

Gujarat Agricultural Lands Ceiling Rules, 1961

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Gujarat Agricultural Lands Ceiling Rules, 1961

In exercise of the powers conferred by section 53 of the Gujarat Agricultural Lands Ceiling Act, 1960 (Guj. XXVII of 1961), the Government of Gujarat hereby makes the following rules, namely:-

1. Short title. :-

These rules may be called the Gujarat Lands Ceiling Rules, 1961;

2. Definitions. :-

In these rules unless the context require otherwise,

- (a) "the Act" means the Gujarat Agricultural Lands Ceiling Act, 1960;
- (b) "Form" means a form appended to these rules;
- (c) "Schedule Castes" means such castes, races or tribes or parts of or group within such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Gujarat under Article 341 of the Constitution of India;
- (d) "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Gujarat under Article 342 of the Constitution of India;
- (e) "Section" means a section of the Act;

2A. Extent to which land held by public trust for educational institutions imparting education in agriculture may be exempted. :-

The lands which are the property of public trusts for educational institutions imparting education in Agriculture, specified in column 2 of the Table below, shall be exempted to the extent specified in column 3 of the said Table.

TABLE

Sr.No.	Category of Institution	Area of Dry Crop Land	
		Hectare	Approximate equivalent in Acre
1	2	3	4
1.	Basic Primary School or Basic Middle School		15
2.	Ashram Shala		15
3.	Multipurpose School with agriculture as one of the subjects		15
4.	Vocational High School.		.15
5.	Post Basic		15

6.	High School. Higher Post Basic Secondary School <small>other than such School specified in</small> Sr.No.7.		25
7.	Higher Post Basic Secondary School <small>undertaking seed production and re</small> search.		40
8.	Primary teachers training college with <small>agriculture craft.</small>		15
9.	Rural Institute approved by Govern <small>m e n t to impart higher education in</small>	125	

	agriculture.		
10	Schools other than those specified above.	10	
11	Any institution engaged in the extension of education in the field of agriculture which is recognised by any University in Gujarat or Indian Council of Agricultural Research].	125	312

3. Approval of Industrial Undertaking. :-

An industrial undertaking which intends to seek approval under clause (f) of sub-section (1) of section 3 shall apply to the State Government through the Collector of the district in which the lands leased to it or held by it are situate. It shall state in its application the industrial operations carried on by it and give all other particulars qualifying it for approval together with the certificate of the Commissioner referred to in the said clause (f) of sub-section (1) of section 3. The Collector shall forward the application with his remarks to the State Government. If the State Government decides to grant the approval such approval shall be notified in the Official Gazette.

4. Approval of Co-operative Society by State Government. :-

The co-operative society which intends to seek approval under clause (i) of sub-section (1) of section 3 shall apply to the State Government through the Assistant Registrar of Co-operative Societies. It shall state in its application the object for which the Society is founded and all particulars qualifying it for approval. The Assistant Registrar of Co-operative Societies shall forward the application, with his remarks to the Collector of the district in which the lands are situate. The Collector shall forward the application with his remarks to the Registrar of Co-operative Societies who shall forward it to the State Government after offering his remarks thereon. The State Government shall on receipt of the application, consider it and the remarks thereon and may either approve of the society or reject the application. The approval shall be notified in Official Gazette.

4A. Form of making application under sub-section (1A) of section 3. :-

The application under sub-section (1A) of section 3 shall be made in Form 1A.

4B. Form of certificate under sub-section (1C) of section 3. :-

A certificate to be given under section (1C) of section 3 shall be in Form IB.

4C. Manner of publishing order regarding cessor of exemption. :-

The order under sub-section (2) of section 3 shall be sent to the holder by registered post AD and shall also be published in the village in which the holder has his permanent residence by affixing a copy thereof in the chavdi of the village and where there is no chavdi in the village at the village panchayat office or any other conspicuous place in the village.

