

**BOMBAY MERGED TERRITORIES AND AREAS (JAGIRS
ABOLITION) ACT, 1953**

39 of 1954

[8th June, 1986]

CONTENTS

1. Short title, extent and commencement
2. Definition
3. Abolition of jagirs
4. Liability of jagir villages for payment of land revenue
5. What persons to be occupants
6. What persons to be occupants in life-time Jiwai Jagir In a life-time Jiwai Jagir village
7. Rates of assessment
8. All public roads, etc. situate in jagir villages to vests in Government
9. Right to trees
10. Vesting of rights to mines and mineral products in the State Government
11. Compensation to jagirdar
12. Compensation to life-time Jiwai or Jagirdars
13. Method of awarding compensation to Jagirdar
14. Method of awarding compensation for abolition, etc., of rights of other person in property
15. Provisions of Land Acquisition Act, 1894, applicable to award
16. Appeal against Collectors award
17. Procedure before Revenue Tribunal
18. Limitation
19. Court-fee
20. Finality of award and decision of Revenue Tribunal
21. Inquiries and proceedings to be judicial proceedings
- 21A. Compensation for vesting of rights to mines and mineral products in the State Government
22. Amount of compensation to be payable in transferable bonds
23. Jagirdars to deliver records to authorised officers
- 23A. Liability of a Jagirdar or cadet to pay to Government amounts recovered or received by him from permanent holders etc. in certain cases and determination of such amount
24. Provisions of Bom. LXVII of 1948 to govern the relations of landlord and and tenants
25. Rules
26. Savings

**BOMBAY MERGED TERRITORIES AND AREAS (JAGIRS
ABOLITION) ACT, 1953**

39 of 1954

[8th June, 1986]

An Act to abolish Jagirs in the merged territories and merged areas in the State of Bombay. Whereas it is expedient in the public interest to abolish jagirs of various kinds in the merged territories and merged areas in the State of Bombay and to provide for matters consequential and incidental thereto; It is hereby enacted as follows :

1. Short title, extent and commencement :-

(1) This Act may be called the Bombay Merged Territories and Areas (Jagirs Abolition), Act, 1953.

(2) It extends to the merged territories and the merged areas in the ¹ [Bombay area of the State of Gujarat.]

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

1. These words were substituted for the words "pre-Reorganisation State excluding the transferred territories" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

2. Definition :-

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

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

(iv) "to cultivate personally" means to cultivate on one's own account,

(a) by one's own labour, or

(b) by the labour of any member of one's family, or

(c) by servant on wages payable in cash or kind but not in crop share or by hired labour under one's personal supervision or the personal supervision of any member of one's family;

Explanation. For the purpose of this clause, (1) a widow or a minor or a person who is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour;

(2) in the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally, if it is cultivated by any member of such family;

(v) "Gharkhed land" means land held by a jagirdar as his personal or private property and cultivated personally by him;

(vi) "jagir" means the grant by or recognition as a grant by, the ruling authority for the time being before the merger of a village, a group of villages or a portion of a village, whether such grant is of the soil or an assignment of land revenue or both, and includes villages, groups or portions of villages

(a) held in the merged territories or merged areas on tenure commonly known as Jiwai jagir Bhomia jagir, Patawar jagir, Jamaia jagir, Chakariat jagir, Bhagina or Co-shared jagir, Khalsa Jamindari, Mulgiras Jagir, Makta, Saranjam or Political inam or on tenure known by any similar name;

(b) held by a Ruler of a former Indian State merged in the pre-Reorganisation State of Bombay] as jagir in his own State before the merger and recognised after the merger as of his ownership, use and his private property under the merger agreement, or

(c) held by a talukdar of a merged taluka or estate and recognised as of his ownership, use and enjoyment under the merger agreement;

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

(viii) "Jagir village" means a village or part of a village held as jagir as defined in clause (vi),

(ix) "Jiwai Jagir" means a village held by the holder thereof for the purposes of his maintenance by virtue of a grant, whether known as

Jiwai or by any other name made, by a Ruler of a former Indian State in the merged territories or by a talukdar of a merged taluka or estate in the merged areas;

(x) "Life-time Jiwai jagir" means a Jiwai jagir which recognised by the State Government in this behalf as being continuable for the life time of the holder;

(xi) "Jiwai land" means land held by a cadet of a jagirdar's family for the purposes of maintenance;

(xii) "merger" means

(a) in relation to a former Indian State, the cession by the Ruler of such State, of full and exclusive jurisdiction and powers for, and in relation to, the governance of such State and the transfer of administration of such State to the [pre-Reorganisation State of Bombay] under section 290A of the Government of India Act, 1935, (26 Geo. 5, Ch. 2.)

