

**BOMBAY ANKADIA TENURE (SAURASHTRA AREA)
ABOLITION ACT, 1959**

31 of 1959

[19th May, 1959]

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**BOMBAY ANKADIA TENURE (SAURASHTRA AREA)
ABOLITION ACT, 1959**

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An Act to abolish the Ankadia tenure prevailing in certain parts of the Saurashtra area of the State of Bombay WHEREAS it is expedient in public interest to abolish the Ankadia tenure on which the Village Ishwaria in the Gohil wad District of the Saurashtra area of the State of Bombay is held, to extinguish the rights appertaining thereto and to provide for other consequential and incidental matters hereinafter appearing; It is hereby enacted in

the Tenth Year of the Republic of India as follows :-

1. Short title, extent and commencement. :-

(1) This Act may be called the Bombay Ankadia Tenure (Saurashtra area) Abolition Act, 1959.

(2) It extends to the Saurashtra area of the ¹ [State of Gujarat].

(3) It shall come into force on such date as the State Government may by notification in the Official Gazette ap- point.

1. Subs, by A.O. 1960 [1-5-1960].

2. Definitions. :-

(1) In this Act, unless the context requires otherwise, -

(a) "Ankadia" means the holder of the Ankadia village and includes his co-sharer;

(b) "Ankadia tenure" means the tenure on which the Ankadia village is held by the Ankadedar;

(c) "Ankadia village" means the village Ishwaria in the Gadhada Taluka of the Gohilwad District in the Saurashtra area of the ¹[State of Gujarat].

(d) "Ankdo" means a lump sum payable as an incident of Ankadia tenure annually to Government by the Ankadedar out of the revenues realised by him an- nually from the Ankadia village;

(e) "appointed day" means the date on which this Act comes into force;

(f) "Code" means the Bombay Land Revenue Code, 1879 (Bom. V of 1879) ²[x x x]

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

(h) "to cultivate personally" has the meaning assigned to it in the Saurashtra Land Reforms Act, 1951 (Sau. XXV of 1951);

(i) "Gharkhed land" means land held by the Ankadedar in the Ankadia village as his private or personal property.

(j) "Jiwai land" means land held by a cadet of the Ankadedar's

family for the purpose of maintenance;

(k) "Jiwaidar" means a cadet of the Ankadedar's family holding Jiwai land;

(L) "Land Acquisition Act" means the Land Acquisition Act, 1894 as applied to the Saurashtra area of the ³ [State of Gujarat].

(m) "prescribed" means prescribed by rules under this Act.

(2) Other words and expressions used, but not defined, in this Act shall have the meanings assigned to them in the Code.

1. Subs, by A.O. 196011-5-1960]

2. Omitted by A.O. 1960 [1-5-1960].

3. SUBSTITUTED BY A.O. 1960 [1-5-1960],

3. Power of State Government or authorised officer to decide certain questions. :-

If any question arises whether any land is Gharkhed or Jiwai land, the State Government or an officer authorised by that Government shall decide the question; but where an officer authorised by the State Government so decides, the State Government may call for the record of the enquiry or proceeding of such officer for the purpose of satisfying itself as to the legality, propriety or regularity of such enquiry or proceedings and may pass such order thereon as it may think fit; and the decision of the State Government when it decides the matter or its decision after having called for the record of the enquiry or proceedings and (subject thereto) the decision of the officer authorised shall be final.

4. Abolition of Ankadia tenure. :-

Notwithstanding anything contained in any law, usage, custom, settlement, grant, sanad or order or any decree or order of a court, with effect from and on the appointed day,

(1) the Ankadia tenure shall be deemed to have been abolished and all incidents thereof shall be deemed to have been extinguished;

(2) the Ankadia village is hereby resumed and all lands in the said village shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules thereunder.

5. Persons to be deemed as occupants. :-

(1) In the Ankadia village,

(i) in the case of Gharkhed land, subject to the provisions of section 6, the Ankadedar,

(ii) in the case of land held by a person who immediately before the coming into force of this Act was liable to pay to the Ankadedar land revenue in respect of such land as an incident of Ankadia tenure, such person,

(2) With effect from the appointed day the land in respect of which any person is entitled to the rights of an occupant under sub-section (1) shall be free from the liability for the payment of any amount in respect thereof to the Ankadedar as an incident of the Ankadia tenure and all the rights of an Ankadedar in his capacity as an Ankadedar in such land shall be deemed to have been extinguished.