4D. Conditions on which permission for sale etc. of exempted land may be given under sub-section (4) of section 3. :-

(1) The grant of permission under sub-section (4) of section 3 shall be subject to any of the following conditions:-

(a) that the land is required for an agricultural purpose by industrial or commercial undertaking in connection with any industrial or commercial operations carried on by such undertakings.

(b) that the land is required by a co-operative farming society;

(c) that the land is being sold in execution of decree of civil court or for recovering arrears of land revenue or any sum recoverable as arrears of land revenue under the provisions of the Bombay Land Revenue Code 1879;

(d) that the land is being sold by the owner on the ground that-

(i) he is in need of contracting his holding either for adequate finance or for intensive cultivation;

(ii) he is permanently giving up the profession of agriculturist; or

(iii) it has become impossible to cultivate the land personally for any reasons beyond his control;

(e) that the land is being exchanged with a view to form a compact block or for better management of the land;

(f) that the land is being sold by the land-owner on the ground that it is situated at such a distance from his residence that he is not in a position to look after it.

(2) The permission of the Collector under clauses (a) and (b) of rule (1) shall be subject to further condition that the person or institution in whose favour the transfer or partition is made shall use the land for the same purpose for which transfer or partition has been sanctioned within a period of three months from the date of transfer or partition of land which may be extended upto two years in aggregate by the Collector for genuine reasons to be recorded in writing. If the person or institution in whose favour the transfer or partition is permitted fails to comply with the specified period, such person or institution shall be deemed to have contravened the provisions of sub-section (4) and such transfer or partition shall be void.

5. Form and period of Making Application under sub-section (2) of section 8. :-

The application under sub-section (2) of section 8 shall be made within six months from the appointed day or as the case may be specified date in Form I.

6. Other particulars to be furnished by holder under sub-section (1) of section 10. :-

The statement to be furnished under sub-section (1) of section 10 shall also contain-

(i) the particulars of land held by spouse (or spouses), minor sons or minor unmarried daughters;

(ii) the number of members of the family or a joint family comprising a person and other members belonging to all or any of the following categories on the specified date namely:-

(a) minor son;

(b) widow of pre-deceased son;

(c) minor son or unmarried daughter of a pre-deceased son, where his or her mother is dead and the particulars of land if any held separately by each of them shall be in Form II.

7. Other Records to be considered as basis under sub-section (1) of section 13. :-

While preparing a list of persons holding surplus land under sub-section (1) of section 13, the Tribunal shall also take into consideration the information contained in statements in Form III-A in the case of a person holding land in the same class of local area and also in Form IH-B in the case of a person holding land in different classes of local areas. The statements shall be prepared and forwarded by the Mamlatdar alongwith the statement under sub-section (1) of section 10.

8. Reference by the Tribunal. :-

The reference under sub-section (1) of section 14 shall be made by the Tribunal in Form IV.

9. Manner of publication of List and Form of Notice to be given by Tribunal under sub-section (1) of section 20. :-

The list prepared by the Tribunal under section 13 shall be published alongwith a public notice in Form V in the village in which the holder referred to in the list has his permanent residence by affixing a copy thereof in the Chavdi of the village and where there is no Chavdi in the Village Panchayat Office or any other conspicuous place in the village.

10. Notice to be served on holders of surplus land. :-

The notice to be served by the Tribunal under sub-section (2) of section 20 on each holder of surplus land shall be in Form VI.

11. Particulars of land selected. :-

The particulars to be furnished under sub-clause (iii) of clause (b) of sub-section (2) of section 20 in respect of the piece or pieces of land selected by the holder shall be in Form VII.

12. Notice to be issued under section 26. :-

The notice to be issued by the Tribunal under sub-section (1) of section 26 shall be in Form VIII.

13. Manner of Publication of Declaration under section 27. :-

The declaration made under sub-section (2) of section 27 shall besides being published in the Official Gazette be published under section 3 of that section in the village by affixing a copy thereof in the village Chavdi and where there is no Chavdi at Village Panchayat or any other conspicuous place in the village.

