

## The Bombay Land Tenures Abolition (Amendment) Act, 1953

Act 38 of 1953

**Keyword(s):**

Land Tenure Abolition Act, Tenure-Holder, Tenure-Land

Amendments appended: 40 of 1956, 57 of 1958

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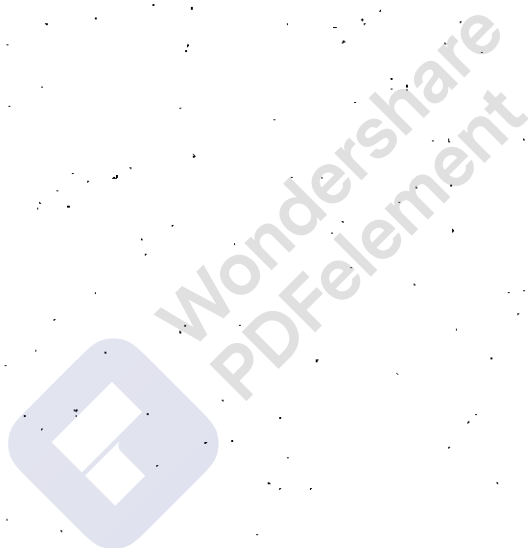
**THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1953.**

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**CONTENTS.****PREAMBLE.****SECTIONS.**

1. Short title and extent.
2. Amount of compensation to be payable in transferable bonds.
3. Amendments to Acts specified in Second Schedule.
4. Rules.

**FIRST SCHEDULE.****SECOND SCHEDULE.**



**BOMBAY ACT No. XXXVIII OF 1953.<sup>1</sup>**

[THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1953.]

[20th June 1953]

**An Act to amend certain Bombay Land Tenures Abolition Acts.**

WHEREAS it is expedient to amend certain Acts providing for the abolition of land tenures in the State of Bombay for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay Land Tenures Abolition (Amendment) Act, 1953. Short title and extent.

(2) It extends to the whole of the State of Bombay excluding the merged territories.

2. (1) The amount of compensation payable under the provisions specified in column 2 of the First Schedule hereto annexed of the Acts specified in column 1 thereof, shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed. Amount of compensation to be payable in transferable bonds.

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1950.

(2) Where compensation has been paid in non-transferable bonds under the provisions of section 7 of the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950, at any time before the date of the coming into force of this Act, the holder thereof shall be entitled to have such bonds converted into transferable bonds repayable and carrying interest as provided in sub-section (1) within such period and in such manner as may be prescribed by rules made under this Act.

3. The Acts specified in column 1 of the Second Schedule hereto annexed shall be amended in the manner and to the extent set forth in column 2 of that Schedule. Amendments to Acts specified in Second Schedule.

4. The State Government may, by notification in the *Official Gazette*, make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication. Rules.

**FIRST SCHEDULE.**

(See section 2.)

Act.	Provisions.
1	2
1. The Bombay Maleki Tenure Abolition Act, 1949 (Bom. LXI of 1949).	Section 5.
2. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).	Sections 7 and 14.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1953, Part V, p. 284.

Acts.	Provisions.
1	2
3. The Bombay Khoti Abolition Act, 1949 (Bom. VI of 1950).	Section 12.
4. The Bombay Paragana and Kulkarni Watans Abolition Act, 1950 (Bom. LX of 1950).	Sections 6, 7 and 9 as amended by this Act.
5. The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom. LXII of 1950.)	Section 4.
6. The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bom. XLVII of 1951.)	Section 7.

## SECOND SCHEDULE.

(See section 3.)

