

**BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION)
ACT, 1950**

60 of 1950

[25th January 1951]

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**BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION)
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An Act to abolish Paragana and Kulkarni Watans in the State of Bombay. Whereas- (1) the services appertaining to the office of hereditary District (Paragana) officers except in cases referred to in

clauses (2) and (2A) below and to the office of certain hereditary village accountants (Kulkarnis) have ceased to be performed; (2) the services appertaining to the Deshpande watan of Nimbayat mahal in Malegaon Taluka of the Nasik District in respect of which commutation settlement has not yet been effected, are no longer required; (2A) the services appearing to the Desmukh watan of the Borpada Village in the Navapur Taluka of the West Khandesh District are no longer required; (3) the services appertaining to the remaining hereditary village accountant's (Kulkarnis') watans also are no longer required to be performed; And Whereas it is expedient in the interest of the administration of the State to abolish the Paragana and Kulkarni watans and to make provisions for the performance of functions of some of those offices; It is hereby enacted as follows:-

1. Short title, extent and commencement :-

(1) This Act may be called the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.

(2) It extends to the Bombay area of the State of Gujarat merged territories.

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

2. Definitions :-

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

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

(b) "code" means the Bombay Land Revenue Code, 1879; (Bom V of 1879)

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

(c) "commutation settlement" means a settlement made or confirmed under the provisions of the Watan Act relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan;

(d) "Kulkarni watan" means a watan appertaining to the office of a

village accountant and includes a watan appertaining to the said office in respect of which a commutation settlement has been effected;

(e) "Paragana watan" means a watan appertaining to the office of a hereditary District (Paragana) Officer in respect of which a commutation settlement has been effected and includes the Deshpande watan of the Nimbayat mahal in Malegon Taluka of the Nasik District and the Deshmukh watan of the Borpada Village in the Navapur Taluka of the West Khandesh District ;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "Watan Act" means the Bombay Hereditary Offices Act, 1874; (Bom III of 1874.)

(h) "Watan land" means the land forming part of the property of a Paragana or Kulkarni watan.

(2) The words and expressions used in this Act shall have the meanings assigned them in the Watan Act and in the Code, as the case may be, notwithstanding the fact that the provisions of the said Act or Code may not be applicable.

3. Abolition of certain watans together with the right to office and incidents :-

With effect from and on the appointed day, notwithstanding contained in any law, usage, settlement, grant, sanad or order -

(1) all Paragana and Kulkarni watans shall be deemed to have been abolished.

(2) all rights to hold office and any liability to render service appertaining to; the said watans are hereby extinguished;

(3) subject to the provisions of section 4, all watan land is 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 as if it were an unalienated land :

Provided that such resumption shall not affect the validity of any alienation such watan land made in accordance with the provisions of section 5 of the Watan Act or the rights of an alienee thereof or any person claiming under or through him;

(4) all incidents appertaining to the said watans are hereby extinguished.

4. Holder of watan land to be occupant :-

(1) A watan land resumed under the provisions of this Act shall subject to the provisions of section 4A, be regranted to the holder of the watan to which it appertained, on payment of the occupancy price equal to twelve times of the amount of the full assessment of such land within five years from the date of the coming into force of this Act and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder; all the provisions of the Code and rules relating to unalienated land shall, subject to the provisions of the Act, apply to the said land :

Provided that in respect of the watan land which has not been assigned towards the emoluments of the officiator, occupancy price equal to six times of the amount of the full assessment of such land shall be paid by the holder of the land for its regrant:

Provided further that if the holder fails to pay the occupancy price within the period five years as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(2) The occupancy of the land regranted under sub-section (1) 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.

(3) Nothing in sub-sections (1) and (2) shall apply to any land-

(a) the commutation settlement in respect of which provides expressly that the land appertaining to the watan shall be alienable without sanction of the State Government; or

(b) which has been validly alienated with the sanction of the State Government under section 5 of the Watan Act.

