



The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960

Act 16 of 1960

Keyword(s):

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PART IV

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and Regulations made by the Governor.

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The following Act of the Gujarat Legislature, having been assented to by the President on the 30th November 1960, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. XVI OF 1960

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the December 1960).

It is hereby enacted in the Eleventh Year of the Republic of India as follows :—

1. This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960. Short title.

Amendment of section 2 of Bom. LXVII of 1948. 2. In section 2 of the Bombay Tenancy and Agricultural Lands Act, Bom. LXVII of 1948. (hereinafter referred to as "the principal Act") to clause (I) the following proviso shall be added, namely :—

"Provided that in the case of such tracts of land abounding in natural growth of grass as the State Government may, by notification, in the *Official Gazette*, specify, "agriculture" shall include the cutting of grass for any purpose ;"

Amendment of section 9A of Bom. LXVII of 1948. 3. In section 9A of the principal Act, to sub-section (I), the following provisos shall be added, namely :—

"Provided that where any land held by a tenant is wholly or partially exempt from the payment of land revenue and the rent payable in respect of such land is at the rate fixed under section 9, then the amount of rent shall be increased by a sum equal to the aggregate of the following amounts, that is to say :—

- (i) the amount of full assessment leviable in respect of such land,
- (ii) the amounts of the cesses mentioned in clauses (b), (c) and (d) of sub-section (I) of section 10A levied or leviable in respect of such land under the relevant law,

and the tenant shall be liable to pay rent as so increased :

Provided further that if the amount of rent payable by the tenant for any year exceeds the value of 1/6th of the produce of the land in that year, the tenant shall be entitled to deduct from the rent for that year the amount so in excess, and the quantum of rent payable by the tenant to his landlord for that year shall be deemed to have been reduced to the extent of such deduction."

Amendment of section 10A of Bom. LXVII of 1948. 4. In section 10A of the principal Act, in sub-section (3), after clause (b), the following clause shall be inserted, namely :—

"(c) a tenant, where such land is wholly or partially exempt from the payment of land revenue."

Amendment of section 31A of Bom. LXVII of 1948. 5. In section 31A of the principal Act, in clause (d), after the words "any of his ancestors", the following shall be inserted and shall, notwithstanding any decree or order of a Court, be deemed to have been inserted with effect on and from the 1st day of August 1956, namely :—

"but not of any other predecessor-in-title from whom title is derived, whether by assignment or Court sale or otherwise"

Amendment of section 31C of Bom. LXVII of 1948. 6. In section 31C of the principal Act, after the word and figures "section 31" the words and figures "or before the commencement of the Amending Act, 1955, under any other law then in force on the ground that the landlord required the land to cultivate personally or for any non-agricultural purpose" shall be inserted.

Amendment of section 32 of Bom. LXVII of 1948. 7. In section 32 of the principal Act, after sub-section (3) the following sub-sections shall be inserted, namely :—

"(4) On the date of the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960, every tenant in the areas within the limits of Municipal boroughs within the meaning of the Bombay Municipal Boroughs Act, 1925 or within the limits of municipal districts constituted under the Bombay District Municipal Act, 1901, shall, subject to the other provisions of this Act, be deemed to have purchased from a landlord free from all encumbrances subsisting thereon on the said date the land held by him as tenant, as if the said date were the tillers' day.

Guj. XVI of 1960. Bom. XVIII of 1925. Bom. III of 1901.

Provided that nothing in this sub-section shall apply to land leased by a landlord and situated within the limits of any such Municipal borough or municipal district, if such land does not exceed an economic holding and the total annual income of the landlord including the rent of such land does not exceed Rs. 1,500 and such land is not held under a permanent tenancy.

(5) A person eligible to the exemption as provided in the proviso to sub-section (4) shall make an application before the 1st day of July, 1961 to the Mamlatdar for a certificate as provided in section 88C, and the provisions of sub-sections (2) to (4) of that section shall apply thereto as if the application had been made under section 88C.

(6) The provisions of sections 32S, 32T and 32U shall *mutatis mutandis* apply to the termination of tenancy of such land by a landlord holding a certificate under sub-section (5) and purchase of such land by the tenant thereof as if such landlord were a certified landlord and such tenant were an excluded tenant within the meaning of those sections".

8. In section 32F of the principal Act, for sub-section (1A), the following sub-section shall be substituted, namely :—

"(1A) On and after the date of the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960, (hereinafter referred to in this sub-section as "the said date"), every tenant who has not exercised his right of purchase within the period of one year within which it may be exercised under sub-section (1) shall, if the said period has commenced be deemed to have purchased the land on the said date, whether the period has expired or not; and if the period has not commenced, he shall be deemed to have purchased the land on the date on which the period would have commenced but for the provisions of this sub-section".

Amend-
ment of
section 32F
of Bom.
LXVII of
1948.

9. In section 32K of the principal Act, in sub-section (1), to clause (ii), the following provisos shall be added, namely :—

"Provided that in a case in which the tenant is required to deposit the amount in lump sum, if the Tribunal is satisfied that such tenant has failed to deposit the amount within the period specified in sub-clause (a), for any reason beyond his control, it may extend the period by a period not exceeding one year.

Amend-
ment of
section 32K
of Bom.
LXVII of
1948.

Provided further that where the period within which the lump sum was to be paid has expired before the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960, then notwithstanding the expiry of the period the tribunal may extend the period by a period not exceeding one year from the date of such commencement".

10. In section 32M of the principal Act, sub-section (2) shall be deleted.

Amend-
ment of
section 32
M of Bom.
LXVII of
1948.

Guj.
XVI
of
1960.

Guj.
XVI
of
1960.

Amendment of section 32 N of Bom. LXVII of 1948.

11. In section 32N of the principal Act, to sub-section (1), the following proviso shall be added, namely :—

“Provided that—

(a) where the amount of rent exceeds the amount, if any, to be refunded to the tenant, the tenant shall, within three months from the date on which the purchase becomes ineffective, pay to the landlord the amount of rent so in excess, and

(b) where the tenant fails to pay the amount in accordance with clause (a), it shall be recovered from him as an arrear of land revenue and paid to the landlord”.

Amendment of section 32O of Bom. LXVII of 1948.

12. In section 32O of the principal Act—

(1) in sub-section (1), for the words “shall be entitled within one year” the words “shall be deemed to have purchased on the date of expiry of one year” shall be substituted and the words “to purchase” shall be deleted ;

(2) sub-section (1-A) shall be deleted.

Amendment of section 32P of Bom. LXVII of 1948.

13. In section 32P of the principal Act, in sub-section (1)—

(1) for the words, figures and letters “under section 32G or 32M” the words “under the foregoing provisions of this sub-chapter” shall be substituted ;

(2) the words, figures and letters “or where a tenant fails to exercise the right to purchase the land held by him within the specified period under section 32F or 32O” shall be deleted.

Insertion of new sections 32S, 32T and 32U in Bom. LXVII of 1948.

14. After section 32R of the principal Act, the following heading and sections shall be inserted, namely :—

“(II-A) *Termination of tenancy by landlords, and purchase of land by tenants, of lands to which section 88C applies.*

32-S. For the purposes of sections 32T and 32U—

(i) ‘certified landlord’ means a person who holds a certificate issued to him under sub-section (4) of section 88C ; and

(ii) ‘excluded tenant’ means a tenant of land to which the provisions of sections 32 to 32R (both inclusive) do not apply by virtue of sub-section (1) of section 88C.

Special right of certified landlord to terminate tenancy for personal cultivation.

32T. (1) Notwithstanding anything contained in sections 31 to 31B (both inclusive) but subject to the provisions of this section a certified landlord may, after giving notice and making an application for possession as provided in sub-section (3), terminate the tenancy of any land leased by him to an excluded tenant, if he *bona fide* requires such land for cultivating it personally.

(2) (a) The notice may be given and an application may be made by a certified landlord under sub-section (3), notwithstanding that in respect of the same tenancy any application made by him in accordance with sub-section (2) of section 31—

(i) is pending before the Mamlatdar or in appeal before the Collector or in revision before the Gujarat Revenue Tribunal on the date of the commencement of the Bombay Tenancy and Agricultural Lands ^{XVI} (Gujarat Amendment) Act, 1960 (hereinafter referred to in ^{of} 1960. section as ‘the commencement date’), or

Definitions.

(ii) has been rejected by the Mamlatdar or in appeal by the Collector or in revision by the Gujarat Revenue Tribunal before the commencement date ;

(b) Any such pending application shall be deemed to have abated on the commencement date.

(3) The notice required to be given under sub-section (1) shall be in writing and shall be served on the tenant on or before the 31st day of December 1961 and a copy thereof shall, at the same time be sent to the Mamlatdar. An application for possession of the land shall thereafter be made under section 29 to the Mamlatdar on or before the 31st day of March 1962 :

Provided that where a landlord has applied for a certificate under sub-section (3) of section 88C within the period prescribed or specified therefor but no certificate has been issued to him before the 31st day of December 1961, he may give such notice and make an application for possession of the land before the expiry of three months from the date on which a certificate is issued to him under sub-section (4) of section 88C.

(4) Where the certified landlord is of one of the following categories, namely, —

- (a) a minor,
- (b) a widow,
- (c) a serving member of the armed forces, or
- (d) a person subject to any physical or mental disability,

then if he has not given a notice and not made an application as required by sub-sections (1) and (3), such notice may be given and such application may be made —

(A) by the landlord within one year from the date on which—

- (i) in the case of category (a) he attains majority ;
- (ii) in the case of category (c) he ceases to serve in such force ;
- (iii) in the case of category (d) he ceases to be subject to such physical or mental disability ; and

(B) in the case of a widow by the successor-in-title within one year from the date on which the widow's interest in the land ceases to exist :

Provided that where a person of such category is a member of a joint family, the provisions of this sub-section shall not apply if at least one member of the joint family is outside the categories mentioned in this sub-section unless the share of such person in the joint family has been separated by metes and bounds before the 31st day of March 1958 and the Mamlatdar on inquiry is satisfied that the share of such person in the land is separated, having regard to the area, assessment, classification and value of the land, in the same proportion as the share of that person in the entire joint family property, and not in a larger proportion.

(5) The right of a certified landlord to terminate a tenancy under this section shall be subject to the following conditions, namely :—

- (a) that if before the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960, the landlord has already under section 31 or under any other law then in force terminated the tenancy of any land held by the same tenant

on the ground that he required it for personal cultivation thereof or for non-agricultural use and taken possession, he shall not be entitled to terminate a tenancy under the provisions of sub-section (1);

(b) that notwithstanding anything contained in the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, the landlord shall be entitled to take possession of the land leased to the tenant to the extent of half the area thereof : Bom.
LXII
of
1947

Provided that if at the date on which the application for possession is made by the landlord to the Mamlatdar in accordance with sub-section (3) or (4) —

(i) the landlord has not been cultivating personally any other land or has been cultivating personally other land less than half an economic holding, and

(ii) the tenant has been cultivating and is entitled to continue to cultivate personally other land exceeding half an economic holding, the landlord shall be entitled to take possession of the whole of the land leased ;

(c) that the land leased stands in the Record of Rights or in any public record or similar revenue record on the 1st day of January, 1952 and thereafter until the commencement date in the name of the landlord himself, or of any of his ancestors but not of any other predecessor in-title from whom title is derived by assignment or court sale or otherwise, or of a joint family of which the landlord is a member ;

(d) that the landlord shall not be entitled to the possession of the land, if an application under clause (iv) of sub-section (1) of section 88D has been made and has not been rejected.

(6) The tenancy of any land left with the tenant after the termination of the tenancy under this section shall not at any time afterwards be liable to termination again on the ground that the landlord *bona fide* requires that land for personal cultivation.

(7) If, in consequence of the termination of the tenancy under this section, any part of the land leased is left with the tenant, the rent shall be apportioned in the prescribed manner in proportion to the area of the land left with the tenant.

32U. (1) Notwithstanding anything contained in sub-section (1) of section 88C, but subject to the provisions of this section every excluded tenant holding land from a certified landlord shall except as otherwise provided in sub-section (3), be deemed to have purchased from the landlord, on the first day of April 1962, free from all encumbrances subsisting thereon on the said day, the land held by him as tenant, if such land is cultivated by him personally; and

(i) the landlord has not given notice of termination of tenancy in accordance with sub-section (3) of section 32T, or

(ii) the landlord has given such notice but has not made an application thereafter under section 29 for possession as required by the said sub-section (3), or

Tenants of lands mentioned in section 88C to be deemed to have purchased land and other incidental provisions.

(iii) the landlord not being a person of any of the categories specified in sub-section (4) of section 32T has not terminated the tenancy on any of the grounds specified in section 14 or has so terminated the tenancy but has not applied to the Mamlatdar on or before the 31st day of March 1962 under section 29 for possession of the land :

Provided that where the landlord has made such application for possession but it is rejected by the Mamlatdar or in appeal by the Collector or in revision by the Gujarat Revenue Tribunal under the provisions of this Act, the tenant shall be deemed to have purchased the land on the date on which the final order of rejection is passed.

(2) (a) Where a tenant, on account of his eviction from the land by the landlord before the 1st day of April 1962, is not in possession of the land on the said date but has made or makes an application for possession of the land under sub-section (1) of section 29 within the period specified in that sub-section, then if the application is allowed by the Mamlatdar, or as the case may be, in appeal by the Collector or in revision by the Gujarat Revenue Tribunal, he shall be deemed to have purchased the land on the date on which the final order allowing the application is passed.

(b) Where such tenant has not made an application for possession within the period specified in sub-section (1) of section 29 or the application made by him is finally rejected under this Act, and the land is held by any other person as tenant on the expiry of the said period or on the date of the final rejection of the application, such other person shall be deemed to have purchased the land on the date of the expiry of the said period or, as the case may be, on the date of the final rejection of the application.

(3) Where the certified landlord being a person of any of the categories specified in sub-section (4) of section 32T has not given notice of termination of the tenancy of an excluded tenant in accordance with sub-section (3) of that section or has given such notice but has not made an application thereafter under section 29 for possession as required by the said sub-section (3), such excluded tenant shall be deemed to have purchased the land held by him as tenant on the expiry of the period specified in sub-section (4) of section 32T :

Provided that where the tenancy is terminated and application for possession is made in accordance with the provisions of sub-section (4) of section 32T but the application is rejected by the Mamlatdar or in appeal by the Collector or in revision by the Gujarat Revenue Tribunal, the tenant shall be deemed to have purchased the land on the date on which the final order of rejection is passed.

(4) The provisions of sections 32 to 32R shall so far as may be applicable apply to the purchase of land under this section by an excluded tenant."

15. In section 37 of the principal Act —

(1) in sub-section (1) after the word and figures "section 31" where they occur at two places, the word, figures and letter "or 32 T" shall be inserted ;

Amend-
ment of
section 37
of Bom.
LXVII of
1948.

(2) after sub-section (3) the following sub-sections shall be inserted, namely :—

“(4) Where before the commencement of the Amending Act, 1955, a landlord in accordance with the provisions of this Act as then in force has terminated the tenancy of any land by giving notice to the tenant that he required the land for cultivating personally or for any non-agricultural purpose and has taken possession of the land, whether before or after such commencement, then if he fails to use the land for the purpose specified in the notice within one year from the date on which he took possession or ceases to use it for the purpose specified in the notice at any time within twelve years from the date on which he took possession, the foregoing provisions of this section shall, notwithstanding any decree or order of a court or tribunal, apply to such failure or cessation, as the case may be, as if there had been a termination of the tenancy under section 31.

(5) Where a failure or cessation referred to in sub-section (4) has taken place before the date of the coming into force of the Bombay Tenancy, and Agricultural Lands (Gujarat Amendment) Act, 1960, the liability ^{XVI} of the landlord under sub-section (1) to restore possession of the land ^{of} 1960 to the tenant shall commence from that date.”

16. In section 43 of the principal Act, —

Amendment of section 43 of Bom. LXVII of 1948.