6. Tenants of Gharkhed lands or Jiwai lands to be occupants thereof. :-

(1) If any Gharkhed land or Jiwai land is in the possession of a person, who, immediately before the appointed day was liable to pay rent in respect of such land to the Ankadedar or as the case may be the Jiwaider, such person shall be entitled to the rights and liable to the obligations of an occupant in respect of the land in his possession on payment in the prescribed manner of the occupancy price equivalent to six times the full assessment fixed for such land to,

(i) the Ankadedar, if the land is Gharkhed land, and

(ii) the Jiwaider, if the land is Jiwai land.

(2) The right conferred under sub-section (1) shall not be exercisable after a period of five years from the appointed day.
Explanation. -For the purposes of this section, land means agricultural land within the meaning of the Saurashtra Land Reforms Act, 1951 (XXV of 1951).

7. Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government. :-

For the removal of doubt, it is hereby declared that all uncultivated and waste lands whether assessed or unassessed in the Ankadia village and all other kinds of property referred to in section 37 of the Code situate in the Ankadia village, which are not the property

of the individuals or of any aggregate persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force are together with all rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

8. Quantum of compensation to Ankadedar. :-

The Ankadedar shall for the modification or extinguishment of any of his Ankadia tenure rights in the Ankadia village under this Act be entitled to compensation equal to three times the average of the amount proved to have been realised annually by him as revenues of the said village during the three years immediately before the appointed day minus the amount of the Ankdo paid or payable to Government during the said period of three years.

9. Method of awarding compensation to Ankadedar. :-

(1) The Ankadedar entitled to compensation under section 8 may make an application for compensation to the Collector in the prescribed form within six months from the appointed day.

(2) The Collector shall, after holding a formal inquiry, determine the amount of such compensation and the apportionment, if necessary, among the co-sharers entitled to it and shall make an award accordingly.

(3) Subject to the provisions of section 12, the award of the Collector shall be final.

10. Method of awarding compensation to persons other than Ankadedar. :-

(1) If any person other than Ankadedar is aggrieved by any of the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may make an application for compensation to the Collector in the prescribed form within six months from the appointed day.

(2) The Collector shall, after holding a formal inquiry, make an

award determining the amount of compensation in the manner and according to the method provided in section

23 and 24 of the Land Acquisition Act.

(3) Subject to the provisions of section 12 the award of the Collector shall be final.

(4) Nothing in this section shall entitle any person to compensation on the ground that any land in the Ankadia village which was wholly or partially exempt from payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

11. Form of award and previous approval in certain cases. :-

(1) Every award made under section 9 or 10 shall be in the form prescribed in section 26 of the Land Acquisition Act.

(2) Where the officer making an award under section 9 or 10 is a Collector under this Act but not a Collector appointed under section 8 of the Code and the amount of such award exceeds five thousand rupees, the award shall not be made without the previous approval of

(a) the Collector appointed under section 8 of the Code, if the amount of the award does not exceed twenty- five thousand rupees, or

(b) the Commissioner, if the amount of the award exceeds twenty- five thousand rupees.

(3) Where the officer making such award is a Collector under this Act and also a Collector appointed under section 8 of the Code, and the amount of such award exceeds twenty- five thousand rupees, then such award shall not be made without the previous approval of the Commissioner.

12. Appeal against award. :-

(1) Any person aggrieved by the award of the Collector made under section 9 or 10 may appeal to the ¹[Gujarat] Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957 (Bom. XXXI of 1958).

(2) In deciding an appeal under sub-section (1) the ² [Gujarat] Revenue Tribunal shall exercise all the powers which a Court has

and follow the same procedure which a Court follows in deciding appeals from a decree or order of a original Court under the Code of Civil Procedure, 1908 (V of 1908).

1. Subs, by A.O. 1960[11-5-1960]
2. Subs, by A.O. 1960 [1-5-1960].

13. Limitation for appeals. :-

Every appeal made under this Act to the ¹ [Gujarat] Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of section 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to the filing of such appeal.

1. Subs, by A.O. 1960 [1-5-1960].

14. Court fees. :-

Notwithstanding anything contained in the Court-fees Act, 1870, as applied to the Saurashtra area of the State of ¹[Gujarat] every appeal made under this Act to the ² [Gujarat] Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

1. Subs, by A.O. 1960 [1-5-1960].
2. Subs, by A.O. 1960 [1-5-1960].

15. Amount of compensation to be payable in transferable bonds. :-

The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

16. Rules. :-

The State Government may make rules for the purpose of carrying out the provision of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the Official Gazette.