(b) in relation to a taluka or estate in the areas, the transfer by the talukdar of all rights, authority and jurisdiction appertaining or in relation to the governance of such taluka or estate to the Government of Bombay and the absorption of such taluka or estate in the 1[pre-Reorganisation State of Bombay] under section 290 of the Government of India Act, 1935, (26 Geo. 5, Ch. 2.)

(xiii) "merged areas" means the areas which are included in the 1[pre-Reorganisation State of Bombay] by the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947, or the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1948, or the Bombay (Enlargement of Area and Alteration of Boundaries) (Amendment) Order, 1948, as the case may be;

(xiv) "merger agreement" means an agreement by virtue of which a former Indian State or taluka or estate in the merged areas, is merged in the 1[pre-Reorganisation State of Bombay];

(xv) "non-proprietary jagir" means a jagir which consists of a right in the jagirdar to appropriate as incident of the jagir, land revenue or rent due to Government from persons holding land in a jagir village, but which does not consist of any right or interest in the soil;

(xvi) "permanent holder" means a person who holds land in a jagir village or who holds Jiwai land in such village from a cadet of a

jagirdar's family, not on payment of rent but on payment of assessment, in cash or kind, to the jagirdar or to such cadet, as the case may be, and includes any person holding such land through or from such person;

(xvii) "permanent" means prescribed rules made under this Act;

(xviii) "proprietary jagir" means a jagir in respect of which the jagirdar under the terms of a grant or agreement or by custom or usage is entitled to any rights or interest in the soil.

(2) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it in the Code.

(3) References in this Act to the incidents of jagirs shall, notwithstanding the abolition of the jagirs by this Act be construed as references to the incidents as they were in force immediately before the appointed date.

(4) If any question arises,

(i) whether a jagir is proprietary or non-proprietary,

(ii) whether any land is Gharkhed or Jiwai, or

(iii) whether any person is a permanent holder, the State Government shall decide the question and such decision shall be final :

Provided that the State Government may authorise any officer to decide question arising under any of the sub-clauses (i), (ii) and (iii) and subject to an appeal to the State Government, his decision shall be final.

3. Abolition of jagirs :-

Notwithstanding anything contained in any usage, grant, sanad, order, agreement or any law for the time being in force, on and from the appointed date,

(i) all jagirs shall be deemed to have been abolished;

(ii) save as expressly provided by or under the provisions of this Act, the right of a jagirdar to recover rent or assessment of land or to levy or recover any kind of tax, cess fee, charge or any hak and the right of reversion of lapse, if any, vested in a jagirdar, and all other rights of a Jagirdar or of any person legally subsisting on the

said date, in respect of a village as incidents of jagir shall be deemed to have been extinguished. at any time by the State Government by issuing notification under S. 34 A read with S.35 of the Forest Act whereby cutting and removal of trees from the concerned land came to be prohibited.

4. Liability of jagir villages for payment of land revenue :-

All jagir villages shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder, and the provisions of the Code and the rules relating to unalienated lands shall apply to such villages :

Provided that nothing in this section shall be deemed to affect,

(1) any devasthan inam or inams held for religious or charitable institutions, or

(2) inams held for service useful to Government.

Explanation. For the purposes of this section an inam held for religious or charitable institution means an inam granted or recognised as a grant by the ruling authority for the time being before merger for a religious or charitable institution and entered as such in the record maintained in this behalf in the Indian State concerned before merger.]

