

The Maharashtra Agricultural Lands (Ceiling on Holdings) Setting up Joint Farming Societies Scheme, 1968

MAHARASHTRA

India

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Rule

THE-MAHARASHTRA-AGRICULTURAL-LANDS-CEILING-ON-HOLDINGS of 1968

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The Maharashtra Agricultural Lands (Ceiling on Holdings) Setting up Joint Farming Societies Scheme, 1968 Published vide Notification No. G. N., R. & F. D., No. ICH. 1366/206782-M (Spl.), dated 3rd August, 1968 (M. G., Part 4B, p. 1242) In exercise of the powers conferred by section 28-1A of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Maharashtra XXVII of 1961) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following scheme for setting up joint farming societies for the purposes of section 28 of that Act, namely :-

1. Short title and commencement.

(1) This Scheme may be called Maharashtra Agricultural Lands (Ceiling on Holdings) Setting up Joint Farming Societies Scheme, 1968. (2) It shall come into force at once.

2. Definitions.

- In this Scheme, unless the context requires otherwise -(a) "Act" means the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961; (b) "farm" means a farm of an undertaking; (c) "Farming Corporation" means the Maharashtra State Farming Corporation Limited, being a company formed for the purposes of clause (a) of the proviso to sub-section (2) of section 28; (d) "member" means a member of a society; and includes a person referred to in clause (b) of

sub-section (2) of section 28, who intends to become a member of a society;(e)"section" means a section of the Act;(f)"society" means a joint farming society to be set up under section 28;(g)"undertaking" means an industrial undertaking referred to in section 28 whose land has been acquired under the Act, and which is to be granted to joint farming societies to be set up under that section.

3. Formation of societies and extent of land to be granted to society or members thereof.

(1)In respect of lands included in any farm, being lands of an undertaking which have been acquired by, and vested in, the State Government under section 21, there shall be set up not more than two joint farming societies -(a)one consisting of landlords who had previously leased their land to the undertaking (hereinafter referred to as "ex-lessor"); and(b)the other consisting as far as possible of persons falling under sub-clauses (ii) to (v) of clause (b) of sub-section (2) of section 28 (hereinafter referred to as "other persons") who are willing to become members of such a society.(2)Subject to the provisions of this clause, the extent and particulars of the land to be granted to a society consisting of ex-lessors (or members thereof) shall be determined on the basis of each such member being eligible for grant of so much land as would, together with any other land held by him, not exceed thrice the area of an economic or a family holding as provided in the relevant tenancy law :Provided that, if in any case, the area so determined is more than the land actually leased by the member to the undertaking, the member shall be eligible to the grant of land only equal in extent to the land previously leased by him ;Provided further that, if in any case the State Government after considering the factors specified in sub-section (2) of section 28-1A, is satisfied that if land is granted to ex-lessors on the basis provided in this sub-clause, then the balance of land available for grant to a society of other persons will not make an economically viable unit, the State Government may by order fix a lower limit for grant of land to ex-lessors which shall not in any case be less than one economic holding :Provided also that, where an ex-lessor is a public trust, and the major portion of the income from the land is being appropriated for purposes of education or medical relief, the extent of land to be granted shall be equal in extent to the land leased by it previously to the undertaking.(3)The remaining land, that is to say, the balance of land left after determining the extent of land to be granted to a society consisting of ex-lessors (or members thereof) and to a public trust, if any, shall be the land which shall be available for grant to a society consisting of other persons. The extent of land to be granted to such society (or members thereof) shall be determined on the basis that as far as possible the total land held by any member of such society after granting does not exceed one-sixth of the ceiling area :Provided that, the State Government may, in accordance with the provisions of sub-section (2) of section 28-1A, by order in writing relax the limit of one-sixth of the ceiling area if in any case, having regard to the extent of the remaining land available for grant in each case and the number of persons who are willing to be members of the society, it is found that land may be granted to members of such society in larger proportion.(4)Where two or more farms are situate in proximity of each other, the State Government may, with a view to ensuring that each of the societies to be set up at these farms gets adequate land so as to make it an economically viable unit, by order direct that for purposes of determining the extent of land to be granted to societies or to members thereof under sub-clause (2) or sub-clause (3), lands comprised in those arms (or any part thereof) shall be grouped together as

specified in the order.(5)Where lands are grouped together as aforesaid, the State Government may, with a view to ensuring continued supply of raw material to any of the undertakings concerned, and also with a view to ensuring that such supply is not adversely affected as a result of such grouping, issue such special directions in that behalf as may be found necessary and appropriate.(6)The land occupied by farm buildings, roads, drains, embankments, culverts, wells, and other similar works and structures and land appurtenant to such works or structures shall initially be included in determining the extent of land to be granted under this clause; but the land occupied by such works (excluding wells) and structures shall not be included in the grant of land to a society (or members thereof) or to a public trust under sub-clause (2) or (3); and disposal of such works and structures and land appurtenant thereto shall be made in such manner as the State Government may direct, after consulting the societies or proposed societies concerned.

