

## **BOMBAY PERSONAL INAMS ABOLITION ACT, 1952**

**42 of 1953**

**[20th June, 1953]**

### CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Act not to apply to certain inams and grants
4. Abolition of personal inams and rights in respect of such inams
5. Liability of inam village or inam land to payment of land revenue and inamdar and permanent holder to be occupant
6. Compensation for abolition of cash allowance
- 6 A . Compensation for abolition of personal inams consisting of share of revenue
- 7 . All public roads, etc., situate in inaro villages to vest in Government
8. Rights to trees
- 9 . Vesting of rights to mines and mineral products in the State Government
10. Compensation to inamdars for extinguishment of rights under section
11. Appeal against Collectors a ward
12. Procedure before Revenue Tribunal
13. Limitation
14. Court fees
15. Finality of award and decision of Revenue Tribunal
16. Inquiries and proceedings to be judicial proceedings
- 16A. Application for compensation under section 6A
17. Method of compensation for abolition, etc. of other rights in properly
- 17A. Amount of compensation to be payable in transferable bonds
18. Provisions of Bom. LXVII of 1948 to govern the relations of inamdar and tenants
19. Rules
- 20 . Modification and discontinuance of application of certain enactments

**SCHEDULE 1 :-** Schedule

**SCHEDULE 1A :-** Schedule

**BOMBAY PERSONAL INAMS ABOLITION ACT, 1952**

**[20th June, 1953]**

Whereas it is necessary and expedient in the public interest to abolish personal inams in the State of Bombay. It is hereby enacted as follows:-

**1. Short title, extent and commencement :-**

(1) This Act may be called the Bombay Personal Inams Abolition Act, 1952 .

(2) It extends to the <sup>1</sup> [Bom area of the State of Gujarat] excluding the 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.

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

**2. Definitions :-**

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

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

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

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

(c) "inamdar" means a holder of a personal inam and includes any person lawfully holding under or through him;

(d) "inam village" or "inam land" means a village or a portion of a village or land, as the case may be, held by a person under a personal inam;

(e) "personal inam" means-

(i) a grant of a village, land or total partial exemption from the payment of land revenue entered as personal inam in the alienation

register kept under S.53 OF THE Pensions Act, 1871 of the Code.

(ii) a grant of money or land revenue including any thing payable as a cash allowance on the part of the State Government in respect of any right, privilege, perquisite or office and entered as class 1,11, III, IV or V in the records kept under rules made under the Pensions Act, 1871. (XXIII of 1871.)

Explanation <sup>1</sup>[1]-If any question arises whether any grant is a personal inam such question shall be referred to the State Government and the decision of the State Government shall be final <sup>2</sup>[and the entry, if any. in respect of such grant in the alienation register kept under section 53 of the Code shall be deemed to have been amended accordingly.]

<sup>3</sup> [Explanation II-In sub-clause (i) of this clause the reference to a grant of land shall include a reference to grant consisting of a share in the revenues of a village, portion of a village or land;]

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

(g) "Schedule" means a Schedule appended to this Act,

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

1. This Explanation was numbered as Explanation 1 and shall be deemed always to have been so numbered by Guj. 42 of 1961, s. 2.

2. These words and figures were inserted and shall be deemed always to have been inserted by Bom. 40 of 1956, s. 4, Second Schedule.

3. Explanation II was inserted and shall be deemed always to have been inserted by Guj. 42 of 1961, s. 2.

### **3. Act not to apply to certain inams and grants :-**

Nothing in this Act shall apply to-

(1) saranjams, jahagirs and other political inams;

(2) devasthan inams or inams held by religious or charitable institutions;

(3) inams held for service useful to Government; and

(4) inams held for service useful to the community; and

(5) revenue free sites granted by Government for the construction of schools, colleges, hospitals, dispensaries, religious or charitable

institutions or other public works from which no profit is intended to be derived.

[Explanation -For the purposes of this section inams held by religious or charitable institutions means Devasthan or Daarmdaya inams granted or recognised by the ruling authority for the time being for a religious or charitable institution and entered as such in the alieaation register kept under section 53 of the Code or in the records kept under the rules made under Pensions Act, 1871,] (XXIII of 1871).

#### **4. Abolition of personal inams and rights in respect of such inams :-**

Notwithstanding anything contained in any usage, settlement, grant, sanad or order or a decree or order of a Court or any law for the time being in force, with effect from and on the appointed date;

(i) all personal inams shall be deemed to have been extinguished.