(1) in sub-section (1) —

(a) for the figures, letters and word “ 32I or 32O ” the figures, letters and word “ 32I , 32O or 32U ” shall be substituted ;

(b) after the word “ Collector ” the words “ and except on payment of such amount as the State Government may by general or special order determine ” shall be inserted ;

(2) after sub-section (1), the following sub-sections shall be inserted, namely :—

“(1A) Notwithstanding anything contained in sub-section (1), it shall be lawful for such tenant or a person to mortgage or create a charge on his interest in the land in favour of the State Government in consideration of a loan advanced to him by the State Government under the Land Improvement Loans Act, 1883, the Agriculturists' Loans Act, 1884, or the Bombay Non-Agriculturists' Loans Act, 1928, ^{XIX} or in favour of a co-operative society, and without prejudice to any ^{of 1883} XII of other remedy open to the State Government or the co-operative society, ¹⁸⁸⁴ as the case may be, in the event of his making default in payment of ^{Bom.} such loan in accordance with the terms on which such loan was granted, ^{III of} 1928. it shall be lawful for the State Government or the co-operative society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.

(1B) Nothing in sub-section (1) or (1A) shall apply to land purchased under section 32, 32F, 32O or 64 by a permanent tenant thereof, if prior to the purchase, the permanent tenant, by usage, custom, agreement or decree or order of a Court, held a transferable right in the tenancy of the land.”

17. In section 43C of the principal Act, clause (c) and clause (d) shall be deleted.

Amendment of section 43C of Bom. LXVII of 1948.

18. In section 43D of the principal Act, in sub-section (1), for the words, figures and letter "specified in section 43C" the words, brackets, figures and letter "to which section 43C applies" shall be substituted.

Amendment of section 43D of Bom. LXVII of 1948.

19. In section 73 of the principal Act, in the proviso, after the words "of appeal" the words "or, as the case may be, of application for revision as provided" shall be inserted.

Amendment of section 73 of Bom. LXVII of 1948.

20. In section 74 of the principal Act, in sub-section (1), —

(i) after clause (ma), the following clause shall be inserted and shall be deemed to have been inserted with effect on and from the 1st day of August 1956, namely :—

Amendment of section 74 of Bom. LXVII of 1948.

"(mb) a decision under section 31 or 32F, or an order under section 32G, ";

(ii) after clause (n), the following clause shall be inserted, namely :—

"(na) a decision under the proviso to sub-section (4) of section 32T or an order under section 32U, ".

21. In section 76 of the principal Act, in clause (c) of sub-section (1), after the words "by this Act" the words "or that there has been failure to take evidence or error in appreciating important evidence" shall be inserted.

Amendment of section 76 of Bom. LXVII of 1948.

22. To section 79 of the principal Act, the following proviso shall be added, namely :—

Amendment of section 79 of Bom. LXVII of 1948.

"Provided that an appeal against a decision of the Mamlatdar under section 31 or 32F or an order passed by the Tribunal under section 32G before the date of the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960 may be filed within a period of six months from the date of such commencement."

23. In section 82 of the principal Act,—

(1) in sub-section (2), after clause (pb), the following clause shall be inserted, namely :—

Amendment of section 82 of Bom. LXVII of 1948.

"(pc) fees for giving copies of, or extracts from any document issued under this Act or record maintained under or for the purposes of this Act",

(2) after sub-section (3), the following shall be inserted, namely :—

"(4) All rules made under this section shall be laid before the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following."

Insertion
of new
section
83A in
Bom. LXVII
of 1948.

Restric-
tion on
acquiring
land by
transfer
which is
invalid.

Amend-
ment of
section 84B
of Bom.
LXVII of
1948.

Amend-
ment of
section 84C
of Bom.
LXVII of
1948.

24. After section 83 of the principal Act, the following section shall be inserted, namely:—

“83 A. (1) No person shall acquire land by transfer where such transfer or acquisition is invalid under any of the provisions of this Act.

(2) Any person who acquires land in contravention of sub-section (1) shall, in the event of the transfer or acquisition being decided or declared invalid, be liable to suffer the consequences under section 84 or 84C, as the case may be.”

25. In section 84B of the principal Act, in sub-section (1) for the proviso the following shall be substituted, namely :—

“ Provided that where the transfer or acquisition was in favour of the tenant in possession of the land and the area of the land so transferred together with the area of other land, if any, cultivated personally by the tenant did not exceed the ceiling area, such transfer or acquisition shall not be declared to be invalid if the tenant pays to the State Government a penalty of one rupee within such period not exceeding three months as the Mamlatdar may fix.”.

26. In section 84C of the principal Act, —

(1) in sub-section (2), —

(a) after the words “ acquisition to be invalid ” the following shall be added, namely:—

“unless the parties to such transfer or acquisition give an undertaking in writing that within a period of three months from such date as the Mamlatdar may fix, they shall restore the land along with the rights and interest therein to the position in which it was immediately before the transfer or acquisition, and the land is so restored within that period.”;

(b) for the proviso, the following shall be substituted, namely:—

“ Provided that where the transfer of land was made by the landlord to the tenant of the land and the area of the land so transferred together with the area of other land, if any, cultivated personally by the tenant did not exceed the ceiling area, the Mamlatdar shall not declare such transfer to be invalid —

(i) if the amount received by the landlord as the price of the land is equal to or less than the reasonable price determined under section 63A and the transferee pays to the State Government a penalty equal to Re. 1 within such period not exceeding three months as the Mamlatdar may fix;

(ii) if the amount received by the landlord as the price of the land is in excess of the reasonable price determined under section 63A and the transferor as well as the transferee pays to the State Government each a penalty equal to one-tenth of the reasonable price within such period as may be fixed by the Mamlatdar.”;

(2) in sub-section (4), in the proviso—

(a) for the words “Provided that in the case of a transfer by the landlord to the tenant of the land” the following shall be substituted, namely :—

“ Provided that where the transfer of land was made by the landlord to the tenant of the land and the area of the land so transferred together with the area of the land, if any, cultivated personally by the tenant did not exceed the ceiling area then—”; and

(b) in clauses (i) and (ii), for the words “where the amount” the words “ if the amount” shall be substituted.

27. Section 88 of the principal Act shall be renumbered as sub-section (1) of that section and—

Amendment of section 88 of Bom. LXVII of 1948.

(1) in sub-section (1) as so renumbered—

(i) for the words “Nothing in the foregoing provisions of this Act” the words, brackets and figures “Save as otherwise provided in sub-section (2), nothing in the foregoing provisions of this Act” shall be substituted ;

(ii) in the proviso for the words “ shall have the right to purchase” the words “shall be deemed to have purchased” and for the words “within one year from the expiry” the words “on the expiry” shall be substituted.

(iii) after the proviso, the following shall be inserted, namely :—

“ Provided further that—

(1) in the case of a permanent tenancy the permanent tenant shall be deemed to have purchased the land held by him on permanent tenancy on the date on which the estate or land is released from management or has ceased to be subject to the provisions of this section as aforesaid, whether such release or cessation was before or after the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960, and

Guj. XVI of 1960.

(2) the provisions of sections 32 to 32R shall so far as may be applicable apply to the purchase of land by the permanent tenant under this section.”.

(iv) in the *Explanation*, for the word, brackets and letter “clause (a) of this section” the words, brackets and letter “ clause (a) of this sub-section ” shall be substituted.

(2) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

Guj. XVI of 1960.

“(2) If any land held on lease from Government or any part thereof—

(i) is held at the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960 by a person under a sub-lease from the lessee and is cultivated personally by such person, or

(ii) is sub-leased after the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960 by the lessee to any person for cultivation and such sub-leasing of the land or part thereof is authorised in accordance with the terms of the lease, then all the provisions of this Act except sections 32 to 32R (both inclusive) and section 43 shall notwithstanding anything contained in such lease, apply to the land, or as the case may be, the part thereof, held under such sub-lease, as if the person holding it under such sub-lease were a tenant within the meaning of section 4 of this Act and the lessee were the landlord :

Provided that in the case of a sub-lease subsisting on the date of the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960 the lessee shall be entitled to terminate under section 31 the sub-lease within one year from such date and the provisions of sections 31 to 31D (both inclusive) shall, so far as may be applicable, apply to the termination of the sub-lease.

Explanation.—In sub-section (2) of this section references to a lessee include a reference to a person to whom the entire interest in the land held on lease or in any part thereof has been transferred or assigned.”

28. In section 88C of the principal Act,—

“(1) in sub-section (1), for the words “ Nothing in sections” the words, brackets and figures “ Save as otherwise provided by the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960, nothing in sections” shall be substituted ;

(2) to sub-section (2), the following proviso shall be added, namely :—

“ Provided that where such person is a widow she may make such application before the 1st day of July 1961 notwithstanding that the period prescribed under this section has expired.” ;

(3) sub-section (5) shall be deleted.



The Gujarat Government Gazette
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Separate Paging is given to this part in order that it may be
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PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the President on the 23rd December 1965 is hereby published for general information.

SUMANT M. VIDYARTHI,
 Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 36 OF 1965.

(First published, after having received the assent of the President in the "*Gujarat Government Gazette*" on the 29th December 1965).

An Act further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Sixteenth Year of the Republic of India as follows:—

1. This Act may be called the Bombay Tenancy and Agricultural Lands ^{Short title.}
 (Gujarat Amendment) Act, 1965.

2. Section 32J of the Bombay Tenancy and Agricultural Lands Act, 1948 ^{Deletion of}
 (hereinafter referred to as "the principal Act") shall be deleted. ^{section 32J of}
^{Bom. LXVII}
^{of 1948.}

3. In section 32M of the principal Act, after sub-section (I), the following ^{Amendment}
 sub-section shall be inserted, namely:— ^{of section}
^{32M of Bom.}
^{LXVII of}
^{1948.}

"(2) In the case of the purchase of any land by a tenant, which before the date of the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1965 has become ineffective by reason of the failure of the tenant to pay the lump sum within the period fixed under clause (ii) of sub-section (1) of section 32K or the tenant remaining in arrears of four instalments, if the tenant deposits with the Tribunal within a period of three years from the date of such commencement the entire amount of the price of the land as fixed under section 32K or, as the case may be, such portion of the price so fixed as may have remained unpaid, together with the interest, if any, payable under section 32K, the purchase of the land shall be deemed not to have become so ineffective and the Tribunal shall issue a certificate of purchase to the tenant under sub-section (1)."

Guj. 36
of
1966.

4. In section 32P of the principal Act—

(i) in sub-section (2)—

(a) for the words "Such direction shall provide" the words, brackets, figure and letter "Such direction shall, subject to the provisions of sub-section (2A), provide" shall be substituted;

(b) in clause (c), for the words "shall be disposed of by sale" the words "shall, subject to the terms and conditions as may be specified in the direction be disposed of by sale" shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Where the tenancy in respect of any land is terminated under clause (a) of sub-section (2) but the tenant of such land is a co-operative farming society of the type referred to in sub-clause (i) of clause (c) of sub-section (2), the direction under sub-section (2) shall further provide—

(i) that if the entire land or any portion thereof cannot be surrendered in accordance with the provisions of section 15, the entire land or such portion thereof, as the case may be, shall be disposed of by sale to the co-operative farming society which was the tenant of the land or as the case may be, portion thereof immediately before the termination of the tenancy under clause (a) of sub-section (2):

Provided that the total acreage of the land to be so disposed of shall not exceed an area arrived at by multiplying the ceiling area by the total number of the members of the co-operative farming society;

(ii) that on the termination of the tenancy under clause (a) of sub-section (2), the co-operative farming society shall be liable to be evicted only from such portion of the land as could not be disposed of by sale to it under a direction issued under sub-section (2).";

(iii) after sub-section (5), the following sub-sections shall be inserted, namely:—

“(6) On the payment of the last instalment of the price, together with the interest due, the Collector shall issue a certificate of purchase in the prescribed form to the purchaser in respect of the land. Such certificate shall be conclusive evidence of purchase.

(7) (a) Where any land is surrendered to a landlord under sub-section (2) and the landlord has taken possession of the land, the landlord shall be liable to cultivate the land personally and shall be entitled to the use and occupation of the land so long as he cultivates the land personally.

(b) If he fails to so cultivate the land he shall be evicted from the land and the land shall be disposed of in accordance with the provisions of section 84C.

(8) No land surrendered to a landlord under sub-section (2) shall be transferred by sale, gift, exchange, mortgage, lease or assignment or partitioned without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

(9) Any person aggrieved by any order made by the Collector under the foregoing provisions of this section may appeal to the State Government against such order.

(10) The State Government shall after giving an opportunity to the parties to be heard, decide the appeal.

(11) The order of the Collector, subject to such appeal and decision of the State Government on appeal, shall be final.”;

(iv) in the marginal note, after the word “tenant” the words “and appeal against Collector’s order” shall be inserted.

5. After section 32P of the principal Act, the following section shall be inserted, namely:—

Insertion
of section
32PP in Bom.
LXVII
of 1948.

Guj.
36 of
1965.

“32PP (1) Notwithstanding anything contained in sections 32G and 32P, where before the date of the coming into force of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1965 (hereinafter referred to in this section as “the said date”)— Further opportunity to tenant to purchase land.

(i) any land has been at the disposal of the Collector under section 32P on account of the purchase of the land by the tenant thereof having become

ineffective under sub-section (3) of section 32G by reason of the tenant failing to appear before the Tribunal or making a statement expressing his unwillingness to purchase the land, and

(if) the land so at the disposal of the Collector has not been disposed of in the manner provided in sub-section (2) of section 32P,

the tenant, if he is willing to purchase the land may make an application in writing to the Tribunal within a period of one year from the said date for a declaration that the purchase has not become ineffective.

(2) On receipt of an application under sub-section (1) the Tribunal shall issue a notice to the tenant and the landlord calling upon them to appear before it on the date specified in the notice.

(3) If the tenant appears and makes a statement that he is willing to purchase the land, the land shall cease to be at the disposal of the Collector under section 32P and the Tribunal shall determine the purchase price of the land in the manner provided in section 32G as if the purchase had not been ineffective.

(4) The provisions of sections 32 to 32P and sections 32Q and 32R shall so far as may be applicable apply to the purchase of the land by a tenant under this section.

(5) In the case of land to which this section applies no action shall be taken under section 32P unless the tenant entitled to make an application under this section fails to make such application within the period specified in sub-section (1)."

Amendment
of section
37 of Bom.
LXVII of
1948.

6. In section 37 of the principal Act—

(1) in sub-section (4), for the words and figures "under section 31" the following shall be substituted and shall be deemed to have been substituted with effect on and from the 13th December, 1960, namely:—

"under section 31, and where after the termination of tenancy as aforesaid the land has been transferred to any person and the transfer is inconsistent with the ground on which the tenancy of the land was terminated, the transfer shall be invalid and the person shall be deemed to be unauthorisedly occupying the land";

(2) after sub-section (5), the following sub-sections shall be inserted and shall be deemed to have been inserted with effect on and from the 13th December, 1960, namely:—

"(6) If the Mamlatdar *suo motu* or on the application from any person interested in the land has reason to believe that the transfer of any land is invalid under sub-section (4), he shall issue a notice in the prescribed form

to the transferor and the transferee to show cause as to why the transfer should not be declared to be invalid and shall hold an inquiry and decide whether the transfer is or is not invalid.

(7) If the Mamlatdar declares the transfer to be invalid he shall direct that the land shall be restored to the possession of the transferor and that the amount of consideration, if any, received by the transferor shall be paid by the transferor to the transferee within the period specified in the direction.

(8) If the transferor fails to pay the amount to the transferee within the period so specified, the amount shall be recovered from him as an arrear of land revenue and paid to the transferee.

(9) Nothing in section 84A, 84B or 84C shall apply to a transfer of land which is invalid under this section."

7. In section 43C of the principal Act, for the words "areas within the limits of" the words "areas which on the date of the coming into force of the Amending Act, 1955 are within the limits of" shall be substituted and shall be deemed to have been substituted with effect on and from the 1st August 1956.

Amendment
of section
43C of Bom.
LXVII of
1948.

8. In section 70 of the principal Act, clause (me) shall be deleted.

Amendment
of section
70 of Bom.
LXVII of
1948.