4. Disposal of land pending setting up of society.

(1)Pending the setting up of a society, land may, subject to the provisions of this clause, be granted to any person referred to in clause (b) of sub-section (2) of section 28, subject to the condition that such person undertakes -(a)to lease the land (except land granted for personal cultivation) to the Farming Corporation till such time as a society is actually set up, and(b)on a society being set up, to become a member of that society and to assign all his interest in the land (except land granted for personal cultivation) to the society; and on assignment of such interest in the land, the lease entered into with the Farming Corporation under paragraph (a) shall stand terminated.(2)Subject to the provisions of this clause the State Government may, after considering the representations of persons interested the land and having regard to the need for maintaining the integrity of the land on one or more compact blocks, grant the land to any such person for personal cultivation, if the bona fide requires the land for that purpose so however that the extent of land so granted is not less than 4 acres (except where the land granted to the person under clause 3 is itself less than 4 acres) :Provided that where the family of any such person consists of members which exceed 5 in number, such person (if land granted to such person under clause 3 exceeds 4 acres) may be granted land exceeding 4 acres to the extent of 32 gunth as for each member in excess of 5, so however that the total land granted shall not exceed 8 acres.(3)For considering the claim of any person to obtain land for personal cultivation under the provisions of sub-clause (2), the Collector shall take into consideration the following factors, namely :-(a)the extent of land granted or that can be granted, to the person under sub-clause (2) or (3) of clause 3;(b)the present occupation of such person;(c)the extent and particulars of land, if any, held by such person and cultivated personally;(d)the previous experience of such person, and resources possessed by him, if any, for cultivation of the raw material to be supplied to the undertaking;(e)the number of members in the family of such person;(f)the total annual income, from all sources, of such person;(g)such other factors as the Collector may consider necessary and relevant to the facts of each case.(4)A person to whom any land is granted under sub-clause (2) for personal cultivation shall grow therein such raw material as the Collector may, keeping in view the objects of clause (b) of sub-section (2) of section 28 and subject to any general or special directions issued by the State Government, direct.(5)For maintaining the integrity of the farm in one or more compact blocks, an ex-lessor may be granted any other land of the same extent which he had previously leased to the undertaking.(6)Where an ex-lessor is a public trust, and the major portion of the income from the land is being appropriated for purposes of education

or medical relief, the entire land which it had previously leased to the undertaking may be granted to the public trust on the condition that it shall lease the land to such society referred to in paragraph (a) or, as the case may be, paragraph (b) of sub-clause (1) of clause 3 when it is set up, and on such terms and conditions, as the State Government may by order determine.

