
Gujarat Agricultural Lands Ceiling (Amendment) Act, 1968**4 of 1968****[19 March 1968]****CONTENTS**

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Gujarat Agricultural Lands Ceiling (Amendment) Act, 1968**4 of 1968****[19 March 1968]**

An Act to amend the Gujarat Agricultural Lands Ceiling Act, 1960. It is hereby enacted in the Nineteenth Year of the Republic of India as follows:-

1. Short Title :-

This Act may be called the Gujarat Agricultural Lands Ceiling (Amendment) Act, 1968.

2. Amendment Of Section 29 Of Guj. 27 Of 1961 :-

In section 29 of the Gujarat Agricultural Lands Ceiling Act, 1960 (Guj. 27 of 1961) (hereinafter referred to as "the principal Act").-

(1) in sub-section (1), for the words "Land other than grazing land" the words, brackets, figure and letter "Subject to the provisions of sub-section (1A) land other than grazing land" shall be substituted; (2) after Sub-section (1), the following sub-sections shall be inserted, namely: -

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

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

a Scheduled Tribe;

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

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

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

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

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

(3) after sub-section (3), the following explanation shall be inserted, namely:-

"Explanation.-For the purposes of, this Act-

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

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

3. Amendment Of Section 30 Of Guj. 27 Of 1961 :-

In section 30 of the principal Act, in sub-section (1), for the words "except in such circumstances and on such conditions as may be prescribed." the following shall be substituted, namely:-

"except in such circumstances and on such conditions as hereinafter mentioned, namely:-

(i) to the case of land allotted to a co-operative society, the membership of which is held wholly or partly by persons belonging to a Scheduled Tribe or Scheduled Caste or of land allotted to a person belonging to a Scheduled Tribe or Scheduled Caste, if the transfer or sub-division thereof is in favour of a co-operative society of the same class or of a person belonging to a Scheduled Tribe or

Scheduled Caste or of a person not belonging to a Scheduled Tribe or Scheduled Caste for want of a person belonging to a Scheduled Tribe or Scheduled Caste.

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

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

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

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

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

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

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

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

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