

BOMBAY PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS RULES, 1959

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BOMBAY PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS RULES, 1959

In exercise of the powers conferred by Section 37 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), and in supersession of the Bombay Prevention of Fragmentation and Consolidation of Holdings Rules, 1948, the Madhya Pradesh Consolidation of Holdings Rules, 1955, the Hyderabad Consolidation of Holdings Rules, 1956, and Rules 3, 4 and 5 of the Saurashtra Prevention of Fragmentation and Consolidation of Holdings Rules, 1954, the Government of Bombay hereby makes the following Rules, namely,-

1. Short title. :-

These rules may be called the Bombay Prevention of Fragmentation and Consolidation of Holdings Rules, 1959

2. Definitions. :-

In these rules, unless the context, otherwise requires -

(a) "Act" means the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 ;

(b) "Form" means a form appended to these rules;

(c) "Section" means a section of the Act;

(d) Words and expressions used in these rules, but not defined, shall have the meanings assigned to them in the Act.

3. Publication of standard areas. :-

After a notification under sub-section (2) of Section 4 or sub-section (3) of Section 5 is published in the Official Gazette, the Collector shall cause the contents thereof to be published by affixing translation of the same in the regional language of the taluka or tehsil, as the case may be, for a period of three months at the taluka or tehsil Kacheri of the taluka or tehsil concerned and at the Chavdi and if there is no Chavdi, at the office of the Village Panchayat and if there is no Village Panchayat for such village then at any other conspicuous public place in each of the villages concerned in the regional language of such village.

4. Entry of fragments where Record of Rights does not exist. :-

In a village where there is no Records of Rights, all fragments in such village shall be entered as such as required by sub-section (1) of Section 6 in the following form:-

5. Application for transfer of any land for specified public purpose. :-

Any person desiring to obtain permission for transferring any land for any public purpose specified under Section 8A may make an application in that behalf to the Collector. The Collector shall, on being satisfied that the transfer of land is for a public purpose so specified, grant the permission applied for.

6. Manner of choosing by lot co-sharers for allotment of share of land or money compensation under sub-section (2) of section 8-AA. :-

(1) The Court or the Collector, as the case may be, shall first fix the number of co-sharers to whom a share of land may be provided and the number of co-sharers to whom money compensation may be given and shall call upon all the co-sharers by a written notice to be present before the court or the Collector, as the case may be, on a date specified in such notice.

(2) On the date specified in the notice referred to in sub-rule (1), or such future date to which the proceedings may be adjourned, the Court or the Collector, as the case may be, shall in the presence of the co-sharers or their representatives, who may be present on that day-

(i) prepare as many identical slips of paper as there are co-sharers;

(ii) write the name of each co-sharer on a separate slip on one side and fold all such slips in identical manner so as to completely enclose the name written thereon;

(iii) place all the slips in an empty box of suitable size and thoroughly mix them by shaking the box;

(iv) ask one of the co-sharers or any other person who may be present there to take out from the box with hand but without looking at the box, one by one, as many folded slips as the number of co-sharers fixed under sub-rule (1) for allotting share of land.

(3) The co-sharers whose names appear in the slips so taken out shall be entitled to get share of land the remaining co-sharers shall be entitled to get money compensation.

(4) If, on the date specified in the notice issued under sub-rule (1), all or more than half the number of co-sharers are absent, the Court or Collector, as the case may be, may draw the lots as provided in sub-rule (2) in the presence of not less than three

Panchas to be selected by the Collector or Court.

7. Manner of depositing compensation by a co-sharer. :-

The Court or the Collector making the partition of land shall, after determining the amount of compensation payable by each co-sharer in respect of the excess value of land he gets over the share of land legally due to him, call upon the co-sharers concerned by a notice in writing to deposit, in the case of a Court, with the Court, and in the case of a Collector in the nearest Government treasury, the amount of compensation payable by him within one month from the date of receipt of the notice by him.