5. Conditions subject to which land is to be granted to society or members thereof or public trust.

(1) Grant of land to a society or members thereof or a public trust under the provisions of this Scheme shall be subject to the following terms and conditions and the condition referred to in clause 9, namely :-(a) The society to which land is granted under clause 8 or a member to whom land is granted or eligibility certificate is issued under clause 6 or the public trust to which land is granted or an eligibility certificate is issued under clause 7, shall pay to the State Government occupancy price equal to the amount of compensation calculated under Chapter V of the Act in respect of the land, within two years, from the date of the grant, or as the case may be, the date of issue of the eligibility certificate : Provided that, in the case of a society consisting of ex-lessors (not being public trust) or a member thereof, or the public trust, the price payable by the society, the member, or as the case may be, the public trust may be adjusted against the compensation awarded to the members of such society, or member, or as the case may be, the public trust under Chapter V of the Act, in accordance with rule 8 of the rules regarding procedure, custody, supply etc. of compensation bonds laid down in Appendix I of Government Resolution, Revenue and Forests Department No. ICH. 1164/1294 (a) - M (Spl.), dated 22nd July, 1964 : Provided further that, in any case where after such adjustment is made any amount is found due from such society, member or public trust, such amount shall be paid within the aforesaid period of two years. (b) The society or a member thereof, or the public trust shall not except as provided in the Act or rules framed thereunder or in this Scheme transfer the land (or any part thereof) granted under this Scheme by way of sale, mortgage, lease, gift, exchange or otherwise without the previous sanction of the Collector; (c) The society or member thereof or public trust shall be liable to pay land revenue, local fund cess or any other impost or dues payable in respect of the land; (d) The society or member thereof (in case where such member is allowed under clause 4 to cultivate the land personally on the condition of growing any specified raw material therein) shall make full and efficient use of the land for agriculture and shall be responsible -(i) to produce such quantity of raw material from the land as the State Government may in each case decide, due regard being had to the extent of the raw material produced from the land during the three years immediately preceding its declaration as surplus land; (ii) to supply the raw material so produced at a fair price, to the undertaking concerned, or such other undertaking as the Collector may specify in accordance with the special directions, if any, issued by the State Government under sub-clause (5) of clause 3. (e) For the purpose of ensuring proper compliance of condition (d), it shall be open to the State Government to direct the society or a member thereof to obtain from the Farming Corporation all or any of the following supplies and services, namely :-(i) preparation of cropping programme; (ii) supply of seed cane, if any; (iii) supply of organic or inorganic manures; (iv) supply of pre-emergence weedicides or insecticides; (v) preplantation operations; (vi) general supervision on all farm operations; (vii) services of managerial staff; (viii) services of skilled staff, such as mukadam, foreman, or such other staff as may be found necessary for efficient management and cultivation of the land; (ix) harvesting and transport of raw

material.(f)The society or a member thereof or the public trust shall abide by and carry out to the satisfaction of the State Government such directions or instructions as that Government may issue under the provisions of clause 11.(2)The grant of land may be terminated and the land resumed in accordance with the provision of sub-section (5) of section 28, or as the case may be, sub-section (5) of section 28-1A of the Act; and thereafter, the State Government may make such other arrangement, as it thinks fit, for the proper cultivation of the land and maintenance of the production of raw material and its supply to the undertaking concerned.

6. Procedure for determining extent of land to be granted to members of societies.

(1)For deciding the extent of land that can be granted to the members of a society of ex-lessors, or of other persons referred to in paragraph (a) or (b) of sub-clause (1) of clause 3 and also the extent of land which is to be allowed to be cultivated personally by such members under sub-clause (2) of clause 4 the Collector shall prepare a village-wise list of such members containing the following particulars, that is to say :-(a)the names of members at the village or wadi, as the case may be;(b)the extent and particulars of land, if any, previously leased by the members to the undertaking;(c)the extent and particulars of other land, if any, held by each of the members;(d)the extent and class of land that can be granted to each member under the provision of sub-clause (2) or sub-clause (3), read with sub-clause (4), of clause 3;(e)the extent and class of land [out of land referred to in paragraph (d)] which can be granted for personal cultivation to each member under the provision of sub-clause (2) of clause 4.(2)The Collector may prepare such lists separately in respect of members of a society of ex-lessors and those of a society of other persons. After such list is prepared, it shall be published by affixing a copy thereof at the office of the Collector, office of the Local Estate Manager of the Farming Corporation, the village Chavdi and on the notice board of the village panchayat, and where there is no village panchayat, at any prominent place in the village or wadi. The fact that such list has been prepared and is available for inspection at the places aforesaid shall also be announced in the village or wadi by beat of drum. If no application is made by any member whose name is included in the list or any other person interested, within a period of two months from the date of such publication disputing the correctness or omission of any entry such list shall be final.(3)If an application is made to the Collector by any person whose name is included in the list or any other person interested, within the aforesaid period disputing the correctness or omission of any entry, the Collector shall decide the dispute after holding such enquiry as he deems fit. The Collector shall then amend the entries in the list in accordance with the decision given by him and shall publish the corrected list for the information of all concerned in the manner laid down in sub-clause (2) The list so published, shall be final :Provided that, the State Government may, suo motu at any time or on an application made to it by any person aggrieved by such decision within one month of such publication, call for the record of the proceedings and may revise the decision of the Collector as it may deem fit, and the list shall be deemed to be amended accordingly.(4)On the basis of entries in the final list, and in consultation with the officer authorised by the Farming Corporation in that behalf, the Collector shall determine :(i)the extent and class of land which each member whose name is included in the final list is eligible for grant under sub-clause (2), or sub-clause (3) read with sub-clause (4) of clause 3; and(ii)the extent and particulars of land [out of land referred to in paragraph (i)] which can be granted to each such member for personal cultivation.He shall then