14. Notes for allotment of lands. :-

(1)deleted

(2)deleted

(3) deleted.

1[(4) For the purpose of determining allotment of land the Mamlatdar shall invite, by public notice, applications so as to reach him within Thirty days from the date of publication of the notice, from the persons or co-operative farming societies who reside or, as the case may be, have registered addresses in the taluka or mahal in which the land to be allotted is situated and who are eligible for allotment of land under section 29. The public notice shall having regard to the provisions of section 29 and these rules, indicate the particulars to be included in the applications, on receipt of the applications, the mamlatdar shall, as soon as possible prepare a tentative list of persons or co-operative farming societies, as the case may be eligible for allotment of land in the order of priority and forward it to the Prant Officer alongwith all applications received by him:

Provided that if the Mamlatdar thinks that such tentative list can be prepared without issuing a public notice as aforesaid, he may for reasons to be recorded in writing, dispense with the issue of such public notice.

(5) On receipt of the list and the applications, the Prant Officer shall determine the person or co-operative farming society eligible for allotment of land according to law. Where any applicant is a co-operative Farming Society the Prant Officer may, for the purpose of such determination ascertain from any officer appointed under the Gujarat Co-operative Societies Act, 1961 whether it satisfies the requirements of clause (ii) of sub- section (1) of section 29, and, if so obtain a certificate from him to that effect.

(6) Land may be allotted-

(a) to a person to such an extent that his aggregate holding equals an holding under the relevant tenancy law, and

(b) to a co-operative society to such an extent that its aggregate holding equals the produce of an economic holding under the relevant tenancy law and the number of members in the society:

Provided that in any local area specified by the State Government by notification in the Official Gazette where the area of land available for allotment to ² [agriculture labourers and landless persons entitled to priority under clause (iii) of sub-section (1) of section 29 and small holders entitled to priority under clause (iv) of sub-section (1) of the said section 29] is insufficient for allotment to the full extent under this sub-rule the

(7) Occupancy price for the land allotted shall be recovered in such annual instalments not exceeding twelve and with interest at such rate as may be fixed by the State Government by general or special order in this behalf:

Provided that in any area specified by the State Government by an order to be backward area, the number of instalments shall be increased to the extent specified in the order.]

1. Sub rules (4), (5), (6) and (7) Inserted by 1 dated 6th January, 1968.

2. Subs, by No. 3, dt 3-11-1976.

14A. Rules for allotment of orchards and compact blocks. :-

(1) Where the State Government decided under section 29A to allot orchards or as the case may be, blocks of land referred to in the said section 29A otherwise than in accordance with the provisions of sub-section (1), of section 29, it may direct the Collector to invite by public notice, published in one or two newspapers having wide circulation in the State and by publication of such notice in such other manners as the Collector thinks fit, applications so as to reach him within 30 days from the date of publication of notice from co-operative farming societies and Corporations (including Companies) referred to in section 29A. The public notice shall, having regard to the provisions of section 29A and these rules indicate the particulars to be included in the applications. On receipt of applications, the Collector shall, as soon as possible, prepare a tentative list of co-operative farming societies or Corporations (including Companies) as the case may be, eligible for allotment of such compact or orchard in the order of priority and forward it to the State Government alongwith all the applications received by him and his remarks thereon. Where an applicant is a co-operative farming society, the Collector may, if he thinks fit, ascertain from the Registrar of Co-operative Societies or any officer appointed under the Gujarat Co-operative Societies Act, 1961, whether it satisfies the requirement of clause (a) or (b) of section 29A and if so, obtain a certificate from him to that effect. In the case of Corporations (including Companies) the Collector may, if he thinks fit ascertain similar details from the competent authority or the Registrar of Companies appointed under the Companies Act, 1956, whether it satisfies the requirement of clause (c) of the said section 29A and if so obtain a certificate from him to that effect.