8. Publication of notification under Section 15. :-

After a notification under Section 15 is published in the Official Gazette the Collector shall cause the contents thereof, to be published by the beat of drum in each of the villages concerned and by affixing translations of the same in the regional language of the taluka or tahsil at the talika or tahsil kacheri of the taluka or tehsil concerned, and at the Chavdi and if there is no Chavdi, at the office of the Village Panchayat and if there is no Village Panchayat for such village then at any other conspicuous place in each of the villages concerned in the regional language of such village.

9. Statements, records and maps to be included in scheme. :-

A scheme for the consolidation of holdings prepared under subsection (1) of Section 15A , shall contain the following statements, records and maps, namely,-

(i) A map of the village showing all the existing survey numbers and their sub-divisions and recognised roads, cart tracks and foot-paths and areas assigned for public purposes such as burial or cremation grounds, grazing areas, or threshing floor;

(ii) Another village map which shall be a copy of the one mentioned in (i) but exhibited in red lines or other markings how the original position of existing survey numbers, their sub-divisions, recognised roads, cart tracks and foot-paths and areas assigned for public

purposes will be altered after the consolidation scheme becomes operative;

(iii) A statement showing the names of the owners of holdings with particulars of Survey No., Hissa No. class of land, tenure, area, assessment and other rights of encumbrances, if any (after getting Records of Rights up-to-date);

(iv) A statement showing the names of the owners to whom the new consolidated holdings are allotted with particulars of Survey No., Hissa No class of land, tenure, area, assessment and other rights of encumbrances, if any, the fact that whether the new holding is a fragment and the reasons for not consolidating it;

(v) A statement showing the compensation to be given or recovered from the owners concerned;

(vi) A brief statement as to the action, if any, taken in pursuance of Section 17 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 and Section 18 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 ;

(vii) A statement showing the objections and suggestion in respect of the scheme made to the Consolidation Officer by the Village Committee, which were not accepted by him, together with the reasons for which they have been overruled by him;

(viii) Such other particulars as may be required by the Settlement Commissioner in this behalf.

10. Procedure for grouping lands in the village into blocks

:-

(1) In preparing a scheme for the consolidation of holdings under Section 15A OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 , the Consolidation Officer shall divide the lands in a village into such number of blocks as he may deem appropriate:

Provided that the number of blocks in any village shall not exceed four without the prior approval of the Settlement Commissioner.

(2) In dividing the land into blocks, the Consolidation Officer shall have regard to the following factors, namely:-

(i) the kind and number of crops grown in the said village;

(ii) the quality of the soil;

(iii) irrigational facilities;

(iv) proximity to village site or other residential area in the village or hamlet of it.

11. Manner of allotments of new plots to owners. :-

The Consolidation Officer shall allot new plots to each owner in the following manner, namely:-

(a) The owners who mutually agree to exchange their lands with a view to consolidating their holdings, may be allotted the lands agreed to be exchanged, provided such agreement is given to the Consolidation Officer in writing and the Consolidation Officer, in consultation with the Village Committee, is satisfied that no coercion of any kind has been brought on the owners concerned to secure such agreement;

(b) Every owner shall, as far as may be feasible, be allotted land in

the blocks where he-

(i) holds the largest and principal part of his holdings; or

(ii) has his residential house; or

(iii) holds land in which he has made improvement of a permanent nature.

(c) In allotting new plots of land to any owner in lieu of a plot of land taken away from him. the Consolidation Officer shall, as far as may be feasible, allot land of a similar kind as the one which is taken away from him.

(d) In allotting new plots of land to any owner in the scheme of consolidation of holdings, the Consolidation Officer shall consider the following matters, that is to say:-

(i) position of lands and bunds constructed under the scheme of contour bunding, and

(ii) whether the lands are being cultivated by or through a farming society.

12. Other matters to be taken into consideration in preparing a scheme. :-

In preparing a scheme for the consolidation of holdings under Section 15A OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 , the Consolidation Officer shall, in addition to the matters mentioned in sub-section (2) of Section 15A OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 , have regard to the right of purchase of tenants under the relevant tenancy law.