5. What persons to be occupants :-

(1) In a proprietary jagir village,

(a) in the case of Gharkhed land held by the jagirdar, such jagirdar,

(b) in the case of land other than Gharkhed land, which is in the actual possession of the jagirdar or in the possession of a person other than a permanent holder holding through or from the jagirdar, such jagirdar,

(c) in the case of Jiwai land held by a cadet of the Jagirdar's family,-

(i) if such land is in the possession of the cadet and cultivated by him personally or is in the possession of a person other than a permanent holder, holding through or from the cadet, such cadet, and

(ii) if such land is held by a permanent holder, such permanent

holder, and

(d) in the case of land held by a permanent holder, such permanent holder, shall be primarily liable to the State Government for the payment of land revenue due in respect of such land shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force: Provided that in the case of land referred to in clause (b) or sub- clause (i) of clause (c), if the land is in the possession of a person holding through or from the jagirdar or cadet, as the case may be, on payment of rent to the jagirdar or cadet, such person shall be entitled to the rights of an occupant in respect of the land in his possession on payment in the prescribed manner to the jagirdar or the cadet, as the case may, be of the occupancy price equivalent to six multiples of the assessment fixed for such land :

1[Provided further that subject to the provisions of sub-sections (1 A) and (1B) the right conferred by the above proviso shall not be exercisable after a period of 2[twelve years] from the appointed date.

2 [(1A) Where in respect of any jagir village, the enforcement of the provisions of this Act is stayed in compliance with a stay order issued by a Court and the stay order is subsequently vacated, then in the case of any land in such jagir village referred to in clause (b) o r sub-clause (i) of clause (c) of sub-section (1), the person entitled to be an occupant of such land in accordance with the proviso to that sub-section shall be deemed to have become the occupant of such land with effect from the date on which the stay order is issued,

(i) he has already paid the occupancy price in accordance with the first proviso to sub-section (1) before the issue of the stay order, or

(iii) the whole of such occupancy price is adjustable under sub-section (1B) against the amount of rent, if any, recovered or received from him by jagirdar or the cadet during the operation of the stay order, or

(iii) he pay such occupancy price or the balance thereof remaining unpaid after the adjustment as provided in sub- section (1B), within a period of three months

(a) from the date on which the stay order is vacated, or

(b) where the stay order was vacated before the commencement of the Bombay Merged Territories and Areas (Jagirs Abolition) (Amendment) Act, 1959, (Bom. XVIII of 1959), from the date of such commencement.

(1B) If in respect of any land referred to in clause (b), or sub-clause (i) of clause (c), of sub-section (1), the jagirdar or, as the case may be, the cadet has, during the operation of such stay order recovered or received any amount as rent from the person holding such land on payment of rent then the amount of rent so recovered or received shall, after deducting therefrom an amount equal of the assessment paid by the jagirdar or respect of such land, be adjusted against the occupancy price payable by the person in accordance with the first proviso to sub-section (1) and the jagirdar or, as the case may be the cadet shall, within the prescribed period, to such parson the balance amount, if any, remaining after such adjustment. If the jagirdar cadet fails to refund the balance amount, it shall be recovered from him as an arrear of land revenue and paid to such person.]

(2) In a non-proprietary jagir village,

(a) in the case of Gharkhed land by the jagirdar, such jagirdar,

(b) in the case of land held by a permanent holder, such permanent holder, and

(c) in the case of land in the possession of a person who was liable to pay rent to the jagirdar as an incident of the jagir tenure immediately before the appointed date, such person. shall be primarily liable to the State Government far 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 the obligations in respect of such land as an occupant under the Code or any other law for the time being in force:

Provided that the person holding land as referred to in clause (c) shall be entitled to the right of an occupant in respect of such land on payment to the State Government of the occupancy price equivalent to six multiples of the assessment fixed for such land: Provided further that if such person fails to pay the occupancy price within the prescribed period, it shall be recoverable as arrears of land revenue.

(3) Nothing in this section shall be deemed to apply to a life-time Jiwai Jagir.

1. This portion was substituted for the words "Provided further that" by Bom. 58 of 1959s. 2 (1)-

2. Sub-section (1A) and (1B) were inserted by Bom. 58 of 1959, s. 2 (2).

6. What persons to be occupants in life-time Jiwai Jagir In a life-time Jiwai Jagir village :-

(a) in the case of Gharkhed land held by the jagirdar, such Jagirdar.

