

Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Grant of Exemption) Rules, 1976

MAHARASHTRA

India

Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Grant of Exemption) Rules, 1976

Rule

MAHARASHTRA-AGRICULTURAL-LANDS-LOWERING-OF-CEILING-OF 1976

- Published on 22 April 1976
- Commenced on 22 April 1976
- [This is the version of this document from 22 April 1976.]
- [Note: The original publication document is not available and this content could not be verified.]

Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Grant of Exemption) Rules, 1976 Published vide Notification No. G. N., R. F. D., No. ICH. 1173/47506-L-8 (M.G.G., Part 4B, dated 22.4.1976, pp. 449-460) In exercise of the powers conferred by sub-section (1) and clause (g) of sub-section (2) of section 46 read with clauses (b) and (c) of sub-section (1) and sub-section (2) of section 47 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 rules, the same having been previously published as required by sub-section (1) of the said section 46, namely :-

1. Short title.

- These rules may be called the Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Grant of Exemption) Rules, 1976.

2. Definitions.

- In these rules, unless the context otherwise requires -(a)"Act" means the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961;(b)"Form" means a form appended to these rules;(c)"section" means a section of the Act;(d)words and expressions used in these rules but not defined therein shall have the meanings respectively assigned to them in the Act.

3. Manner of approval of agricultural college, school or any institution doing research in agriculture.

(1)The head of an agricultural college or school or of any institution doing research in agriculture, seeking approval of the State Government under clause (b) of sub-section (1) of section 47 in respect of the lands held by the college, school, or as the case may be, institution, shall apply to the State Government through the Collector within whose jurisdiction all or a major portion of such lands are situate. The application shall be accompanied by -(i)a list in Form I of the lands held on or after 26th September, 1970 by the college, school or institution; and(ii)a certified copy of extract of the Record of Rights relating to each land.(2)The application shall contain the following particulars that is to say -(i)the date of establishment of college, school or, as the case may be, the institution;(ii)the name of the society, trust or any other body corporate which conducts or manages the college, school or, as the case may be, the institution;(iii)the number of students in the college or, as the case may be, the school, during the three years immediately preceding the year of application;(iv)in the case of a college, the name of the university to which it is affiliated or, as the case may be, of which it is a constituent unit;(v)in the case of a school, whether it is recognised by Government or by any statutory authority and the date of recognition, and a copy of any instrument recording such recognition;(vi)in the case of a research institution, the nature of research, extension and experimentation work undertaken; and(vii)how the produce from the land is utilised.(3)The Collector shall forward to the State Government along with his recommendations, the application in original and the papers of enquiry, if any.(4)The State Government may, after making such further enquiries, as it may think fit, by order in writing, convey its approval or may refuse to record such approval for the reasons specified in such order.

4. Manner of approval of regimental farms under section 47(1)(c).

(1)The person in charge of regimental farm seeking approval of the State Government under clause (c) of sub-section (1) of section 47 in respect of lands held by the farm shall apply to the State Government through the Collector within whose jurisdiction all or a major portion of the lands comprised in the farm are situate. The application shall be accompanied by -(i)a list in Form I of the lands comprised in the farm, and(ii)a certified copy of extract of the Record of Rights relating to each land.(2)The application shall contain the following particulars, that is to say -(i)the name of the owner or owners of the lands comprised in the farm;(ii)whether approval to the farm was granted under clause (e) of sub-section (1) of section 47 as it stood before the 2nd day of October, 1975 and if so, the number and date of the relevant notification;(iii)the number of animals, if any, maintained in the farm during the period of three years immediately preceding the year of application;(iv)whether the lands comprised in the farm or any portion thereof is used for a purpose other than that of a regimental farm;(v)the name of the person managing the farm; and(vi)how the produce from the land comprised in the farm is utilised.(3)The Collector shall forward to the State Government along with his recommendations, the application in original and the papers of enquiries, if any.(4)The State Government may, after making such further enquiries, as it may think fit, notify its approval in the Official Gazette or may refuse to record its approval for the reasons specified in such refusal.

5. Procedure for granting exemption to lands held by public trust or wakf under section 47(2) (a) and form of undertaking to be given by them.