9. In section 76 of the principal Act, in sub-section (1), after the words "against any order of the Collector" the words "except an order under section 32P or an order in appeal against an order under sub-section (4) of section 32G" shall be inserted.

Amendment
of section
76 of Bom.
LXVII of
1948.

10. After section 76A of the principal Act, the following section shall be inserted, namely :—

Insertion
of section
76AA
in Bom.
LXVII of
1948.

"76AA. An application for revision may be made to the State Government against the decision of the Collector in an appeal against an order made under sub-section (4) of section 32G and the State Government may call for the proceedings of the Collector for the purpose of satisfying itself as to the legality or propriety of the decision of the Collector and pass such order as it may think fit."

Revisional
power of
Government
in certain
cases.

11. In section 77 of the principal Act, for the word "Collector" the words "Collector, State Government" shall be substituted.

Amendment
of section
77 of Bom.
LXVII of
1948.

12. In section 78 of the principal Act, in sub-section (2), after the words "Revenue Tribunal" the words "or of the State Government" shall be inserted.

Amendment
of section
78 of Bom.
LXVII of
1948.

Amendment
of section 80
of Bom.
LXVII
of 1948.

13. In section 80 of the principal Act, for the words "the Collector and the Gujarat Revenue Tribunal" the words "the Collector, the Gujarat Revenue Tribunal and the State Government" shall be substituted.

Amendment
of section
82 of Bom.
LXVII
of 1948.

14. In section 82 of the principal Act,

(1) in sub-section (2), clause (pc) shall be deleted;

(2) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Such rules may also provide for the levy of fees for giving copies of, or extracts from, any document issued under this Act or record maintained under or for the purposes of this Act and the scales of such fees.";

(3) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) Any modifications so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect."

Amendment
of section
83 of
Bom. LXVII
of 1948.

15. In section 83 of the principal Act,

(1) for the words "powers conferred" the words "powers conferred or functions or duties imposed" shall be substituted;

(2) in the marginal note, for the words "powers" the words "powers, functions and duties" shall be substituted.

Amendment
of section
84A of
Bom.
LXVII of
1948.

16. In section 84A of the principal Act, to sub-section (3), the following proviso shall be added, namely:—

"Provided that where the transfer was made in favour of the tenant nothing in this sub-section shall apply to such transfer, if the tenant pays the penalty even after the expiry of the period prescribed for such payment but before the end of the 31st March 1966."

Amendment
of section
85 of Bom.
LXVII of
1948.

17. In section 85 of the principal Act, in sub-section (1), for the words "the Collector or the Gujarat Revenue Tribunal" the words "the Collector, the Gujarat Revenue Tribunal or the State Government" shall be substituted.

Amendment
of section 88
of Bom.
LXVII of
1948.

18. In section 88 of the principal Act,—

(1) in sub-section (1),

(i) after clause (a), the following clause shall be inserted, namely:—

"(aa) to lands held or leased by a local authority;"

(ii) to clause (b) the following provisos shall be added namely:—

Guj.
80 of
1965.

“Provided that if after a notification in respect of any area specified in the notification is issued under this clause, whether before or after the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1965, the limits of the area so specified are enlarged on account of the addition of any other area thereto, then merely by reason of such addition, the reservation as made by the notification so issued shall not apply and shall be deemed never to have applied to the area so added, notwithstanding anything to the contrary contained in any judgment, decree, or order of any court, tribunal or any other authority :

Provided further that if any land in the area so added has been transferred or acquired after the issue of the notification referred to in the first proviso but before the 29th day of October 1964, such transfer or acquisition of land shall have effect as if it were made in an area to which this clause applies.”;

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

Guj.
XVI
of
1960.

“(1A) Where under the first proviso to sub-section (1) as it was in force before the date of the coming into force of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960 (hereinafter referred to in this sub-section as “the said date”), a landlord was entitled to terminate under section 31 the tenancy of any land after the 1st August 1956 but within a period of one year from the date on which the land was released from management and the tenant had a right to purchase the land within one year from the expiry of that period, the tenant shall—

(i) if the period for exercising the right of purchase had commenced under the aforesaid proviso before the said date, then whether the period had expired or not be deemed to have purchased the land on the expiry of the period during which the landlord was entitled to terminate the tenancy, and

(ii) in any other case, be deemed to have purchased the land on the date on which the period for exercising the said right would have commenced under the aforesaid proviso. The provisions of sections 31 to 31D (both inclusive) and sections 32 to 32R (both inclusive) shall, so far as may be applicable, apply and shall be deemed always to have applied to such termination of tenancy and to the right of the tenant to purchase the land.”.

19. In section 88B of the principal Act,

(1) in sub-section (1), in clause (a), the words “local authority or” shall be deleted;

Amendment
of section
88B of Bom.
LXVII of
1948.

(2) after sub-section (2), the following sub-section shall be inserted with effect on and from the date on which Amending Act, 1955 came into force, namely:—

“(3) Notwithstanding anything contained in sub-section (1), nothing in the foregoing provisions of this Act shall apply to lands leased for cultivation with the help of sewage, whether before or after the commencement of the Amending Act, 1955 by a local authority in discharge of its duties and functions relating to the establishment and maintenance of a farm for the disposal of sewage under the law under which such local authority is constituted.”.



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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the President on the 18th September 1969 is hereby published for general information.

K. M. SATWANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 15 OF 1969.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 19th September 1969.)

An Act further to amend the Bombay Tenancy and Agricultural Lands Act, 1948 for certain purposes.

It is hereby enacted in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1969.

2. In section 32M of the Bombay Tenancy and Agricultural Lands Act, 1948, (hereinafter referred to as "the principal Act"), after sub-section (2), the following sub-sections shall be inserted, namely:—

Bom.
LXVII
of
1948.

Amendment
of section
32M of Bom.
LXVII of
1948.

100

“(3) Notwithstanding the expiry of the period specified in sub-section (2), if the tenant of land to which sub-section (2) applies deposits with the Tribunal within a period of two years after the expiry of the period mentioned in sub-section (2) the entire amount of the price of the land or, as the case may be, the portion of the price, together with interest, as specified in the said sub-section (2), the purchase of the lands shall be deemed not to have become ineffective and the Tribunal shall issue a certificate of purchase to the tenant under sub-section (1).”

(4) In the case of the purchase of any land by a tenant which at any time after the date of the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1965 has become ineffective by reason of the failure of the tenant to pay the lump sum within the period fixed under clause (ii) of sub-section (1) of section 32K or the tenant remaining in arrears of four instalments, if such land has not been disposed of by the Collector in the manner provided in sub-section (2) of section 32P, then, if the tenant deposits with the Tribunal within the period of two years after the expiry of the period mentioned in sub-section (2) the entire amount of the price of the land as fixed under section 32K, or, as the case may be, such portion of the price so fixed as may have remained unpaid, together with the interest, if any, payable under section 32K, the purchase of the land shall be deemed not to have become so ineffective and the Tribunal shall issue a certificate of purchase to the tenant under sub-section (1).”

Amendment of section 37 of Bom. LXVII of 1948. 3. Sub-sections (6), (7), (8) and (9) as inserted in section 37 of the principal Act, by clause (2) of section 6 of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1965 shall be renumbered as sub-sections (5A), (5B), (5C) and (5D) respectively of the said section 37 with effect on and from the date on which they were inserted in the said section 37.

Amendment of section 43 of Bom. LXVII of 1948. 4. In section 43 of the principal Act, after sub-section (1), the following new sub-section shall be inserted, namely:—

“(1A) The sanction under sub-section (1) shall be given by the Collector in such circumstances and subject to such conditions, as may be prescribed by the State Government.”.

Amendment of section 82 of Bom. LXVII of 1948. 5. In section 82 of the principal Act, in sub-section (2), after clause (hh), the following new clause shall be inserted, namely:—

“(hhh) the circumstances in which and the conditions subject to which, the previous sanction of the Collector under sub-section (1) of section 43 may be given;”.

Repeal of Guj. Ord. 3 of 1969. 6. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1969 is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.

Bom.
I of
1904.

Extra No. 2

REGISTERED No. G-448

(C)



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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the
President on the 29th January 1971 is hereby published for general information.

K. M. SATWANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 2 OF 1971.

(First published, after having received the assent of the President in the
"Gujarat Government Gazette" on the 9th February 1971.)

An Act further to amend the Bombay Tenancy and Agricultural Lands Act,
1948 for certain purposes.

It is hereby enacted in the Twenty-first year of the Republic of India as
follows :—

1. This Act may be called the Bombay Tenancy and Agricultural Lands Short title.
(Gujarat Amendment) Act, 1970.

2. In section 32PP of the Bombay Tenancy and Agricultural Lands Act, 1948 Amendment
(hereinafter referred to as "the principal Act"), after sub-section (1), the following
sub-sections shall be inserted, namely :—

Bom.
LXVII
of
1948.

of section
32PP of
Bom.
LXVII of
1948.

“(1A) Notwithstanding the expiry of the period specified in sub-section (1), the right conferred under that sub-section, may be exercised as if in that sub-section, for the words, brackets and figures “the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1965” the words, brackets and figures “the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1970” were substituted.

Guj. 36 of 1965.

Guj. 2 of 1971.

(1B) Where an application for a declaration that the purchase has not become ineffective made by a tenant under sub-section (1) before the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1970 was not admitted by the Tribunal on the ground that the period for making it had expired, such tenant shall also be entitled to exercise the right conferred under sub-section (1) by making an application within the period specified in that sub-section and on receipt of an application from any such tenant the Tribunal shall admit it as if it were an application made within such specified period.”

Guj. 2 of 1971.

Amendment of section 65 of Bom. LXVII of 1948.

3. In the principal Act, in section 65, after sub-section (1), the following sub-section shall be added, namely :—

“(1A) The assumption of management of land under sub-section (1) on the ground that the full and efficient use of the land has not been made for the purpose of agriculture shall be for such period as the State Government may, from time to time fix, so, however, that such period shall not exceed ten years in the aggregate.”

Insertion of section 65A in Bom. LXVII of 1948.

4. After section 65 of the principal Act, the following section shall be inserted, namely :—

Power of State Government to declare that mere raising of grass shall not be deemed full and efficient use for agriculture.

“65A. For the purpose of this Act, in respect of any land which is used by the holder for raising grass or which abounds in natural growth of grass but which, in the opinion of the State Government, is suitable for growing food-crops, the State Government may, having regard to the extent of the land held by such holder and after determining the requirements of grass for his cattle, declare by notification in the *Official Gazette* that the mere raising of grass therein or allowing its natural growth thereon, or in or on any part of such land shall not be deemed to be the full and efficient use of such land for agriculture.”



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Separate paging is given to this Part in order that it may
 be filed as a separate compilation.

PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
 Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the President on the 28th February, 1973, is hereby published for general information.

S. S. SHAH,
 Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 5 OF 1973.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 2nd March, 1973).

An Act further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Twenty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1972.

Short title
 and commence-
 ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section
2 of Bom.
LXVII of
1948.

2. In section 2 of the Bombay Tenancy and Agricultural Lands Act, 1948^{Bom. LXVII of 1948.} (hereinafter referred to as "the principal Act"),—

(1) in clause (6)—

(a) the proviso shall be deleted;

(b) in Explanation II, after the words "any member of such family" the following shall be added, namely :—

"and in the case of a family other than a joint family, a person, other than the husband, or, as the case may be, wife of the person concerned or any of his lineal descendants dependant on him, shall not be deemed to be a member of the family";

(c) after *Explanation II*, the following *Explanation* shall be inserted, namely :—

"*Explanation III*.—For the purpose of this clause, the expression "personal supervision" means giving from time to time instructions or directions to the labourers or servants in regard to the cultivation of land, and exercising control in respect thereof, during the entire process of cultivation, or according to the circumstances, during a substantial part of the entire process of cultivation by the person concerned residing during major part of the agricultural season in the village in which the land is situated or at a place in another village situated at a distance not exceeding fifteen kilometers from the land :

Provided that, for the purpose of this *Explanation*, it shall not be necessary for a person to so reside in such village or place if a certificate is granted by the Collector to such person that owing to the smallness of his holding, limited income from agriculture or any other reason as may be prescribed, it is not possible for him to so reside in such village or place, without detriment to his means of livelihood, and such certificate is in force.";

(2) after clause (16B), the following clause shall be inserted, namely :—

"(16C) "specified date" means the date of the coming into force of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1972;"^{Guj. 5 of 1973.}

(3) in clause (18), after item (c), the following item shall be inserted, namely :—

"(d) a person who, after the surrender of his tenancy in respect of any land at any time after the appointed day but before the specified date has continued, or is deemed to have continued, to remain in actual possession, with or without the consent of the landlord, of such land till the specified date."

3. To section 7 of the principal Act, the following proviso shall be added, ^{Amendment of section 7 of Bom. LXVII of 1948.}
namely :—

Guj.
XXV.
II of
1961.

"Provided that the extent of ceiling area shall not be varied so as to increase it if it is already in excess of the ceiling area as determined for the time being under the Gujarat Agricultural Lands Ceiling Act, 1960, or so as to exceed the extent of ceiling area as so determined if it is less than such extent."

4. For section 15 of the principal Act, the following shall be substituted, ^{Substitution of new section 15 in Bom. LXVII of 1948.}
namely :—

"15. (1) Notwithstanding anything contained in this Act, or in any other law for the time being in force, no tenant shall at any time terminate the tenancy in respect of any land by surrendering his interest therein in favour of the landlord. ^{Surrender by tenant.}

(2) If a tenant intends to terminate tenancy in respect of any land by surrendering his interest therein, he shall intimate in writing to the landlord and to the Collector to that effect. On receipt of such intimation the Collector shall, after giving an opportunity to the landlord, the tenant and any other person interested in the land to be heard and after holding such inquiry as he deems fit, call upon the tenant to tender to the landlord the rent in arrears within the period specified in the order and pass an order directing that the tenancy shall be terminated and that the land shall vest in the State Government free from all encumbrances as if, on termination of such tenancy, the State Government had acquired the land from the landlord, and such land shall be liable to be disposed of in the manner provided under clause (c) of sub-section (2) of section 32P.

(3) Where any land vests in the State Government under the provisions of sub-section (2), the landlord shall be entitled to be paid by the State Government an amount which shall be equal to the price of such land and such price shall be determined and payable in the manner provided in sub-section (5) of section 32P as if the land had been sold under sub-section (2) of that section.

(4) If the tenant fails to pay to the landlord the rent in arrears within the period specified under sub-section (2), the same shall be recovered from him as arrears of land revenue and paid to the landlord."

5. In section 17B of the principal Act,

(i) for sub-sections (1) and (2), the following sub-section shall be substituted, namely :— ^{Amendment of section 17B of Bom. LXVII of 1948.}

“(1) On and with effect from such date as the State Government may, by notification in the *Official Gazette*, specify, every tenant referred to in section 16 shall be deemed to have purchased from his landlord the site on which the dwelling house occupied by such tenant was built, and the land immediately appurtenant thereto and necessary for enjoyment of the dwelling house free from all encumbrances, at the price to be fixed by the Tribunal, being a price not exceeding twenty times the annual rent for the site.”;

(ii) to sub-section (8), the following proviso shall be added, namely:—

“Provided that the landlord shall not dispose of the site in any manner except by first giving option of purchasing the same for the price determined by the Tribunal, to an agricultural labourer, landless person, small holder or a village artisan, who owns no house site, in the said order of priority, and where any site is disposed of without giving such option such disposal shall be void :

Provided further that the provisions of section 63 shall apply to the disposal of the site in any manner in a case where the option of purchase is not exercised by any of the persons mentioned in the first proviso.”.

Amendment
of section
31 of Bom.
LXVII of
1948.