invite applications for grant of land from members who are willing and ready to accept such land on the terms and conditions of this scheme.(5)On receipt of an application under sub-clause (4), the Collector may, after making such further enquiry as he deems fit, and subject to the general or special directions, if any, issued by the State Government in that behalf, pass orders for -(a)granting land to a member who is held eligible to get under paragraph (i) of sub-clause (4); and(b)specifying the land [out of land referred to in paragraph (a) above] which the member is to cultivate personally.(6)(i)Where the Collector is of the opinion that actual possession of the land referred to in paragraph (a) of sub-clause (5) cannot be given to the grantee unless the lands are remeasured and demarcated, he shall cause only the lands referred to in paragraph (b) of the said sub-clause (5) to be measured and demarcated and pass orders granting such land to the members concerned.(ii)In respect of the balance of the land [being land grantable to a member under paragraph (a) of sub-clause (5) excluding the land, if any, granted to him under paragraph (1) of this sub-clause], the Collector shall issue an eligibility certificate in favour of the member. Such certificate shall be in Form I appended to this scheme, and shall indicate the extent and class of the land which is granted to the member. The Collector shall prepare three copies of such certificate. One copy shall be issued to the member, another shall be forwarded to the Farming Corporation, and the third shall be retained by the Collector as office copy.(7)A member in whose favour an order for grant of land is made under paragraph (i) of sub-clause (6) shall be given possession of the land within sixty days after the close of the year in which the order for grant of land is made.(8)A member to whom an eligibility certificate is issued under sub-clause (6) shall, from the year following the year in which certificate is issued, be eligible to receive rent from the Farming Corporation for land mentioned therein as if such land was actually granted to him and was leased by him to the said Corporation under paragraph (a) of sub-clause (1) of clause 4.

7. Procedure for grant of land to public trust.

(1)The Collector shall, in consultation with the officer authorised by the Farming Corporation in that behalf, decide the extent and particulars of the land included in a farm which may be granted to a public trust in accordance with the provision of sub-clause (6) of clause 4.(2)The Collector shall then cause a notice to be published in the village or villages in which the land (or any part thereof) is situate, indicating therein the land which can be granted to the public trust which is willing to accept grant of land on the conditions laid down in clauses 3, 4 and 5 and shall state in such notice that application may be made to the Collector for grant of land.(3)Applications to be made under sub-clause (2) shall contain information and particulars referred to in rule 15 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Rules, 1962 and also a declaration from the trustees that they are willing and ready to abide by the conditions laid down in clauses 3, 4 and 5 subject to which lands may be granted to the trust.(4)On receipt of information and particulars referred to in sub-clause (3), the Collector may, after making such enquiry as he deems fit, and subject to general or special directive, if any, issued by State Government in that behalf, pass orders granting land to the public trust.(5)The public trust to which land is granted under sub-clause (4) shall, pending the formation of a joint farming society, lease the land to the Farming Corporation on such terms and conditions as State Government may by order determine :Provided that, any lease in favour of the Farming Corporation shall stand terminated on the expiry of the period for which such land could be cultivated by the Farming Corporation under sub-section (2) of section 28 or under section

28-1A.(6)Where the Collector is of the opinion that actual possession of the land granted to a trust under sub-clause (4) cannot be given to the public trust unless the lands are remeasured and demarcated he shall issue an "eligibility certificate" in favour of the trust in Form II appended to this scheme. The public trust to which the eligibility certificate is granted shall from the year following the year in which the certificate is issued, be eligible to receive rent from the Farming Corporation for the land mentioned therein as if such land was actually granted to the trust and leased by it to the said Corporation under sub-clause (5) of this clause. The Collector shall prepare three copies of such certificate. One copy shall be issued to the public trust, another shall be forwarded to the Farming Corporation, and the third shall be retained by the Collector as office copy.

