

## **GUJARAT SURVIVING ALIENATIONS ABOLITION RULES, 1963**

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## **GUJARAT SURVIVING ALIENATIONS ABOLITION RULES, 1963**

In exercise of the powers conferred by section 28 of the Gujarat Surviving Alienations Abolition Act, 1963 (Guj. XXXIII of 1963), the Government of Gujarat hereby makes the following rules, namely:

### **1. Short title :-**

These Rules may be called the Gujarat Surviving Alienations Abolition Rules, 1963.

### **2. Definitions :-**

In these Rules, unless there is anything repugnant in the subject or context,

- (i) "The Act" means the Gujarat Surviving Alienations Abolition Act, 1963.
- (ii) "Form" means a form appended to these rules;
- (iii) "Mamlatdar" includes a Mahalkari;
- (iv) "Section" means a section of the Act.

### **3. Period for payment of occupancy price :-**

The occupancy price under section 7 shall be paid within a period of two years from the appointed day and that under section 8 within a period of three years from the said day.

**4. Manner of payment of occupancy price for Watan lands :-**

The occupancy price payable under clause (a) of sub-section (3) of section 8 shall be paid in a lump sum or in three equal annual instalments to the Mamlatdar within whose jurisdiction the Watan land is situated.

**5. Application under clause (d) of proviso to sub-section (1) of section 13 :-**

(1) An application to the State Government under clause (d) of the proviso to section (1) of section 13 shall be made in Form A within <sup>1</sup> [Nine years and three months] from the appointed day through the Mamlatdar of the taluka.

(2) Such application may be delivered personally by the applicant or his agent or sent by registered post to the Mamlatdar.

(3) The Mamlatdar shall, on receipt of an application under sub-rule (1), verify the details regarding the allowance stated in the application and in case of allowance which was being paid in kind, determine its cash equivalent in the manner provided in rules. He shall also verify other details stated in the application and forward it to the Collector, who shall after making such inquiry, as he thinks fit, forward it to the State Government with his recommendations together with the alienee's application for compensation made under section 15 by the applicant.

(4) The decision by the State Government on the application made under sub-rule (1) shall be conveyed to the Collector who shall then dispose of the application for compensation made by the applicant under section 15 having regard to the decision of the State Government.

1. Substituted by Gujarat Government Gazette IV-B, dated 6-7-1972, page 1038.

**6. Manner of determining cash value of allowance in kind :-**

(1) For the purposes of sub-section (2) of section 13, the value of allowance in kind shall be determined by the Mamlatdar on the basis of the prices of the commodities covered by such allowance as recorded in the price register for the month preceding the appointed day for the taluka from which such allowance was being paid before the appointed day:

Provided that if in such taluka no price register was maintained, the

prices of such commodities as recorded in the price register of any of the adjoining talukas having, in the opinion of the Mamlatdar, similar price levels shall be taken as the basis.

(2) Before determining the cash value of the allowance in kind under sub-rule (a), the Mamlatdar shall issue a notice to the alienee in writing and give him an opportunity of being heard.

**7. Application under section 15 :-**

An application under sub- section (1) of section 15 shall be made in Form B within a period of <sup>1</sup> [Nine years and three months] from the appointed day.

1. Substituted by Gujarat Government Gazette IV-B, dated 6-7-1972, page 1038.

**8. Application under section 16 :-**

An application under sub- section (2) of section 16 shall be made in Form C within a period of <sup>1</sup> [Nine years and three months] from the appointed day.

1. Substituted by Gujarat Government Gazette IV-B, dated 6-7-1972, page 1038.

**9. Court Fee :-**

Every appeal made under the Act to the Gujarat Revenue Tribunal shall bear a court-fee stamp of Rs. 3.