Acts.	Amendments.
1	2
The Bombay Maleki Tenure Abolition Act, 1949 (Bom. LXI of 1949).	In sub-section (1) of section 2, after clause (c) the following clause shall be inserted, namely :— “(d) ‘Collector’ includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act.”
The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).	In section 2, after clause (1) the following clause shall be inserted, namely :— “(1-A) ‘Collector’ includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;”
The Bombay Khoti Abolition Act, 1949 (Bom. VI of 1950).	In section 2, in sub-section (1),— (a) after clause (i) the following clause shall be inserted, namely :— “(i-a) ‘Collector’ includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;” (b) in clause (vi) (b) (i), the word “ khasgi ” shall be deleted.

Acts. 1	Amendments. 2
<p>The Bombay Paragana and Kul-karni Watans (Abolition) Act, 1950 (Bom. LX of 1950).</p>	<p>(1) In sub-section (1) of section 2, after clause (b), the following clause shall be inserted, namely:—</p> <p>“(bb) ‘Collector’ includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;”;</p> <p>(2) in section 4,—</p> <p>(i) in sub-section (1), for the words “two years”, at both the places where they occur, the words “three years” shall be substituted;</p> <p>(ii) in sub-section (3), for the word, brackets and figure “sub-section (2)” the words, figures and brackets “sub-sections (1) and (2)” shall be substituted;</p> <p>(3) in section 6,—</p> <p>(i) in clause (2), for the portion beginning with the words “a sum equal to the amount of such land revenue” and ending with the words “until the expiry of the said period of ten years”, the following shall be substituted, namely:—</p> <p>“a sum equal to ten times the amount of such land revenue shall be paid to the holder and if the holder dies before the payment of such sum, to his heir or heirs, after deducting therefrom the amount of cash allowance, if any, paid to such holder or heir or heirs, as the case may be, during the period between the appointed day and the date on which the Bombay Land Tenures Abolition (Amendment) Act, 1953, came into force”;</p> <p>(ii) in the marginal note, for the words “continuation of cash allowance” the words “compensation in lieu of cash allowance or land revenue” shall be substituted.</p> <p>(4) for section 7 the following shall be substituted, namely:—</p> <p>“Compensation 7. In the case of to the representative a person who has been registered as a representative watandar. watandar immediately before the appointed day</p>

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## Acts.

1

## Amendments.

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and who in consequence of the coming into force of this Act ceases to be entitled to the right to perform the duties of the office of a hereditary village accountant, a sum equal to seven times the total amount of the emoluments payable annually in cash to the representative watandar performing such service in the year immediately preceding the year in which this Act comes into force shall be paid to such representative watandar as compensation and if such watandar dies before the payment of the sum to him, his heir or heirs shall be paid such sum, after deducting therefrom the amount of compensation, if any, received by the representative watandar or his heir or heirs, as the case may be, during the period between the appointed day and the date on which the Bombay Land Tenures Abolition (Amendment) Act, 1953, came into force.

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VIII

*Explanation.*—For the purposes of this section, a deputy or substitute officiating for the representative watandar shall not be entitled to receive such sum.”;

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Acts.

1

Amendments.

2

(5) In sub-section (2) of section 9, for the words, letters and figures "on or before the 31st day of March 1952" the following shall be substituted and be deemed always to have been substituted, namely:—

"on or before the 30th day of April 1954."

The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom. LXII of 1950).

In section 2, after clause (b) the following clause shall be inserted, namely:—

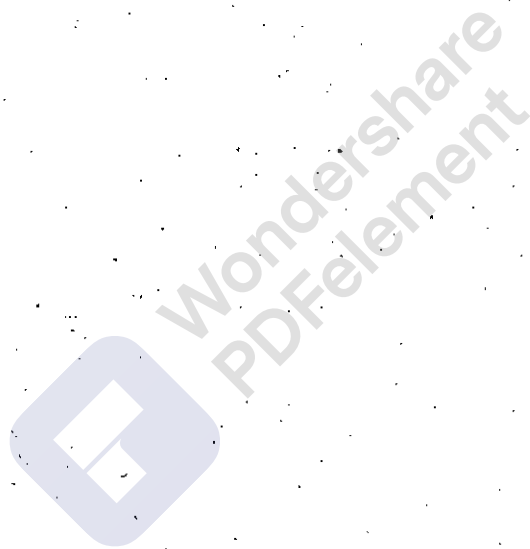
"(c) 'Collector' includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act."