(b) in the case of land held by a permanent holder, such permanent holder, and

(c) in the case of land in the possession of a person who was liable to pay rent to jagirdar as an incident of the jagir tenure immediately before the appointed date, such person, 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 the obligations in respect of such land as an occupant under the Code or any other laws for the time being in force:

Provided that the person holding land as referred to in clause (c) shall be entitled to the right of an occupant in respect of such land on payment to the State Government of the occupancy price equivalent to six multiplies of the assessment fixed for such land : Provided further that if such person fails to pay the occupancy price within the prescribed period, it shall be recoverable as arrears of land revenue.

7. Rates of assessment :-

Until revenue surveys and settlements of land in a jagir village are made under Chapters VIII and VIII-A of the Code, land revenue payable to the State Government in respect of any land under section 5 or 6 shall be paid at the rate at which the assessment in respect of such land was paid to the jagirdar immediately before the appointed date:

Provided that where in respect of any land no assessment is fixed or the rates of assessment fixed in respect of any land are, in the opinion of of State Government not in conformity with the standard rates of assessment fixed under Chapter VIII-A of the Code in

respect of other areas in the State, it shall be lawful for the State Government to determine or revise, as the case may be, the rate of assessment in respect of such land having regard to such standard rates of assessment and the person liable to pay land revenue under section 5 or 6 shall pay land revenue at the rate so determined or revised.

8. All public roads, etc. situate in jagir villages to vests in Government :-

All public roads, lanes and paths, the bridges, ditcher dikes and fences on or beside the same, the bed of the sea and of barbours, creeks below high water mark, and of rivers, streams, nalas, lakes wells and tanks, and all canals and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands all uncultivated lands (excludnig lands used for building or other non-agricultural purposes which are situate within the limits of any jagir village, shall, except in so far as any rights of any person other than the jagirdar may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be, deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government and all held by a jagirdar in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation I For the purposes of this section, 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.

1[Explanation II. For the purposes of this section waste land means land unfit for cultivation and includes

(a) land on which grass grows naturally,

(b) land in which there exists any mines, whether being worked or not, any minerals, whether discovered or not and any quarries, whether being worked or not]

9. Right to trees :-

The rights to trees specially reserved under the Indian Forest Act, 1927 (XVI of 1927), or any other law for the time being in force, except those the ownership of which has beep, transferred by the

State Government under any contract grant or law for the time being in force, shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927 (XVI of 1927), as in force in ¹ [Bombay area of the State of Gujarat to forests in a Jagir Village.

1. These words were substituted for the words "Pre-Recognition State of Bombay, excluding the transferred territories" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

10. Vesting of rights to mines and mineral products in the State Government :-

(1) Notwithstanding anything contained in any custom, usage, grant, sanad, or order or agreement or any law for the time being in force, or in any judgment, decree or order of a court or of ether authority, with effect on and from the appointed date, all mines whether being worked or not and minerals whether discovered or not and all quarries which are situate within the limits of any jagir village granted or recognised under any contract, grant or law for the time being in force or decree of a court shall vest in and with all rights over the same or appurtenant thereto be the property of the State Government, and the State Government shall, subject to the provisions of the Mines and Minerals (Regulation and Development) Act, 1957 (LXVII of 1957), have all powers necessary for the proper enjoyment and disposal of such rights.

(2) The rights of the Government to mines, minerals and quarries in land vested under sub-section (1) includes the right of access to land for the purpose of prospecting and working mines and the right to occupy such other land as may be necessary for purposes of erection of offices, workman dwellings and machinery, the stacking of minerals and deposit of refuse, the construction of roads, railways, or tram-lines and any other purposes which the State Government may declare to be subsidiary to prospecting and working mines.

(3) If the State Government assigns to any person its right over any mines, minerals or quarries and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) be exercised, the Collector may by an order in writing, subject to such conditions and reservations as he may specify, delegate such powers to the person to whom the right

is assigned,]

11. Compensation to jagirdar :-

(1) In the case of a non-proprietary jagir, the jagirdar shall be entitled to compensation at the rate of three times the average of the land revenue received by or due to the jagirdar as an incident of the amount jagir of during the five years immediately before the appointed date.

(2) In the case of a proprietary jagir, in respect of land held by a permanent holder the jagirdar shall be entitled to compensation equivalent three multiples of the assessment fixed for such land.