13. Publication of declaration under Section 17. :-

The declaration under sub-section (1) of Section 17 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 , shall be published in the village by affixing copies of the same for thirty days at a prominent place on the road, street, lane or path concerned and at the Chavdi and if there is no Chavdi, at the office of the Village Panchayat and if there is no Village Panchayat for such village then at any other conspicuous place in the village concerned in the regional language of the village. It shall be announced in the village by beating the drum that the declaration has been so published and that objections, if any, to the declaration and claims, if any, for compensation on account of the extinction or diminution or any interest of right other than the right of public highway, on or over the said road, street, lane or path should be submitted to the Consolidation Officer within thirty days.

14. Publication of draft scheme by the Consolidation Officer :-

The draft scheme of consolidation prepared under Section 15 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 - A, together with the maps, statements, lists and particulars mentioned in Rule 9, shall be published by the Consolidation Officer by affixing copies of the same along with a notice in Form I, for thirty days at the Chavdi and if there is no Chavdi, at the office of the Village Panchayat and if there is no Village Panchayat for such village then at any other conspicuous place in each of the villages concerned in the regional language of the village It shall also be announced in each of the village by beating the drum that the declaration has been so published and that objections, if any, should be submitted to the Consolidation Officer within thirty days. A copy of the notice in Form I shall also be affixed for thirty days at the taluka or tehsil kacheri of the taluka or tehsil concerned in the regional language of the taluka or tahsil.

15. Publication of amended draft scheme by the Consolidation Officer. :-

The Consolidation Officer shall publish the amended scheme together with a notice in Form II under sub-section (2) of Section

19 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 in the same manner as is provided in Rule 14.

16. Publication of draft scheme by the Settlement Commissioner. :-

The Settlement Commissioner shall publish the further amended scheme under sub-section (2) of Section 20 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 , by affixing a copy thereof, along with a notice in Form III, for thirty days at the Chavdi and if there is no Chavdi, at the office of the Village Panchayat and if there is no Village Panchayat for such village then at any other conspicuous public place in each of the villages concerned in the regional language of such village concerned. It shall also be announced in the villages by beating of the drum that the amended scheme has been so published and that objections, if any, should be submitted to the Settlement Commissioner within thirty days. A copy of the notice in Form III shall also be affixed for thirty days at the taluka or tehsil kacheri of the taluka or tehsil concerned in the regional language of the taluka or tahsil.

17. Publication of confirmed scheme. :-

After the notification stating that the scheme as confirmed to be published by affixing copies of the same at the Chavdi and if there is no Chavdi, at the office of the Village Panchayat and if there is no Village Panchayat for such village, then at any other conspicuous place in each of the villages concerned in the regional language of such village. It shall also be announced in each such village by beating of the drum that the scheme has been so published. A notice in Form IV shall also be affixed at the taluka or tehsil kacheri of the taluka or tehsil concerned in the regional language of the taluka or tahsil.

18. Manner of depositing compensation under sub-section (2) of Section 21. :-

The owner from whom compensation is recoverable under the scheme shall deposit the amount of compensation in the nearest treasury or pay the same to the Village Accountant of the village concerned. A copy of the challan in token of credit in the treasury,

or as the case may be, the receipt granted by the Village Accountant shall be produced by him before the Consolidation Officer.

18A. Manner of putting owners in possession of holdings under sub-section (3) of Section 21. :-

The Consolidation Officer shall fix the date and time for putting the owners in possession of holdings to which they are entitled under the scheme. The Consolidation Officer shall also serve notices to the same effect to the owners and all other persons who are known or believed to be interested in the holdings calling upon them to remain present personally or through an agent on the date and time so fixed. On the date so fixed the Consolidation Officer shall apprise the owners or their authorised representatives who are present of the exact boundaries of the holdings allotted to them under the scheme and shall put the owners in possession of such holdings. Receipts of acknowledgement of possession of land and declaration of the person handing over possession thereof shall be taken in Form V and Form V (A), respectively.