The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bom. XLVII of 1951).

In sub-section (1) of section 2, after clause (a) the following clause shall be inserted namely:—

"(aa) 'Collector' includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act."





**THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1956.**

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**CONTENTS.****PREAMBLE.****SECTIONS.**

1. Short title.
2. Definitions.
3. Amounts of arrears of Land revenue etc., to be deducted from amount of compensation.
4. [*Amendments made by section 4 have been incorporated in the relevant Bombay Acts.*]

**SCHEDULE I.****SCHEDULE II.**



**BOMBAY ACT No. XL OF 1956.<sup>1</sup>****[THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1956.]****[10th July 1956]****An Act further to amend certain Bombay Land Tenures Abolition Acts.**

WHEREAS it is expedient further to amend certain Acts providing for the abolition of land tenures in the State of Bombay for the purposes hereinafter appearing; It is hereby enacted in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Bombay Land Tenures Abolition (Amendment) Short title Act, 1956.

2. In this Act unless there is anything repugnant in the subject or context— **Definitions.**

(1) "Land Tenure Abolition Act" means an Act specified in column 1 of the First Schedule;

(2) "relevant date" in relation to the person whose rights or interest in property have been abolished, extinguished or modified under a Land Tenure Abolition Act, means the date on which the said Act came into force or if the said Act has provided any other date for such abolition, extinguishment or modification, such other date under that Act;

(3) "Schedule" means a Schedule appended to this Act.

3. (1) Notwithstanding anything contained in any of the Land Tenure Abolition Acts, the amount awarded or otherwise payable by the State Government to any person, as compensation under the provisions specified in column 2 of the First Schedule of the Acts specified in column 1 thereof for the abolition, extinguishment or modification of the rights or interest of such person in property, shall be payable to such person subject to the deductions therefrom as provided in sub-section (2). Amounts of arrears of land revenue etc., to be deducted from amount of compensation.

(2) From one-third of such amount, there shall be deducted and credited to the State Government,—

(a) all amounts of arrears of land revenue, cesses or dues in respect of such property certified by the Collector to be due from such person for any period prior to the relevant date;

(b) the whole or part of the amount of any loan advanced by the State Government together with interest thereon, if any, which is certified by the Collector to be due for repayment on the relevant date; and

(c) the amount of the occupancy price, if any, payable by such person to the State Government under the relevant provisions of the Land Tenure Abolition Act applicable to such person.

(3) The provisions of the preceding sub-sections shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force under which the amount to be deducted is recoverable.

4. [Amendments made by section 4 have been incorporated in the relevant Bombay Acts.]

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette* Extraordinary, 1956, Part V, p. 212.

4666 *Bombay Land Tenures Abolition (Amendment) Act, 1956* [1956 : Bom. XL

## FIRST SCHEDULE.

(See sections 2 and 3.)

Acts.	Provisions.
1	2
1. The Bombay Maleki Tenure Abolition Act, 1949 (Bom. LXI of 1949).	Section 5.
2. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).	Sections 7 and 14.
3. The Bombay Khoti Abolition Act, 1949 (Bom. VI of 1950).	Section 12.
4. The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950 (Bom. LX of 1950)	Sections 6, 7 and 9.
5. The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom. LXII of 1950).	Section 4.
6. The Saisette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bom. XLVII of 1951).	Section 7.
7. The Bombay Land Tenures Abolition (Amendment) Act, 1953 (Bom. XXXVIII of 1953).	Section 2.
8. The Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953).	Sections 6, 10 and 17.
9. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).	Sections 6 and 7.
10. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).	Section 7.
11. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).	Sections 5, 8 and 15.
12. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).	Sections 5, 6 and 8.
13. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 (Bom. XLVIII of 1953).	Sections 6, 7 and 8.