(2) On receipt of the list and the application with the Collector's remarks thereon, the State Government shall determine the co-operative farming society or as the case may be, the Corporations (including Companies) eligible for allotment of compact block or orchard according to Section 29A.

(3) Land may be allotted to a co-operative farming society to such extent that the total holding of the members of the co-operative farming society together with the land held as owner or tenant individually by the members thereof shall not exceed an area equal to the ceiling area multiplied by the number of members thereof.

(4) Occupancy price for the land allotted under the foregoing rules shall not be less than the amount that the Government has paid to the holder of compact block or orchard, as the case may be, under section 23 and shall be recovered in such annual instalments not exceeding 12 with the interest at such rate as may be fixed by the State Government by special or general orders in this behalf.

15. 15 :-

¹ Deleted.

1. Rule 15 deleted "vide" No. 2 dated 26th May, 1971.

16. Procedure to be followed by Mamlatdar, Tribunal or Collector. :-

Unless otherwise provided in the Act the Mamlatdar, the Tribunal and the Collector shall in holding inquiries under the Act follow the procedure prescribed for holding formal inquiries under the relevant Code.

17. Manner of serving Notices. :-

Unless otherwise provided in the Act or the rules made thereunder all notices under the Act shall be served either registered post or by tendering or delivering a copy thereof to the person on whom it is to be served or to his agent, if any, or by affixing a copy thereof to some conspicuous part of his usual residence or to some conspicuous place on the land, if any, to which such notice relates.

18. Manner of Serving Notice on Respondent. :-

(1) The notice to be issued under sub-section (4) of section 35 shall be served in any of the following modes, namely:-

(a) by personal delivery of a copy of the notice to the respondent or his agent;

(b) by registered post.

(2) Where there is reason to believe that the notice cannot be served in the manner provided in sub-rule (1), the notice may be served--

(a) through the Mamlatdar, or

(b) by affixing one copy thereof on the notice board in the office of the Collector and by affixing another copy thereof at the Chavdi of the village in which the land is situated and where there is no Chavdi at the village Panchayat Office.

19. Court fees. :-

(1) Every application made to a Mamlatdar or Tribunal under the Act shall bear a court fee stamp of fifty paise and every petition for appeal or an application made to a Collector shall bear a court fee stamp of two rupees.

(2) Every appeal or application for revision made to the Gujarat Revenue Tribunal under the Act shall bear a court fee stamp of five rupees.

(3) Every application to the Gujarat Revenue Tribunal under the Act for the stay of execution of any award or order against which an appeal or application is made shall bear court fee stamp of sixty five paise.

20. Court fees to be paid by members of Scheduled Caste or Scheduled Tribe :-

Notwithstanding anything contained in rule 21 when an application or appeal is made by a member of a Scheduled Caste or of a Scheduled Tribe, the value of the court fee stamp payable shall be as follows, namely:-

(a) Every application made to a Mamlatdar or Tribunal under the Act shall bear a court fee stamp of fifteen paise and every petition for appeal or an application made to a Collector shall bear court fee stamp of fifty paise;

(b) Every appeal or revision application made to the Gujarat Revenue Tribunal under the Act shall bear a court fee stamp of rupee one and twenty five paise.

(c) Every application to the Gujarat Revenue Tribunal under the Act for the stay of execution of award or order against which an appeal or application is made shall bear a court fee stamp of fifteen paise.

SCHEDULE 1

SCHEDULE I

Name Address Village Taluka District
of of
Holder holder

District 1

Taluka 2

S.No. and Hissa No. 4

Village

3

Area

Schedule I - Cantd.
Assessment

Class of land

Name and address of other
interested persons

5

6

7

8

SCHEDULE 2

2

SCHEDULE II

District 1	Taluka	Village 3	S.No. and HissaNo. 4
2			