6. In section 31 of the principal Act, after sub-section (3), the following sub-section shall be added, namely :—

“(4) Notwithstanding anything contained in sub-section (3),

(a) the right conferred under the said sub-section (3) on a landlord who is a minor or a person subject to mental or physical disability shall, after the specified date, be exercisable,

(i) by such landlord, in a case where the period of one year within which such right may be exercised under sub-section (3) has commenced, within such period of one year or within a period of six months from the specified date, whichever period expires earlier;

(ii) by the guardian or other legal representative of such landlord, in a case where the period of one year within which such right may be exercised under sub-section (3) has not commenced, within a period of six months from the specified date;

(b) the right conferred under the said sub-section (3) on a landlord who was a widow on the first day of April, 1957 shall, after the specified date,—

(i) be exercisable by the widow within a period of six months from the specified date;

(ii) be exercisable, in a case where the interest of the widow in the land has ceased to exist, by reason of her death or otherwise, before the specified date but the period of one year within which her successor-in-title is entitled to exercise the right under section 31 has not expired, by the successor-in-title of the widow within a period of one year from the date on which her interest in the land ceased or, within a period of three months from the specified date, whichever period expires earlier;

(iii) in a case where the interest of the widow in the land ceases to exist on or after the specified date, expire on the date on which her interest so ceases to exist."

7. In section 31B of the principal Act,

(i) in clause (3), the word "or" shall be added at the end;

(ii) after clause (3), the following clause shall be added, namely:—

"(4) if the tenant is a member of a Scheduled Caste or a Scheduled Tribe."

Amendment
of section
31B of Bom.
LXVII of
1948.

8. In section 32 of the principal Act, after sub-section (1A) the following sub-section shall be inserted, namely:—

"(1B) Where a tenant who was in possession of land on the appointed day and who, on account of his being dispossessed of such land or any part thereof by the landlord at any time before the specified date otherwise than in the manner provided in section 29 or any other provision of this Act, is not in possession of such land or any part thereof and such land or part thereof is in the possession of the landlord or his successor in interest on the said date and such land or part thereof is not put to a non-agricultural use on or before the said date, then the Mamlatdar shall, notwithstanding anything contained in the said section 29 or any other provision of this Act either *suo motu* or on an application of the tenant made within the prescribed period, hold an inquiry and direct that such land or, as the case may be, part thereof shall be taken from the possession of the landlord or, as the case may be, his successor in interest, and shall be restored to the tenant; and thereafter, the provisions of this section and sections 32A to 32R (both inclusive) shall, so far as they may be applicable, apply thereto, subject to the modification that the tenant shall be deemed to have purchased such land or part thereof on the date on which such land or, as the case may be, part thereof is restored to him:

Amendment
of section
32 of Bom.
LXVII of
1948.

Provided that the tenant shall be entitled to restoration of land or part thereof, as the case may be, under this sub-section only if he undertakes to cultivate it personally and of so much thereof as together with the other land held by him as owner or tenant shall not exceed the ceiling area.

*Explanation:—*In this sub-section "successor in interest" means a person who acquires the interest by testamentary disposition or devolution on death."

Amendment
of section
32E of Bom.
LXVII of
1948.

9. For section 32E of the principal Act, the following shall be substituted, namely:—

Disposal of
balance of
lands after
purchase
by tenant.

"32E. The balance of any land after the purchase by the tenant under section 32 shall be disposed of by sale by the Collector in the manner specified in clause (c) of sub-section (2) of section 32P, and thereupon the provisions of sub-section (5) of section 32P shall apply to such sale."

Insertion
of section
32FF in Bom.
LXVII of
1948.

10. After section 32F of the principal Act, the following section shall be inserted, namely:—

Tenant in
possession
who has
surrendered
tenancy
to be deemed
to have
purchased
land
on specified
date.

"32FF. (1) Notwithstanding anything contained in the preceding sections, a person who is a tenant within the meaning of sub-clause (d) of clause (18) of section 2 shall be deemed to have purchased the land in his possession of which he is the tenant, free from all encumbrances subsisting thereon, on the specified date.

(2) The provisions of sections 32 to 32E (both inclusive) and sections 32G to 32R (both inclusive) shall, so far as may be applicable, apply to such purchase."

Amendment
of section
32M of Bom.
LXVII of
1948.

11. In section 32M of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) Notwithstanding the expiry of the period specified in sub-section (3) or (4), if the tenant of land to which sub-section (3), or as the case may be, sub-section (4) applies and which has not been disposed of by the Collector in the manner provided in sub-section (2) of section 32P, deposits with the Tribunal at any time before the end of December, 1973 the entire amount of the price of the land or, as the case may be, the unpaid portion of the price, together with interest, as specified in the said sub-section (3) and (4), as the case may be, the purchase of the land shall be deemed not to have become ineffective and the Tribunal shall issue a certificate of purchase to the tenant under sub-section (1)."

Amendment
of section
32P of Bom.
LXVII of
1948.

12. In section 32P of the principal Act—

(1) in sub-section (2),

(a) for the words, brackets, figure and letter "provisions of sub-section (2A)" the words, brackets, figures and letters "provisions of sub-sections (2AA) and (2A)" shall be substituted;

(b) clause (b) shall be deleted;

(c) in clause (c);—

(i) the words and figures “if the entire land or any portion thereof cannot be surrendered in accordance with the provisions of section 15” shall be deleted;

(ii) after the brackets and words “(hereinafter called “the priority list”);—” and before item (i), the following item shall be inserted namely;

“(a-i) the tenant whose tenancy in respect of that land is terminated if such tenant is willing to accept the offer of sale, provided the occasion for the issue of such direction has not arisen by reason of an act of collusion between such tenant and the landlord;”;

(iii) after the proviso the following further proviso, shall be added, namely:—

“Provided further that—

(a) where there are two or more co-operative farming societies falling under item (i), (v) or (vii), preference amongst them shall be given in the following order, namely:—

(1) a co-operative farming society each of the members of which belongs to a Scheduled Tribe;

(2) a co-operative farming society the membership of which is held partly by persons belonging to a Scheduled Tribe and partly by persons belonging to a Scheduled Castes;

(3) a co-operative farming society each of the members of which belongs to a Scheduled Caste;

(4) a co-operative farming society the membership of which is not solely held by persons belonging to a Scheduled Tribe or Scheduled Caste;

(b) in the case of persons falling under items (ii), (iii) and (iv) preference shall be given in the following order, namely:—

(1) a person belonging to a Scheduled Tribe;

(2) a person belonging to a Scheduled Caste,

(3) other persons”.

(2) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2AA) Where in any case the direction under sub-section (2) provides that the land in respect of which the tenancy is terminated shall be disposed of by sale to the tenant referred to in sub-clause (a-i) of clause (c) of sub-section (2), the tenant shall be liable to be evicted only if the land or, as the case may be, the portion thereof could not be disposed of by sale to him.”;

(3) in sub-section (2A), in clause (i), the words and figures “if the entire land or any portion thereof cannot be surrendered in accordance with the provision of section 15” shall be deleted;

(4) sub-section (3) shall be deleted;

(5) in sub-section (4), for the words “Where any land or portion thereof cannot be surrendered in favour of the landlord and where such land or portion is offered for sale” the words “Where the land or portion thereof is offered for sale” shall be substituted;

(6) in sub-section (7), in clause (a), for the words, brackets and figure “Where any land is surrendered to a landlord under sub-section (2)” the following shall be substituted, namely:—

“Where, before the specified date, any land has been surrendered to a landlord under sub-section (2) of this section as in force immediately before such date”;

(7) in sub-section (8), for the words, brackets and figure “No land surrendered under sub-section (2)” the words, brackets and figure “No land of the description referred to in sub-section (7)” shall be substituted.

Amendment
of section 32
PP of Bom.
LXVII of
1948.

13. In section 32PP of the principal Act,—

(1) after sub-section (1B) the following sub-sections shall be inserted, namely:—

“(1C) Notwithstanding the expiry of the period specified in sub-section (1) read with sub-section (1A), the right conferred under sub-section (1) may be exercised at any time before 31st December, 1973.

(1D) Where an application for a declaration that the purchase has not become ineffective made by a tenant under sub-section (1) before the specified date was not admitted by the Tribunal on the ground that the period for making it had expired, such tenant shall also be entitled to exercise the right conferred under sub-section (1) by making an application at any time

before 31st December, 1973 and on receipt of an application from any such tenant the Tribunal shall admit it as if it were an application made within the period specified for making it.”;

(2) after sub-section (5), the following Explanation shall be, and shall be deemed always to have been, added, namely:—

“*Explanation.*—Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, for the purpose of clause (ii) of sub-section (1), the land shall not be deemed to have been disposed of till the person entitled to take possession of the land in pursuance of any direction issued under sub-section (2) of section 32P takes actual possession of such land in accordance with law.”.

14. After section 32PP of the principal Act, the following section shall be inserted, namely:—

Guj.
86 of
1965.

“32PPP. (1) Notwithstanding anything contained in sections 32G and 32P, where on or after the date of the coming into force of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1965,—

(i) any land has been at the disposal of the Collector under section 32P on account of the purchase of the land by the tenant thereof having become ineffective under sub-section (3) of section 32G by reason of the tenant failing to appear before the Tribunal or making a statement expressing his unwillingness to purchase the land, and

(ii) the land so at the disposal of the Collector has not been disposed of in the manner provided in sub-section (2) of section 32P, the tenant, if he is willing to purchase the land may make an application in writing to the Tribunal before 31st December 1973, for a declaration that the purchase has not become ineffective.

(2) On receipt of an application under sub-section (1) the Tribunal shall issue a notice to the tenant and the landlord calling upon them to appear before it on the date specified in the notice.

(3) If the tenant appears and makes a statement that he is willing to purchase the land, the land shall lease to be at the disposal of the Collector under section 32P and the Tribunal shall determine the purchase price of the land in the manner provided in section 32G as if the purchase has not been ineffective.

(4) The provisions of sections 32 to 32P and sections 32Q and 32R shall so far as may be applicable apply to the purchase of the land by a tenant under this section.

Insertion
of new sec-
tion 33PPP
in Bom.
LXVII of
1948.

Further opp-
portunity to
purchase land
to tenants
whose purch-
ase became
ineffective
after co-
mmencement
of Guj. 36
of 1965.

(5) In the case of land to which this section applies no action shall be taken under section 32P unless the tenant entitled to make an application under this section fails to make such application within the period specified in sub-section (1).

Explanation.—Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, for the purpose of clause (ii) of sub-section (1), the land shall not be deemed to have been disposed of till the person entitled to take possession of the land in pursuance of any direction issued under sub-section (2) of section 32P takes actual possession of such land in accordance with law.”

Amendment
of section 37
of Bom.
LXVII of
1948.

15. In section 37 of the principal Act,

(i) after sub-section (1), the following sub-sections shall be inserted, namely :—

“(1A) Notwithstanding anything contained in sub-section (1), where in respect of any land the possession of which has been taken by the landlord after the termination of the tenancy under section 31 or 32T, the Mamlatdar *suo motu* or on an application from any person interested in such land has reason to believe that the landlord has failed to use the land for any of the purposes specified in the notice given to the tenant under section 31 or 32T, within one year from the date on which he took possession of the land or ceases or has ceased to use it for the purpose specified in the notice, at any time within twelve years from the date on which he took possession, or has transferred the land to any other person and such transfer is inconsistent with the ground on which the tenancy of the land was terminated, the Mamlatdar shall, after issuing a notice to the landlord or as the case may be, to the landlord and the transferee both, in the prescribed form to show cause why the landlord should not be disentitled to retain possession of the land, or, as the case may be, why the transfer should not be declared invalid and after holding such inquiry as he deems fit, declare that the landlord shall not be entitled to retain possession of the land or, as the case may be, that the transfer of the land shall be invalid and that the transferee shall be deemed to be unauthorisedly occupying the land.

(1B) Where in the case of any landlord a declaration has been made under sub-section (1A) that he shall not be entitled to retain possession of the land, such landlord shall forthwith offer in writing to the tenant whose tenancy was terminated to give possession of the land on the same terms and conditions on which the tenancy was held before its termination. If within three months of the receipt of such offer the tenant accepts such offer the landlord shall forthwith restore possession of the land to the tenant and if within the said period the tenant refuses in writing or fails to accept the tenancy, the land shall vest in the State Government free from all encumbrances lawfully subsisting thereon on the date of such vesting.”

(ii) in sub-sections (2), (3) and (5), for the brackets and figure "(I)" the brackets, figures, letter and word "(I) or (IB)" shall be substituted;

(iii) after sub-section (5), the following sub-sections shall be inserted, namely :—

"(5AA) Where in any case the transfer of any land has been declared to be invalid under sub-section (1A) or (4) and the transferee is deemed to be in unauthorised occupation of the land, such land shall be deemed to vest in the State Government on and from the date of such declaration, free from all encumbrances lawfully subsisting thereon on the said date.

(5AB) Where any land vests or is deemed to vest in the State Government under sub-section (1B) or (5AA) the State Government shall dispose of such land by granting it on new and impartible tenure and on payment of occupancy price equal to the reasonable price determined by the Mamlatdar in accordance with the provisions of section 63A, to persons or bodies in the order given in the priority list and the encumbrances referred to in sub-section (1B) or (5AA) shall be paid by the Mamlatdar out of the occupancy price in the manner provided in section 32Q for the payment of encumbrances out of the purchase price of the sale of the land, without prejudice to the right of the holder of such encumbrances to proceed against the person liable for the enforcement of his right in any other manner.

Explanation.—In this sub-section, "new and impartible tenure" means the tenure of occupancy which is non-transferable and non-partible without the previous sanction of the Collector."

(iv) sub-section (5A) shall be deleted;

(v) in sub-section (5B), the words "that the land shall be restored to the possession of the transferor and" shall be deleted;

(vi) in sub-section (6), for the brackets and figure "(I)" the brackets, figures, letter and word "(I) or (IB)" shall be substituted.

16. In section 63 of the principal Act, in sub-section (1), after the existing proviso, the following further proviso shall be added, namely :—

"Provided further that no such permission shall be granted, where land is being sold to a person who is not an agriculturist for agricultural purpose, if the annual income of such person from other sources exceeds five thousand rupees."

Amendment
of section
63 of Bom.
LXVII of
1948.

17. (1) In section 70 of the principal Act, in clause (b), for the words "is a tenant" the words "is or was a tenant" shall be substituted;

Amendment
of section
70 of Bom.
LXVII of
1948.

(2) After clause (na), the following new clause shall be inserted; namely :—

"(nb) to issue temporary injunction."

Amendment
of section 74
of Bom.
VII of
1948.

18. In section 74 of the principal Act, in sub-section (1),

(i) clause (ga) shall be deleted;

(ii) in clause (ma), for the words, brackets and figure, "sub-section (2)" the words, brackets, figures and letter "sub-sections (1B) and (2)" shall be substituted;

(iii) after clause (i), the following clause shall be inserted, namely :—

"(i-a) an order passed under clause (b) of section 70;"

(iv) after clause (u) the following clause shall be inserted, namely :—

"(ua) an order under section 84CC;"

Amendment
of section
of Bom.
VII of
1948.

19. In section 82 of the principal Act, in sub-section (1),—

(i) clause (d) shall be deleted;

(ii) in clause (ee), the words, brackets and figure "the manner of making record of rights relating to site and houses thereon under sub-section (1) and" shall be deleted.

Insertion
of new sec-
tion 84CC
in Bom.
LXVII of
1948.

20. After section 84C of the principal Act, the following section shall be inserted, namely :—

Dispossession
of land
in certain
circumstan-
ces to be
ineffective.

"84CC. (1) Where any person who had surrendered his tenancy in respect of any land or part thereof at any time after 31st March, 1957 but before 5th December, 1972, the date of the publication in the *Official Gazette* of the L. A. Bill No. 43 of 1972, Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Bill, 1972 (hereinafter referred to as the latter date) and had continued to remain in actual possession, with or without the consent of the landlord, of such land or, as the case may be, part thereof till the latter date had been dispossessed of such land or part thereof by the landlord at any time during the period between the latter date and the specified date, and the Mamlatdar *suo motu* or on the application of the person so dispossessed or of any other person interested in such land or part thereof has reason to believe that such dispossession was effected in anticipation in order to defeat the object of section 32FF, the Mamlatdar shall issue a notice in the prescribed form to the landlord to show cause as to why such dispossession should not be declared to have been effected in anticipation in order to defeat the object of section 32FF.

