
BOMBAY LAND IMPROVEMENT SCHEME RULES, 1949

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BOMBAY LAND IMPROVEMENT SCHEME RULES, 1949

In exercise of the powers conferred by section 24 of the Bombay Land Improvement Schemes Act, 1942 (Bom. XXVII of 1942), and in the super-session of the Bombay Land Improvement Schemes Rules, 1949, the Government of Bombay is pleased to make the following rules, namely :

1. Short title. :-

These rules may be called the Bombay Land Improvement Schemes Rules, 1949.

2. Definition. :-

In these rules, unless there is any thing repugnant in the subject or context

(a) "Act" means the Bombay Land Improvement Schemes Act, 1942 .

(b) "Form" means a form appended to these rules.

(c) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

2A. Other matters for which scheme may be prepared. :-

Besides the matters specified in sub-section (1) of Section 4 of the Act, a scheme may make provision for other matters specified in Form A- I.

3. Notice of publication of scheme under section 5(2). :-

Simultaneously with the publication of a scheme under sub-section (2) of Section 5 of the Act, the Board shall give a notice in Form No. 1 English as well as in the regional language of the area to which the scheme relates, of the publication of the scheme to all persons affected. The notice shall be given by affixing a copy thereof on the notice board in the office of the Collector and of the Mamlatdar or Mahalkari concerned and at conspicuous places in the village or villages affected by the scheme.

4. Manner of publication of scheme under section 9(2). :-

On a scheme being sanctioned under sub-section (1) of Section 9 of the Act the Board shall publish it in the Official Gazette and in such local newspapers, if any, as it may decide and by affixing notices in Form II in English as well as in the regional language of the area to which the scheme relates on the notice boards in the offices of the Collector and of the Mamlatdar or Mahalkari concerned and at conspicuous places in the village or villages affected by the scheme.

5. Preparation of statement and entries in record of rights under section 13. :-

(1) The statement under sub-section (1) of Section 13 of the Act shall be in Form III and prepared in the regional language of the area concerned. It shall be sent in triplicate by the Divisional Soil Conservation Officer to the Mamlatdar or Mahalkari concerned as soon as possible after the 1st day of April in each year.

(2) On receipt of the statement, the Mamlatdar or Mahalkari. as the case may be. shall retain one copy and shall forward the other two copies to the talathi of the village concerned.

(3) The talathi shall make the necessary entries in the mutation register (village form VI) corresponding to each entry in the statement.

(4) After the entry in the mutation register is certified as required by S.136D of the Code of Civil Procedure, 1908, the talathi shall transfer the entry to the record of rights under the column "other rights".

(5) The talathi shall also fill in column 13 of the statement in Form III and return one of the copies to the Divisional Soil Conservation Officer through the Mamlatdar or Mahalkari concerned.

5A. Alteration of statement prepared under section 13. :-

When the entries in the record of rights are altered on account of change of ownership of land, corresponding changes shall be carried out by the Mamlatdar or Mahalkari concerned under his signature in column II of the statement in Form III prepared under Section 13 and received by him under rule 5.

6. Notice of entry upon land under section 16. :-

(1) The notice to be given by a person authorised by the Board or the Collector under Section 16 of the Income Tax Act, 1961 of the area to which it relates.

(2) The notice shall be served on the owner, occupier or person interested in the land.

(a) personally by delivering or tendering it to him, or

(b) through his agent, if any, by delivering or tendering it to the agent, or

(c) by affixing a copy thereof to some conspicuous place on the land to which it relates, or

(d) by post.

7. Extent of enhancement of rent and conditions subject to which enhancement may be made under section 18. :-

(1) The owner of any land included in a scheme in any area in which levy of rent payable by a tenant is regulated under any law for the time being in force may, after three years from the date on which the scheme comes into force under Section 10 of the Act enhance the rent payable by a tenant in receipt of such land by not more than 10 per cent; of the rent payable on the date on which the scheme comes into force.

(2) If any such owner desires to enhance the rent by more than the said 10 percent, he shall apply in writing to the State Government for the purpose.

(3) The State Government shall forward any application received under sub-rule (2), through the Collector, to the Mamlatdar or

Mahalkari, within whose jurisdiction the land in respect of which the enhancement of rent is to be made is situated, for inquiry and report on the increase in the profits of agriculture consequent on the carrying out of works on the land under the scheme.

(4) On receipt of an application under sub-rule (3) the Mamlatdar or Mahalkari, as the case may be, shall after giving notice to the tenant of the land hold an inquiry in accordance with the provisions of Chapter XII of the Bombay Land Revenue Code, 1879 and make the required report through Collector to the State Government.

(5) On receipt of the report under sub-rule (4) the State Government shall determine the extent of enhancement of rent which may be allowed and communicate its decision to the applicant.

8. Manner in which documents, plans and maps relating to a scheme which has come into force shall be accessible to the public under section 19. :-

Documents, plans and maps relating to a scheme which has come into force shall be open for public inspection at the office of the Mamlatdar or Mahalkari concerned at any time during office hours. Certified copies thereof shall be supplied on payment of the fees for certified copies prescribed in Chapter XXII of the Land Revenue Rules, 1921.

9. Manner of publication of scheme under section 25-A. :-

On a scheme being approved under sub-section (3) of Section 25A of the Act, the Board shall publish it in the Official Gazette and in such local newspapers, if any, as it may decide and by affixing notices in Form V in English as well as in the regional language of the area to which the scheme relate at conspicuous places in the villages affected by the scheme.