19. Manner of eviction of persons from lands under sub-section (3) of Section 21. :-

Eviction of any person from any land under sub-section (3) of Section 21 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall be made by the Consolidation Officer by serving a notice in Form V (B) on the persons in possession requiring him to vacate the land within seven days after the receipt of the said notice. If such notice is not complied with by the said person the Consolidation Officer or his subordinate officer shall remove physically any person who may refuse to vacate the land, and put the owner in possession of the holding to which he is entitled under the scheme.

19A. Manner of determining additional compensation or reduction in amount of compensation under sub-section (4) of Section 21. :-

(1) For the purposes of determining the additional compensation or reduction to be made in the amount of compensation at the time of putting the owner in possession of the holding under the scheme,

the Consolidation Officer shall cause a public notice in Form V (C) to be affixed at a convenient place on or near the land stating that he intends to determine the additional compensation payable by the owner or, as the case may be, the reduction to be made in the compensation payable to him, on the date, time and place therein mentioned, and that the owner of the holding and the owner to whom the holding is allotted under the scheme, and any other persons interested therein, shall remain present on the date, time and place so specified.

(2) The Consolidation Officer shall also publish a notice by beating of the drum in the village in which the holding is situated and by affixing a notice in the regional language of the village at the Chavdi and if there is no Chavdi, at the office of the Village Panchayat and if there is no Village Panchayat for such village then at any other conspicuous public place in the village. On the appointed date, time and place specified in the said notice the Consolidation Officer shall, in the presence of the owner of the holdings, the owner to whom the holding is allotted under the scheme, and of all interested persons, enquire into the claims for additional compensation or as the case may be, for reduction to be made in the compensation, and shall make an order-

(a) determining the additional compensation payable by the owner on account of any standing crops, trees, embankments or similar other improvements which were not taken into consideration at the time of determining the compensation payable by the owner of the holdings under the scheme, but which are found on such holding at the time of putting the owner in possession of such holding, or

(b) reducing the compensation payable to the owner of such holding, on account of standing crops, trees, embankments or similar other improvements which were taken into consideration at the time of determining the compensation payable by the owner of the holding but which have ceased to exist or are substantially damaged at the time of putting the owner in possession of such holding:

Provided that, where all the parties concerned agree between

themselves about the amount of additional compensation or reduction in compensation, and convey to the Consolidation Officer their agreement in writing the Consolidation Officer shall, after satisfying himself that such agreement has been voluntarily made by all the parties concerned, accept the agreement and determine the amount of, additional compensation under clause (a) or reduce the compensation under clause (b), and pass orders accordingly.

19B. Manner of depositing additional compensation under sub-section (4) of Section 21. :-

The manner of depositing the amount of additional compensation determined under Rule 19A shall be the same as prescribed in Rule 18.

20. Manner of allotment of holding under sub-section (6) of Section 21. :-

If the owner refuses to accept possession of the holding to which he is entitled, under the scheme, his rights in such holdings shall be allotted by the Consolidation Officer under sub-section (6) of Section 21 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 in the following manner, namely:- The Consolidation Officer shall announce in the village concerned through the village officers and by beat of drum and also by affixing a notice in the regional language of the village at the Chavdi and if there is no Chavdi, at the office of the Village Panchayat and if there is no Village Panchayat for such village then at any other conspicuous public place in the village, the fact of the refusal of the owner to accept possession of the holding to which he is entitled, under the scheme, and inviting applications stating the value at which the applicant may wish it to be allotted to him. After considering the applications, the Consolidation Officer shall allot the holding to the highest bidder:

Provided that-

(i) Where two or more applicants who own the adjoining holding or holdings and cultivate them personally, offer the same bid, the holding shall be allotted to the person whose application was

received first;

(ii) Where two or more applicants offer the same bid one of them owns the adjoining holding or holdings and cultivate them personally, the holdings shall be allotted to the latter applicant; and

(iii) Where two or more applicants offer the same bid and none of them owns the adjoining holding or holdings, the holdings shall be allotted to him whose application was received first.

21. Form of certificate of transfer. :-

The certificate of transfer under sub-section (1) of Section 24 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 , shall be given by the Consolidation Officer in Form VI or Form VII, as the case may require.