(2) If after hearing the landlord and holding such inquiry as the Mamlatdar thinks fit, the Mamlatdar declares that the dispossession was effected in anticipation in order to defeat the object of section 32FF, he shall direct that the land or, as the case may be, part thereof, shall be restored to the person who has been dispossessed.

(3) If the person to whom the land, or, as the case may be, part thereof, is directed to be restored refuses to take possession thereof, the land shall be deemed to vest in the State Government free from all encumbrances lawfully subsisting thereon on the date of such vesting and shall be disposed of in the manner provided in sub-section (4) of section 84C.

(4) If the person to whom the land, or as the case may be, part thereof, is directed to be restored takes possession thereof, such person shall be deemed to have continued to remain in actual possession thereof during the period of dispossession as if he had not been dispossessed of such land, or, as the case may be, part thereof."

21. In section 84D of the principal Act,

(i) in sub-section (1), for the words, figures and letters "section 32P or 84C" the words, figures and letters "section 32P, section 37 or section 84C" shall be substituted;

Amendment
of section
84D of Bom.
LXVII of
1948.

(ii) in sub-section (3), in clause (b) for the word, figures and letter "section 84C" the words, figures and letter "section 37 or section 84C" shall be substituted.

22. In section 85A of the principal Act, in sub-section (1), for the words "instituted in any Civil Court" the words "instituted, whether before or after the specified date, in any Civil Court" shall be substituted.

Amendment
of section
85A of Bom.
LXVII of
1948.



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EXTRAORDINARY

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Separate paging is given to this Part in order that it may
be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinance promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the
Governor on the 21st October, 1973, is hereby published for general information.

S. S. SHAH,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 19 OF 1973.

(First published after having received the assent of the Governor in the
"Gujarat Government Gazette" on the 24th October, 1973).

An Act further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Twenty-fourth Year of the Republic of India
as follows :—

1. This Act may be called the Bombay Tenancy and Agricultural Lands
(Gujarat Amendment) Act, 1973. Short
title.

Amendment
of section
74 of Bom.
LXVII of
1948.

2. In section 74 of the Bombay Tenancy and Agricultural Lands Act, 1948, Bom. LXVII in sub-section (I), in clause (i-a), for the word, brackets and letter "clause of (b)" the words, brackets and letters "clause (b) or clause (nb)" shall be substituted. 1948.

Repeal of
Guj. Ord. 2
of 1973.

3. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Guj. Ord. 2 of 1973. Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment. 1904.

**THE BOMBAY TENANCY AND AGRICULTURAL LANDS
(GUJARAT AMENDMENT) ACT, 1974.**

[Act No. 7 of 1974]

Enacted by the President in the Twenty-fifth Year of the Republic of India.

AN ACT

*further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, as in
force in the State of Gujarat.*

In exercise of the powers conferred by section 3 of the Gujarat State Legislature (Delegation of Powers) Act, 1974, the President is pleased to enact as follows :—

1. (1) This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1974.

Short title
and commen-
cement.

(2) It shall be deemed to have come into force on the 30th day of December, 1973.

Amendment
of section
32M.

2. In section 32M of the Bombay Tenancy and Agricultural Lands Act, 1948, Bombay as in force in the State of Gujarat (hereinafter referred to as "the principal Act"), Act in sub-section (5), for the words and figures "before the end of December, 1973", LXVII of the words and figures "before the end of December, 1974" shall be substituted. 1948.

Amendment
of section
32PP.

3. In section 32PP of the principal Act, in sub-sections (1C) and (1D), for the words, figures and letters "before 31st December, 1973", the words, figures and letters "before 31st December, 1974" shall be substituted.

Amendment
of section
32PPP.

4. In section 32PPP of the principal Act, in sub-section (1), in clause (ii), for the words, figures and letters "before 31st December, 1973", the words, figures and letters "before 31st December, 1974" shall be substituted.

Repeal and
saving.

5. (1) The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Guja- rat Ordinance, 1973, is hereby repealed. No. 7 of 1973.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

V. V. GIRI
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

REASONS FOR THE ENACTMENT

The periods specified under sections 32M, 32PP and 32PPP of the Bombay Tenancy and Agricultural Lands Act, 1948, for payment of purchase price by tenants and for making an application by a tenant to the Agricultural Lands Tribunal for a declaration that the purchase of land has not become ineffective were extended from time to time up to the end of December, 1973. As a large number of tenants had not availed of the benefit of such extended period, it was considered necessary to extend the aforesaid periods further up to the end of December, 1974. As the Gujarat Legislative Assembly was not in session, the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1973 (Gujarat Ordinance No. 7 of 1973) was promulgated by the Governor of Gujarat on the 30th December, 1973, to achieve the above object. The present measure seeks to replace the said Ordinance.

2. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee of Parliament on Gujarat Legislation. This measure is accordingly being enacted without reference to the Consultative Committee.

T. P. SINGH,
Secretary to the Government of India,
Ministry of Agriculture,
(Department of Agriculture).

By order and in the name of the Governor of Gujarat,
S. S. SHAH,
Secretary to Government.

**THE BOMBAY TENANCY AND AGRICULTURAL LANDS
(GUJARAT SECOND AMENDMENT) ACT, 1974.**

[Act No. 15 of 1974].

Enacted by the President in the Twenty-fifth Year of the Republic of India.

AN ACT

*further to amend the Bombay Tenancy and Agricultural Lands Act, 1948,
as in force in the State of Gujarat.*

In exercise of the powers conferred by section 3 of the Gujarat State Legislature (Delegation of Powers) Act, 1974, the President is pleased to enact as follows :—

1. (1) This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Second Amendment) Act, 1974.

Short title
and com-
mencement.

(2) It shall come into force at once.

Amendment
of section
32M.

2. In section 32M of the Bombay Tenancy and Agricultural Lands Act, Bombay Act of 1948, as in force in the State of Gujarat (hereinafter referred to as the principal Act), in sub-section (5), for the words and figures "before the end of December, 1974", the words and figures "before the end of December, 1975" shall be substituted.

Amendment
of section
32PP.

3. In section 32PP of the principal Act, in sub-sections (1C) and (1D), for the words, figures and letters "before 31st December, 1974", the words, figures and letters "before 31st December, 1975" shall be substituted.

Amendment
of section
32PPP.

4. In section 32PPP of the principal Act, in sub-section (1), in clause (ii), for the words, figures and letters "before 31st December, 1974", the words, figures and letters "before 31st December, 1975" shall be substituted.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

REASONS FOR THE ENACTMENT

The periods specified under sections 32M, 32PP and 32PPP of the Bombay Tenancy and Agricultural Lands Act, 1948, for payment of purchase price by tenants and for making an application by a tenant to the Agricultural Lands Tribunal for a declaration that the purchase of land has not become ineffective, were extended from time to time upto the end of December, 1974. As a large number of tenants have not as yet availed themselves of the benefit of such extended periods, it is considered necessary to extend the aforesaid periods further upto the end of December, 1975. The present measure seeks to achieve the aforesaid object.

2. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee of Parliament on Gujarat Legislation. This measure is accordingly being enacted without reference to the Consultative Committee.

N. A. AGHA,

Additional Secy. to the Govt. of India,
Ministry of Agriculture and Irrigation,



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Separate paging is given to this Part in order that it
may be filed as a separate compilation.

PART IV

**Acts of the Gujarat Legislature and Ordinance promulgated and
those published in other parts.**

The following Act of the Gujarat Legislature having been assented to by the President on the 18th March, 1976 is hereby published for general information.

S. L. TALATI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 14 OF 1976.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 19th March, 1976).

An Act further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Bombay Tenancy and Agricultural Lands Short title. (Gujarat Amendment) Act, 1976.

2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act"), in section 32M, in sub-section (5), for the words and figures "before the end of December, 1975", the words and figures "before the end of December, 1976" shall be substituted.

Bom.
LXVII
of
1948.

Amendment
of section 32-
M of Bom.
LXVII of
1948.

Amendment of section 32PP of Bom. LXVII of 1948. 3. In section 32PP of the Principal Act, in sub-sections (IC) and (ID), for the words, figures and letters "before 31st December, 1975", the words, figures and letters "before 31st December, 1976" shall be substituted.

Amendment of section 32PPP of Bom. LXVII of 1948. 4. In section 32PPP of the Principal Act, in sub-section (I), in clause (ii), for the words, figures and letters "before 31st December, 1975", the words, figures and letters "before 31st December, 1976" shall be substituted.

Repeal of Guj. Ord. No. 13 of 1975. 5. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1975 is hereby repealed and the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.

Guj.
Ord.
No. 13
of
1975.

Bom.
I of
1904.



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Separate paging is given to this Part in order that it
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PART VI

Acts of Parliament and Ordinances promulgated by the President

GOVERNMENT OF GUJARAT

LEGAL DEPARTMENT

Sachivalaya, Gandhinagar, 22nd September, 1976.

No. 28596/B:—The following President's Act assented on the 21st September, 1976, is published for general information.

THE GUJARAT TENANCY LAWS (AMENDMENT) ACT, 1976.

[Act No. 37 of 1976]

Enacted by the President in the Twenty-seventh Year of the Republic of India.

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, as in force in the State of Gujarat.

In exercise of the powers conferred by section 3 of the Gujarat State
44 of Legislature (Delegation of Powers) Act, 1976, the President is pleased to enact
1976. as follows:—

Short title.

1. This Act may be called the Gujarat Tenancy Laws (Amendment) Act, 1976.

Amendment
of section 43
of Bombay
Act LXVII
of 1948.

2. In section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948, as in force in the State of Gujarat,—

(i) for sub-section (IA), as inserted by the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960, the following sub-section shall be substituted, namely:—

Guj.
Act
XVI
of
1960.

“(IAA) Notwithstanding anything contained in sub-section (I), it shall be lawful for such tenant or a person to mortgage or create a charge on his interest in the land in favour of the State Government in consideration of a loan advanced to him by the State Government under the Land Improvement Loans Act, 1883, the Agriculturists’ Loans Act, 1884, or the Bombay Non-agriculturists’ Loans Act, 1928, as in force in the State of Gujarat, or in favour of a bank or co-operative society, and without prejudice to any other remedy open to the State Government, bank or co-operative society, as the case may be, in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the State Government, bank or co-operative society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.

19 of
1883.
12 of
1884.
Bom.
III of
1928.

Explanation.—For the purposes of this sub-section, “bank” means—

(a) the State Bank of India constituted under the State Bank of India Act, 1955;

23 of
1955.

(b) any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959;

38 of
1959.

(c) any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

5 of
1970.

(d) the Agricultural Refinance and Development Corporation, established under the Agricultural Refinance and Development Corporation Act, 1963;

10 of
1963.

(ii) in sub-section (IB), for the word, brackets, figure and letter “or (IA)”, the word, brackets, figure and letters “or (IAA)” shall be substituted.

Amendment
of section 57
of Bombay
Act XCIX
of 1958.

3. In section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Aera) Act, 1958, as in force in the State of Gujarat, after sub-section (I), the following sub-section shall be inserted, namely:—

19 of 1883.
12 of 1884.
Bom.
III of 1928.

(1A) Notwithstanding anything contained in sub-section (I), it shall be lawful for such tenant or a person to mortgage or create a charge on his interest in the land in favour of the State Government in consideration of a loan advanced to him by the State Government under the Land Improvement Loans Act, 1883, the Agriculturists' Loans Act, 1884, or the Bombay Non-agriculturists' Loans Act, 1928, as in force in the State of Gujarat, or in favour of a bank or co-operative society, and without prejudice to any other remedy open to the State Government, bank or co-operative society, as the case may be, in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the State Government, bank or co-operative society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.

Explanation.—For the purposes of this sub-section, “bank” means—

23 of 1955. (a) the State Bank of India constituted under the State Bank of India Act, 1955;

38 of 1959. (b) any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959;

5 of 1970. (c) any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

10 of 1963. (d) the Agricultural Refinance and Development Corporation, established under the Agricultural Refinance and Development Corporation Act, 1963.

FAKHRUDDIN ALI AHMED,
President.

S. K. MAITRA,
Jt. Secy. to the Govt. of India.

Reasons for the enactment.

Section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948, which is in force in the Bombay area of the State of Gujarat, prohibits transfer, without the previous sanction of the Collector, of land purchased by a tenant, or sold to any person under certain provisions of the Act, except by way of mortgage or creation of a charge in favour of the State Government or a co-operative society. Likewise, section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, which is in force in the Kutch area of the State of Gujarat prohibits the transfer of land purchased by a tenant or sold to any person under certain provisions of the Act, without the previous sanction of the Collector. The above restrictions put impediments in the way of tenants and other interested persons obtaining loans even from recognised public credit institutions like the Agricultural Refinance and Development Corporation, nationalised banks, etc., for the purpose of agricultural development. It is considered necessary to remove such restrictions by including more institutions in the list of those in whose favour a mortgage or a charge can be created. This measure seeks to achieve the aforesaid object.

2. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee of Parliament on Gujarat Legislation. This measure is accordingly being enacted without reference to the Consultative Committee.

K. S. NARANG,

Secretary to the Government of India,
Ministry of Agriculture and Irrigation,
(Department of Agriculture).

By Order and in the name of the Governor of Gujarat,

S. L. TALATI,
Secretary to Government.



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Separate paging is given to this Part in order that it may
be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by
the President on the 25th April, 1977 is hereby published for general information.

S. L. TALATI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 3 OF 1977.

(First published, after having received the assent of the President in the "*Gujarat Government Gazette*" on the 29th April, 1977).

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Twenty-eighth Year of the Republic of India as
follows:—

1. This Act may be called the Bombay Tenancy and Agricultural Lands Short title,
(Gujarat Amendment) Act, 1977.

Amendment of section 32 M of Bom. LXVII of 1948. 2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act") in section 32M, in sub-section (5), for the words and figures "before the end of December, 1976", the words and figures "before the end of December, 1977" shall be substituted.

Amendment of section 32 PP of Bom. LXVII of 1948. 3. In section 32 PP of the principal Act, in sub-sections (IC) and (ID), for the words, figures and letters "before 31st December, 1976", the words and figures "before the end of December, 1977" shall be substituted.

Amendment of section 32 PPP of Bom. LXVII of 1948. 4. In section 32 PPP of the principal Act, in sub-section (I), in clause (ii), for the words, figures and letters "before 31st December, 1976", the words and figures "before the end of December, 1977" shall be substituted.

Repeal of Guj. Ord. No. 1 of 1976. 5. The Bombay Tenancy and Agricultural Lands (Gujarat Second Amend-ment) Ordinance, 1976 is hereby repealed and the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.

Guj. Ord. No. 1 of 1976. Bom. I of 1904.



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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the President on the 23rd October, 1977 is hereby published for general information.

S. L. TALATI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 30 OF 1977.

(First published, after having received the assent of the President in the "*Gujarat Government Gazette*" on the 4th November, 1977).

AN ACT

further to amend the laws relating to tenancies of agricultural lands
in force in the State of Gujarat.

It is hereby enacted in the Twenty-eighth Year of the Republic of India as follows :

1. This Act may be called the Gujarat Tenancy Laws (Amendment) Act, 1977. Short title.

2. In the Bombay Tenancy and Agricultural Lands Act, 1948 as in force in the Bombay area of the State of Gujarat (hereinafter referred to as "the principal Act") in section 2, in clause (8), in sub-clause (b), after the figures "41", the figures "43", shall be inserted. Amendment of section 2 of Bom. LXVII of 1948.

Bom.
LXV.
II of
1948.

Amendment
of section 32
of Bom.
LXVII of
1948.

