

**Bombay Land Tenure Abolition Laws (Amendment) Act,
1958**

57 of 1958

[10 June 1958]

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SCHEDULE 1 :- SCHEDULE I

**Bombay Land Tenure Abolition Laws (Amendment) Act,
1958**

57 of 1958

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An Act further to define permanent tenants, inferior holders and permanent holders for the purposes of certain Land Tenure Abolition Laws and to provide for certain other matters. WHEREAS it is expedient further to define permanent tenants, inferior holders and permanent holders for the purposes of certain laws providing for the abolition of certain land tenures in the State of Bombay, and to provide for certain other matters hereinafter appearing; It is hereby enacted in the Ninth Year of the Republic of India as follows :- INTRODUCTION "The abolition of intermediary tenures began, soon after the independence, with the abolition of the khoti tenure in the coastal districts, malguzari and izardari tenures in the Vidarbha districts, and jagirdari tenure in the Marathwada districts, and came to an end with the abolition of the Revenue Patel Watans

in Western Maharashtra in 1962 and Patwari Watans in the former Hyderabad enclaves in 1965. The only intermediary tenures that are being continued today in the Western Maharashtra and Marathwada region are the inam grants which constituted endowments to religious, educational or charitable or such other public institutions". "The larger proportion of the land was under tenures like malguzari, izardari, jagirdari, khoti and certain political inams in which the intermediaries were personally occupying for cultivation only a small part of their total estates ; on the rest there were tenant cultivators with varying rights, all the intermediary tenures in the Vidarbha Region were of this type. In Marathwada also, the bulk of the land under the intermediary tenures was under jagir or inam tenures. In Western Maharashtra, nearly two-third of the total under various forms of intermediary tenures, were under tenures like, khoti, jagir, political and personal inams. The abolition of these tenures resulted in the intermediaries becoming revenue paying occupants of only such lands as were under their personal occupation." "By and large, abolition of the intermediaries resulted in the conferment of occupancy right on a very large body of under-right holders and some tenants in all the parts of the State. Making the intermediaries and their under-right holders the occupants of the land in their possession, was essentially a reform in revenue administration. However, to the extent their tenants became the occupants, it was a step in keeping with the objective of the Tenancy Act in the State. It also put an end to all uncertainties about the rights of the land holders, as well as to the extraction of illegal dues, which were often the features of the large intermediary estates. Finally, the vesting of all uncultivated and forest land of the intermediaries in Government reduced the gross inequality in the distribution of land and removed a major source of feudal patronage in rural areas." [Report of the Committee for Evaluation of Land Reforms" - Government of Maharashtra, 1974, p. 233-264]. "The Tenancy Acts in Western Maharashtra and Vidarbha Regions required the termination of all the recorded tenancy arrangements, with only some exceptions. Landlords were permitted to resume land under certain circumstances; tenants were also free to voluntarily surrender land to their landlords; and finally on an appointed day called the Tillers' Day the tenants in possession of the leased land were declared as owners of the land, subject of course to the payment of a price. In Marathwada the law did not require termination of all the existing tenancies. Tenants were made owners of only a part of their land on the dates fixed for

the purpose and the remaining land was to continue under their tenancy as long as they did not choose to surrender it."- [ibid.] 1. For Statement of Objects and Reasons, see Bombay Government Gazette, 1958, Extra.

1. Short Title And Extent :-

- (1) This Act may be called the Bombay Land Tenure Abolition Laws (Amendment) Act, 1958.
- (2) It extends to the pre-Reorganisation State of Bombay, excluding the transferred territories.

2. Definitions :-

In this Act, unless the context requires otherwise, -

(1) "land tenure" means -

- (a) taluqdari tenure,
- (b) kauli and katuban tenure,
- (c) personal inam,
- (d) service inam,
- (e) jagir,
- (f) alienation,
- (g) bhil naik inam, or
- (h) political inam,

within the meaning of the relevant Land Tenure Abolition law;

(2) "Land Tenure Abolition law" means -

- (a) in relation to a permanent tenant, the Acts specified in Part I of the Schedule, and
- (b) in relation to a permanent holder or inferior holder, the Acts and rules specified in Part II of the Schedule;

(3) "tenure-holder" means -

- (a) a taluqdar,
- (b) a kaul holder,
- (c) an inamdardar,
- (d) a holder,
- (e) a jagirdar, or, as the case may be, a cadet of his family,
- (f) an alienee, or
- (g) holder of a political inam,

within the meaning of the relevant Land Tenure Abolition law;

(4) "tenure-land" means-

- (a) taluqdari land,
- (b) kauli or katuban land,
- (c) inam land,

- (d) jagir land,
 - (e) service inam land,
 - (f) alienated land, or
 - (g) land held as political inam,
- within the meaning of the relevant Land Tenure Abolition law.

3. Persons Entered In Record Of Rights, Etc., As Inferior Holders, Permanent Holders Or Permanent Tenants To Be Deemed To Be So For Purposes Of Certain Act And Rules :-

A person shall, within the meaning of the relevant Land Tenure Abolition law, be deemed to be an inferior holder a permanent holder or, as the case may be, a permanent tenant, on the date of the abolition of the relevant land tenure, if his name has been recorded in the record of rights or other public or revenue record as an inferior holder, permanent holder or permanent tenant in respect of any tenure-land-

- (a) on the date of the abolition of the relevant land tenure, or
- (b) in pursuance of orders issued during the course of any proceedings under the relevant Land Tenure Abolition law or as the case may be, the Bombay Land Revenue Code, 1879 -
 - (i) before the commencement of this Act, or
 - (ii) after the commencement of this Act in cases in which inquiries were pending at the commencement of this Act, or
- (c) in pursuance of an order issued by the Mamlatdar in respect of an entry under section 6 of this Act.

