

natural calamities in September, 1977; and

(b) whether the Central Government propose to accede to the State Government's request since the amount is as small as Rs. 3 crores?

THE MINISTER OF AGRICULTURE AND IRRIGATION (SHRI SURJIT SINGH BARNALA): (a) and (b); No, Sir.

Implementation of the Land Ceiling Act by the States

150. SHRI M. V. CHANDRASHEKHARA MURTY: Will the Minister of WORKS AND HOUSING AND SUPPLY AND REHABILITATION be pleased to state:

(a) whether it is a fact that many of the States have not so far implemented the Land Ceiling Act;

(b) if so, what are the main reasons for not taking any action;

(c) whether the Union Minister had recently clarified certain objections raised by the State Governments;

(d) if so, what were the objections and how they have been removed;

(e) what is the land obtained so far by the State Governments under this Act;

(f) what steps are being taken to see that the act is implemented by the States expeditiously; and

(g) the names of States who have not initiated any action so far?

THE MINISTER OF WORKS AND HOUSING AND SUPPLY AND REHABILITATION (SHRI SIKANDAR BAKHT): (a) No, Sir.

(b) Does not arise.

(c) and (d). No objections were raised by State Governments who, however, from time to time, sought clarifications on the provisions of the

Act and these were clarified by issuing guidelines to them. A summary of the important guidelines is annexed.

(e) Gujarat:—23.14 hectares.

Karnataka:—14.15 hectares

Maharashtra:—171.02 hectares

U.P.:—65.80 hectares

Cantt. areas:—4.5 hectares

Total:—278.61 hectares.

(f) Implementation of the Act is watched through four Regional Committees for Urban Land Ceiling which include representatives of State Governments. Periodical returns are also obtained from State Governments.

(g) The Act does not apply to Jammu & Kashmir, Kerala, Nagaland and Sikkim. In Tamil Nadu, a State Act viz., the T.N.U.L. (C&R) Act, 1978 is in force. In the remaining States and the Union Territories the Central Act is in force and necessary action under it is being taken.

Summary of important guidelines under the Urban Land Ceiling Act issued to the State Governments

(1) Section 2(g) of the Act prescribes the maximum extent of land appurtenant admissible to a building as 500 sq. metres. In the case of residential buildings, an additional extent of 500 sq. mts. of contiguous land is admissible. It has been decided that even in the case of dwelling units which are under construction on the appointed day (28-1-1976) the additional extent of contiguous land should be allowed.

In the case of non-residential and residential multi-storeyed buildings, as the land appurtenant measuring 500 sq. mts. will not be adequate, it has been decided that the land appurtenant as admissible under the building regulations for the convenient enjoyment of the building may be allowed by granting exemption under section 20.

(2) It has been decided that if vacant land or property is held jointly, each co-owner can hold vacant land upto the ceiling limit and that the co-owners should not be jointly treated as a "person".

(3) It has been decided that the periphery of an urban agglomeration in one State should not extend into the boundary of another State.

It has been decided that the entire Thana Urban agglomeration including its periphery should be treated as Category 'D' notwithstanding the fact that a portion of that urban agglomeration falls within the peripheral area of the Greater Bombay Urban agglomeration.

(4) Land on which construction had commenced after 28-1-76 but before 17-2-76 in accordance with the approved building plans will not be treated as vacant land. Such a building will be entitled to land appurtenant as per the Act.

(5) A servant quarter or out-house situated in the compound of the main building will be treated as a separate dwelling unit and will be entitled to contiguous land not exceeding 500 sq. mts. but no separate land appurtenant is admissible. If the building contains one or more servant quarters each and every servant quarter will not be entitled to separate additional contiguous land than that allowed for the main building.

(6) In order to encourage group-housing, it has been decided that in the case of Delhi, the vacant land held by a person for group-housing should be exempted under section 20 so that the land can be utilised for grouphousing in accordance with the Master Plan or Zonal Plan of Delhi.

(7) If housing co-operative societies have entered into agreements for purchase of land from private persons before the commencement of the Act, such agreements can be registered after obtaining exemption under section 20 of the Act provided that

each member of the society does not hold vacant land more than the ceiling limit.

(8) It has been decided that even if land acquisition proceedings have been initiated under the Land Acquisition Act, the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 may also be initiated with respect to the same land with a view to vesting the excess vacant land in the Government. Thereafter, the land equal to the ceiling limit retainable by its owner should be acquired by continuing the proceedings under the land Acquisition Act.

There is no objection to the acquisition under the Land Acquisition Act of land in an urban agglomeration to which the Urban Land (Ceiling and Regulation) Act, 1976 applies. Much depends on how urgently the land is needed. If the requirement is urgent and cannot wait till the land vests with the Government under the Urban Land (Ceiling and Regulation) Act, 1976, there is no objection to use the land Act. However, the cost aspect should be given due consideration before acquisition under the Land Acquisition Act is resorted to.

(9) State Governments in public interest may exempt lands which are entered in the land records before 28-1-76 as being used mainly for agriculture and are being actually so used even if they are specified in the Master Plan for a purpose other than agriculture subject to the condition that the land is not transferred or the use is not changed.