3. In the principal Act, in section 32, in sub-section (1B),

(1) in the proviso, for the words "if he undertakes" the words "if he gives an undertaking in writing within such period as may be prescribed" shall be substituted;

(2) after the proviso, the following further proviso shall be inserted, namely :

"Provided further that—

(i) if the tenant fails to give such undertaking within such prescribed period, or if the tenant, after giving such undertaking, refuses to accept the tenancy or possession of the lands, the land the possession of which the landlord or, as the case may be, his successor-in-interests is not entitled to retain under this sub-section; or

(ii) if the tenant gives such undertaking and accepts such tenancy or possession of the land, such portion of the land referred to in clause (i) to the restoration of which the tenant would not be entitled under the first proviso,

shall vest in the State Government free from all encumbrances, and shall be disposed of in the manner provided in sub-section (2) of section 32P."

Amendment
of section 43
of Bom.
LXVII of
1948.

4. In the principal Act, in section 43,—

(1) for sub-section (1), the following shall be substituted, namely:—

"(1) No land or any interest therein purchased by a tenant under section 17B, 32, 32F, 32I, 32O, 32U, or 43-1D or sold to any person under section 32P or 64 shall be transferred or shall be agreed by an instrument in writing to be transferred, by sale, gift, exchange, mortgage, lease or assignment, without the previous sanction of the Collector and except in consideration of payment of such amount as the State Government may by general or special order determine; and no such land or any interest, therein shall be partitioned without the previous sanction of the Collector."

(2) sub-section (1A) inserted by the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960 shall be renumbered as sub-section (1AA);

Gaj.
XVI
of
1960.

(3) in sub-section (1B) for the word, brackets, figure and letter "or (1A)" the word, brackets figure and letters "or (1AA)" shall be substituted;

(4) in sub-section (2), for the words "Any transfer or partition of land" the words "Any transfer or partition, or any agreement of transfer, of any land or any interest therein" shall be substituted.

Amendment
of section 63
of Bom.
LXVII of
1948.

5. In the principal Act, in section 63,—

(1) in sub-section (1),

(i) in clause (b), the word "or" shall be added at the end;

(ii) after clause (b), the following clause shall be inserted, namely:—

"(c) no agreement made by an instrument in writing for the sale, gift, exchange, lease or mortgage of any land or interest therein,"

(iii) in the first proviso, after the words "lease or mortgage" the words "or for such agreement" shall be inserted,

(2) in sub-section (2), for the words "prohibit the sale, gift, exchange or lease of" the words "prohibit the sale, gift, exchange or lease, or the agreement for the sale, gift, exchange or lease, of" shall be substituted.

Bom.
XCIX
of
1958.

6. In the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, as in force in the Kutch Area of the State of Gujarat (hereinafter referred to as "the said Act"), in section 2, in clause (17), in sub-clause (b), after the figures "55", the figures "57", shall be inserted.

Amendment
of section 2
of Bom.
XCIX of
1958.

7. In the said Act, in section 57,—

Amendment
of section 57
of Bom.
XCIX of
1958.

(1) in sub-section (1),—

(i) for the words "No land" the words "No land, or any interest therein" shall be substituted;

(ii) for the words "shall be transferred" the words "shall be transferred or agreed by an instrument in writing to be transferred" shall be substituted;

(2) in sub-section (2), for the words "Any transfer or partition of land" the words "Any transfer or partition, or any agreement of transfer, of any land or interest therein" shall be substituted.

8. In the said Act, in section 89,—

Amendment
of section 89
of Bom.
XCIX of
1958.

(1) in sub-section (1),—

(i) in clause (b), the word "or" shall be added at the end,

(ii) after clause (b), the following clause shall be inserted, namely:—

"(c) no agreement made by an instrument in writing for the sale, gift, exchange, lease or mortgage of any land or interest therein";

(iii) in the first proviso, after the words "lease or mortgage" the words "or for such agreement" shall be inserted,

(2) in sub-section (2), for the words "prohibit the sale, gift, exchange or lease of" the words "prohibit the sale, gift, exchange or lease, or the agreement for the sale, gift, exchange or lease, of" shall be substituted.

Sau.
Ord.
No.
XLI
of
1949.

9. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949, as in force in the Saurashtra area of the State of Gujarat, in section 54,—

Amendment
of section 54
of Saurashtra
Ordinance
No. XLI of
1949.

(i) in clause (b), the word "or" shall be added at the end,

(ii) after clause (b), the following clause shall be inserted, namely:—

"(c) no agreement made by an instrument in writing for the sale, gift, exchange, lease or mortgage of any land or interest therein";

(iii) in the first proviso, after the words "lease, where lease is by law allowed, or mortgage" the words "or for such agreement" shall be inserted.



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Separate paging is given to this Part in order that it may
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PART IV

Acts of the Gujarat Legislature and Ordinance promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the
President on the 14th February, 1978 is hereby published for general information.

S. L. TALATI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 11 OF 1978.

(First published after having received the assent of the President in the
"Gujarat Government Gazette" on the 16th February, 1978).

An Act further to amend the Bombay Tenancy and Agricultural
Lands Act, 1948.

It is hereby enacted in the Twenty-eighth Year of the Republic of India as
follows:—

1. This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1978. Short title.

Bom. LXVII of 1948. 2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act"), in section 32M, in sub-section (5), for the words and figures "before the end of December, 1977" the words and figures "before the end of December, 1978" shall be substituted. Amendment of section 32M of Bom. LXVII of 1948.

Amendment of section 32PP of Bom. LXVII of 1948. 3. In the principal Act, in section 32PP, in sub-sections (IC) and (ID), for the words and figures "before the end of December, 1977" the words and figures "before the end of December, 1978" shall be substituted.

Amendment of section 32PPP of Bom. LXVII of 1948. 4. In the principal Act, in section 32PPP, in sub-section (I), in clause (ii), for the words and figures "before the end of December, 1977" the words and figures "before the end of December, 1978" shall be substituted.

Repeal and savings.

5. (1) The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1977, is hereby repealed.

Guj. Orl. No. 14 of 1977.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act, as if this Act had come into force on the date on which the said Ordinance had come into force.



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Separate paging is given to this Part in order that it may
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PART IV

Acts of the Gujarat Legislature and Ordinance promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the President on the 26th February 1979 is hereby published for general information.

V. V. BEDARKAR,

Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 4 OF 1979.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 1st March, 1979).

An Act further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1979. Short title and Commencement.

(2) It shall be deemed to have come into force on the 29th December, 1978.

Bom. LXVII of 1948. 2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act"), in section 32M, in sub-section (5), for the words and figures "before the end of December, 1978" the words and figures "before the end of December, 1979" shall be substituted. Amendment of section 32M of Bom. LXVII of 1948.

Amendment of section 32PP of Bom. LXVII of 1948. 3. In the principal Act, in section 32PP, in sub-sections (IC) and (ID), for the words and figures "before the end of December, 1978" the words and figures "before the end of December, 1979" shall be substituted.

Amendment of section 32PPP of Bom. LXVII of 1948. 4. In the principal Act, in section 32PPP, in sub-section (I), in clause (ii), for the words and figures "before the end of December, 1978" the words and figures "before the end of December, 1979" shall be substituted.

Repeal and saving. 5. (1) The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1978, is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Guj.
ord.
No. 12
of
1978.



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Separate paging is given to this Part in order that it may be filed as a separate Compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the President on the 30th July, 1980 is hereby published for general information.

N. B. PATEL,

Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 4 OF 1980.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 31st July, 1980).

An Act further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Thirty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1980.

Short title
and commen-
cement.

(2) It shall be deemed to have come into force on the 19th April, 1980.

2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act"), in section 32M, in sub-section (5), for the words and figures "before the end of December, 1979" the words and figures "before the end of December, 1980" shall be substituted.

Amendment
of section
32M of
Bom.
LXVII of
1948.

Amendment
of section
32PP of
Bom. LXVII
of 1948.

3. In the principal Act, in section 32PP, in sub-section (IC) and (ID), for the words and figures "before the end of December, 1979" the words and figures "before the end of December, 1980" shall be substituted.

Amendment
of section
32PPP of
Bom.
LXVII of
1948.

4. In the principal Act, in section 32PPP, in sub-section (I), in clause (ii), for the words and figures "before the end of December, 1979" the words and figures "before the end of December, 1980" shall be substituted.

Repeal
and
saving.

5. (1) The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1980 is hereby repealed.

Guj.
Ord.
No. 7
of
1980.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.



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Separate paging is given to this Part in order that it may be filed as a separate Compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the President on the 23rd March, 1981 is hereby published for general information.

J. P. VASAVADA,

Joint Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 13 OF 1981.

(First published, after having received the assent of the president in the "Gujarat Government Gazette" on the 23rd March, 1981).

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Thirty-second Year of the Republic of India as follows:—

1. This Act may be called the Bombay Tenancy and Agricultural Lands Short title. (Gujarat Amendment) Act, 1981.

2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act"), in section 32M, for sub-section (5), the following shall be substituted, namely:—

Amendment
of section
32M of Bom.
LXVII of
1948.

"(5) Notwithstanding the expiry of the period specified in sub-section (3) or (4)—

(a) if the tenant of land to which sub-section (3) or, as the case may be, sub-section (4) applies and which has not been disposed of by the Collector in the manner provided in sub-section (2) of section 32P, deposits with the Tribunal at any time before two months after the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1981, or

(b) if the specified tenant of land to which sub-section (3) or, as the case may be, sub-section (4) applies and which has not been disposed of by the Collector in the manner provided in sub-section (2) of section 32P, deposits with the Tribunal at any time before the end of December, 1981.

the entire amount of the price of the land or, as the case may be, the unpaid portion of the price, together with interest, as specified in the said sub-sections (3) and (4), as the case may be, the purchase of the land shall be deemed not to have become ineffective and the Tribunal shall issue a certificate of purchase to the tenant or the specified tenant under sub-section (1).

Explanation.—For the purposes of this section and sections 32PP and 32PPP, the expression "specified tenant" means a tenant who holds land (whether as a tenant or owner or otherwise) not exceeding four hectares."

Amendment
of section
32 PP
of Bom.
LXVII of
1948.

3. In the principal Act, in section 32PP,—

(1) for sub-section (1C), the following sub-section shall be substituted, namely:—

"(1C) Notwithstanding the expiry of the period specified in sub-section (1) read with sub-section (1A), the right conferred under sub-section (1) may be exercised,

(a) by a tenant at any time before two months after the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1981; or

(b) by a specified tenant at any time before the end of December, 1981."

(2) in sub-section (1D), for the portion beginning with the words "such tenant shall" and ending with the words "for making it" the following shall be substituted, namely:—

"(a) such tenant shall also be entitled to exercise the right conferred under sub-section (1) by making an application at any time before two months after the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1981 or

Guj.
13 o
1981

Guj.
13 o
1981

Guj.
of
1981

(b) such tenant being a specified tenant shall also be entitled to exercise the right conferred in sub-section (1) by making an application at any time before the end of December, 1981,

and on receipt of an application from any such tenant or specified tenant the Tribunal shall admit it as if it were an application made within the period specified for making it."

4. In the principal Act, in section 32PPP, in sub-section (1), for clause (ii), the following shall be substituted, namely:—

Amendment
of section
32 PPP
of Bom.
LXVII of
1949.

"(ii) the land so at the disposal of the Collector has not been disposed of in the manner provided in sub-section (2) of section 32P—

(a) the tenant, if he is willing to purchase the land may make an application in writing to the Tribunal before two months after the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1981; or

Guj.
Ord.
No. 22
of
1980.
Bom.
I of
1904.

(b) the tenant, if he is a specified tenant and is willing to purchase the land, may make an application in writing to the Tribunal before the end of December, 1981,

for a declaration that the purchase has not become ineffective."

5. The Bombay Tenancy and Agricultural Lands (Gujarat Second Amendment) Ordinance, 1980 is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if the Ordinance were an enactment.

Repeal and
saving.



The Gujarat Government Gazette
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*Separate paging is given to this Part in order that it may
be filed as a separate compilation.*

PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the President on the 19th February, 1982 is hereby published for general information.

K. M. SATWANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 5 OF 1982.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 23rd February, 1982.).

An Act further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Thirty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 23rd December, 1981.

Short title
and
commence-
ment.

Amendment of section 32M of Bom. LXVII of 1948. 2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act"), in section 32M, in sub-section (5), in clause (b), for the words and figures "before the end of December, 1981" the words and figures "before the end of December, 1983" shall be substituted.

Amendment of section 32PP of Bom. LXVII of 1948. 3. In the principal Act, in section 32PP, in sub-section (1C), in clause (b) and in sub-section (1D), in clause (b), for the words and figures "before the end of December, 1981" the words and figures "before the end of December, 1983" shall be substituted.

Amendment of section 32PPP of Bom. LXVII of 1948. 4. In the principal Act, in section 32PPP, in sub-section (1), in clause (ii), in sub-clause (b), for the words and figures "before the end of December, 1981" the words and figures "before the end of December, 1983" shall be substituted.

Repeal and saving. 5. (1) The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Guj. Ord. 14 of 1981. Ordinance, 1981 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.



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Vol. XXV]

FRIDAY, MARCH 16, 1984/PHALGUNA 26, 1905

Separate posting is given to this Part in order that it may
 be filed as a separate communication.

PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
 Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the President on the 14th March 1984, is hereby published for general information.

J. P. VASAVADA,
 Joint Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 8 OF 1984.

(First published, after having received the assent of the President in the "*Gujarat Government Gazette*" on the 16th March, 1984.).

An Act further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1984.

(2) It shall be deemed to have come into force on the 21st December, 1983.

Short
 title and
 commence-
 ment.

Amendment
of section
32M of
Bom. LXVII
of 1948.

2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act"), in section 32M, in sub-section (5), in clause (b), for the words and figures "before the end of December, 1983" the words and figures "before the end of December, 1985" shall be substituted. Bom.
LXVII
of
1948.

Amendment
of section
32PP of
Bom.
LXVII of
1948.

3. In the principal Act, in section 32PP, in sub-section (1C), in clause (b), and in sub-section (1D), in clause (b), for the words and figures "before the end of December, 1983" the words and figures "before the end of December 1985" shall be substituted.

Amendment
of section
32PPP of
Bom.
LXVII of
1948.

4. In the principal Act, in section 32PPP, in sub-section (I), in clause (ii), in sub-clause (b), for the words and figures "before the end of December, 1983" the words and figures "before the end of December, 1985" shall be substituted.

Repeal and
savings.

5. (1) The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1983 is hereby repealed.

Guj.
Ord.
13 of
1983.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.



The Gujarat Government Gazette
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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the President on the 24th February 1986 is hereby published for general information.

J. P. VASAVADA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 8 OF 1986

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 25th February 1986)

An Act further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 31st December, 1985.

Short
title and
commence-
ment.

Amend-
ment of
section 32M
of Bom.
LXVII of
1948.

2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (herein-
after referred to as "the principal Act") in section 32M, in sub-section (5),
in clause (b), for the words and figures "before the end of December, 1985",
the words and figures "before the end of December, 1986" shall be sub-
stituted.

Bom.
LXVII
of
1948.

Amend-
ment of
section 32PP
of Bom.
LXVII of
1948.

3. In the principal Act, in section 32PP, in sub-section (1C), in clause
(b), and in sub-section (1D), in clause (b), for the words and figures
"before the end of December, 1985", the words and figures "before the end
of December, 1986," shall be substituted.

Amend-
ment of
section
32PPP of
Bom.
LXVII of
1948.

4. In the principal Act, in section 32PPP, in sub-section (1), in clause
(ii), in sub-clause (b), for the words and figures "before the end of December,
1985", the words and figures "before the end of December, 1986" shall be
substituted.

Repeal and
savings.

5. (1) The Bombay Tenancy and Agricultural Lands (Gujarat Amend-
ment) Ordinance, 1985 is hereby repealed.

Guj.
Ord.
22 of
1985.

(2) Notwithstanding such repeal, anything done or any action taken
under the principal Act as amended by the said Ordinance, shall be deemed to
have been done or taken under the principal Act as amended by this Act.



The Gujarat Government Gazette
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Separate paging is given to this Part in order that it
may be filed as a separate compilation.

PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the President on the 9th March, 1987 is hereby published for general information.

J. P. VASAVADA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 8 OF 1987.

(First published, after having received the assent of the President in the
"Gujarat Government Gazette" on the 10th March, 1987).

