

**SALSETTE ESTATES (LAND REVENUE EXEMPTION  
ABOLITION) ACT, 1951**

**67 of 1951**

**[14th January, 1952]**

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**SCHEDULE 1 :- SCHEDULE**

**SALSETTE ESTATES (LAND REVENUE EXEMPTION  
ABOLITION) ACT, 1951**

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**[14th January, 1952]**

An Act to abolish exemption from land revenue enjoyed by holders of certain estates in the Island of Salsette in the Bombay Suburban and Thana Districts in the State of Bombay. Whereas it is expedient to abolish exemption from the payment of land revenue enjoyed by holders of certain estates in the Island of Salsette in the Bombay Suburban and Thana Districts in the State of Bombay and to provide for certain other matters hereinafter appearing; It is hereby enacted as follows

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

(1) This Act may be called the Salsette Estates (Land Revenue Exemption Abolition) Act, 1951

(2) It extends to the villages specified in the Schedule in the Bombay Suburban and Thana Districts. For Statement of Objects and Reasons, see Bombay Government Gazette, 1951, Part. V, page 285.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, direct.

## **2. Definitions :-**

(1) In this Act unless there is anything repugnant in the subject or context-

(a) "Code" means the Bombay Land Revenue Code, 1879 ;

[(aa) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;]

(b) "estate" means a village or a part thereof specified in the Schedule, and held under a kowl;

(c) "estate-holder" means a holder of an estate and includes any person lawfully holding under or through him;

(d) "kowl" means a lease, a farm or an agreement under which an estate is held from the State Government;

(e) "permanent holder" means a sutidar, a shilotidar, a peasant proprietor or a holder who was in possession of the land in an estate before the grant of the kowl and whose rights have not been acquired by the estate-holder or who permanently holds any land on payment of assessment of the estate-holder;

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

(2) Any words or expressions which are defined in the Code and not defined in this Act shall be deemed to have the meaning given to them by the Code.

## **3. Liability of land in estates to land revenue and extinguishmnts of estate-holders right to revenue assessment and reversion or lapse :-**

(1) Notwithstanding anything contained in the kowl a decrees or

order of a court or any other instrument of any law for the time being in force, but subject to the provisions of Sub-section (3),-

(a) all lands in any estate are and shall be liable to the payment of land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder;

(b)

(i) an estate-holder in respect of any land which is in his actual possession as an estate- holder or is in the possession of any person who holds the same through or under him and who is not a permanent holder, and

(ii) a permanent holder, shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land under the Code or the rules made thereunder or any other law for the time being in force:

Provided that, the amount of any rent or a sum of money payable by the estate-holder as consideration or otherwise under the terms of the kowl shall no longer be leviable.

(2) The right to recover assessment in respect of any land held by a permanent holder and the right of reversion or lapse, if any, in respect of such land under the terms of the kowl shall be deemed to have been extinguished.

(3) Nothing in Sub-section (1) shall be deemed to affect the right of any person to hold any land in an estate wholly or partially exempt from the payment of land revenue under a special contract, or grant made or recognised by the terms of the kowl in respect of the estate or under a law for the time being-in force in favour of any person other than the estate-holder. Clause (aa) was inserted by Bom. 38 of 1953, s.3. and Second Schedule.

#### **4. Waste lands, etc., to vest in Government :-**

(a) All waste lands in any estate which under

the terms of the kowl are not the property of the estate-holder,

(b) all waste lands in any estate which under the terms of the kowl are the property of the estate-holder but have not been appropriated or brought under cultivation before the 14th August

1951, and

(c) all other kinds of property referred to in Section 37 of the Bombay Land Revenue Code, 1879 situated in an estate which is not a property of any individual or an aggregate of persons legally capable of holding property other than the estate-holder and except in so far as any rights of persons may be established in or over the same and except as may be otherwise provided by any law for the time being in force, together with all rights in or over the same or appertaining thereto, and are hereby declared to be the property of the State and it shall be lawful to dispose of and sell the same by the authority in the manner and for the purpose prescribed in Section 37 of the Bombay Land Revenue Code, 1879 or Section 38 of the Bombay Land Revenue Code, 1879 or as the case may be.

#### **5. Forest right :-**

The rights to trees specially those reserved by the Code, the Indian Forests Act, 1927, or any other law for the time being in force, shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Forests Act, 1927, as in force <sup>1</sup> [in the pre-Reorganisation State of Bombay, excluding the transferred territories] to forests in any estates.

1. Sub-section (3A) was inserted by Bom. 93 of 1958, 2, Sch.

#### **6. Application of the Code to lands in estates :-**

Save as otherwise expressly provided in this Act, the provisions of the Code shall apply to lands in any estate.

#### **7. Method of compensation for extinguishments or modification of any rights in land :-**

(1) If any estate-holder or any other person aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any property and if such estate-holder or person proves that such extinguishment or modification amounts to transference to public ownership of such property, such estate-holder or person may apply to the Collector for compensation.

(2) Such application shall be made in the form prescribed by rules made under this Act within six months from the date on which this Act comes into force.