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Acts.	Provisions.
1	2
14. The Bombay Service Inams (Useful to Community) Abolition Act, 1953 (Bom. LXX of 1953).	Sections 6 and 7.
15. The Bombay Merged Territories (Janjira and Bhor) Khoti Tenure Abolition Act, 1953 (Bom. LXXI of 1953).	Section 14.
16. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954).	Sections 11, 12, 13 and 14.
17. The Bombay Bhil Naik Inams Abolition Act, 1955 (Bom. XXI of 1955).	Section 7.
18. The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 (Bom. XXII of 1955).	Sections 14, 15, 16 and 18.

#### SECOND SCHEDULE.

(See section 4.)

*[Amendments made by the Second Schedule have been incorporated in the relevant Bombay Acts.]*





**THE BOMBAY LAND TENURE ABOLITION LAWS (AMENDMENT)  
ACT, 1958.**

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**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title and extent.
2. Definitions.
3. Persons entered in record of rights, etc., as inferior holders, permanent holders or permanent tenants to be deemed to be so for purposes of certain Acts and rules.
4. Permanent tenants for the purpose of certain Land Tenure Abolition laws.
5. Circumstances in which inferior holders or permanent holders shall be deemed to hold lands on payment of assessment.
6. Tenure holder contesting the entry in record of rights to apply for declaration and disposal of such application.

**SCHEDULE.**





**BOMBAY ACT No. LVII OF 1958.<sup>1</sup>****[THE BOMBAY LAND TENURE ABOLITION LAWS (AMENDMENT) ACT, 1958.]****[10th June 1958]**

**An Act further to define permanent tenants, inferior holders and permanent holders for the purposes of certain Land Tenure Abolition laws and to provide for certain other matters.**

**WHEREAS it is expedient further to define permanent tenants, inferior holders and permanent holders for the purposes of certain laws providing for the abolition of certain land tenures in the State of Bombay, and to provide for certain other matters hereinafter appearing ; It is hereby enacted in the Ninth Year of the Republic of India as follows :—**

**1. (1) This Act may be called the Bombay Land Tenure Abolition Laws (Amendment) Act, 1958.** Short title and extent.

**(2) It extends to the pre-Reorganisation State of Bombay, excluding the transferred territories.**

**2. In this Act, unless the context requires otherwise,—** Definitions.

**(1) "land tenure" means—**

- (a) taluqdari tenure,
- (b) kauli and katuban tenure,
- (c) personal inam,
- (d) service inam,
- (e) jagir,
- (f) alienation,
- (g) bhil naik inam, or
- (h) political inam,

**within the meaning of the relevant Land Tenure Abolition law ;**

**(2) "Land Tenure Abolition law" means—**

- (a) in relation to a permanent tenant, the Acts specified in Part I of the Schedule, and
- (b) in relation to a permanent holder or inferior holder, the Acts and rules specified in Part II of the Schedule ;

**(3) "tenure-holder" means—**

- (a) a taluqdar,
- (b) a Kaul holder,
- (c) an inamdar,
- (d) a holder,
- (e) a jagirdar, or, as the case may be, a cadet of his family,
- (f) an alienee, or
- (g) holder of a political inam,

**within the meaning of the relevant Land Tenure Abolition law.**

<sup>1</sup>For Statement of Objects and Reasons, see Bombay Government Gazette, 1958, Extraordinary, Part II, Section 3, Sub-section (2), and Part III, Section 2, Sub-section (2).

- (4) "tenure-land" means—
- (a) taluqdari land,
  - (b) kauli or katuban land,
  - (c) inam land,
  - (d) jagir land,
  - (e) service inam land,
  - (f) alienated land, or
  - (g) land held as political inam,

within the meaning of the relevant Land Tenure Abolition law.

