

BOMBAY INAMS (KUTCH AREA) ABOLITION RULES, 1959

CONTENTS

1. Short title
2. Definitlons
3. Period within which occupancy price to be paid under sees. 6(1) and 7(3)
- 3A. Determination of the depreciated value of improvement under section 7-A
4. Installments of occupancy price to be paid in certain cases.
- 4A. .
5. Form of notice to inamdar and manner of serving it
- 6 . Form of notice to holders of encumbrances and manner of publication there of
- 7 . Form of notifying creditors claim to secured debt and period within which claim to be notified
8. Form of application for compensation under section 15(1)
9. Paper to be forwarded with reference under section 15(4)
10. Form of application for compensation under section 16
11. Court-fees

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1. Short title :-

These rules may be called the Bombay Inams (Kutch Area) Abolition Rules. 1959.

2. Definitlons :-

in these rules, unless the context otherwise requires,-

- (1) 'Act' means the Bombay Inams (Kutch Area) Abolition Act. 1958:
- (2) 'Form' means a form appended to these rules;
- (3) 'Mamlatdar' includes a Mahalkari;
- (4) 'Section' means a section of the Act.

3. Period within which occupancy price to be paid under sees. 6(1) and 7(3) :-

The occupancy price payable under section 6 or subsection (3) of

section 7 shall be paid within a period of seven years from the appointed day.

3A. Determination of the depreciated value of improvement under section 7-A :-

The depreciated value of improvements for the purposes of section 7A shall be the cost of construction of such improvements reduced in the manner shown in the Table below, namely:-

Provided that in the cases where the improvements have become defunct by reason of damage or other cause and the work has lost its utility for want of maintenance on the appointed day the depreciated value of improvements shall be deemed to be nil.

4. Installments of occupancy price to be paid in certain cases. :-

The occupancy price payable in installments by a tenant or a holder of Kamipasa or Varduka sub-inam under the Act shall be paid by him in three equal installments, the first of which shall be paid before the expiry of five years, from the appointed day.

4A. . :-

Terms and conditions on which loan shall be deemed to be granted to the persons by the State Government under sub-section (4) of Section 9-A. Terms and conditions on which the loan shall be deemed to be granted to the person shall be as follows namely:-

(1) The rate of interest on the loan shall be charged at the rate of 7 percent or as may be determined by the Government from time to time.

(2) The loan shall be recovered in installments not exceeding ten per annum, if the tenant fails to pay in such installments, then for each installment penal rate of interests, may be charged at 2 percent above the normal rate prescribed in clause (1) above.

(3) The recovery of the first installment shall commence from the first recovery season following the year in which the loan shall have been deemed to be granted.

(4) The amount of Jan shall not be paid in cash to the person but shall be adjusted by Credit to the Revenue deposit account in the name of the Inamdar or Government as the case may be.

5. Form of notice to inamdar and manner of serving it :-

The notice to be issued by the Collector to the inamdar under sub-

section (1) of section 8 shall be in form A and shall be served by the Mamlatdar on the inamdar in the manner provided for in section 191 of the Code for serving notices issued under the code.

6. Form of notice to holders of encumbrances and manner of publication there of :-

A notice calling upon all holders of encumbrances in respect of lands in respect of which the occupancy price has been deposited or recovered under section 7, shall be in Form B and shall be published by the Mamlatdar at the Chavdi of the village in which the lands are situated and on the notice board of his office and of the office of the Collector.

7. Form of notifying creditors claim to secured debt and period within which claim to be notified :-

A creditor of an inamdar or holder of a sub-inam who desires to notify his claim to the payment of a secured debt under section 14 shall notify it to the Collector in Form C within one year from the appointed day.

8. Form of application for compensation under section 15(1) :-

An application for compensation under sub-section (1) of section 15 shall be made in Form D before the 31st August, 1961.

9. Paper to be forwarded with reference under section 15(4) :-

Whenever the Collector makes a reference to the Subordinate Judge under sub-section (4) of section 15, he shall forward to the Subordinate Judge the papers of the enquiry made by him with a brief report prepared and signed by him, mentioning-

(a) the point or points of law on which the Judge's decision is required:

(b) the facts of the claims as revealed by the evidence recorded by him; and

(c) the reasons why he feels that a reference to the Subordinate Judge is necessary.

10. Form of application for compensation under section 16 :-

An application for compensation under sub-section (1) of section 16 shall be made in Form E before the 31st August, 1961.

11. Court-fees :-

Every appeal to the Bombay Revenue Tribunal shall bear a court-fee stamp of Rs-3.