

**BOMBAY TALUQDARI TENURE ABOLITION ACT, 1949**

**62 of 1949**

**[January 24 1950]**

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Abolition of taluqdari tenure and its incidents
4. Revenue surveys to be deemed to be surveys under the Code
5. Liability of taluqdari land to payment of land revenue
- 5A. Liability of permanent tenant and inferior holder in possession of taluqdari land to payment of land revenue
6. All public roads, etc., not situate in want as to vest in the  
7. [Government]
- 6A. Vesting of rights to mines and mineral products in the State Government
7. Compensation taluqdars for extinguishment of rights under the preceding section
8. Appeal against the Collectors award
9. Procedure before the Revenue Tribunal
10. Limitation
11. Court-fees
12. Finality of the award and decision of the Revenue Tribunal
13. Inquiries and proceedings to be judicial proceedings
14. Method of compensation for the extinguishment or modification of any other rights
- 14A. Compensation for vesting of rights to mines and mineral products in the State Government
15. Rules
16. Application of the Code to the taluqdari lands
17. Repeal

**SCHEDULE 1 :-** SCHEDULE

**SCHEDULE 2 :-** Enactments repealed

**BOMBAY TALUQDARI TENURE ABOLITION ACT, 1949**

**62 of 1949**

**[January 24 1950]**

An Act to abolish the taluqdari tenure in the Province of Bombay

WHEREAS it is expedient to abolish the taluqdaritenure prevailing in certain parts of the Province of Bombay and to amend the law relating to the revenue administration of the estates held on the said tenure; It is hereby enacted as follows:

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

(1) This Act may be called the Bombay Taluqdari Tenure Abolition Act, 1949 .

(2) It extends to the districts of Ahmedabad, Kaira, Broach and the panchmahals as constituted immediately before the 1st day of August 1949.

(3) It shall come into force on such date as the <sup>2</sup> [State] Government may, by notification in the Official Gazette, appoint in this behalf.

\*\* See Guj. 33 of 1963, s. 4. sch.

**2. Definitions :-**

In this Act, unless there is anything repugnant in the subject context,

(1) "Code" means the Bombay Land Revenue Code, 1879 (Bom. V of 1879); <sup>1</sup> [(1A) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act.]

(2) "Taluqdars Act" means the Gujarat Taluqdars' Act, 1888 (Bom. VI of 1888);

(3) "Taluqdari land" means land forming part of a taluqdari estate and includes land forming part of such estate and held by a cadet of a taluqdar's family for the purpose of maintenance;

(4) "Taluqdari Tenure" means a land tenure on which the taluqdari land is held;

(5) The words and expressions used in this Act shall be deemed to have the same meaning as they have in the Code.

1. Clause (1A) was inserted by Bom. 38 of 1953, s. 3, Second Schedule.

**3. Abolition of taluqdari tenure and its incidents :-**

With effect from the date on which this Act comes into force,

(i) the taluqdari tenure shall wherever it prevails be deemed to have been abolished; and

(ii) save as expressly provided by or under the provisions of this Act, all the incidents of the said tenure attaching to any land comprised in a taluqdari estate shall be deemed to have been extinguished.

#### **4. Revenue surveys to be deemed to be surveys under the Code :-**

All revenue surveys or revised revenue surveys of taluqdari estates directed by the <sup>1</sup> [State] Government under Section 4 of the Taluqdars Act and all settlements made shall be deemed to have been made under Chapter VIII and VIII-A of the Code and the settlement registers and other records prepared of such surveys shall be deemed to have been prepared under the corresponding provisions of the Code.

1. This word was substituted for the word "Provincial" by the Adaptation of Laws Ordsw \_\_\_ 1950.

#### **5. Liability of taluqdari land to payment of land revenue :-**

(1) Subject to the provisions of sub-section (2),

(a) all taluqdari 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

(b) a taluqdar holding any taluqdari land or a cadet of a taluqdar's family holding any taluqdari land hereditarily for the purpose of maintenance, immediately before the coming into force of this Act, shall be deemed to be an occupant within the meaning of the Code or any other law for the time being in force.

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

(b) the right of any person to pay jama only under any agreement or settlement recognised under Section 23 or under a declaration made under Section 22 of the Taluqdar's Act so long as such agreement, settlement or declaration remains in force under the provisions of this Act.