22. Period for making application under sub-section (2) of Section 26 :-

The period for making an application for possession under clause (b) of sub-section (2) of Section 26 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall be twenty-one days from the date of the proclamation in the village by the Consolidation Officer under the said section.

22A. Circumstances in which, and conditions subject to which, permission for transfer of land may be given by the Consolidation Officer under Section 27(b). :-

(1) The Consolidation Officer may, subject to the provisions of the relevant tenancy law and the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 , (in so far as such provisions relate to restrictions on the transfer of agricultural land), give permission under clause (b) of Section 27 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 to the transfer of any land of which a notice under

Section 15A OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 has been given, if he is satisfied that any of the following circumstances exist, that is to say,

(a) that the land is proposed to be mortgaged in favour of a co-operative land development bank, a primary land development bank or primary co operative society for raising a loan for the improvement of the land or for meeting unavoidable expenditure, or.

(b) that the land is proposed to be transferred to the owner of the adjoining land who cultivates it personally; or

(c) that the land is proposed to be transferred for a non-agricultural or industrial purpose; or

(d) that the land is proposed to be transferred in favour of the tenant in actual possession thereof.

(2) The permission granted under sub-rule (1) shall be subject to the conditions that the transfer is effected before the expiry of thirty days from the date of publication under sub-section (1) of Section 19 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 of the scheme of consolidation of holdings in respect of the village in which the land permitted to be transferred is situated and the Consolidation Officer and the Village Accountant are informed of such transfer before the expiry of such period.

(3) When permission is granted in the circumstances specified in clause (c) of sub-section (1), the permission shall be subject to a further condition that the person in whose favour the transfer of land is made, shall use the land for the purpose for which the permission has been granted within one year from the date on which he takes possession of the land or within such further period not exceeding five years in the aggregate as the Consolidation

Officer for reasons to be recorded in writing may from time to time fix.

23. Procedure for putting mortgagee or other encumbrancer into possession of new holding :-

In cases where a lessee, mortgagee or other encumbrancer appears to the Consolidation Officer to be entitled to possession of the holding under sub-section (3) of Section 29 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 , the Consolidation Officer shall issue a notice to the owner to show cause within fifteen days, why the lessee, mortgagee or other encumbrancer, as the case may be, should not be put into the possession of his holding. If the owner fails to show cause or if the Consolidation Officer is satisfied that the cause shown by the owner is not adequate, he shall put the lessee, mortgagee or other encumbrancer, as the case may be, into the possession of his holding and get the Record of Rights in respect of the holding corrected accordingly.

24. Manner of publication of order passed under sub-section (1) of Section 29-A. :-

The copy of the order passed by the Consolidation Officer under sub-section (1) of Section 29A OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall be published in the manner prescribed for the publication of a draft scheme of consolidation under Rule 14.

25. Appeal against order under sub-section (1) of Section 29A. :-

(1) Every appeal under Section 29A OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 , shall be made within thirty days from the date of publication of the order of the Consolidation Officer.

(2) Such appeal shall be made in the form of petition, briefly and clearly specifying the grounds of objection to the order appealed

against and shall be accompanied by a copy of such order.

26. Manner of transferring mortgage, debt lease or other encumbrance to new holdings. :-

In transferring a mortgage, debt or other encumbrance under sub-section (1) of Section 29 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, and subject to the decision of the Settlement Commissioner under sub-section (4) of Section 29A OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 , in ordering a transfer of a lease under sub-section (4) of Section 29A OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 , the Consolidation Officer shall observe the following rules, namely:-

(i) Where a new holding is of the same market value as the original one, the whole of the encumbrances attached to the latter shall be transferred to the former.

(ii) If the new holding is of a substantially greater market value than the original one, the mortgage and other encumbrances attached to the latter shall be transferred to the former, subject to the condition that the mortgagee and other creditors will agree in such reasonable reduction in the rate of interest as may be fixed by the Consolidation Officer having regard to the substantially better security provided by the new holding and that the lessee shall pay to the owner, subject to the provisions of the relevant tenancy law, such reasonable rent in respect of the new holding as might be fixed by the Consolidation Officer.

