THE PUDUCHERRY LAND REFORMS (FIXATION OF CEILING ON LAND) ACT, 1973

(No.9 of 1974)

ARRANGEMENT OF SECTIONS

SECTION

CHAPTER – I
PRELIMINARY 1.
Short title, extent and commencement
2. Definitions
3. Act to override other laws, contracts, etc.
CHAPTER – II
FIXATION OF CEILING ON LAND HOLDINGS
4. Ceiling area
5. Basis of calculation of the extent of land held by the founder of a public trust 6. Ceiling on holding land
7. Furnishing of return by persons holding land in excess of ceiling area
8. Collection of information
9. Preparation and publication of draft statement as regards land in excess of the ceiling area
10. Authorised officer to decide question of title in certain cases
11. Publication of final statement
12. Exclusion of certain land from calculating of ceiling area
13. Amendment of final statement in certain cases
14. Powers to rectify *bona fide* mistakes and clerical errors
15. Possession of land held by possessory mortgagee to revert to the possessory mortgagor in certain cases
16. Possession of land held by tenant to revert to the land owner in certain cases 17. Acquisition of surplus land
18. Direction by Land Commissioner
CHAPTER – III
CEILING ON FUTURE ACQUISITION AND RESTRICTION ON CERTAIN TRANSFERS
19. Declaration to be made before the registering authority in certain cases 20. Penalty for future acquisition in contravention of section 6
21. Ceiling on future acquisition by inheritance bequest or by sale in execution of decree, etc.
22. Restriction on transfer of land by a person
CHAPTER – IV
PERMISSION BY GOVERNMENT TO HOLD LAND IN EXCESS OF CEILING AREA BY INDUSTRIAL OR COMMERCIAL UNDERTAKINGS
23. Industrial or commercial undertakings to apply to Government for permission to hold-land in excess of ceiling area.
CHAPTER – V
PAYMENT OF AMOUNT FOR ACQUIRING SURPLUS LAND
24. Determination of amount for land acquired by Government
25. Claims of mortgagee or charge holder on surplus land
26. Claims of limited owner on surplus land
27. Claims of maintenance holder on surplus land

28. Payment of amount to certain tenants
29. Manner of payment of amount

CHAPTER – VI
CULTIVATING TENANTS CEILING AREA

30. Definition
31. Person holding land as cultivating tenant to furnish return in certain cases
32. Authorised officer to take possession of land in excess of cultivating tenant's ceiling area
33. Liability of Government to pay rent
34. Authorised officer to distribute possession of land
34 A. * [Power of the Government to reserve land for other public purposes
35. Authorised officer empowered to summarily dispossess persons in certain cases 36. Amount payable to tenants in certain cases
37. Certain claims for arrears of rent not to be enforced against Government
38. Land owner's right to resume possession under Puducherry Act 9 of 1971 not affected
39. Furnishing of return on acquisition by lease of any land in excess of cultivating tenant's ceiling area
40. Effect of certain Acts
41. Provisions of this Chapter to override other provisions

CHAPTER – VII

42. Exemptions
43. Act not to apply to land held by sugarcane factory

CHAPTER – VIII
LAND TRIBUNALS

44. Constitution of Land Tribunals
45. Jurisdiction and powers of Land Tribunals

CHAPTER – IX
APPEALS AND REVISION

46. Appeal to Land Tribunal
47. Appeal to High Court
48. Limitation Act to apply to appeal under section 46 or 47
49. Revision by Land Commissioner
50. Revision by High Court
51. Power to Stay

CHAPTER – X
PENALTIES AND PROCEDURE

52. Penalty for failure to furnish return
53. Penalty for failure to furnish information under section 68
54. Penalty for furnishing false return or information
55. Penalty for making false declaration under section 19
56. Penalty for acquisition by lease or possessory mortgage in excess of ceiling area 57. Penalty for contravention of any lawful order
58. Penalty for cutting trees or for removing any machinery, etc.
59. Offences by companies
60. Cognizance of offences

CHAPTER – XI

DISPOSAL OF LAND ACQUIRED BY THE GOVERNMENT UNDER THIS ACT 61. Disposal of Land acquired by Government