An Act further to amend the Bombay Tenancy and Agricultural Lands
Act, 1948.

It is hereby enacted in Thirty-eighth Year of the Republic of India as
follows :—

1. (1) This Act may be called the Bombay Tenancy and Agricultural Lands
(Gujarat Amendment) Act, 1987.

(2) It shall be deemed to have come into force on the 19th December
1986.

Short title
and
commence-
ment.

Insertion
of new
section
32QQ in
Bom. LXVII
of 1948.

2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act"), after section 32Q, the following section shall be inserted, namely :—

Bom.
LXVII
of
1948.

Deposit or
payment of
purchase
price by
State
Government
on behalf
of specified
tenant.

"32QQ. (1) (a) Where a specified tenant permitted under clause (b) of sub-section (5) of section 32M to deposit with the Tribunal at any time before the end of December 1986 the entire amount of the price of the land or, as the case may be, the unpaid portion of the price, together with the interest, as specified in sub-sections (3) and (4) of section 32M, has failed to deposit with the Tribunal such amount before the date of the commencement of the Bombay Tenancy and Agricultural Lands (Gujarat Second Amendment) Ordinance, 1986 (hereinafter referred to as "the said date"), the State Government shall, notwithstanding the expiry of the period specified in clause (b) of sub-section (5) of section 32M, deposit on behalf of such specified tenant, with the Tribunal within a period of twelve months from the said date such amount, and on depositing such amount with the Tribunal, the purchase of land shall be deemed not to have become ineffective and the Tribunal shall issue a certificate of purchase to the specified tenant under section (1) of section 32M.

Guj.
Ord.
14 of
1986.

(b) Where a specified tenant permitted under clause (b) of sub-section (1C) or clause (b) of sub-section (1D) of section 32PP or under sub-clause (b) of clause (ii) of sub-section (1) of section 32PPP to make at any time before the end of December 1986 an application under sub-section (1) of section 32PP for a declaration that purchase has not become ineffective, fails to make such application before the end of December 1986, and the Collector directs under sub-section (2) of section 32P that the land in respect of which the tenancy is terminated shall be disposed of by sale to the specified tenant who is a tenant referred to in sub-clause (a-i) of clause (c) of the said sub-section (2) and the land is disposed of by sale to such specified tenant, the Collector shall issue a certificate of purchase in the form prescribed under sub-section (1) of section 32M to such specified tenant who shall be liable to pay to the Collector the price of such land determined by the Collector under sub-section (5) of section 32P.

(2) The amount deposited with the Tribunal under clause (a) of sub-section (1) or, as the case may be, the amount of price of land which the specified tenant is liable to pay to the Collector under clause (b) of sub-section (1) shall be deemed to be the amount of loan granted to the specified tenant by the State Government on such terms and conditions as may be prescribed and the amount of loan and interest or any portion thereof shall be recoverable from such specified tenant as arrears of land revenue."

3. In the principal Act, in section 82, in sub-section (2), after clause (gd), the following clause shall be inserted, namely :—

"(gdd) the terms and conditions on which the amount deposited or the amount of price of land shall be deemed to be the amount of loan granted under sub-section (2) of section 32QQ."

Insertion
of new
clause (gdd)
in sub-
section (2)
of section
82 in Bom.
LXVII of
1948.

Guj.
Ord.
14 of
1986.

4. (1) The Bombay Tenancy and Agricultural Lands (Gujarat Second Amendment) Ordinance, 1986 is hereby repealed.

Repeal and
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.



The Gujarat Government Gazette
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Separate paging is given to this Part in order that it
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PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the
President on the 4th April 1987 is hereby published for general information.

J. P. VASAVADA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 21 OF 1987

(First published, after having received the assent of the President in the
Gujarat Government Gazette on the 20th April, 1987)

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948

It is hereby enacted in the Thirty-seventh Year of the Republic of India as
follows :—

Short title.

1. This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Second Amendment) Act, 1986.

Amendment
of section
43 of Bom.
LXVII of
1948.

2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter Bom. referred to as "the principal Act"), in section 43, in sub-section (I), for the ^{LXVII} figures, letters and word "32U, or 43-1D" the figures, letters and word "32U, 1948. 43-1D or 88E" shall be substituted.

Deletion of
section 64-A
of Bom.
LXVII of
1948.

3. In the principal Act, section 64A shall be deleted.



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THURSDAY, APRIL 6, 1995/CAITRA 16, 1916

Separate paging is given to this Part in order that it
 may be filed as a separate compilation.

PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor
 on the 6th April, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
 Legislative and Parliamentary Affairs Department,

GUJARAT ACT NO. 4 OF 1995

(First published, after having received the assent of the Governor in the "Gujarat
 Government Gazette" on the 6th April, 1995).

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Forty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1995. Short title.

2. In the Bombay Tenancy and Agricultural Lands Act, 1948, in section 2, in Amend-
ment of
section 2
of Bom.
LXVII
of 1948.
 sub-section (6),—

(1) for the portion beginning with the words "being land, the entire area"
 and ending with the words "one compact block" shall be deleted;

(2) the Explanation III shall be deleted.



The Gujarat Government Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 5th March, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 1997.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 6th March, 1997).

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 1997.

Short title and commencement

(2) It shall be deemed to have come into force on the 24th December, 1996.

2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the Bombay Tenancy and Agricultural Lands Act"), in section 43, —

Amendment of section 43 of Bom. LX of 1948.

Bom. LXVII of 1948.

(1) after sub-section (1B), the following new sub-section shall be inserted, namely :—

"(1C) The land to which sub-section (1) applies and for which no permission is required under sub-section (1) of section 65B of the Bombay Land Revenue Code, 1879 for use of such land for a *bonafide* industrial purpose may, notwithstanding anything contained in sub-section (1) of this section, be sold without the previous sanction of the Collector under sub-section (1) but subject to payment of such amount as may be determined by the State Government under sub-section (1).";

Bom. V
of 1879.

(2) in sub-section (2), after the words, brackets and figure "sub-section (1)", the words, brackets, figure and letter "or sub-section (1C)" shall be inserted.

Insertion of new
section in Bom.
LXVII of 1948.

3. In the Bombay Tenancy and Agricultural Lands Act, after section 63A, the following new section shall be inserted, namely :—

Sale of land for
bonafide in-
dustrial purpose
permitted in cer-
tain cases.

"63AA. (1) Nothing in section 63 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Bombay Land Revenue Code, 1879 in favour of any person for use of such land by such person for a *bonafide* industrial purpose ;

Bom. V
of 1879.

Provided that—

(a) the land is not situated within the urban agglomeration as defined in clause (n) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976,

33 of 1976

(b) where the area of the land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Industries Commissioner, Gujarat State or such other officer, as the State Government may, by an order in writing, authorise in this behalf,

(c) the area of the land proposed to be sold shall not exceed four times the area on which construction for a *bonafide* industrial purpose is proposed to be made by the purchaser.

Provided that any additional land which may be required for pollution control measures or required under any relevant law for the time being in force and certified as such by the relevant authority under that law shall not be taken into account for the purpose of computing four times the area,

(d) where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Bombay Land Revenue Code, 1879.

Bom. V
1879.

(2) Nothing in section 63A shall apply to any sale made in pursuance of sub-section (1).

(3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as "the purchaser"), he shall within thirty days from the date of the purchase of the land for a *bonafide* industrial purpose, send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay, in addition to the non-agricultural assessment leviable under this Act, such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Act, direct.

(c) Where, on receipt of the notice of the date of purchase for the use of land for a *bonafide* industrial purpose and other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit—

(i) is satisfied that the purchaser of such land has validly purchased the land for a *bonafide* industrial purpose in conformity with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed,

(ii) is not so satisfied, he shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of land to the purchaser shall be deemed to be in contravention of section 63.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such officer, as it may, by an order in writing, authorise in this behalf.

(ii) The State Government or the authorised officer shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit.

(4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or direction of the Central Government or State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for industrial purpose before the land is put to use for such purpose.

(b) The purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (3) shall commence industrial activity on such land within three years from the date of such certificate and commence production of goods or providing of services within five years from such date :

Provided that the period of three years or, as the case may be, five years may, on an application made by the purchaser in that behalf, be extended from time to time, by the State Government or such officer, as it may, by an order in writing, authorise in this behalf, in such circumstances as may be prescribed.

(5) Where the Collector, after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard, comes to a conclusion that the purchaser has failed to commence industrial activity or production of goods or providing of services within the period specified in clause (b) of sub-section (4), or the period extended under the proviso to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the Collector may determine, having regard to the price paid by the purchaser and such land shall be disposed of by the State Government, having regard to the use of land."

Amendment of
section 82
of Bom. LXVII
of 1948.

4. In the Bombay Tenancy and Agricultural Lands Act, in section 82, in sub-section (2), after clause (ka), the following new clause shall be inserted, namely :—

"(kaa) the form of notice and particulars to be sent under clause (a), the rules subject to which the Collector may direct the payment of fine under clause (b), the form of and the time within which a certificate is to be issued under sub-clause (i) of clause (c), of sub-section (3) and the circumstances in which the period may be extended under the proviso to clause (b) of sub-section (4), of section 63AA;"

Insertion of new
section in Sau.
Ord. XLI of
1949.

5. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, Sau. Ord. XLI of 1949 (hereinafter referred to as "the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance"), after section 54, the following new section shall be inserted, namely :—

Sale of land for
bonafide in-
dustrial purpose
permitted in cer-
tain cases.

"55. (1) Nothing in section 54 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Bombay Land Revenue Code, 1879 in favour of any person for use of such land by such person for a *bonafide* industrial purpose :

Bom. V of
1879.

Provided that—

(a) the land is not situated within the urban agglomeration as defined in clause (u) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976. 33 of 1976.

(b) where the area of the land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Industries Commissioner, Gujarat State or such other officer, as the State Government may, by an order in writing, authorise in this behalf,

(c) the area of land proposed to be sold shall not exceed four times the area on which construction for a *bonafide* industrial purpose is proposed to be made by the purchaser.

Provided that any additional land which may be required for pollution control measures or required under any relevant law for the time being in force and certified as such by the relevant authority under that law shall not be taken into account for the purpose of computing four times the area,

(d) where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Bombay Land Revenue Code, 1879.

Bom. V of
1879.

(2) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as "the purchaser"), he shall within thirty days from the date of the purchase of the land for a *bonafide* industrial purpose, send a notice of such purchase in such form along with such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay, in addition to the non-agricultural assessment leviable under this Ordinance, such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Ordinance, direct.

(c) Where, on receipt of the notice of the date of purchase for the use of land for a *bonafide* industrial purpose and other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit—

(i) is satisfied that the purchaser of such land has validly purchased the land for a *bonafide* industrial purpose in conformity with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed,

(ii) is not so satisfied, he shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of land to the purchaser shall be deemed to be in contravention of section 54.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such officer, as it may, by an order in writing, authorise in this behalf.

(ii) The State Government or the authorised officer shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit.

(3)(a) The purchaser shall comply with the provisions of any law for the time being in force or any order or direction of the Central Government or State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for industrial purpose before the land is put to use for such purpose.

(b) The purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (2) shall commence industrial activity on such land within three years from the date of certificate and commence production of goods or providing of services within five years from such date :

Provided that the period of three years or, as the case may be, five years may, on an application made by the purchaser in that behalf, be extended from time to time, by the State Government or such officer, as it may, by an order in writing, authorise in this behalf, in such circumstances as may be prescribed.

(4) Where the Collector, after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard, comes to a conclusion that the purchaser has failed to commence industrial activity or production of goods or providing of services within the period specified in clause (b) of sub-section (3), or the period extended under the proviso to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the Collector may determine, having regard to the price paid by the purchaser and such land shall be disposed of by the State Government, having regard to the use of land."

6. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, in section 73, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely :—

Amendment of
section 73 of
Sau. Ord. XLI
of 1949.

"(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the following matters :—

(a) the manner of determining debts and liabilities under section 43;

(b) the manner of notifying liquidation scheme sanctioned under section 47;

(c) the conditions subject to which permission to acquire land or interest therein may be granted under section 54;

(d) the form of notice and particulars to be sent under clause (a), the rules subject to which the Collector may direct the payment of fine under clause (b), the form of and the time within which a certificate is to be issued under sub-clause (i) of clause (c), of sub-section (2) and the circumstances in which the period may be extended under the proviso to clause (b) of sub-section (3), of section 55; and

(e) any other matter which is to be or may be prescribed under this Ordinance.

(3) Rules made under this section shall be subject to the condition of previous publication in the *Official Gazette*.

(4) All rules made under this section shall be laid before the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any modifications so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect."

Amendment of
section 57 of
Bom. XCIX of
1958.

7. In the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as "the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act"), in section 57,—

Bom. XCIX of
1958.

(1) after sub-section (1), the following new sub-section shall be inserted, namely :—

"(1A) The land to which sub-section (1) applies and for which no permission is required under sub-section (1) of section 65B of the Bombay Land Revenue Code, 1879 for use of such land for a *bonafide* industrial purpose may, notwithstanding anything contained in sub-section (1) of this section, be sold without the previous sanction of the Collector under sub-section (1).";

Bom. V of
1879.

(2) in sub-section (2), after the words, brackets and figure "sub-section (1)"; the words, brackets, figure and letter "or sub-section (1A)" shall be inserted.

Insertion of new
section in Bom.
XCIX of 1958.

8. In the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, after section 89, the following new section shall be inserted, namely :—

Sale of land for
bonafide
industrial pur-
pose permitted
in certain cases.

"89A. (1) Nothing in section 89 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Bombay Land Revenue Code, 1879 in favour of any person for use of such land by such person for a *bonafide* industrial purpose :

Bom. V
of 1879.

Provided that—

(a) the land is not situated within the urban agglomeration as defined in clause (n) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976,

33 of
1976.

(b) where the area of the land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Industries Commissioner, Gujarat State, or such other officer, as the State Government may, by an order in writing, authorise in this behalf,

(c) the area of the land proposed to be sold shall not exceed four times the area on which construction for a *bonafide* industrial purpose is proposed to be made by the purchaser :

Provided that any additional land which may be required for pollution control measures or required under any relevant law for the time being in force and certified as such by the relevant authority under that law shall not be taken into account for the purpose of computing four times the area.

(d) where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Bombay Land Revenue Code, 1879. Bom. V
of 1879.

(2) Nothing in section 90 shall apply to any sale made in pursuance of sub-section (1).

(3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as "the purchaser"), he shall within thirty days from the date of the purchase of the land for a *bonafide* industrial purpose, send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay, in addition to the non-agricultural assessment leviable under this Act, such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Act, direct.

(c) Where, on receipt of the notice of the date of purchase for the use of land for a *bonafide* industrial purpose and other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit—

(i) is satisfied that the purchaser of such land has validly purchased the land for a *bonafide* industrial purpose in conformity with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed,

(ii) is not so satisfied, he shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of land to the purchaser shall be deemed to be in contravention of section 89.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such officer, as it may, by an order in writing, authorise in this behalf.

(ii) The State Government or the authorised officer shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit.

(4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or direction of the Central Government or State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for industrial purpose before the land is put to use for such purpose.

(b) The purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (3), shall commence industrial activity on such land within three years from the date of such certificate and commence production of goods or providing of services within five years from such date :

Provided that the period of three years or, as the case may be, five years may, on an application made by the purchaser in that behalf, be extended from time to time, by the State Government or such officer, as it may, by an order in writing authorise in this behalf, in such circumstances as may be prescribed.

(5) Where the Collector, after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard, comes to a conclusion that the purchaser has failed to commence industrial activity or production of goods or providing of services within the period specified in clause (b) of sub-section (4), or the period extended under the proviso to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the Collector may determine, having regard to the price paid by the purchaser and such land shall be disposed of by the State Government, having regard to the use of land."

Amendment of
section 118 of
Bom. XCLIX of
1958.