27. Application for permission for transfer of consolidated holding or any part thereof, and conditions for such transfer. :-

(1) Any person desiring to transfer or interested in the transfer of any holding allotted under the Act or any part thereof, as provided

by clause (a) of Section 31 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 such transfer not being a mortgage in favour of a co- operative land development bank, a primary land development bank, a primary co operative society, a corresponding new bank within the meaning of clause (d) of S.2 of Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or the State Bank of India constituted under the State Bank of India Act, 1955 and a subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 may make an application to the Collector in this behalf.

(2) On receipt of an application under sub-rule (1), the Collector may, subject to the provisions of the relevant tenancy law and the provisions of the Maharashtra Agricultural Lands (Ceiling on Holding) Act, 1961 (in so far as such provisions relate to restrictions on the transfer of agricultural land) permit the transfer of the holding or, as the case may be, the part thereof,-

(a) if the land is required bona fide by the transferee for a non-agricultural purpose; or.

(b) if the land is required for the benefit of any industrial or commercial undertaking or any educational or charitable institution; or

(c) if the land is required by a co-operative society; or

(d) if the land is to be transferred to the tenant of the holding or his heir; or

(e) if the land is to be transferred to the owner of the adjoining holding who cultivates it personally; or

(f) if the entire land allotted under the Act is to be transferred to an agriculturist or an agricultural labourer; or

(g) if the land is being sold-

(i) in execution of a decree of Civil Court; or

(ii) for recovering arrears of land revenue for any sums recoverable as arrears of land revenue and no person specified in clause (d) or (e) is prepared to bid at such sale; or

(h) if the land is being given in gift (whether by way of trust or otherwise), bona fide by the owner in favour of a member of his family; or

(i) if the land (being land cultivated personally by the holder) is being exchanged for another land allotted under the Act (being a land likewise cultivated personally by its holder).

(3) Where a person desires to transfer by way of mortgage any land allotted under this Act in favour of a co- operative land development bank, a primary land development bank, a primary co operative society, a corresponding new bank within the meaning of clause (d) of Section 2 OF THE BombayPrevention of Fragmentation and Consolidation of Holdings Act, 1947 of the Banking Companies (Acquisition an Transfer of Undertakings) Act, 1970, or the State Bank of India constituted under the State Bank of India Act, 1955 and any other subsidiary bank he may do so subject to the condition that the entire land so allotted is mortgaged, and in default of payment of loan to the bank, or as the case may be, the society, the entire land may be sold for recovery of the amount of the loan or any balance thereof.

28. Publication of order under section 31-A. :-

The order made by the Settlement Commissioner under Section 31A OF THE BombayPrevention of Fragmentation and Consolidation of Holdings Act, 1947 , shall be published by affixing a copy of the same together with a notice in Form VIII for fifteen

days at the Chavdi and if there is no Chavdi, at the office of the Village Panchayat and if there is no Village Panchayat for such village then at any other conspicuous public place in each of the villages concerned in the regional language of such village It shall also be announced in each of the village by beating of the drum that the order has been so published. A notice in Form VIII shall also be affixed for fifteen days at the taluka or tahsil kacheri of the taluka or tahsil concerned in the regional language of the taluka or tahsil.

28A. Period for payment of enalty under section 31 -AA :-

The penalty under Section 31AA OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall be paid before [the 31st day of December 1990.]

29. Publication of draft variation under subsection (1) of Section 32. :-

The draft of variation of a scheme under sub-section (1) of Section 32 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 , shall be published by affixing a copy of the same together with a notice in Form IX for thirty days at the Chavdi and if there is no Chavdi, at the office of the Village Panchayat and if there is no Village Panchayat for such village then at any other conspicuous public places in each of the villages concerned in the regional language of such village It shall also be announced in each village by beating of the drum that the draft variationscheme has been so published. A copy of the notice in Form IX shall also be affixed for thirty days at the Taluka or tahsil kacheri of the taluka or tahsil concerned in the regional language of the Taluka or Tahsil.