(1) Any trustee of a public trust or a mutawalli for a wakf, seeking exemption under clause (a) of sub-section (2) of section 47 in respect of lands held by the trust or wakf prior to 26th day of September, 1970 shall, within six months from the commencement date, that is, the 2nd day of October, 1975 or such further reasonable time which the State Government may allow, make an application in writing to the State Government through the Collector within whose jurisdiction all or a major portion of the lands held by the trust or, as the case may be, the wakf are situate, for the grant of exemption. The application shall be accompanied by -(i)(a) in the case of public trust, the latest balance sheet audited under section 33 of the Bombay Public Trusts Act, 1950, and duly certified to be a true copy of the accounts so audited by the person referred to in sub-section (2) of that section, and (b) in the case of a wakf the latest balance sheet audited under section 33 of the Wakf Act, 1954, and duly certified to be a true copy of the accounts so audited by the person referred to in sub-section (1) of that section; (ii) a list in Form I of the lands held by the trust or, as the case may be, the wakf, on the 25th day of September, 1970; (iii) a list in Form I of lands, if any, held by the trust or the wakf on or after the 26th day of September, 1970; (iv) a certified copy of extract of the Record of Rights relating to each land; and (v) such other documents (including a copy of a certificate, if any, granted under the relevant tenancy law evidencing exemption of the land from that law), in support of the request for exemption. (2) The application shall contain the following particulars, namely :- (a) whether the trust or, as the case may be, the wakf is or is deemed to be, registered under the Bombay Public Trusts Act, 1950, or, as the case may be, the Wakf Act, 1954; (b) whether a certificate was granted to it previously under clause (a) of sub-section (2) of section 47 as it stood before the 2nd day of October, 1975 and if so, the number and date of the instrument or letter under which it was granted; (c) the purpose for which the trust is established or, the wakf is created; (d) activities for educational or medical relief or both, undertaken by the trust or, as the case may be, the wakf and the manner in which the income from the lands held is appropriated; (e) if the major portion of the income of the lands held by the trust or, as the case may be, the wakf is not appropriated for the purpose of education or medical relief, an undertaking in Form II. (3) On the receipt of the application, the Collector shall having regard to the educational or medical relief activities or both carried out by the trust or, as the case may be, the wakf and after making such enquiry as he may think fit, make recommendations to the State Government in respect of the following matters, namely :- (i) the area and the particulars of the land, if any, in respect of which exemption may be granted; and (ii) the terms and the conditions on which the exemption may be granted. (4) The Collector shall forward to the State Government along with his recommendations, the application in original and the papers of enquiry, if any. (5) The State Government may after making such further enquiry as it may think fit, by an order in the Official Gazette, exempt the land or any part thereof, subject to such terms and conditions as may be specified in the said order, or may refuse to record its approval for the reasons specified in such refusal. (6) A trustee of the trust or, as the case may be, the mutawalli for the wakf in respect of which exemption is granted on the basis of an undertaking given in Form II shall, within three months from the expiry of the period of two years referred to in clause (a) of sub-section (2) of section 47, or such further reasonable period as the State Government may allow, submit to the State Government through the Collector a statement of the accounts of the trust or, as the case may be, of the wakf duly

audited and certified to be true copy of the accounts so audited by the authorities mentioned in sub-rule (1) of this rule, indicating clearly how the undertaking already given has been fulfilled.(7)If the statement of accounts is not submitted within the period mentioned in sub-rule (6) or if the State Government is satisfied that the undertaking given in Form II has not been fulfilled, the State Government may, after giving the trustee or mutawalli a reasonable opportunity to show cause, cancel the order made under sub-rule (5), and on such cancellation, the lands in respect of which the exemption was granted, shall cease to be exempt from the provisions of the Act.