9. In the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, in section 118, in sub-section (2), after clause (xix), the following new clause shall be inserted, namely :—

(ix-a) the form of notice and particulars to be sent under clause (a), the rules subject to which Collector may direct the payment of fine under clause (b), the form of and the time within which a certificate is to be issued under sub-clause (i) of clause (c), of sub-section (3) and the circumstances in which the period may be extended under the proviso to clause (b) of sub-section (4), of section 89A;"

Repeal
and savings.

10. (1) The Gujarat Tenancy and Agricultural Lands Laws (Amendment) (Second) Ordinance, 1996, is hereby repealed. Guj. Ord. 21 of 1996.

(2) Notwithstanding such repeal, anything done or any action taken under the respective Acts, as amended by the said Ordinance, shall be deemed to have been done or taken under the respective Acts, as amended by this Act.



The Gujarat Government Gazette EXTRAORDINARY

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FRIDAY, MARCH 30, 2001 / CAITRA 9, 1923

Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented
to by the Governor on the 30th March, 2001 is hereby published for general
information.

V. M. Kothare,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 2001.

(First published, after having received the assent of the Governor in
the "Gujarat Government Gazette" on the 30th March, 2001).

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands
(Gujarat Amendment) Act, 1995.

It is hereby enacted in the Fifty-second Year of the Republic of
India as follows :—

	<p>1. (1) This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Amending Act, 2001.</p> <p>(2) It shall be deemed to have come into force on the 6th November, 2000.</p>	<p>Short title and commencement.</p>
Guj. 4 of 1995.	<p>2. In the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1995 (hereinafter referred to as "the amending Act"), in section 2, for the words "shall be deleted" occurring at two places, the words "shall be and shall be deemed always to have been deleted" shall be substituted.</p>	<p>Amendment of section 2 of Guj. 4 of 1995.</p>
Abatement of legal proceedings.	<p>3. All proceedings relating to any order made or purported to be made under section 84C of the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act") for contravention of provisions of section 63, so far as it relates to the breach of clause (6) of section 2 of the principal Act, pending before any court, tribunal or other authority or any such proceedings initiated by any such authority on or after the commencement of the amending Act shall stand abated notwithstanding anything contained in section 84C of the principal Act.</p>	<p>Bom. LXVII of 1948.</p>
Saving.	<p>4. The amendment made by section 2 shall not affect the validity of any such order referred to in section 3, made by any court, tribunal or other authority before the date of commencement of the amending Act, which has become final.</p> <p><i>Explanation.</i>—For the purpose of this section, the word "final" means no appeal, revision or any other proceeding is pending before any court, tribunal or other authority against any such order on the date of commencement of the amending Act.</p>	
Repeal and savings.	<p>5. (1) The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Amending Ordinance, 2000 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the amending Act, as amended by the said Ordinance shall be deemed to have been done or taken under the amending Act as amended by this Act.</p>	<p>Guj. Ord. 5 of 2000.</p>



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The Gujarat Government Gazette

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FRIDAY, JULY 24, 2009/SRAVANA 2, 1931

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PART IV

Acts of Gujarat Legislature and Ordinance Promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 8th July, 2009 is hereby published for general information.

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 OF 2009.

(First published, after having received the assent of the President in the "Gujarat Government Gazette", on the 24th July, 2009).

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948,
in its application to the State of Gujarat.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows :-

1. This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 2009. Short title.

Bom. LXVII of 1948. 2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act"), in section 10A, in sub-section (3), in clause (b), the word, figure and letter "or 32O" shall be deleted. Amendment of section 10A of Bom. LXVII of 1948.

3. In the principal Act, section 32 O shall be deleted. Deletion of section 32 O of Bom. LXVII of 1948.

4. In the principal Act, in section 43, -

(1) in sub-section (1), the figure and letter "32-O" shall be deleted; Amendment of section 43 of Bom. LXVII of 1948.

- (2) to sub-section (1), the following provisos shall be added, namely :-

“Provided that no previous sanction of the Collector shall be required, if the partition of the land is among the members of the family who have direct blood relation or among the legal heirs of the tenant :

Provided further that the partition of the land as aforesaid shall not be valid if it is made in contravention of the provisions of any other law for the time being in force :

Provided also that such members of the family or the legal heirs shall hold the land, after the partition, on the same terms, conditions and restrictions as were applicable to such land or interest therein purchased by the tenant or the person.”;

- (3) in sub-section (1B), for the figures, letters and word “32F, 32-O or 64”, the figures, letter and word “32F or 64” shall be substituted.

Amendment of
section 43-1B of
Bom. LXVII of
1948.

5. In the principal Act, in section 43-1B, in sub-section (3), in clause (a), the words, figures and letter “but the provisions of section 32-O shall apply to such tenancy as they apply in relation to a tenancy created after the tillers’ day” shall be deleted.

Amendment of
section 43A of
Bom. LXVII of
1948.

6. In the principal Act, in section 43A, in sub-section (1), for the figures, letter and word “63A, 64 and 65”, the figures, letter and word “63A and 64” shall be substituted.

Deletion of
sections 65, 65A
and 66 of Bom.
LXVII of 1948.

7. In the principal Act, sections 65, 65A and 66 shall be deleted.

Amendment of
section 72C of
Bom. LXVII of
1948.

8. In the principal Act, in section 72C, in sub-section (2), in clause (b), for the figures, letters and word “32M, 32N and 32-O”, the figures, letters and word “32M and 32N” shall be substituted.

Amendment of
section 74 of
Bom. LXVII of
1948.

9. In the principal Act, in section 74, in sub-section (1), in clause (n), for the figures, letters and word “32K, 32M or 32 O”, the figures, letters and word “32K or 32M” shall be substituted.

Amendment of
section 82 of
Bom. LXVII of
1948.

10. In the principal Act, in section 82, in sub-section (2), -

- (1) in clause (gaa), the words, brackets, figures and letters “and sub-section (1A) of section 32 O” shall be deleted;
- (2) Clause (I) shall be deleted.

Amendment of
section 88 of
Bom. LXVII of
1948.

11. In the principal Act, in section 88, in sub-section (1), in clause (d), for the words and figures “or section 65 except as provided in the said Chapter IV or section 65, as the case may be, and in sections 66,” the words and figures “except as provided in the said Chapter IV and in sections” shall be substituted.



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The Gujarat Government Gazette

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MONDAY, JULY 25, 2011/SRAVANA 3, 1933

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PART IV

Acts of Gujarat Legislature and Ordinance Promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 9th July, 2011 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 24 OF 2011.

(First published, after having received the assent of the President in the "*Gujarat Government Gazette*", on the 25th July, 2011).

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948,

It is hereby enacted in the Sixty-second Year of the Republic of India as follows :-

- | | | |
|-----------------------------------|---|--|
| <p>Bom. LXVII of 1948.</p> | <ol style="list-style-type: none"> 1. This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 2011. 2. In the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the principal Act"), in section 32M, in sub-section (5), -- <ol style="list-style-type: none"> (1) in clause (b), for the words and figures "before the end of December, 1986", the words "before the date specified from time to time by notification in the <i>Official Gazette</i>, by the State Government in this regard" shall be substituted; | <p>Short title.</p> <p>Amendment of section 32M of Bom. LXVII of 1948.</p> |
|-----------------------------------|---|--|

- (2) in the *Explanation*, for the figures, letters and word "32PP and 32PPP", the figures, letters and word "32PP, 32PPP and 32QQ" shall be substituted.

Amendment of
section 32PP of
Bom. LXVII of
1948.

3. In the principal Act, in section 32PP, in sub-section (IC), in clause (b) and in sub-section (ID), in clause (b), for the words and figures "before the end of December, 1986", the words, brackets, letters and figures, "before the date specified under clause (b) of sub-section (5) of section 32M" shall be substituted.

Amendment of
section 32PPP
of Bom. LXVII
of 1948.

4. In the principal Act, in section 32PPP, in sub-section (1), in clause (ii), in sub-clause (b) for the words and figures "before the end of December, 1986", the words, brackets, letters and figures "before the date specified under clause (b) of sub-section (5) of section 32M" shall be substituted.

Amendment of
section 32QQ
of Bom. LXVII
of 1948.

5. In the principal Act, in section 32QQ, in sub-section (1), in clauses (a) and (b) for the words and figures "before the end of December, 1986".wherever they occur, the words, brackets, letters and figures "before the date specified under clause (b) of sub-section (5) of section 32M" shall be substituted.



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The Gujarat Government Gazette

EXTRAORDINARY

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MONDAY, JULY 28, 2014/SRAVANA 6, 1936

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 25th July, 2014 is hereby published for general information.

C.J.Gothi,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 8 OF 2014.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 28th July, 2014).

An act

further to amend the Gujarat Tenancy and Agricultural Lands Act, 1948.

It is hereby enacted in the Sixty-fifth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Tenancy and Agricultural Lands (Amendment) Act, 2014.

Short title.

Bom. LXVII of 1948.

2. In the Gujarat Tenancy and Agricultural Lands Act, 1948, after section 70, the following section shall be inserted, namely :-

Insertion of new section 70A in Bom. LXVII of 1948.

Regularisation of certain sale of land.

“70A. In case where a person is or was declared as a permanent tenant under section 70 by the Mamlatdar and Agricultural Lands Tribunal and subsequently on the basis of such order sale or more than one sale in respect of the land in question has taken place and if thereafter the order declaring a person as the permanent tenant is found not in accordance with law, then, the Collector, on an application made by the present occupant in this regard, shall, subject to other provisions of

this Act or any other law for the time being in force, proceed to impose the restrictions of section 43 of this Act in respect of such land and shall, after levying rupee one as the penalty and in consideration of payment of such amount as may be determined by the State Government by general or special order from time to time, pass an order regularising such sale, subject to such conditions as may be specified by him.”.

EXTRAORDINARY
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MONDAY, JULY 28, 2014

Separate pages are given to this Part in order that it may be filed in a separate compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor

The following Act of the Gujarat Legislature, having been passed by the Governor on the 25th July, 2014 is hereby published for general information.

G. L. Code No.

Secretary to the Government of Gujarat
Legislative and Parliamentary Affairs Department

GUJARAT ACT NO. 8 OF 2014

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 28th July, 2014)

Act No.

Order to amend the Gujarat Tenancy and Agricultural Lands Act, 1947

It is hereby enacted in the 59th Year of the Republic of India as

follows:-

1. This Act may be called the Gujarat Tenancy and Agricultural Lands (Amendment) Act, 2014.

2. In the Gujarat Tenancy and Agricultural Lands Act, 1947, after section 35, the following section shall be inserted, namely:-

35A. In cases where a person is or was entitled to a permanent tenancy under section 30 of the Gujarat Tenancy and Agricultural Lands Act, 1947, and such person is or was entitled to a permanent tenancy in respect of the land in question, the person shall be deemed to be a permanent tenant in respect of the land in question, and the person shall be entitled to the same rights and privileges as a permanent tenant in respect of the land in question.

Government Central Press, Gandhinagar.



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वार्षिक लवाजमनो दर रु. ३५००/-

The Gujarat Government Gazette

EXTRAORDINARY

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TUESDAY, MARCH 31, 2015/CAITRA 10, 1937

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 20th March, 2015 is hereby published for general information.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 2015.

(First published, after having received the assent of the President, in the "Gujarat Government Gazette", on the 31st March, 2015).

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.

It is hereby enacted in the Sixty-second Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2011. Short title.

- Amendment of section 63 of Bom. LXVII of 1948.** 2. In the Bombay Tenancy and Agricultural Lands Act, 1948, in section 63, after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) The State Government may, by notification in the *Official Gazette*, exempt from the provisions of sub-section (1), for the transfer of any agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.”.

- Amendment of section 54 of Sau. Ord. XLI of 1949.** 3. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949, in section 54, after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) The State Government may, by notification in the *Official Gazette*, exempt from the provisions of sub-section (1), for the transfer of any agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.”.

- Amendment of section 89 of Bom. XCIX of 1958.** 4. In the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, in section 89, after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) The State Government may, by notification in the *Official Gazette*, exempt from the provisions of sub-section (1), for the transfer of any agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.”.



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The Gujarat Government Gazette

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MONDAY AUGUST 19, 2019/ SRAVANA 28, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th August, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 18 OF 2019.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 19th August, 2019).

AN ACT

further to amend the Gujarat Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.

It is hereby enacted in the Seventieth year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019.

Short title and
Commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section
63AA of
Bom. LXVII
of 1948.

2. In the Gujarat Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the Gujarat Tenancy and Agricultural Lands Act), in section 63AA,-

Bom. LXVII
of 1948.

(1) in sub-section (3), in clause (b), for the words "such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Act, direct", the words "after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct" shall be substituted;

(2) in sub-section (4), in clause (b), for the existing third proviso, the following proviso shall be substituted, namely:-

"Provided also that such aggregate period of seven years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government from time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.";

(3) in sub-section (4B), -

(a) after clause (ii), the following clauses shall be inserted, namely:-

"(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the Collector, for a period of three years from the date of approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.”;

(b) for clause (vi), the following clause shall be substituted, namely:-

“(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector shall there upon grant such permission to sale only upon payment of, -

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.”;

(4) the following Explanation shall be added at the end, namely:-

“**Explanation.** – For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”.

Amendment
of section
63AC of
Bom. LXVII
of 1948.

3. In the Gujarat Tenancy and Agricultural Lands Act, in section 63AC, in sub-section (1), for the portion beginning with the words “such institution shall be entitled to make an application” and ending with the words “to Collector for conversion of such land into non-agricultural purpose”, the following portion shall be substituted, namely:-

Guj. 18 of 2019.

“such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non-agricultural purpose.”.

Sau. Ord. XLI
of 1949.

4. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 (hereinafter referred to as “the Saurashtra Ordinance”), in section 54B, in sub-section (1), for the portion beginning with the words “such institution shall be entitled to make an application” and ending with the words “to the Collector for conversion of such land into non-agricultural purpose”, the following portion shall be substituted, namely:-

Amendment
of section
54B of Sau.
Ord. XLI of
1949.

Guj. 18 of
2019.

“such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non-agricultural purpose.”.

5. In the Saurashtra Ordinance, in section 55, -
(1) in sub-section (2), -

Amendment
of section 55
of Sau. Ord.
XLI of 1949.

(a) after clause (a), the following clause shall be inserted,
namely:-

“(aa) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agricultural assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.”;

(b) in clause (b), for the existing third proviso, the following proviso shall be substituted, namely:-

“Provided also that such aggregate period of seven years may, on application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further

periods on payment of 20 per cent. of the prevailing *jantri* for every three years.”;

(2) in sub-section (3B),-

(a) after clause (ii), the following clauses shall be inserted, namely:-

“(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the Collector, for a period of three years from the date of approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.”;

(b) for clause (vi), by the following clause shall be substituted, namely:-

“(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector

shall there upon grant such permission to sale only upon payment of,-

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.

(3) the following Explanation shall be added at the end, namely:-

“Explanation. – For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”.

Amendment
of section
89A of Bom.
XCIX of
1958.

Bom. XCIX
of 1958.

6. In Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as "the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act"), in section 89A, -

(1) in sub-section (3), in clause (b), for the words "such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Act, direct", the words "after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct" shall be substituted;

(2) in sub-section (4), for the existing third proviso, the following proviso shall be substituted, namely:-

"Provided also that such aggregate period of seven years may, on application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.";

(3) in sub-section (4B), -

(a) after clause (ii), the following clauses shall be inserted, namely:-

"(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the

Collector, for a period of three years from the date of approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.”;

(b) for the existing clause (vi), the following clause shall be substituted, namely:-

“(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector shall there upon grant such permission to sale only upon payment of, -

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the

certificate as referred to in clause (ii-a) of sub-section (4B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.”;

(4) the following Explanation shall be added at the end, namely:-

“**Explanation.** – For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”.

Amendment
of section
89C of Bom.
XCIX of
1958.

7. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, in section 89C, in sub-section (1), for the portion beginning with the words “such institution shall be entitled to make an application” and ending with the words “to the Collector for conversion of such land into non-agricultural purpose”, the following portion shall be substituted, namely:-

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“such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non -agricultural purpose.”.