CHAPTER – XII
MISCELLANEOUS

62. Conversion of one kind of land into another not to affect ceiling area in certain cases 63.

Decrease in number of members of family not to affect ceiling area
64. Power of Government to issue orders and directions to the authorised officer, etc.
65. Transfer of any application or other proceeding from one authorised officer to another
66. Returns and reports
67. Authorised Officer empowered to obtain information from court, etc.
68. Authorised officer empowered to obtain information from persons
69. Costs
70. Power to enter upon land
71. Indemnity
72. Bar of jurisdiction of Civil Courts
72. A. Parties not to be represented by legal practitioners before the authorised officer 73. Court fees
74. Delegation of powers
75. Power to remove difficulties
76. Powers to make rules
77. Savings

SCHEDULES

SCHEDULE · I

SCHEDULE – II

_____

THE PUDUCHERRY 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 mattes connected therewith in the regions of Puducherry and Karaikal.

BE it enacted by the Legislative Assembly of Puducherry 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 Puducherry Land Reforms (Fixation of Ceiling on Land) Act, 1973.

(2) It extends to the regions of Puducherry and Karaikal of the Union territory of Puducherry.

+ (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 framing;

+ This Act came into force w.e.f 22.09.1974.

(g) livestock breading;

(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 warm;

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 Puducherry 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 it 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;

(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 15 per hectare;

(ii) 1.2 hectares of wet land assessed to land revenue at a rate exceeding 10 but not exceeding 15 per hectare;

(iii) 1.4 hectares of wet land assessed to land revenue at a rate exceeding 7 but not exceeding 10 per hectare;

(iv) 1.6 hectares of wet land assessed to land revenue at a rate exceeding 4 but not exceeding 7 per hectare;

(v) 1.8 hectares of wet land assessed to land revenue at a rate exceeding 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 9 per hectare;

(ii) 2.5 hectares of dry land assessed to land revenue at a rate exceeding 7 but not exceeding 9 per hectare;

(iii) 3.0 hectares of dry land assessed to land revenue at a rate exceeding 3 but not exceeding 7 per hectare;

(iv) 3.6 hectares of dry land assessed to land revenue at a rate not exceeding 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 Menus Grains" and "Terres Boisees Ou 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 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 record erson 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 charge 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;

+ [Omitted]

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.

+ Proviso to Explanation III is omitted as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.1977.

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) + [omitted]

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 +[omitted] or on the basis of the return furnished under subsection (1) of section 8 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 (2) of section 8 +[omitted] 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;

+ Omitted as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.77.

(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 authorsied 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 + [fifteen] 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 + [fifteen] 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.

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.77.

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 calculating 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 and 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 the 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 mortgaged 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.

(c) The mortgage money referred to in clause (a) shall, for the purpose of article 62 of the Schedule to the Limitation Act, 1963 (Central Act 36 of 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 percentum 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) A 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:

(ii) permitting any co-operative society registered or deemed to have been registered under the Puducherry Co-operative Societies Act, 1965 (Act 11 of 1965) or any land mortgage bank to which the Madras Co-operative Land Mortgage Bank Act, 1934 (Madras Act of 1934) in its application to the Union territory of Puducherry 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 proceedings 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 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 + [thirty] 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: -

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.77.

(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 + [thirty] 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 furnished 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.

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f. 28.02.77

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

PAYMENT 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 + [fifteen] 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.

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.2.77.

(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 + [fifteen] days from the date of publication:

Provided that the authorised officer may allow such further time not exceeding + [fifteen] 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.

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.2.77.

(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 + [thirty] 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 (Central Act 4 of 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.

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.77.

(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 person 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 the 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 tenant's 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 purposes 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 +[fifteen] 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 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 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 orders 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:

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.77.

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 + [fifteen days] 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 is 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.

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.77.

(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 is made.

* **[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).

* Inserted vide Act No.7 of 2003 w.e.f 10-7-2003.

(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 jurisdiction 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 Government

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 da 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 Puducherry 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 Puducherry Cultivating Tenants Protection Act, 1970 (9 of 1971) 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.

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 + [thirty] 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.

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.77.