6. Procedure for granting exemption under section 47(2)(b) to lands held for stud farm or for panjrapole or gaushala.

(1)The person in charge of a stud farm or a trustee in charge of a trust or a mutawalli for wakf for panjrapole or a gaushala seeking exemption under clause (b) of sub-section (2) of section 47 in respect of lands held prior to the 26th day of September, 1970 by the farm or a trust or a wakf shall within six months from the commencement date, that is, the 2nd day of October, 1975 or such further reasonable time which the State Government may allow, make an application in writing to the State Government through the Collector within whose jurisdiction all or a major portion of the lands comprised in the stud farm, panjrapole or gaushala are situate. The application shall be accompanied by, -(i)a list in Form I of the lands comprised in the farm or, as the case may be, panjrapole or gaushala on the 25th day of September, 1970;(ii)a list in Form I of lands, if any, held on or after the 26th day of September, 1970 for purposes of the farm or, as the case may be, panjrapole or gaushala;(iii)a certified copy of extract of the Record of Rights of relating to each land;(iv)if the applicant is a public trust, the latest balance sheet audited under section 33 of the Bombay Public Trusts Act, 1950 and duly certified to be a true copy of accounts so audited by the person referred to in sub-section (2) of that section;(v)if the applicant is a wakf the latest balance sheet audited under section 33 of the Wakf Act, 1954 and duly certified to be a true copy of the accounts so audited by the person referred to in sub-section (1) of that section; and(vi)such other documents (including copy of a certificate, if any, granted under the relevant tenancy law evidencing exemption from that law) in support of the request for exemption.(2)The application shall contain the following particulars, that is to say :-(i)the number of animals maintained in the land comprised in the farm panjrapole or, as the case may be, gaushala -(a)on the 25th day of September, 1970; and(b)during the three years (year-wise) immediately preceding the year of application;Explanation. - While indicating the number of animals, the number of each species of animals e.g., cows, bulls, he-buffaloes, she-buffaloes, horses etc., whether adult or calf, should be mentioned separately.(ii)the area of land under fodder crops and the total quantity of fodder produced therein -(a)in the year 1970; and(b)during the three years (year-wise) immediately preceding the year of application;(iii)the total quantity of fodder required by the animals in the farm or, as the case may be, panjrapole or gaushala;(iv)whether the land or any portion thereof is used for a purpose other than that of the farm or as the case may be, of the panjrapole or gaushala;(v)whether exemption was granted to the lands, under the provisions of subsection (1) of section 47 as it stood before the 2nd day of October, 1975 and if so, the number and date of the Government Notification under which it was granted.(3)On receipt of the application, the Collector may, after making such enquiries as he may deem fit, make recommendations to the State Government in respect of the following matters, namely :-(i)the area and the particulars of land, if

any, in respect of which exemption may be granted; and(ii)the terms and the conditions on which exemption may be granted.(4)The Collector shall forward to the State Government along with his recommendations, the application in original and papers of enquiry, if any.(5)The State Government may after making such further enquiry as it may think fit, by an order in the Official Gazette, exempt the land or any part thereof, subject to such terms and conditions as may be specified in the order, or refuse to record its approval for the reasons specified in such refusal.

7. Procedure for granting exemption under section 47(2)(bb) to lands held for grazing of cattle or sheep.

(1)The person or, as the case may be, a trustee of a public trust or a mutawalli for a wakf in charge of the farm established for breeding of cattle or sheep, seeking exemption under clause (bb) of sub-section (2) of section 47 in respect of lands held by the farm, shall within six months from the commencement date, that is, the 2nd day of October, 1975, or such further reasonable time which the State Government may allow, make an application in writing to the State Government through the Collector within whose jurisdiction all or a major portion of the lands in the farm are situate. The application shall be accompanied by -(i)a list in Form I of the lands, held on the 25th day of September, 1970 for the purposes of breeding of cattle or sheep;(ii)a list in Form I of lands, if any, held on or after 26th day of September, 1970 for purposes of breeding of cattle or sheep;(iii)a certified copy of extract of the Record of Rights relating to each land.(2)The application shall contain the following particulars, namely :-(a)the name of the company or, as the case may be, the public trust or wakf which runs the farm for breeding of cattle or sheep;(b)the date of establishment of the company or, as the case may be the registration of the trust or wakf;(c)whether approval to the farm was granted under clause (b) of sub-section (1) of section 47 as it stood before the 2nd day of October, 1975, and if so, the number and date of the Government notification under which it was granted;(d)the number of animals maintained in the land -(i)on the 25th day of September, 1970; and(ii)during the three years (year-wise) immediately preceding the year of application;Explanation. - While indicating the number of animals, the number of each species of animals e.g., cows, bulls, he-buffaloes, she-buffaloes, whether adult or calf and sheep, should be mentioned separately.(e)the area of land used for raising of garden produce or crops (other than grass or fodder crop) during the continuous period of three years (year wise) immediately before the 26th day of September, 1970;(f)the area of land under fodder crops and the total quantity of fodder produced therein -(i)in the year 1970; and(ii)during the three years (year-wise) immediately preceding the year of application;(g)the total quantity of fodder required by the animals on the farm;(h)whether any land in the farm is used for a purpose other than for raising fodder crops, and, if so, details thereof and the area used for such purposes.(3)On receipt of the application the Collector may, after making such enquiry as he may deem fit, make recommendations to the State Government in respect of the following matters, namely :-(i)the area and the particulars of land, if any, in respect of which exemption may be granted; and(ii)the terms and conditions on which the exemption may be granted.(4)The Collector shall forward to the State Government along with his recommendations, the application in original and papers of the enquiry, if any.(5)The State Government may after making enquiry as it may think fit, by an order in the Official Gazette, exempt the land or any part thereof, subject to such terms and conditions as may be specified in the order or may refuse to record its approval for reasons specified in such refusal.