#### **5A. Liability of permanent tenant and inferior holder in possession of taluqdari land to payment of land revenue :-**

(1) Notwithstanding anything contained in Section 5 , a permanent tenant in possession of any taluqdari land, and also an inferior

holder holding such land on payment of annual assessment only, shall be deemed to be occupants within the meaning of the Code in respect of such land in their possession and 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 occupants under the Code or any other law for the time being in force. Provided that

(a) such permanent tenant shall be entitled to the rights of an occupant in respect of such land on payment to the taluqdar or the cadet, as the case may be,

(i) of the occupancy price equivalent to four multiples of the assessment fixed for such land, and

(ii) for the extinguishment or modification of any rights of the taluqdar or cadet, as the case may be, including the right of reversion in the land of a further sum equivalent to two multiples of such assessment:

(b) such inferior holder shall be entitled to the rights of an occupant in respect of such land or payment to the taluqdar or the cadet, as the case may be,

(i) of the occupancy price equivalent to two multiples of the assessment fixed for such land, and

(ii) for the extinguishment or modification of any rights of the taluqdar or the cadet, as the case may be, including the right of reversion in the land of a further sum equivalent to such assessment.

(2) The right conferred under sub-section (1) shall not be exercisable after a period of <sup>1</sup>[ten years] from the date on which the Bombay Taluqdari Tenure Abolition (Amendment) Act, 1954 (Bom 1 of 1955), comes into force.

Explanation. <sup>2</sup>[(I) For the purpose of this section 'land' shall have the same meaning as it has in clause (8) of s.2 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom LXVII of 1948).]

<sup>2</sup>[Explanation II. For the purposes of this section a permanent tenant includes a tenant who holds a taluqdari land in exchange of another taluqdari land of which he was, and but for the exchange would have been a permanent tenant and who has been in

continuous possession thereof since the date of exchange.]

<sup>4</sup>(2A) Notwithstanding anything contained in sub-section (2), the right conferred under sub-section (1) may be exercised after the expiry of the period specified in sub-section (2) but before the end of March 1966.]

<sup>5</sup>[(2B) Notwithstanding the expiry of the period specified in sub-section (2 A), the right conferred under sub-section (1) may be exercised before the end of March, 1968.]

<sup>6</sup>[(2C) Notwithstanding the expiry of the period specified in sub-section (2B), the right conferred under sub-section (1) may be exercised before the end of March, 1969.]

<sup>7</sup> [(3) If any question arises whether any person is a [permanent] tenant, the State Government or an officer authorised by the State Government in that behalf shall decide such question.

(4) Where such officer decides such question, any person aggrieved by such decision may file an appeal to the State Government within sixty days from the date of such decision.

(5)The decision of the State Government under sub-section (3), or (4) in appeal and subject thereto, the decision of such officer shall be final.]

1. These words were substituted for the words "eight years by Guy. 29 of 1963, s. 2.

2. The Explanation was renumbered as Explanation I and after the said Explanation, Explanation II was added by Bom. 18 of 1958, a. 2(1). This Explanation shall be deemed to be added with effect from the date on which the Bombay Taluqdari Tenure Abolition (Amendment) Act, 1954, came into force.

4. Sub-section (2A) was inserted by Guj. 23 of 1965, s. 3, Sch. II.

5. Sub-section (2B) was inserted by Guj. 21 of 1966, s. 2.

6. Sub-section (2C) was inserted by Guj. 19 of 1968, a. 2.

7. These sub-sections were added by Bom. 18 of 1958, s. 2(2).

**6. All public roads, etc., not situate in want as to vest in the  
7[Government] :-**

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, nallas, lakes, wells 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 not situate within the limits of the want as belonging to a taluqdar in a taluqdari estate shall except in so far as any right of any person other than the taluqdar may be established in any 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 <sup>1</sup>[Government] and all rights held by a taluqdar 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 <sup>2</sup>[Commissioner], to dispose them of as he deems fit, subject always to the rights of way and of other rights of the public or of individuals legally subsisting.

<sup>3</sup>[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 date on which this Act comes into force.

<sup>4</sup> [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.]

1. This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

2. This word was substituted for the words "State Government" by Bom. 8 of 1958, s. 3, Schedule.

3. Renumbered by guj. 8 of 1982.

4. Ins. by Guj. 8 of 1982 with effect from the beginning of the enactment.

## **6A. Vesting of rights to mines and mineral products in the State Government :-**

(1) Notwithstanding anything contained in any custom, usage,

(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 officers, workmen's dwellings and machinery, the stacking of minerals and deposit of refuse, the construction of

roads, railways of 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.]