30. Publication of varied scheme under subsection (3-A) :-

of Section 32 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 . After a notification stating that the scheme has been varied is published in the Official Gazette under sub-section (3-A) of Section 32 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 , the Consolidation Officer shall cause the scheme so varied to be published by affixing a copy of the same together with a notice in Form X at the Chavdi and if there is no Chavdi, at the office of the

Village Panchayat and if there is no Village Panchayat for such village then at any other conspicuous public place in the regional language of such village It shall also be announced in each village by the beating of drum that the scheme so varied has been so published. A copy of the notice in Form X shall also be affixed at the taluka or tahsil kacheri of the taluka or tahsil concerned in the regional language of the taluka or tahsil.

30A. Period within which the amount of compensation shall be refunded under Section 33-A (1) :-

.The amount of compensation paid or received, if any, by any person in respect of any scheme which is revoked under sub-section (1) of Section 33A OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall be refunded within a period of three months from the date of publication of the notification revoking the scheme under the said sub-section (1) of the Official Gazette.

30B. Form of notice under Section 33-B :-

The notice under Section 33B OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall be given by the Consolidation Officer or any person duly authorised by him in Form XI.

31. Constitution of Village Committee :-

(1) The Consolidation Officer shall constitute a Village Committee for a village or any part thereof or any group of villages, as he thinks fit, consisting of such number of persons representing land owners (cultivating lands personally) and tenants holding land in village, or , any part thereof, or as the case may be, group of villages; and of persons nominated by a Panchayat or Panchayats functioning in the village or group of villages; and of persons nominated by a farming society, if any, in the village, as provided by sub-rule (1-A).

(1-A)-

(a) Subject to the minimum of two representatives of landowners

(a) Subject to the minimum of two representatives of landowners, there shall be one person to represent every 100 landowners or part thereof exceeding 50, who shall be elected in the manner provided by sub-rule (1-B).

(b) One representative of tenants, if the extent of lands held by the tenants in the village does not exceed half the extent of lands held and cultivated personally by the landowners in the village, and two representatives of tenants, if it so exceeds. The representatives of tenants shall also be elected in the manner provided by sub-rule (1-B).

Provided that if in any village or part thereof or group of villages there are no tenants, the landowners shall elect one more representative.

(c) One representative nominated by a Panchayat or a group of Panchayats:

(d) One representative nominated by the farming society, if any, in the village or group of villages.

(1-B) The Consolidation Officer shall, on a day previously appointed in that behalf notice of which shall be given by him to the villagers, the Village Panchayat concerned, and the farming society not less than eight days in advance, hold a meeting of the landowners and tenants of the village or any part thereof, or group of villages, as the case may be, for the purpose of electing by a simple majority the representatives of landowners and tenants.

(2) The Consolidation Officer shall select one of the members of the Village Committee to be the Chairman of the Committee.

(3) The Village Committee shall meet as and when required by the Consolidation Officer and shall decide all questions by a majority of votes of the members present and voting. The Chairman shall have a casting vote in case of equality of votes. The quorum for the

meeting shall be three or half the number of members of the Committee, whichever is less.

(4) Where the adult villagers fail to elect the representative of land owners and tenants or where the Village Panchayat fails to nominate its representative, the Consolidation Officer shall, after recording the reasons in writing, nominate the representatives to the Village Committee.

(5) The Committee shall stand dissolved after the consolidation scheme in respect of the villages or village, as the case may be, is enforced.

32. Other duties and functions of the Village Committee :-

The Village Committee constituted under Section 34A OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall discharge and perform the following duties and functions, in addition to those imposed or assigned by the Act, namely,-

(1) It shall advise the Consolidation Officer in the matters specified below:-

(a) Fixing the number and extent of blocks in which the lands in the village may be divided and grouped.

(b) Determining the extent of land which may be reserved for any common purpose and selecting land for the said purpose.

(c) Such other matters as may be referred to it by the Consolidation Officer or the Settlement Commissioner.

