill will apply to the whole of the state of Madras. The Bill contains provisions for controlling future acquisition of agricultural land also.

Inam Lands and Ceiling

In the case of inam lands, including land in the leasehold village and land exempted from payment of land revenue, there is provision for the application of the ceiling limit only after the survey and ryotwari settlement of the lands. There is also provision for the acquisition of surplus inam lands, on payment of adequate compensation, in cases where an owner of inam lands, whose holding is in excess of the ceiling area, wants to dispose of his lands prior to their ryotwari settlement.

Exemption for Ceiling

The Ceiling law will not apply to hilly areas. It will not apply to lands held by the Central Government, Local Authority, University constituted by law educational institution or trust for a public purpose of an educational nature and co-operative society. It will not apply to lands to used on the date of publication of the Bill for growing plantation crops viz., Cardamom, cinchona, coffee, rubber or tea and lands, converted on or before 1st July 1959 into orchards, topes or arecanut gardens. It will not apply to lands on which a period of six years from the day of planting the trees expires, whichever is earlier. It will not apply to gramdan lands, lands donated for purpose of the Bhoodan Yagna and lands awarded for gallantry in the First or Second world War or subsequently for the lifetime of the person to whom the award was granted.

Compensation

The chapter on compensation provides for payment of compensation for the surplus land acquired. section 50 provides for the basis and quantum of compensation payable and the manner of deciding the persons entitled to the same and the claims or objections preferred in regard to the same. Provision is made for the preparation and publication of a draft compensation assessment roll and the final publication of the same after inquiring into objections, if any, preferred within the time specified. The authorised officer is enabled to correct your SuoMotu on

an application by parties bonafide mistakes and clerical arithmetical errors. section 51 to 54 provide in extensor the manner of paying off mortgagees or shareholders, limited owners, maintenance holders, tenants on the erstwhile surplus land . It may be noticed that no provision is made under which persons claiming to be entitled to specific performance of a contract to sell, could claim any compensation. section 51 to 54 naturally speaking only of the compensation amount payable in regard to the surplus land acquired. It is a moot question whether the morgagor will get the land within his ceiling area free of the encumbrance and whether the rights of Morgagee over that land to recover the mortgage amount will be extinguished. No difficulty may arise the compensation paid is sufficient to discharge the mortgage or other encumbrances.

Conclusion

The act is based on the principle of distributive justice. It is intended and meant as an instrument for alleviating oppression, redressing bargaining imbalance, cancelling unfair advantages, and generally overseeing and ensuring probity and fair dealing. It seeks to reopen transactions between the parties having unequal bargaining power resulting in transfer of title from one to another due to force of circumstances and also seeks to restitute the parties to their original position. The relevant provisions of the Constitution emphasize the particular care and duty required of all the organs of the state to take positive and stern measures for survival, the protection and preservation of the integrity and the dignity of the landless persons.

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