**1**

1. Please see section 2 of Guj. 23 of 1965.

**7. Compensation taluqdars for extinguishment of rights under the preceding section :-**

(1) Any taluqdar having any rights in such property shall be entitled to compensation in the manner provided in the following paragraphs, namely

(a) <sup>1</sup> [on or before the 31st day of March 1952], the taluqdar shall apply in writing to the Collector stating the nature of his right, the grounds of his claim and the amount of compensation claimed by him for the extinguishment of his rights;

(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 rights in the land, and that such rights have been extinguished under the last preceding section, shall make an award in the manner prescribed in Section 11 of the Land Acquisition Act, 1894 (I of 1894), subject to the following conditions

(i) if the property acquired 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 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 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;

(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 Section 23 of the Land Acquisition Act, 1894 and Section 24 of the Land Acquisition Act, 1894 (V of 1894), in so far as such provisions may be applicable.

(2) Every award made under sub-section (1) shall be in the form prescribed in s.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.

1. These words, figures and letters were substituted for the words "within a period of twelve months from the date on which this Act comes into force" by Bom. 3 of 1952, s. 2 Schedule.

### **8. Appeal against the 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 were substituted for the words "Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939" by Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

### **9. Procedure before the Revenue Tribunal :-**

(1) The Bombay Revenue Tribunal shall, after giving notice, to the appellant and the <sup>1</sup>[State] Government, decide the appeal and record its decision. (2) In deciding appeals under this Act, the <sup>2</sup>[Gujarat Revenue Tribunal] shall exercise all the powers which a Court has and 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. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2. These words were substituted for the words "Bombay Revenue



Tribunal" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

**10. 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 of the Land Acquisition Act, 1894 , Section 5 of the Limitation Act, 1963 , Section 12 of the Limitation Act, 1963 and S.14 of the Government of Union Territories Act, 1963 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" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

**11. Court-fees :-**

Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), every appeals made under this Act to the <sup>1</sup> [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 Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

**12. Finality of the award and decision of the Revenue Tribunal :-**

The award made by the Collector subject to an appeal to the Bombay 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" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

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

All inquiries and proceedings before the Collector and the <sup>1</sup> [Gvyarat 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). <sup>2</sup>

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

2. Please see section 2 of Guj. 44 of 1961 and also of Guj. 23 of

1965.

**14. Method of compensation for the extinguishment or modification of any other rights :-**

(1) If any person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any land other than those in respect of which provisions for the payment of compensation has been made under Section 7 and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in or over such land such person may apply to the Collector for compensation<sup>1</sup>[on or before the 31st day of March 1952].

(2) The Collector shall, after holding a formal inquiry in the manner provided in the Code, make an award deciding such amount of compensation as he deems reasonable and adequate. In deciding the amount of compensation, the Collector shall be guided by the provisions of sub-section (1) of Section 23 of the Land Acquisition Act, 1894 and s.24 of the Land Acquisition Act, 1894 (1 of 1894).

(3) An appeal shall lie from the said award to the<sup>2</sup> [Gujarat Revenue Tribunal].

(4) The provisions of Section 7 to Section 13 (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. These words, figures and letter were substituted for the words "within a period of twelve months from the date on which this Act comes into force" by Bom. 3 of 1952, s. 2, Schedule.

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

**14A. Compensation for vesting of rights to mines and mineral products in the State Government :-**

(1) Any taluqdar whose rights to mines, minerals or quarries in any taluqdari land existing immediately before the date of commencement of this Act have vested in the State Government on that date Section 6A , shall be entitled to compensation of an amount equivalent to the average of the net annual income received by the taluqdar in respect of the mines and mineral products during the three years immediately preceding the date of vesting.

(2) Any taluqdar 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 Section 7 to Section 13 (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) The amount of compensation payable under this section shall be paid in cash with interest at the rate 4.1/2 per cent, for the period commencing on and from the date of commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981 (Guj. Ord. 9 of 1981), and ending on the date of payment.]

### **15. Rules :-**

(1) The <sup>1</sup>[State] Government may, by notification published in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions such rules may provide for the following matters

(a) the value of court-fee stamp payable on an appeal to the <sup>2</sup> [Gujarat Revenue Tribunal] under Section 11 ;

(b) any other matter which is to be or may be prescribed under this Act.

(3) Rules made under this section shall be subject to the condition of previous publication.

1. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2. These words were substituted for the words "Bombay Revenue

Tribunal" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

**16. Application of the Code to the taluqdari lands :-**

Subject to the provisions of this Act, the provisions of the Code apply and are hereby declared to apply to all taluqdari lands subject to the modifications specified in Schedule I.