8. Procedure for grant of land to societies.

(1)The Collector shall, having regard to his decisions, if any, taken under clauses 6 and 7 and in consultation with the officer authorised by the Farming Corporation in that behalf, decide the extent and particulars of land included in a farm which may be granted to societies referred to in paragraphs (a) and (b) of sub-clause (1) of clause 3.(2)He shall then cause a general notice to be published in the village in which the farm (or any part thereof) is situate indicating therein -(i)lands (other than lands granted for personal cultivation under clause 6 and lands granted to public trust under clause 7) which are available for being granted to a society referred to in paragraph (a) of sub-clause (1) of clause 3;(ii)lands which are available for being granted to a society referred to in paragraph (b) of sub-clause (1) of clause 3 ;and inviting applications for grant of land from societies or promoters of societies who or whose members are willing and ready to accept grant of land on the terms and conditions specified in clauses 3, 4 and 5.(3)Applications to be made under sub-clause (2) shall be accompanied by the following particulars, namely(a)the names of persons who are or who are willing to become, members of the society;(b)their occupation and present address;(c)their classification i.e. whether a member is ex-lessor, or is any other person;(d)whether the member has been granted any land under paragraph (a) of sub-clause (5) of clause 6 which he is required to assign to a society under clause (b) of sub-clause (1) of clause 4;(e)whether the member has been given eligibility certificate under paragraph (b) of sub-clause (6) of clause 6;(f)such other particulars, as the Collector may consider necessary.(4)The Collector shall also require the applicant to furnish a letter from each of the members containing a declaration that the member is willing and ready to abide by the conditions laid down in clauses 5 and 9 subject to which lands are to be granted to a society and where such a member is given an eligibility certificate a declaration that such member is willing to assign all his interests in the land mentioned in such certificate to the society.(5)On receipt of an application and particulars referred to in sub-clauses (2) and (3) and a declaration referred to in sub-clause (4), the Collector may, after making such further inquiry as he deems fit, and subject to the general or special directions, if any, issued by the State Government in that behalf, pass orders granting land to the society or members thereof, as the case may be.(6)While passing any order for grant of land, the Collector shall specify in such order that in the case of grant in favour of a society, the grant shall be subject to the provisions of clauses 5 and 9; and in the case of grant of land in favour of any member, such member shall become a member of the society and shall assign all his interests in the land to the society within two months from the date of the formation of the society.

9. Model bye-laws to be adopted by societies.

- The societies to which lands are granted shall adopt such bye-laws as will ensure compliance with the provisions of this scheme.

10. Termination of management of farms by Farming Corporation.

- Subject to the provisions of this clause, on the coming into force of this Scheme, the management of the farm (or any part thereof) entrusted at any time during the years 1963 to 1967 (both inclusive) to the Farming Corporation in pursuance of the provisions contained in clause (a) of the proviso to sub-section (2) of section 28 shall stand terminated :Provided that, the Farming Corporation shall, subject to the provision of section 28 or as the case may be, section 28-1A, continue to be responsible for cultivation and management of the farm or any part thereof (excluding land, if any, allowed to be cultivated personally by a member under the provisions of clause 6 read with clause 4) and shall be entitled to hold the farm or part thereof until a society is actually formed and registered and starts functioning by assuming the management of the farm, or part thereof.

11. Power of State Government to issue directions.

- The State Government may from time to time issue such directions or instructions (being directions or instructions not inconsistent with provisions of the Act) to societies (or members thereof) or to a public trust to whom lands are granted under this scheme, as may be found necessary for ensuring proper and effective compliance with the provisions of this scheme. Form I(See clause 6)[issued under sub-clause (6) of clause 6]This is to certify that in accordance with the decision given by me under sub-clauses (5) and (6) of clause 6 of the Scheme framed for setting up joint farming societies for purposes of section 28 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, Shri Age Profession Place of residence.....is, found to be eligible to the grant of land (out of land comprised in the farm i.e. the surplus land previously held by.....) as described in the Schedule hereto by way of "balance land".

2. This Certificate is not transferable, except in favour of the Maharashtra State Farming Corporation, Limited.

Schedule

Tahsil	Village	*Survey No. and Pot-hissa No.	Class of land	Extent of grantable land
1	2	3	4	5
				Acres

* Note. - These particulars may be given if and where available. Place:Signature

.....Date:Collector ofForm II(See clause 7)[issued under sub-clause (6)

of clause 7]This is to certify that in accordance with the decision given by me under clause 7 of the Scheme framed for setting up joint farming societies for purposes of section 28 of Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 the public trust, namely,
..... is held to be eligible for grant of land (out of land comprised in the farm i.e. the surplus land previously held by) described in the Schedule hereto.

2. This Certificate is not transferable except in favour of the Maharashtra State Farming Corporation, Limited.

Schedule 2

Tahsil	Village	*Survey No. and Pot-hissa No.	Class of land	Extent of grantable land
1	2	3	4	5

* Note. - These particulars may be given if and where available. Place:SignatureDate
:Collector of