8. Procedure for exempting land held or to be acquired by an industrial undertaking under section 47(2)(c).

(1) An industrial undertaking seeking exemption under clause (c) of sub-section (2) of section 47 in respect of the land held by it or to be acquired by it, shall make an application in writing to the State Government through the Collector within whose jurisdiction all or a major portion of the lands held by it or to be acquired by it are situate. (2) The application shall be made - (a) if the lands already held on or after the commencement date, that is, the 2nd day of October, 1975, exceed the ceiling area, within a period of six months from the commencement date or such further reasonable time which the State Government may allow, (b) if lands are proposed to be acquired after the commencement date, thereby making the total holding of the undertaking more than the ceiling area, then at any time before the lands are actually acquired. (3) The application shall contain the following particulars, that is to say, - (i) the industrial operations carried on by the undertaking or proposed to be carried on by it; (ii) a list of all lands in Form III which are sought to be exempted under clause (c) of sub-section (2) of section 47; (iii) a list of all lands in Form III already in possession of the undertaking as well as those in possession of its subsidiary or associated concerns in the State, the manner in which the land was acquired, that is to say, whether by purchase, lease or compulsory acquisition under the Land Acquisition Act, 1894, and the purpose for which the land is utilised, giving details under the following heads, namely : - (a) for proposed buildings; (b) for office; (c) for godown; (d) for other ancillary purposes; (e) for road or railway siding; (f) for open space; (g) for expansion needs; (h) for housing; (i) for effluent discharge; (j) for any other purpose. (iv) whether exemption was granted in respect of any of the lands under clause (k) of sub-section (1) of section 47 as it stood before the 2nd day of October, 1975, and if so, the number and date of the Government notification under which it was granted; (v) the area and particulars of land, if any, which was to be exempted but which has not been put to industrial or non-agricultural use within the period referred to in the proviso to sub-section (2) of section 47 as it stood before the 2nd day of October, 1975. (4) Where the application is made for notifying land to be acquired by the industrial undertaking, the application shall in addition to the particulars specified in sub-rule (3), contain the following particulars, that is to say : - (a) the details in Form III of land intended to be acquired by the undertaking, the manner in which it will be acquired and the purpose for which the land will be utilised giving details as contained in clause (iii) of sub-rule (3) of this rule; (b) the extent of land held by the person or persons from whom land is intended to be acquired and the area of land proposed to be acquired; (c) if the need for land has arisen due to shifting of the undertaking from Greater Bombay, the relevant particulars of the existing undertaking and its location; (d) if the applicant industrial undertaking is an undertaking to which the Industries (Development and Regulation) Act, 1951, applies, then - (i) a true copy of any licence issued by the Central Government to the undertaking under the said Act; or (ii) where a licence has not been issued and the application for such licence is pending; a true copy of the application made by the undertaking to the Central Government together with a true copy of the letter of the Central Government conveying preliminary approval to the scheme; (e) if the applicant industrial undertaking is an undertaking to which the Industries (Development and Regulation) Act, 1951, does not apply, then, the details of the progress made in the execution of the proposed scheme, that is to say, procurement of machinery, raw materials and the like; (f) if the area to be acquired is within the limits of any Municipal Council or Corporation constituted under any law for the time being in force, whether the