(3) Any jagirdar having any right or interest in any property referred to in section 8 shall, if he proves to the satisfaction of the Collector that he had any such right or interest, be entitled to compensation in the following manner, namely:

(i) if the property in question is waste or uncultivated but is cultivable land, the amount of compensation shall not exceed three times the assessment of the land:

Provided that if the land has not been assessed the amount of compensation shall not exceed such amount of assessment as would be leviable, in the same village on the same extent of similar land used for the same purpose;

(ii) If the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village of uncultivated land in accordance with the rules made under the Code if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the defendant;

(iii) If there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation. For the purposes of this section, the "market value" shall mean the value as estimated in accordance with the provisions of sub section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (1 of 1894), in so far as the said provisions may be applicable.

12. Compensation to life-time Jiwai or Jagirdars :-

In the case of a life time Jiwai Jagir the Jagirdar shall, for the abolition of all his rights in such jagir, be entitled to compensation at the rate of ten times the average of the amount of the land revenue received by or due to the jagirdar as an incident of the jagir tenure during the five years immediately before the appointed date and he shall not be entitled to any other compensation payable under this Act.

13. Method of awarding compensation to Jagirdar :-

(1) Any Jagirdar entitled to compensation under section 11 or 12 shall ¹ [on or before the 31st day of July 1958] apply in writing to the Collector for determining the amount of compensation payable to him under the said section.

(2) On receipt of an application under sub-section (1), the Collector shall, after making formal enquiry in the manner provided by the Code make an award determining the amount of compensation, where there is a co-sharer of a jagirdar claiming compensation, the Collector shall by his award apportion the compensation between the Jagirdar and the co-sharer.

1. These words, figures and letters were substituted for the words "within a period of two years from the appointed date" by Bom. 58 of 1958, s. 2.

14. Method of awarding compensation for abolition, etc., of rights of other person in property :-

(1) If any person other than a Jagirdar is aggrieved by 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 apply to the Collector for compensation.

(2) The application under sub-section (1) shall be made to the Collector in the prescribed form [on or before the 31st day of July 1958]. 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 (I of 1894).

15. Provisions of Land Acquisition Act, 1894, applicable to

award :-

Every award made under section 13 or 14 shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894 (I of 1894), and the provisions of the said Act shall, so far as may be, apply to the making of such award.

16. Appeal against Collectors award :-

An appeal shall lie against an award of the Collector to the 2[Gujarat Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957], (Bom. XXXI of 1958), notwithstanding anything contained in the said Act.

17. Procedure before Revenue Tribunal :-

(1) The [Gujarat Revenue Tribunal] shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(2) In deciding an appeal under this Act the *[Gujarat Revenue Tribunal] shall exercise all the powers which a court has follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Ctivil Procedure, 1908 (V of 1908).

18. Limitation :-

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 sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to the filing of such appeal.

19. Court-fee :-

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. These words were substituted for the words "Bombay Revenue Tribunal" by the Gujarat Adaption of Laws (State and Concurrent Subject) Order, 1960.

20. Finality of award 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 1[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. These words were substituted for the words "Bombay Revenue Tribunal" by the Gujarat Adaption of Laws (State and Concurrent Subject) Order, 1960.

21. 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 sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

1. These words were substituted for the words "Bombay Revenue Tribunal" by the Gujarat Adaption of Laws (State and Concurrent Subject) Order, 1960.

21A. Compensation for vesting of rights to mines and mineral products in the State Government :-

(1) Any jagirdar whose rights to mines, minerals or quarries in any jagir village existing immediately before the appointed date have vested in the State Government on that date under section 10, shall be entitled to compensation of an amount equivalent to the average of the net annual income received by the jagirdar in respect of the mines and mineral products during the three years immediately preceding the date of vesting.

(2) Any jagirdar entitled to compensation under sub-section (1), may apply to the Collector for such compensation.

(3) The application under sub-section (2) shall be made to the Collector in the prescribed form within twelve months from the date of the commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981, (Guj Ord. 9 of 1981), or such further period as may be prescribed. The Collector shall after holding formal inquiry in the manner provided by the Code make an award determining the compensation.