(2) It shall endeavor to bring about mutual agreements between owners for exchange of holdings with a view to consolidating them.

(3) It shall assist the Consolidation Officer in enforcing the scheme after it is confirmed.

(4) It shall report to the Consolidation Officer any transfer of land which may have taken place in the village during the continuance of the consolidation proceedings.

33. Determination of area, and assessment of reconstituted holdings. :-

(1) Where the reconstituted holding includes a portion of the survey number or a sub-division of a survey number, the area of such portion shall be determined by the actual measurement and the assessment shall be determined :-

(a) in the pre-Reorganisation State of Bombay (excluding the transferred territories), the Saurashtra area and the Kutch area of the State of Bombay, according to sub-section (2) of S.117A of Bombay Land Revenue Code, 1879, or as the case may be, of the Bombay Land Revenue Code, 1879, as applied to the Saurashtra area and the Kutch area.

(b) in the Hyderabad area of the State of Bombay according to the provisions of sub-section (2) of Section 9 OF THE Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 of the Hyderabad Records of Rights in Land Regulation, 1358 Fasli; and

(c) in the Vidarbha region of the State of Bombay according to the provisions of sub-section (2) of S.67 of the Madhya Pradesh Land Revenue Code, 1954; as if the portion of the survey number or of the sub-division of a survey number, as the case may be, was a sub-division of a survey number:

Provided that where the survey and the classification records do not

exist, or where the rules under the provisions of the relevant Code or as the case may be, of the Hyderabad Records of Rights in Land Regulation, 1358 Fasli mentioned in this sub-section, have not been framed, the assessment shall be fixed in the same proportion as the area of the proportion bears to the whole area of the survey number or the sub-division of a survey number, as the case may be.

(2) Where the reconstituted holding includes any road, street, lane or path or a portion thereof, which has not been assessed for land revenue under the relevant Code, the area of such road, street, lane or path or a portion thereof, shall be determined by actual measurement and the assessment shall be determined-

(a) in the case of pre-Reorganisation State of Bombay (excluding the transferred territories) by applying the appropriate standard rate of assessment to the relative classification value of the land determined in accordance with the provisions of R.7 of the Bombay Land Revenue Rules, 1921, subject to the provisions of Rule 16M of the said rules; and

(b) the case of the other areas of the State of Bombay, according to the rules or procedure in force in the area for determination of assessment of unassessed land disposed of for the purpose of agriculture under the relevant Code:

Provided that where no rule or procedure has so far been framed, the assessment of such land shall be determined in accordance with clause (a).

(3) the area and assessment of a reconstituted holding shall be the aggregate of the following area and assessments:

(a) the area and the assessment of a portion of survey number or of the sub-division of a survey number, if any, wholly included in the reconstituted holding;

(b) the area and assessment of a portion of the survey number or of the sub-division of a survey number, if any, included in the reconstituted holding, determined according to sub-rule (1); and

(c) the area and the assessment of any road, street, lane or path or a portion thereof, included in the reconstituted holding, determined according to sub-rule (2).

(4) Where a portion of a reconstituted holding is burdened with a lease, the area and the assessment of such portion and the area and the assessment of the remaining portion of the reconstituted holding, shall be determined separately in the manner provided in sub-rule (1).

(5) The area and assessment of the reconstituted holding determined sub-rule (3), shall be separately entered under an indicative number in the land records.

(6) The area and assessment of the portions of the reconstituted holding determined sub-rule (4), shall be separately entered in the land records under an indicative numbers subordinate to that of the indicative number given under sub-rule (5) to the reconstituted holding of which they are portions.

Explanation- The term "assessment" in this rule includes the water rate or share, if any, included in the assessment.

34. Preparation and correction of Records of Rights. :-

In accordance with the scheme of consolidation, a new Record of Rights shall be prepared and corrected by the Consolidation Officer in the manner laid down in Section 141 OF THE Maharashtra Land Revenue Code, 1966 S.159 (both inclusive) of the Maharashtra Land Revenue Code, 1966.