Municipal Council or, as the case may be, the Corporation has given necessary building permission;(g)if the land is being acquired otherwise than under the Land Acquisition Act, 1894, the name and address of the person or persons from whom the land is to be acquired.(5)The application shall be accompanied by layout plans showing clearly the area presently occupied, the existing structures thereon, and the buildings proposed to be erected by the undertaking.(6)On receipt of the application, the Collector may, after making such enquiries as he may think fit, make recommendations to the State Government in respect of the following matters, namely;(i)the area and the particulars of the land, in respect of which exemption may be granted; and(ii)the terms and conditions on which the exemption may be granted.(7)The Collector shall forward to the State Government, along with his recommendations, the application in original and papers of enquiry, if any.(8)The State Government on being satisfied, after making such further enquiry as it deems fit, that the land or any part thereof held of to be acquired by the industrial undertaking is required for a bona fide industrial or other non-agricultural use, may by an order in the Official Gazette exempt that land or any part thereof subject to such terms and conditions as may be specified in that order or may refuse to record approval for the reasons specified in the refusal.

9. Procedure to be adopted in respect of fulfilment of terms and conditions subject to which exemption is granted.

(1)Where exemption granted under rules 5, 6, 7 and 8 is subject to any terms and conditions, the trustee or mutawalli referred to in sub-rule (1) of rule 5, or the person, trustee or mutawalli referred to in sub-rule (1) and rules 6 and 7, or the industrial undertaking referred to in sub-rule (1) and rule 8, shall forward to the Collector (through whom the application for grant of exemption was made) a statement indicating the manner in which the terms and conditions specified in the order granting the exemption were fulfilled, or the action taken or proposed to be taken to fulfill those terms and conditions within the period specified in that behalf. The first such statement shall be forwarded within six months from the date of the order, and thereafter in the month of January every year until the terms and conditions are fulfilled.(2)The Collector, on receipt of the statement, shall satisfy himself that the terms and conditions as specified in the order have been duly fulfilled or action to fulfil them is being taken.(3)If a statement is not forwarded to the Collector within the period mentioned in sub-rule (2) or if the Collector is not satisfied about the fulfilment of the terms and conditions as specified in the order, he shall, after making such enquiry as he deems fit and after giving the party reasonable opportunity of being heard, make his recommendation to the State Government about withdrawal of the exemption granted.(4)On receipt of the recommendation of the Collector, the State Government may, after making such further enquiries as it may deem fit, by an order in the Official Gazette withdraw the exemption in respect of all or any of the land to which exemption was previously granted, and upon such withdrawal the lands specified in the order shall cease to be exempted lands.

10. Amendment of Ceiling Rules, 1962.

- The Maharashtra Agricultural Lands (Ceiling on Holdings) Rules, 1962, as in force immediately before the commencement of these rules, shall stand repealed except as respects things done or omitted to be done thereunder.
Form I(See rules 3, 4, 5, 6 and 7)List of lands held

by.....

District Taluka Village Survey No. and Hissa No. Area Assessment

H. A. Rs. P.

Form II[See rule 5(2)(e)]Undertaking to be given by a trust/wakf under clause (a) of sub-section (2) of section 47 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961. Whereas the Trust/Wakf has been established/created for the purpose of And whereas the said trust held before the 26th day of September, 1970 and continues to hold thereafter the land specified in the Schedule thereto and the major portion of the income therefrom is not appropriated for the purpose of education or medical relief; And whereas the said trust desires that the said land be exempted from the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, under clause (a) of sub-section (2) of section 47 of the said Act; Now, therefore, we (here enter names)..... the trustees of the said Trust/Mutawalli for the said Wakf hereby give an undertaking that on the said Trust/Wakf being exempted under sub-rule (5) of rule 5 of the Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) (Grant of Exemption) Rules, 1976, we shall take necessary legal and other steps and ensure that the major portion of the income from the said land will, within a period of two years from the date of publication of the order granting exemption, be appropriated for the purpose of education or medical relief or both.

Schedule

Details of land held by the Trust/Wakf

District Taluka Village Survey No. and Hissa No. Area Assessment

H. A. Rs. P.

Dated the day of

Signatures of Trustees Signatures of Mutawalli

Signatures of two witnesses. Form III (See rule 8) List of lands to be accompanied with an application for exemption by an industrial undertaking under rule 8.

No. District Taluka Village	Survey No. and Hissa No.	Area	Purposes for which land is used/is proposed to be used
-----------------------------	-----------------------------	------	---

H. A.