NOTES

The petitioner was a Taluqdar of two estates, comprising 24 taluqdari villages, the lands wherein covered 62,588 acres, in the district of Ahmedabad, Gujarat. He was the absolute proprietor of all these lands subject to payment of land revenue to the State Government. Under him were tenants, some permanent and some non-permanent. In the year 1949, the Bombay Provincial Legislature enacted the Bombay Taluqdari Tenure Abolition Act, 1949 which came into force on August 11, 1950. As a result of the provisions of that Act the taluqdari tenure which was abolished and certain properties such as, wells, tanks, waterlands, uncultivated lands, etc., were acquired by the State and the Taluqdar was converted into a mere "occupant" as defined in sec. 3(16) of the Bombay Land Revenue Code, 1879 and was to pay land revenue in accordance with the provisions of that Code. In 1955 the Bombay Taluqdari Tenure Abolition Act, 1949 was amended and section 5A

was inserted. This section in effect, gave a permanent tenant as described in section 83 of the Bombay Land Revenue Code, 1879, in possession of taluqdari land the right to become an occupant if he paid six times the assessment for, acquiring the rights of occupancy. So before the coming into force (that is 10.6.1958) of the Bombay Land Tenure Abolition Laws (Amendment) Act, 1958 the status of a permanent tenant in possession of any taluqdari land was to be determined by the two circumstances mentioned in sec. 83 of the Bombay Land Revenue Code, 1879. So far as the non-permanent tenants were concerned their rights were governed by sec. 32 to 32R of the Bombay Tenancy and Agricultural Lands Act, 1948.

It was held that in so far as sections 3, 4 and 5 of the Bombay Land Tenure Abolition Laws (Amendment) Act, 1958 deem some tenants as permanent tenants in possession of the taluqdari land. The sections are unconstitutional and void. Under the guise of changing the definition of a permanent tenant, they really take away a large part of the rights of the petitioner to get the purchase price under sec. 32H of the Bombay Tenancy and Agricultural Lands Act, 1948 from some of their tenants.- Maharana Shri Jaywant Singhji v. State of Gujarat, AIR 1962 SC 821.

4. Permanent Tenants For The Purpose Of Certain Land Tenure Abolition Laws :-

For the purposes of the relevant Act specified in Part I of the Schedule, a person -

(a) who on the date of the commencement of that Act was holding any tenure, land, and

(b) who and whose predecessors in title, if any, were, immediately before that date for such continuous periods as aggregate to a total continuous period of twelve years or more, holding the same tenure-land or any other tenure-land,

as a tenant or inferior holder under the tenure-holder for the time being on payment of an amount exceeding the assessment of the land, shall unless it is proved by the tenure-holder that he would not have been a permanent tenant on the basis of continued possession of the land under clause (b), be deemed to be a permanent tenant of the land under clause (a) and all the provisions of that Act shall apply to him as they apply to a permanent tenant.

Explanation :- The assessment for the purpose of this section shall

be reckoned as provided in clause (a) and (b) of section 5.

5. Circumstances In Which Inferior Holders Or Permanent Holders Shall Be Deemed To Hold Lands On Payment Of Assessment :-

An inferior holder or permanent holder as defined in the relevant Act or rules specified in Part II of the Schedule shall for the purposes of the relevant Act or rules be deemed to be holding land on payment of assessment, if the cash equivalent of the payment made by him, whether in kind or cash or in both, to the tenure-holder for such land does not exceed -

(a) the assessment fixed on the land under the law relating to land revenue applicable to the land before the commencement of the relevant Act or rules; or

(b) where no land revenue law was applicable to the land or no assessment was fixed on the land, the assessment fixed on the land under section 52 of the Bombay Land Revenue Code, 1879, or, as the case may be, section 7 of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953, after the commencement of the relevant Act or rules.

6. Tenure Holder Contesting The Entry In Record Of Rights To Apply For Declaration And Disposal Of Such Application :-

(1) The rights of an inferior holder, permanent holder or permanent tenant under sections 4 and 5 shall be entered in the record of rights unless the tenure holder applies in writing to the Mamlatdar within six months from the date of the commencement of this Act for a declaration that any holder or tenant under him is not an inferior holder, a permanent holder or, as the case may be, a permanent, tenant.

(2) Any such application shall be disposed of as if it were an application in respect of a disputed case under section 135D of the Bombay Land Revenue Code, 1879.

SCHEDULE 1

SCHEDULE I

Part I

1. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949)
2. The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 (Bom. XXII of 1955).

Part II

1. The Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953).

2. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).
3. The Bombay Service Inams (Useful to Community) Abolition Act, 1953 (Bom. LXX of 1953).
4. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954).
5. The Bombay Bhil Naik Inams Abolition Act, 1955 (Bom. XXI of 1955).
6. The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 (Bom. XXII of 1955).
7. The Bombay Saranjams, Jahagirs, and other Inams of Political nature, Resumption Rules, 1952.
8. The Bombay Service Inams Useful to Community (Gujarat and Konkan) Resumption Rules, 1954.