(ii) save as expressly provided by or under the provision? of this Act, all rights legally subsisting on the said date in respect of such personal inams shall be deemed to have been extinguished :

Provided that in the case of a personal inam consisting of exemption from the payment of land revenues only, either wholly or in part, such exemption shall be deemed to have been extinguished-

(a) if the amount of such exemption is or exceeds Rs. 5,000 with effect from the 1st day of August 1953, and

(b) in all other cases, with effect from the 1st day of August 1955.

#### **5. Liability of inam village or inam land to payment of land revenue and inamdar and permanent holder to be occupant :-**

(1) All inam village or inam lands are and 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 lands.

(2)

(a) An inamdar in respect of the inam land in his actual possession

or in possession of a person holding from him other than an inferior holder, referred to in clause (b) below, or

(b) an inferior holder holding inam land on payment of annual assessment only, shall primarily be liable to the State Government for the payment of land revenue in due respect of such land held by him 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 rules made thereunder or any other law for the time being in force.

**6. Compensation for abolition of cash allowance :-**

Notwithstanding anything contained in any law usage, settlement, grant, Compensation or order but subject to the provisions of this Act, a sum equal to seven times the amount of a cash allowance referred to in section 2(l)(e)(ii) if any, due to an inamdar as personal inam shall be paid to him as compensation in consideration of the extinguishment of his right to receive such allowance.

**6A. Compensation for abolition of personal inams consisting of share of revenue :-**

<sup>1</sup> -In the case of personal inam consisting of a share in the revenues of a village, portion of a village or land referred to in section 2(l)(e)(i), a sum equal to seven times the amount of such revenues received by or due to the inamdar for the year immediately preceding the appointed date shall be paid to the inamdar as compensation for the abolition of the personal inam].

1. Section 6A was inserted by Guj. 42 of 1961, s. 3.

**7. All public roads, etc., situate in inam villages to vest in Government :-**

All public roads, lanes and paths, the bridge<sup>^</sup>, ditches, dikes and fences, on or besides, the same, the bed of the sea and of harbours, creeks below high water mark and of rivers, streams, hallas lakes, well and tanks, and all canals, and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes) which are situate within the limits of any inam village or inam land shall, except in so far as any rights of any person other than the inamdar 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 an inamdar 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 a way and other rights of the public or of individuals legally subsisting

**1** [Explantion-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.

Explanation 11- 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.

1. Explanation renumbered as Explanation I and Explanation II, added by Gujarat 8 of 1982 and shall be deemed to have been added always.

### **8. Rights 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 been transferred by the State Government under any contract, grant of law for the time being in force shall vest in the State Government and nothing in this Act shall in any way effect the right of the State Government to apply the provisions of the Indian Forests Act, 1927 (XVI of 1927), as in force in the **1** [Bombay area of the State of Gujarat] to forest in an inam village or inam land.

1. These words substituted for the words "pre Reorganisation State of Bombay excluding the transferred territories" by the Gujarat Adaptation of Laws (State and Concurrrent subjects) Order, 1960.

### **9. Vesting of rights to mines and mineral products in the State Government :-**

**1**

(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 other authority, with effect on any 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 inam village or inam land granted or recognised under any contract, grant or 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 if land vested under sub-section (1) includes the right of access of 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, workmen's 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-section (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 power to the person to whom the right is assigned.]

1. Sec. 9 substituted by Guj. 8 of 1912 and shall be deemed always to have been substituted.

**10. Compensation to inamdars for extinguishment of rights under section :-**

7.

(1) Any inamdar having any right or interest in any property preferred to in section 7 shall be entitled to compensation in the manner provided in the following paragraphs, namely;-

(a) Within a period of twelve months from the appointed date. the inamdar shall apply in writing to the Collector stating the nature of his right or interest, the grounds of his claim and the amount of a

compensation claimed by him for the extinguishment of his right or interest;

(b) The Collector shall hold a formal inquiry in the manner provided in the Code and if the Collector is satisfied that the applicant had any right or interest in the property and that such right or interest had been extinguished under section 7, he shall make an award in the manner prescribed in section 11 of the Land Acquisition Act, 1894, (1 of 1894) subject to the following condition, namely;-

(i) if the property in question is waste or uncultivated but is culturable 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 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 Collector shall be the market value of the right or interest held by the claimant;

(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.

(2) Every award made under sub-section (1) shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894 (1 of 1894) and the provisions of the said Act shall, so far as may be apply to the making of such award.