Explanation-For the purposes of this section the expression 'holder' shall include-

(i) all persons who on the appointed day are the watandars of the same watan to which the land appertains, and

(ii) in the case of a watan the commutation settlement in respect of which permits the transfer of the land; appertaining thereto, a person in whom the ownership of such land for the time being vests.

4A. All public roads, etc. situate in a watan village to vest in State Government and not to be regranted to watandar :-

For the removal of doubts, it is hereby declared that all public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside, the same, the bed of the sea and of harbours, 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, and all unbuilt village site lands, situate within the limits of a village or land which was held immediately before the coming into force of this Act, as a Kulkarni or Pragana watan shall, except in so far as any rights of any person other than the holder of the watan, 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 rights held by the holder of the watan 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 of them as he deems fit, subject always to the rights of way and of other rights of the public or individuals other than the holder of the watan legally subsisting .

5. Special rule of succession to be void :-

Any provision of law, usage or practice relating to the succession to any watan land where by contrary to the personal law governing the parties the rules of primogeniture was followed and the female heirs were postponed in favour of male heirs; shall, on and from the appointed day, be void and cease to be in force.

6. Compensation in lieu of cash allowance or land revenue :-

Notwithstanding anything contained in any law, usage, settlement, grant, sanad or order : -

(1) a sum equal to seven times the amount of the cash allowance due to a holder on the appointed day of a watan in respect of which a commutation settlement has been effected, shall be paid to such holder;

(2) in the case of any land or village, in respect of which the watan property consists of the whole or a part of the land revenue of such land or village, a sum equal to ten times the amount of such land revenue shall be paid to the holder and if the holder dies before the payment of such sum, to his heir or heirs, after deducting therefrom the amount of cash allowance, if any, paid to such holder or heir or heirs, as the case may be, during the period between the appointed day and the date on which the Bombay Land Tenures Abolition (Amendment) Act, 1953 (Bom. XXXVIII of 1953) came into force.

Explanation.-For the purposes of this section the expression "holder" shall have the same meaning as is assigned to it in sub-section (4) of section 15 of the Watan Act.

7. Compensation to the representative watandar :-

In the case of a person who has been registered as a representative watandar immediately before the appointed day and who in consequence of the coming into force of this Act ceases to be entitled to the right to perform the duties of the office of a hereditary village accountant, a sum equal to seven times the total amount of the emoluments payable annually in cash to the representative watandar performing such service in the year immediately preceding the year in which this Act comes into force shall be paid to such representative watandar as compensation and if such watandar dies before the payment of the sum to him, his heir or heirs shall be paid such sum, after deducting therefrom the amount of compensation, if any, received by the representative watandar or his heir or heirs as the case may be, during the period between the appointed day and the date on which the Bombay Land Tenures Abolition (Amendment) Act, 1953, (Bom. XXX VIII of 1953.) came into force.

Explanation.-For the purposes of this section, a deputy or substitute officiating for the representative watandar shall not be entitled to receive such sum.

8. Application of Bombay Tenancy and Agricultural Lands Act, 1948 :-

If any watan land has been lawfully leased and such lease is subsisting on the appointed day, the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, (Bom. LXVII of 1948) shall apply to the said lease and the rights and liabilities of the holder of such land and his tenant or tenants shall, subject to the

provisions of this Act, be governed by the provisions of the said Act.

Explanation.-For the purposes of this section the expression 'land' shall have the same meaning as is assigned to it in the Bombay Tenancy and Agricultural Lands Act, 1948. (Bom. LXVII of 1948.)

9. Method of compensation for the abolition etc. of other rights inland :-

(1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of this 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) An application under sub-section (1) shall be made to the Collector in a prescribed form on or before the 30th day of April 1954 Provided that where any person is aggrieved by the provisions of section 4A as abolishing, extinguishing or modifying any of his rights to or property such application shall be made within twelve months from the date on which the Bombay Paragana and Kulkarni Watans (Abolition) (Amendment) Act, 1955, (Bom. L of 1955) comes into force 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 section 23 (1) and 24 of the Land Acquisition Act, 1894, (I of 1894), subject to the following conditions, namely:-

(i) 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 for uncultivated land in accordance with the rules made under the Code or 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 claimant;

(ii) 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.