(4) An appeal shall lie from the said award to the Gujarat Revenue Tribunal.

(5) The provisions of sections 15 to 21 (both inclusive) shall so far as may be, apply to the proceedings in respect of such award or appeal, as the case may be.

(6) Notwithstanding anything contained in section 22 the amount of compensation payable under this section shall be paid in cash with interest at the rate of 4 1/2 per cent for the period commencing on and from the date of commencement of the

22. 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 annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denomination and shall be in such forms as may be prescribed,

23. Jagirdars to deliver records to authorised officers :-

(1) Whenever an officer authorised by the State Government in this behalf so direct a jagirdar shall deliver to him or such other officer as may be specified in the direction, the records relating to the jagir village maintained by the Jagirdar.

(2) If the Jagirdar fails without reasonable-cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver any such records the Jagirdar shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

23A. Liability of a Jagirdar or cadet to pay to Government amounts recovered or received by him from permanent holders etc. in certain cases and determination of such amount :-

(1) If in the case of any land in a jagir village of which any person other than the Jagirdar or cadet of his family has become primarily liable to the State Government for the payment of land revenue under section 5 or 6 with effect from the appointed date, the Jagirdar or as the case may be the cadet, has recovered from such person any amount as land revenue or rent of such land for any period after the appointed date, then such Jagirdar or cadet shall pay to the State Government an amount equal to the amount of land revenue or rent so recovered or received, within a period of three months from the date of the coming into force of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1957 (Bom. VIII of 1957).

1[(1A)

(a) Where in the case of any land in a jagir village, of which any person other than the Jagirdar or cadet of his family has become liable to the State Government for the payment of land revenue under section 5 or 6 with effect from the appointed date, but the enforcement of this Act having been stayed for any period in respect of such jagir village in compliance with a stay order issued in that behalf by a Court, the Jagirdar or, as the case may be, the cadet has recovered or received from such person any amount as land revenue or rent of such land for any period between the appointed date and the date on which the stay order is vacated, then such Jagirdar or, as the case may be, such cadet shall, unless sub-section (1) applies to him, pay to the State Government an amount equal to the aggregate of the amount of land revenue or rent so recovered or received, within a period of three months

(i) from the date on which the stay order is vacated, or

(ii) where the stay order was vacated before the commencement of the Bombay Merged Territories and Areas (Jagirs Abolition) (Amendment) Act 1959, from the date of such commencement.

(b) Nothing in clause (a) shall apply where such stay order was vacated before the commencement of the Bombay Merged Territories and Areas (Jagirs Abolition) (Amendment) Act, 1957 (Bom, LVIII of 1957)].

(2) If the Jagirdar, or as the case may be the cadet, fails to pay to the State Government any amount payable by him under sub-section (1) ²[or sub-section (1A)], such amount shall be recoverable from him as an arrear of land revenue.

(3) If the Mamlatdar, suo motu or on an application made to him by any person, has reason to believe that in respect of any land in a jagir village within his local jurisdiction, the Jagirdar or cadet has failed to pay to the State Government the amount payable by him under sub-section (1) ² [or sub-section (1A)], he shall hold a summary inquiry in the manner provided in the Code and decide whether the jagirdar or cadet has failed to pay the amount to the State Government, and if so, determine the amount to be recovered from the jagirdar or cadet under sub-section (2). The amount so determined shall thereupon be recovered accordingly.

(4) It shall be lawful for the Collector to deduct from the amount of

compensation, which may be awarded to such jagirdar or cadet under section 11, 12 or 14, the amount payable by him to the State Government under this section.

(5) The amounts paid by, or recovered from a, jagirdar or a cadet in accordance with the foregoing provisions shall be credited to the land revenue account of the persons from whom they had been received or recovered by the jagirdar or cadet.]

1. Sub-section (1 A) was inserted by Bom. 58 of 1959, s. 3(1).

2. This portion was inserted, by Bom. 58 of 1959, s. 3(2).

24. Provisions of Bom. LXVII of 1948 to govern the relations of landlord and and tenants :-

Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LVIII of 1959), to any jagir village or the mutual rights and obligations of a landlord and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

25. Rules :-

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

26. Savings :-

Deleted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Orders, 1960.