Persons entered in record of rights, etc., as inferior holders, permanent holders or permanent tenants to be deemed to be so for purposes of certain Acts and rules.

3. A person shall, within the meaning of the relevant Land Tenure Abolition law, be deemed to be an inferior holder, a permanent holder or, as the case may be, a permanent tenant, on the date of the abolition of the relevant land tenure, if his name has been recorded in the record of rights or other public or revenue record as an inferior holder, permanent holder or permanent tenant in respect of any tenure-land—

- (a) on the date of the abolition of the relevant land tenure, or
- (b) in pursuance of orders issued during the course of any proceedings under the relevant Land Tenure Abolition law or, as the case may be, the Bombay Land Revenue Code, 1879—
  - (i) before the commencement of this Act, or
  - (ii) after the commencement of this Act in cases in which inquiries were pending at the commencement of this Act, or
  - (c) in pursuance of an order issued by the Mamlatdar in respect of an entry under section 6 of this Act.

Bom.  
V of  
1879.

Permanent tenants for the purpose of certain Land Tenure Abolition laws.

4. For the purposes of the relevant Act specified in Part I of the Schedule, a person—

- (a) who on the date of the commencement of that Act was holding any tenure, land, and
- (b) who and whose predecessors in title, if any, were, immediately before that date for such continuous periods as aggregate to a total continuous period of twelve years or more, holding the same tenure-land or any other tenure-land,

as a tenant or inferior holder under the tenure-holder for the time being on payment of an amount exceeding the assessment of the land, shall unless it is proved by the tenure-holder that he would not have been a permanent tenant on the basis of continued possession of the land under clause (b), be deemed to be a permanent tenant of the land under clause (a) and all the provisions of that Act shall apply to him as they apply to a permanent tenant.

*Explanation.*—The assessment for the purpose of this section shall be reckoned as provided in clauses (a) and (b) of section 5.

5. An inferior holder or permanent holder as defined in the relevant Act or rules specified in Part II of the Schedule shall for the purposes of the relevant Act or rules be deemed to be holding land on payment of assessment, if the cash equivalent of the payment made by him, whether in kind or in cash or in both, to the tenure-holder for such land does not exceed—

(a) the assessment fixed on the land under the law relating to land revenue applicable to the land before the commencement of the relevant Act or rules; or

(b) where no land revenue law was applicable to the land or no assessment was fixed on the land, the assessment fixed on the land under section 52 of the Bombay Land Revenue Code, 1879, or, as the case may be, section 7 of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953, after the commencement of the relevant Act or rules.

Circumstances in which inferior holders or permanent holders shall be deemed to hold lands on payment of assessment.

6. (1) The rights of an inferior holder, permanent holder or permanent tenant under sections 4 and 5 shall be entered in the record of rights unless the tenure holder applies in writing to the Mamlatdar within six months from the date of the commencement of this Act for a declaration that any holder or tenant under him is not an inferior holder, a permanent holder or, as the case may be, a permanent tenant.

Tenure holder contesting the entry in record of rights to apply for declaration and disposal of such application.

(2) Any such application shall be disposed of as if it were an application in respect of a disputed case under section 135D of the Bombay Land Revenue Code, 1879.

Bom. V of 1879.  
Bom. XXXIX of 1954.

#### SCHEDULE.

##### Part I.

1. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).
2. The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 (Bom. XXII of 1955).

##### Part II.

1. The Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953).
2. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).
3. The Bombay Service Inams (Useful to Community) [Abolition Act, 1953 (Bom. LXX of 1953).
4. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954).
5. The Bombay Bhil Naik Inams Abolition Act, 1955 (Bom. XXI of 1955).
6. The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 (Bom. XXII of 1955).
7. The Bombay Saranjams, Jahagirs, and other Inams of Political nature, Resumption Rules, 1952.
8. The Bombay Service Inams Useful to Community (Gujarat and Konkan) Resumption Rules, 1954.

