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**BOMBAY COMMISSIONERS OF DIVISIONS ACT, 1957****8 of 1958****[10th January, 1958]****CONTENTS**

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**BOMBAY COMMISSIONERS OF DIVISIONS ACT, 1957****8 of 1958****[10th January, 1958]**

An Act to provide for the offices of Commissioners of divisions in the State of Bombay, for prescribing their powers and duties and to make provisions consequent on the provision for such offices and for certain other matters. WHEREAS it is expedient to provide for the offices of Commissioners of divisions in the State of Bombay, for prescribing their powers and duties and to make provisions for matters consequent on the provision for such offices and for certain other matters ; It is hereby enacted in the Eighth Year of the Republic of India as follows:-

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

- (1) This Act may be called the Bombay Commissioners of Divisions Act, 1957.
- (2) It extends to the whole of the State of Bombay.
- (3) It shall come into force on such date as the State Government

may, by notification in the Official Gazette, appoint.

## **2. Definitions :-**

In this Act, unless the context requires otherwise, -

(a) "Commissioner" shall mean the Commissioner of a division appointed under the law relating to land revenue as amended by the Schedule of this Act;

(b) "Director of Local Authorities" means the Officer appointed for the time being by the State Government to be the Director of Local Authorities ;

(c) "division" means the territories formed into a division under the Bombay Land Revenue Code, 1879, or under that Code in its application to the Kutch and Saurashtra areas of the State of Bombay, or under the Madhya Pradesh Land Revenue Code, 1954, or under the Madhya Pradesh Land Revenue Code, 1954, or under the Hyderabad Land Revenue Act;

(d) "Divisional Officer" means an officer appointed as such, immediately before the commencement of this Act, under the provisions of-

(i) section 5 of the Bombay Land Revenue Code, 1879, or that section of the Code in its application to the Kutch area of the State of Bombay,

(ii) section 5 of the said Code in its application to the Saurashtra area of the State of Bombay and read with the Government Notification in the Legal Department No. 25398/B dated 1st November 1956 issued under section 122 of the States Reorganisation Act, 1956,

(iii) section 9-A of the Madhya Pradesh Land Revenue Code, 1954, read with Government Notification in the Revenue Department No.RVA 1556-R, dated 1st November 1956; or

(iv) section 4 of the Hyderabad Land Revenue Act;

(e) "existing law" means any enactment of a Legislature or other competent authority in relation to matters specified in Lists II and III in the Seventh Schedule to the Constitution in force in any part of the State immediately before the commencement of this Act and includes any rule, bye-law, regulation, order, notification, scheme, form or other instrument having the force of law made, prescribed

or issued under any such enactment ;

(f) "Schedule" means the Schedule appended to this Act.

**3. Amendments to enactments:power of State Government to confer powers and impose duties on Commissioners under any law :-**

(1) For the purposes of constituting offices of Commissioners of decisions and conferring powers and imposing duties on Commissioners and for certain other purposes, the enactments specified in column 1 of the Schedule to this Act shall be amended in the manner and to the extent specified in column 2 thereof.

(2) The Commissioner of a division, appointed under the law relating to land revenue as amended by the said Schedule, shall exercise the powers and discharge the duties conferred and imposed on the Commissioner by any law for the time being in force, including the enactments referred to in sub-section (X) as amended by the said Schedule.

(3) The State Government may by notification in the Official Gazette amend or delete any entry in the Schedule for the purpose of imposing any conditions or restrictions on the exercise of powers and duties and discharge of duties conferred or imposed on the Commissioner or withdrawing them, as the case may be, and the Schedule shall be amended accordingly.

(4) The State Government may confer and impose on the Commissioner powers and duties under any other enactment for the time being in force and for that purpose may, by a notification in the Official Gazette, add to or specify in the Schedule the necessary adaptations and modifications in that enactment by way of amendment ; and thereupon -

(a) every such enactment shall accordingly be amended and have effect subject to the adaptations and modifications so made, and

(b) the Schedule to this Act shall be deemed to be amended by the inclusion therein of the said provision for amending the enactment.

(5) The State Government may at any time in like mannner cancel a notification under sub-section (4), and thereupon the relevant enactment shall stand unamended by the cancelled notification and the Schedule shall be altered accordingly.

#### **4. Repeal of Bom. XXVIII of 1950 and C. P. And Berar Act LXI of 1948 :-**

(1) On the commencement of this Act, the Bombay Commissioners (Abolition of Office) Act, 1950, and the Central Provinces and Berar Commissioners (Construction of References) Act, 1948, shall be repealed.

(2) The repeal referred to in sub-section (1) shall not affect-

(a) any legal proceedings to which the State Government or any officer or authority (other than the Divisional Officer or Director of Local Authorities) is a party ; and any such proceedings shall, subject to the provisions of any law for the time being in force, be continued and disposed of as if this Act had not been passed ;

(b) any powers or duties, other than those conferred or imposed by or under the provisions of this Act on the Commissioner, which immediately before the commencement of this Act may have been conferred or imposed by the State Government on any officer or authority other than a Divisional Officer or a Director of Local Authorities or which were exercisable or discharged by the State Government ; or

(c) any appointment, notification, order, rule, regulation, bye-law, form, instrument or document made, prescribed, issued or executed or deemed to have been made, prescribed, issued or executed by the State Government or by any officer or authority under or with reference to the provisions of any existing law and any such appointment, notification, order, rule, regulation, bye-law, form, instrument or document shall be valid and and continue in operation unless and until it is superseded or modified by a competent authority.

#### **5. Pending legal proceedings :-**

If at the commencement of this Act, any legal proceedings are pending to which a Divisional Officer or Director of Local Authorities is a party, the Commissioner shall be substituted for the Divisional Officer or the Director of Local Authorities in the said proceedings.

#### **6. Construction of references to Divisional Officers or Directors of Local Authorities in existing law :-**

Subject to the provisions made in the Schedule, all existing laws shall, unless the context otherwise requires, be construed as if references therein to the Divisional Officer, or, as the case may be,

to the Director of Local Authorities were references to the Commissioner.

**7. Construction of references in instruments or documents**

**:-**

All instruments or documents executed or made before the commencement of this Act under or with reference to any existing law or any enactment specified in the Schedule shall, unless the context otherwise requires, be construed as if references therein to the Divisional Officer or the Director of Local Authorities were references to the Commissioner.

**8. Pending proceedings before the Divisional Officer or Director of Local Authorities, etc :-**

All proceedings including proceedings by way of appeals, revision or review pending under any existing law before the State Government or a Divisional Officer or Director of Local Authorities or any other officer or authority immediately before the commencement of this Act shall, where disposal of the proceedings falls within the purview of the powers and duties of the Commissioner, be transferred to the Commissioner for disposal according to law.