

BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955

21 of 1955

[3rd June, 1955]

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Act not to apply to certain inams
4. Abolition of Bhil Naik Inams and resumption of inam villages and lands
5. Occupancy rights in respect of lands in inam villages and inam lands
6. Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government
7. Method of compensation for abolition, etc. of other rights in land
8. Court-fees
9. Finality of award of Collector and decision of Revenue Tribunal
- 9 A . Revisions powers in respect of awards made before commencement of Bombay XCIII of 1968
10. Inquiries and proceedings to be judicial proceedings
11. Amount of compensation to be payable in transferable bonds
12. Provisions of Bombay LXVII of 1948 to govern relations of landlord and tenant
13. Rules
14. Saving

BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955

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An Act to abolish Bhil Naik Inams prevailing in the districts of West Khandesh and Nasik in the State of Bombay Whereas it is necessary and expedient in the public interest to abolish the Bhil Naik Inams held for service useful to Government on political considerations in the districts of West Khandesh and Nasik in the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India as follows:-

1. Short title, extent and commencement :-

(1) This Act may be called the Bombay Bhil Naik Inams Abolition Act, 1955.

(2)¹ [It extends to the villages specified in Part II and III of the First Schedule to the Bombay Reorganisation Act, 1960.]

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

1. Subs, by A.O. 1860.

2. Definitions :-

(1) In this Act, unless there is anything repugnant in the subject or context,-

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

(ii) "Bhil Naik Inam" means the grant of a village or land for service useful to Government on political consideration in accordance with the terms and conditions specified in Government Resolution in the Revenue Department No. 5763. dated the 19th August 1902 and entered in the alienation register kept under section 53 of the Code as "Class VI-Village servant useful to Government" and includes the land granted in Marod village of Navapur taluka under Government order in the Revenue Department No. 288. dated the 11th January 1919;

(iii) "Code" means the Bombay Land Revenue Code. 1879 (Bom. V of 1879).

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

(v) "inamdar" means a holder of a Bhil Naik Inam.

(vi) "inam village" or "inam land" means a village or land, as the case may, held by an inamdar under a Bhil Naik Inam.

(vii) "prescribed" means prescribed by rules made under this Act.

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

3. Act not to apply to certain inams :-

Nothing in this Act shall apply to-

(i) devasthan Inams or Inams held for religious or charitable institutions; and

(ii) inams other than Bhil Naik Inams held for service useful to Government In an inam village or inam land.

¹ [Explanation.-For the purposes of this section an Inam held for a religious or charitable Institution shall mean a Devasthan or Dhar-madaya Inam granted or recognised by the ruling authority for the time being for a religious or charitable Institution and entered as such In the alienation register kept under section 53 of the Code or In the records kept under the rules made under the Pensions Act, 1871 (XXIII of 1871).]

1. This Explanation was added and shall be deemed always to have been added at the end by Bombay 40 of 1850.

4. Abolition of Bhil Naik Inams and resumption of inam villages and lands :-

Notwithstanding any settlement, grant, sanad or order or any law for the time being In force, with effect from and on the appointed date-

(1) all Bhil Naik Inams shall be deemed to have been abolished, and

(2) any liability to render service and all other incidents appertaining to such inams are hereby extinguished.

(3) All Inam villages and inam lands are hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to un-alienated lands shall apply to such lands.

5. Occupancy rights in respect of lands in inam villages and inam lands :-

(1) In an Inam village and inam land-

(i) in the case of land which is not uncultivated on the appointed date and is in the actual possession of an inamdar or in the possession of a person holding through or from him other than an inferior holder referred to in clause (b) below, such Inamdar, and

(ii) In the case of land, which is not uncultivated on the appointed date and is In the possession of an inferior holder on payment of

annual assessment only to the inamdar, such inferior holder, shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force:

Provided that the inamdar, in respect of the land which is in the possession of a person holding through or from him and the Inferior holder In respect of the land in his possession shall be entitled to the rights of an occupant on payment to the State Government of such occupancy .price as may be fixed by the State Government by special or general order but not exceeding an amount equal to six times the amount of the full assessment of such land within the prescribed period.