(10) There is no objection to a charitable institution selling the land for the purpose of utilising the proceeds to promote the objects of the trust after obtaining exemption under section 20 from the State Government.

(11) Persons holding vacant land in excess of the ceiling limit including land for an industry come under

the purview of the act. A person wanting to retain the vacant land in excess of the ceiling limit for an industry should apply to the State Government for exemption. Exemption will be granted taking into account the present and future requirements of the industry. Vacant land upto 1/2 acre in Category 'A' urban agglomerations and 1 acre in other urban agglomerations can be exempted as a matter of course. The exemption is subject to the condition that the exempted land will be put to use within the prescribed period and that it will not be transferred other than for the purpose of obtaining a loan from a financial institution by mortgage.

(12) Exemptions may be granted to the vacant land in excess of the ceiling limit held by the coloniser so that the land after development may be transferred to the individual customers as per agreements executed with them.

(13) The State Governments may grant exemption to vacant land in excess of the ceiling limit for the purpose of construction of godowns for the Food Corporation of India for a temporary period covering the period of contract with the Food Corporation of India which may be extended by one year.

(14) Exemptions may be given to excess vacant land in public interest on a consideration of the layout plan of the area, its environment, its aesthetic quality or its substantially built up character provided that it is not transferred or put to any other use.

(15) Exemptions may be given to land earmarked for commercial use obtained from government or semi-government agencies subject to the condition that the land is not transferred (provided that the land has been obtained for commercial use or

converted to commercial use not more than five years before the commencement of the Act).

(16) Persons may hold vacant land in excess of the ceiling limit for construction of dwelling units for the weaker sections of society after obtaining permission under section 21 subject to the following conditions:

(i) not less than 50 per cent of the total number of dwelling units constructed should have a plinth area not exceeding 40 sq. mts. The balance can have a plinth area between 41 sq. mts. and 80 sq. mts.

(ii) the construction of the dwelling units should be completed within five years from the date of permission by the competent authority.

(iii) the dwelling units shall be sold by outright sale or hire-purchase or shall be let out on rent to the weaker sections of society.

Where the dwelling unit is sold by outright sale, the sale price should not exceed the sum consisting of the actual cost of construction of the dwelling unit and the amount he would be entitled under the Act to the land occupied by such dwelling unit and the land appurtenant, if the vacant land is deemed to have been acquired by the State Government together with a sum calculated at the rate of fifteen per cent on such cost of construction and such amount.

Where any dwelling unit is sold on hire-purchase such person shall be entitled in addition to the sale price, interest calculated at the rate of ten percent per annum on the unpaid portion of the sale price.

Where any dwelling unit is let out, the rent shall be worked out so that the person will get a return not exceeding ten per cent per annum on the sale price of the dwelling unit.

(iv) Between the date of permission and date of completion of the dwelling units, no transfer of land is permissible.

(17) There is no objection to demolish an existing building in an area to redevelop the area together with the excess land, after obtaining exemption under section 20, provided that the redevelopment is in accordance with the Master Plan or Zonal plan of the area concerned.

(18) Instructions have been given to the competent authorities to deal with notices regarding transfer of vacant land within the ceiling limit expeditiously and that if the transfer is not by way of sale, within three days so that the registration relating to such documents is not delayed.

Similarly, regarding built up property situated in urban or urbanisable land, permissions should be given by the competent authorities in cases other than for sale within three days.

(19) There should not be any delay in sanctioning building plans for buildings on vacant lands within the ceiling limit. For this purpose, an affidavit and an indemnity bond have been prescribed.

Building plans on vacant land in excess of the ceiling limit may also be approved provided that the construction is restricted to the extent of land the person can hold upto the ceiling limit after obtaining an affidavit and an indemnity bond. Construction on the excess vacant land may be undertaken only after the exemption is granted.

There is no objection to additions and alterations being carried out to an existing building provided that the plinth area of the building in the ground floor is not altered or whereby such alteration, the extent of vacant land in the plot in which the building is situated is not affected.

**Indian Institute of Advanced Study,
Simla**

151. SHRI SUGATA ROY;
SHRI RAJ KESHAR SINGH:

Will the Minister of EDUCATION, SOCIAL WELFARE AND CULTURE be pleased to state:

(a) whether his attention has been drawn to a report in *'India Today'* Vol. III No. 20 to the sad state of affairs in Indian Institute of Advanced Study, Simla;

(b) if so, whether Government are investigating the truth of these reports; and

(c) what steps are being taken to revamp the institute?

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUNDER): (a) Yes, Sir

(b) and (c). The Government had appointed a Committee to review the functioning of the Indian Institute of Advanced Study, Simla in September, 1977. The Committee had submitted its report in which it had recommended that if the Institute has to continue, its character should be changed and the objectives revised. The report is under consideration of the Government.

New Items 'D.M.S. Facing Slow Death'

152. SHRI K. A. RAJAN;
SHRI P. K. KODIYAN;

Will the Minister of AGRICULTURE AND IRRIGATION be pleased to state:

(a) whether Government's attention has been drawn to the news item which appeared in *'Patriot'* dated October 19, 1978 captioning "DMS facing a slow death";