(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 Puducherry cultivating tenants Protection Act, 1970 (9 of 1971.), the Puducherry Cultivating Tenants (Payment of Fair Rent) Act, 1970 (5 of 1971.) 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

Exemptions

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 purposes 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 (Central Act 5 of 1908.) in respect of the following matters, namely: -

* The Lieutenant-Governor, Puducherry has constituted one Land Tribunal each for Puducherry and Karaikal regions and appointed the Principal Sub-Judge, Puducherry 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.

(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 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].

(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.

+ Amended as per the Puducherry Land Reforms (Am 7.

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 +[thirty] 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 (Central Act 36 of 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 provided 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 partly unless he has been given a reasonable opportunity of being heard.

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.77.

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 (Central Act 5 of 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 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].

(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.

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.2.77.

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 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].

Penalty for furnishing false return or information

54. If any person 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 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].

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 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].

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 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].

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.77.

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 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].

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.

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.77.

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 sub-divisional Magistrate shall try any offence punishable under this Act.

CHAPTER – XI

DISPOSAL OF LAND ACQUIRED BY THE GOVERNMENT UNDER THIS ACT

Disposal of Land acquired by Government

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 + [fifteen] days from such period 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 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.

+ Amended as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.77.

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.

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)].

+ Inserted as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.77

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 this section 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 reas dducing 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 (2) of section 17;

(f) the manner in which the draft assessment roll may be published under sub-section (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, Puducherry, 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.

Savings

77. +[(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].

+ Inserted as per the Puducherry Land Reforms (Amendment) Regulation, 1977 w.e.f 28.02.1977.

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 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 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 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 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 5,000 or any portion thereof of the net annual income from the land, 6 times such sum or portion;

(vi) for the next sum of 5,000 or any portion thereof of the net annual income from the land, 5 times such sum or portion;

(vii) for the next sum of 5,000 or any portion thereof of the net annual income from the land, 4 times such sum or portion;

(viii) for the next sum of 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 (Central Act 43 of 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.

2. Out of the said amount, three-fourths shall be paid to the cultivating tenant and one-fourth to the intermediary, if any.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.9 OF 1974

There is great disparity in the ownership of agricultural lands leading to the concentration of such lands in the hands of certain persons. Article 39 (b) and (c) of the Constitution lays down that the material resources of the community should be so distributed as best to sub serve the common good and that the operation of the economic system should not result in the concentration of wealth and means of production to the common detriment. In the context of these directive principles, it is necessary to reduce the disparity by fixing a ceiling on the holdings.

The Bill fixes ceiling not only on the owner-ship of holdings, but also on the lands held by the cultivating tenants. It lays down that unless otherwise provided, no person either as owner or as tenant owns or cultivates lands in excess of the prescribed extent. It shall extend to Puducherry and Karaikal regions. It also imposes ceiling on future acquisition. The surplus lands acquired by the Government shall be disposed of in the manner to be prescribed by the Government in the rules.

The provisions of the Bill shall not apply to lands held by religious trusts of public nature or by religious institutions.

The Bill seeks to achieve the above objects.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.7 OF 2003

The Puducherry Land Reforms (Fixation of Ceiling on Land) Act, 1973 was enforced with effect from 22-9-1974 in the regions of Puducherry and Karaikal in the Union Territory of Puducherry. Under the provisions of section 34 of the said Act, the surplus land can be utilised for agricultural purpose only. So far surplus lands taken over possession by this administration have been distributed to the agricultural labourers and others for cultivation purpose only and not for any other purposes. Due to efflux of time, certain lands which were taken possession under the Act without encumbrance, have lost their basic characteristics as agricultural lands due to the process of urbanisation of the surrounding areas which have been converted into house-sites, rendering it impossible to carry on agricultural activities any longer effectively.

At the same time, there has been a growing demand on the Government for providing lands for other public purposes like construction of hospital, educational institution and for other basic amenities, etc. It is therefore proposed to bring an amendment in the Puducherry Land Reforms (Fixation of Ceiling on Land) Act, 1973, empowering the Government to reserve such surplus land, which cannot be otherwise used for agricultural purposes, for any other public purpose.

The Bill seeks to achieve the above objects.