### **11. Appeal against Collectors award :-**

An appeal shall lie against an award of the Collector to the <sup>1</sup>



[Gujarat Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957] (Bom. XXXI of 1958) notwithstanding anything contained in the said Act

1. These words and figures were substituted for the words and figures "Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939" by the by the Gujarat Adaption of Laws (State and Concurrent Subjects) Order, 1960.

## **12. Procedure before Revenue Tribunal :-**

(1) The <sup>1</sup>[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 <sup>1</sup> [Gujarat Revenue Tribunal] shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908, (V of 1908)

1. These words were substituted for the words 'Bombay Revenue Tribunal' ibid.

## **13. Limitation :-**

Every appeal made under this Act to the <sup>1</sup> [Gujarat Revenue Tribunal] shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of section 4, 5, 12, and 14 of the Indian Limitation Act, 1908, (IX of 1908) shall apply to the filing of such appeal.

1. These words were substituted for the words 'Bombay Revenue Tribunal' ibid.

## **14. Court fees :-**

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

## **15. Finality of award and decision of Revenue Tribunal :-**

The award made by the Collector subject to an appeal to the <sup>1</sup>[Gujarat Revenue Tribunal] and the decision of the <sup>1</sup> [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' ibid.

**16. Inquiries and proceedings to be judicial proceedings :-**

All inquiries and proceedings before the Collector and the <sup>1</sup> [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' *ibid*.

**16A. Application for compensation under section 6A :-**

**1**

(1) An

(2) The Collector shall after holding a formal inquiry in the manner provided in the Code make an award determining the amount of compensation.

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

(4) The provisions of sections 10 to 16 (both inclusive) shall so far as may be, apply to the proceedings in respect of such award, or appeal as the case may be.]

1. Section 16A was inserted by Guj. 42 of 1961, s. 4,

**17. Method of compensation for abolition, etc. of other rights in property :-**

(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 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 within twelve 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 in for sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (1 of 1894).

(3) An appeal shall lie from the said award to the <sup>1</sup> [Gujarat Revenue Tribunal].

(4) The provisions of sections 10 to 16 (both inclusive) shall, so far as may be, apply to the proceedings in respect of such award or appeal, as the case may be

(5) Nothing in this section shall entitle any person to compensation on the ground that any inam village or inam 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

1. This section was inserted by Bom. 9 of 1954, s. 3.

**17A. Amount of compensation to be payable in transferable bonds :-**

<sup>1</sup> The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three percent per annum from the date of the issue of such bonds and shall be re-payable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

1. This section was inserted by Bom. 9 of 1954, s. 3.

**18. Provisions of Bom. LXVII of 1948 to govern the relations of inamdar 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, (Born. LXVI of 1948), to any inam village or inam land or the mutual rights and obligations of an inamdar and his tenants, save in so far as the said provisions are not in any way inconsistent with the expressions of this Act.

**19. 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.

**20. Modification and discontinuance of application of certain enactments :-**

(1) With effect from and on the appointed date-

(a) the provisions of the enactment specified in Schedule I shall be repealed as amended to the extent specified in column 3 of the

said Schedule and

(b) the provisions of the enactments specified in Schedule II shall cease to apply to all inam villages or inam lands and to Inamdars.

(2) Nothing in sub-section (1) shall be deemed to affect,-

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

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

(c) anything done in the course of such proceeding in any court on or before the aforesaid date and such proceeding may be continued and disposed of as if this Act has not been passed.

#### SCHEDULE 1

##### Schedule

(See section 20)			
Year.	No.	Short title	Extent of repeal or amendment
1	2	3	4
1887	VII	The Toda Giras Alloances Act, 1887	The whole Act shall be repealed.
1949	LXI	The Bombay Maleki Tenure Abolition Act, 1949.	Sub-section (2) of section 3 shall be deleted.
1949	LXII	The Bombay Taluqdari Tenure Abolition Act, 1949.	Clause (a) of sub-section (2) of section 5 shall be deleted.
1949	LXIII	The Panch Mahals Mehwassi Tenure Abolition Act, 1949.	Sub-section (2) of section 4 shall be deleted.

#### SCHEDULE 1A

##### Schedule

Year	No.	Short title	Extent of cessation of application.
1	2	3	4
1852	XI	The Bombay Rent Free Estates Act, 1852	The whole Act shall cease to apply.
1863	11	The Exemptions from Land Revenue (No. 1) Act, 1863.	Do. do.
1863	VII	The Exemptions from Land Revenue (No. 2) Act, 1863.	Do. do.
1871	XIII	The Pensions Act, 1871.	Do. do.