**17. Repeal :-**

The enactments specified in Schedule II are hereby repealed :  
Provided that the repeal of the said enactment shall not in any way be deemed affect,

(a) the validity, invalidity, effect, or consequences of any alienation of or any incumbrance created on a taluqdari land or of anything already done or suffered to be done under the said enactments before the date of the commencement of this Act;

(b) any obligation or liability already incurred or accrued before such date;

(c) any declaration made or any agreement or settlement recognised, any partition confirmed and any management of the taluqdari estate assumed under the provisions of any of the enactments hereby repealed, and any proceedings connected with such partition or management instituted before the aforesaid date shall be continued and disposed of, as if this Act had not been passed.

**SCHEDULE 1**

**SCHEDULE**

<b>SCHEDULE I</b>			
Year	No.	Short title	Extent of modification
1	2	3	4
1879	V	The Bombay Land Revenue Code, 1879.	(1) In section 3, clause (13), after the words "the Provincial Government the words "and includes a taluqdar" shall be inserted.
			(2) In section 38, after the words "unalienated portions of villages"  the words "or in villages  or portions of villages comprised in a taluqdari estate"

			shall be inserted.
			<p>(3) In section 46,</p> <p>(i) after the words "any holder of alienated land" the words "or a taluqdar" shall be inserted;</p> <p>(ii) after the words "the said holder", the words "or taluqdar, as the case may be" shall be inserted.</p>
			<p>(4) In section 56,</p> <p>(i) after the words "alienated holding" wherever they occur, the words "or taluqdari land" shall be inserted;</p>
			<p>(ii) for the words "such occupancy</p> <p>or alienated holding" wherever the occur and for the words "such occupancy or holding"</p> <p>the words "such occupancy, alienate holding or land" shall be substituted.</p>
			<p>(5) In section 57,</p> <p>(i) for the words "a holding" the words "a holding or land" shall be sub-stituted;</p> <p>(ii) for the words " such holding" the words "such holding or land" shall be substituted.</p>
			<p>(6) In section 58, after the words "share of a village" wherever they occur, the words "or of a village or portion of a village comprised in a taluqdari estate" shall be inserted.</p>
			<p>(7) In section 69, after the words "alienated land" the words "or taluqdari" shall be inserted.</p>
			<p>(8) In section 76, after the words " alienated land" the words "or any taluqdari land" shall be inserted.</p>
			<p>(9) In section 80,</p> <p>(i) after the words "an occupancy"</p> <p>the words "or any taluqdari land" shall be inserted;</p>

			(ii) after the word "occupant" wherever it occurs the words "or holder" shall be inserted.
			(10) In section 85, sub-section (1), after the words "alienated share of a village" the words "or of a village or portion of a village comprised in a taluqdari estate" shall be inserted.
			(11) In section 94A, sub-section (1), after the words "alienated share of a village" the words "or of a village or portion of a village comprised in a taluqdari estate" shall be inserted.
			(12) In section III, after the word "estate" where it occurs for the first time the words "including a taluqdari estate" shall be inserted.
			(13) In section 114, the words "or in a taluqdari estate" shall be deleted.
			(14) In section 118, after the word "alienated" wherever it occurs the words "or taluqdari" shall be inserted.  (15) In section 136, sub-section (1), after the words "alienated land" the words "or taluqdari land" shall be inserted.
			(16) In section 150,  (i) in clause (b), after the words "alienated holding" the words "or taluqdari land" shall be inserted;
			(ii) in clause (f), after the words "alienated holding" the words "or taluqdari land " shall be inserted.
			(17) In section 153, after the words "alienated holding" wherever they occur, the words "or any taluqdari land" shall be inserted.
			(18) In section 159, after the word "holding" the words "or land" shall be inserted.
			(19) In section 181, after the words "or alienated holding" the words "or any taluqdari land" shall be inserted.
			(20) In section 214, in clause (d) of sub-section (2), after the words "or taluqdari land" shall be inserted.

			(21) In section 216, sub-section (1), after the words "alienated shares of villages" the words "and villages or shares of villages comprised in taluqdari estates" shall be inserted.
			(22) In section 217, after the words "alienated village" the words "or a village or the share of a village comprised in a taluqdari estate" shall be inserted.
			(23) In section 218, after the word "alienated" wherever it occurs the words "or taluqdari" shall be inserted.

## SCHEDULE 2

### Enactments repealed

<b>SCHEDULE II</b>			
<b>Enactments repealed</b>			
Year 1	No. 2	Short title 3	Extent of modification 4
1862	VI	The Ahmedabad Taluqdars Act, 1862.	The whole Act.
1881	XXI	The Broach and Kaira Incumbered Estates Act, 1881.	The whole Act.
1888	VI	The Gujarat Taluqdars Act, 1888.	The whole Act.