(2) If the inamdar or the Inferior holder falls to pay the occupancy price within the prescribed period he shall be deemed to be unauthorised occupying the land and shall be summarily rejected In accordance with the provisions of the Code.

(3) The occupancy of the land granted under this section shall not be transferable or partible by metes and bounds 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.

Explanation.-For the purposes of this section and Section 6 , land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

6. 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 un-assessed. in an inam village or inam land all other kinds of property referred to in section 37 of the Code situate in an inam village or Inam land, which are not the property of the individuals or of any aggregate of 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.

7. Method of compensation for abolition, etc. of other rights in land :-

(1) If any person is aggrieved by the provisions of this Act as abolishing extinguishing or modifying any of his rights to or interest in property, such person may apply to the Collector for compensation.

(2) An application under sub-section (1) shall be made to the Collector in a prescribed form within six months from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (1 of 1894).

¹[(2A) (i) Where the officer making an award under sub-section (2) is a Collector under this Act but not a Collector appointed

(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 but does not exceed one lakh of rupees, or

(c) the State Government, if the amount of the award exceeds one lakh of rupees,

(ii) Where the officer making an award under sub-section (2) 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-

(a) the Commissioner, if the amount of the award does not exceed one lakh of rupees, or

(b) the State Government,' if the amount of the award exceeds one lakh of rupees.

(iii) Every award under sub-section (2) shall be in the form

prescribed in section 26 of the Land Acquisition Act, 1894 (1 of 1894)].

(3) Nothing in this section shall entitle any person to compensation on the ground that any land, which was wholly or partially exempt from the 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.

(4) Any person aggrieved by the award of the Collector made under sub-section (2) may appeal to the ²Gujarat Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957], within 60 days from the date of the award.

(5) In deciding appeals under sub-section (4), the ³ [Gujarat Revenue Tribunal] shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908 (V of 1908).

(6) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to the appeals made under this section

1. Inserted by Bombay 93 of 1958.

2. Sub. by A.O. 1960.

3. Sub. By A.O. 1960.

8. Court-fees :-

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

1. Subs, by A.O. 1960.

9. Finality of award of Collector and decision of Revenue Tribunal :-

The award made by the Collector subject to an appeal to the ¹[Gujarat Revenue Tribunal] and the decision of the ² [Gujarat Revenue Tribunal] on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

1. Substituted by A.O. 1960.

2. Subs, by A.O. 1960.

9A. Revisions powers in respect of awards made before

commencement of Bombay XCIII of 1968 :-

Where any award made under sub-section (2) of section 7 before the commencement of the Bombay Land Tenures Abolition (Amendment) Act. 1958 (Bom. XCIII of 1958), and no appeal was filed against such award sub-section (4) of section 7 then notwithstanding anything contained in section 9. the State Government may call for the record of the inquiry or proceedings relating to such award for the purpose of satisfying itself as to the legality, propriety or regularity of such inquiry or proceedings and if, after giving the Interested parties an opportunity to be heard, it is not satisfied as to the legality, propriety or regularity of such inquiry or proceedings, it may cancel the award and direct the Collector to make a fresh award and thereupon all the provisions of this Act relating to the making of an award, the finality of such award and the appeal against such award shall mutatis mutandis apply to such fresh award].

10. Inquiries and proceedings to be judicial proceedings :-

All inquiries and proceedings before the Collector and the ¹ {Gujarat Revenue Tribunal] under this Act shall be deemed to be judicial proceedings within the meaning of section 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

1. Subs, by A.O. 1960.

11. 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 installments of principal and Interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

12. Provisions of Bombay LXVII of 1948 to govern relations of landlord and tenant :-

Nothing In this Act shall In any way deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act. 1948 (Bom LXVII of 1948) to any inam village or inam land or the mutual rights and obligations of a holder and his tenants, save In so far as the said provisions are not In any way inconsistent with the express provisions of this Act.

13. Rules :-

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

14. Saving :-

Nothing in this Act shall be deemed to affect.-

(a) any obligation or liability already incurred before the appointed date, or

(b) any proceeding or remedy in respect of such obligation or liability; and any such proceeding or remedy may be continued, continued or enforced as if this Act had not been passed.