(2A)

(i) Where the officer making an award under sub-section (2) 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, then, 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-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 (I of 1894.)

(3) Nothing in this section shall entitle any person to compensation on the ground that any watan land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act subjected 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 Gujarat Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957 , Bom. XXXI of 1958, within 60 days from the date of the award.

(5) In deciding appeals under sub-section (4) the Gujarat Revenue Tribunal shall exercise all the powers which a Court has and 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.

10. Court fees :-

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

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

The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

11A. Revisional powers in respect of awards made before commencement of Bom. XCIII of 1958 :-

Where any award was made under sub-section 9 before the commencement of the Bombay Land Tenures Abolition (Amendment) Act, 1958 (Bom XCIII of 1958) and no appeal was filed against such award under sub-section (4) of section 9 then notwithstanding anything contained in section 11, 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;

12. Inquiries and proceedings to be judicial proceedings :-

All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act, (XLV of 1960) shall be deemed to be judicial proceedings within the meaning of sections 103, 219 and 228 of the Indian Penal Code.

13. 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.

14. Discontinuance of application of and amendment of certain laws :-

(1) The provisions of the enactments specified in Schedule I shall cease to apply to Pragana and Kulkarni watans.

(2) The provisions of the enactment specified in Schedule II shall be amended to the extent specified in column 4 of the said Schedule.

(3) Nothing in sub-sections (1) and (2) shall be deemed to affect-

(a) any obligation or liability already incurred before the coming into force of this Act;

(b) any proceedings in respect of such obligation or liability;

(c) anything done in the course of such proceeding in any Court on the aforesaid date, and any such proceeding may be continued, as if this Act had not been passed.

SCHEDULE 1

Enactments which shall cease to apply to Pragana and Kulkarni watans

. (Section 74)			
SCHEDULE 1			
Enactments which shall cease to apply to Pragana and Kulkarni watans			
(Section 74)			
year	No.	Short title.	Extent of cessation of application
1852	XI	The Bombay Rent-free Estates Act, 1852.	The whole Act ceases to apply
1863	II	The exemptions from Land revenue (No. 1) Act, 1863.	Do.
1863	VII	The exemptions from Land revenue (No. 2) Act, 1863.	Do.
1874	III	The Bombay Hereditary Offices	Do.

		Act, 1874	
1886	V	The Bombay Hereditary Offices (Amendment) Act, 1886.	Do.

SCHEDULE 2

Enactment Amended

(Section 14)

SCHEDULE II

Enactment Amended

(Section 14)

Year	No,	Short title	Extent of amendment
1 K) 9	V	The Bombay Land Revenue Code, 1871	9 (i) For section 16 the
			following shall be subs-
			tituted, namely ;
		Appointment	"16. It shall be lawful
		of village	for the State Govern-
		accountant	ment to appoint a village
		and stipen-	accountant for a village
		diary patel	or a group of villages.
			In villages where no
			hereditary patel exists,
			it shall be lawful for the
			State Government to
			appoint a stipendiary
			patel. The village acco-
			untant and the patel
			shall perform all the

			duties including the
			duties of village account-
			tant or hereditary patel
			as hereinafter prescribed
			by this Act or any other
			law for the time being in
			force and shall hold
			their situations under
			the rules in force with
			regard to subordinate
			revenue officers.
			Nothing in this section
			shall be held to affect
			any subsisting rights of
			holders of alienated
			villages or others in
			respect of the appoint-
			ment of patels and
			village accountants in
			any alienated or other
			villages."
			(ii) In section 58, 85
			and 94A for the words
			"hereditary

			... occur, village
			accountant" wherever
			they occur, the words"
			"village accountant"
			or "accountant", as the
			case may be, shall be
			substituted.