(3) The Collector shall after a formal inquiry in the manner

provided by the Code award such compensation as he deems reasonable and adequate:

Provided that,-

(a) the amount of compensation for extinguishment of the right or reversion in lands in any estate shall not exceed the amount calculated at the rate of Rs. 10 per 100 acres of such lands;

(b) the amount of compensation for extinguishment of any right in any waste land or in any other property referred to in clause (c) of Section 4 , which under the terms of the kowl was the property of the estate-holder shall not exceed the amount calculated at the rate of Rs. 25 per 100 acres of such land:

Provided further that, in the case of the extinguishment or modification of any other right of any estate-holder or any right of any other person, the Collector shall be guided by the provisions of Sub-section (1) of and Section 24 of the Land Acquisition Act, 1894 Section 23 of the Land Acquisition Act, 1894 . ...:.... These words were substituted for the words "in the State" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

**1**

(3A)

(i) Where the officer making an award under Sub-section (3) is a Collector under this Act but not a Collector appointed under Section 8 of the Code and the amount of such award exceeds five thousand rupees, then the award shall not be made without the previous approval of-

(a) the Collector appointed under Section 8 of the Code, if the amount of award does not exceed twenty-five thousand of rupees, or

(b) the Commissioner, if the amount of award exceeds twenty-five thousand rupees but does not exceed one lakh of rupees.

(c) the State Government, if the amount of award exceeds one lakh of rupees.

(ii) Where the officer making an award under Sub-section (3) is a Collector under this Act and also a Collector appointed under Section 8 of the Code and the amount of such award exceeds twenty- five thousand rupees, then such award shall not be made

without the previous approval of-

(a) the Commissioner, if the amount of award does not exceed one lakh of rupees, or

(b) the State Government, if the amount of award exceeds one lakh of rupees.

(iii) Every award under Sub-section (3) shall be in the form prescribed in Section 26 of the Land Acquisition Act, 1894 .]

(4) Subject to the provisions of Sub-section (5), the award of the Collector shall be final.

(5) Any person aggrieved by the award or decision of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. (Bom XII of 1939)

(6) In deciding appeals under Sub-section (5) the Bombay 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.

1. Sub-section (3A) was inserted by Bom. 93 of 1958, 2, Sch.

### **8. Limitation :-**

Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of S.4 of the Limitation Act, 1908S.5 of the Limitation Act, 1908S.12 of the Limitation Act, 1908S.14 of the Limitation Act, 1908 if the shall apply to the filing of such appeal.(IX of 1908)

### **9A. Revisional powers in respect of awards made before commencement of Bom. XCIII of 1958 :-**

Notwithstanding anything contained in the Court Fees Act, 1870 , every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. <sup>1</sup>

Where any award was made under Sub-section (3) of Section 7 before the commencement of the Bombay Land Tenures Abolition (Amendment) Act, 1958 and no appeal was filed against such award under Sub-section (5) of Section 7 then notwithstanding anything contained in Sub-section (4) of Section 7 the State Government may call for the record of the inquiry or proceedings relating to such award for the purpose of satisfying itself as to the

legality, propriety or regularity of such inquiry or proceedings and if, after giving the interested parties an opportunity to be heard, it is not satisfied as the legality, propriety or regularity of such inquiry or proceedings, it may cancel the award and direct the Collector to make a fresh award and thereupon all the provisions of this Act relating to the making of an award, the finality of such award and the appeal against such award shall mutatis mutandis apply to such fresh award.]

1. Sub-section 9A was inserted by Bom. 93 of 1958, 2, Sch.

**10. Provisions of Bom,LXVII of 1948 to govern relation of estate-holder and tenants :-**

Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the ! Bombay Tenancy and Agricultural Lands Act, 1948 , to any or the lands in any estate or the mutual rights and obligations of an estate-holder and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

**11. Rules :-**

The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the Official Gazette.

**SCHEDULE 1**  
**SCHEDULE**

**APPENDIX**

# **[See rule 12]**

## **Employment Guarantee Scheme**

**1. Objectives and implications:-** The aim of the Employment Guarantee Scheme is to provide gainful employment to the individual and to the Community in approved works to all unskilled persons in rural areas who need work and who

desire to do manual work. An equally important objective is that the approved works, which would provide such employment, should produce durable assets in each area. The Five Years Plan Schemes, the non-plan schemes and the local sector schemes generate employment opportunities but they have not made much impact on the unemployment situations in the countryside.

**2. Limitations:-** The purpose and the scope of the Employment Guarantee Scheme is subject to the following limitations:-

(i) The employment guarantee will operate only in the rural areas of the State and will not extend to Municipal areas;

(ii) The guarantee is



restricted to provision of unskilled manual work;

(iii) The guarantee extend only to the able-bodied adults, i.e. men and women over eighteen years of age capable of rendering unskilled labour and who desire to do manual work;

(iv) The participants in the scheme will have no choice of work but will have to accept such

work as may be provided by the approved scheme;

(v) The participants also will have no choice of the area of work and distance to be travelled from the residence to the place of work. Efforts will be made as far as possible to operate the scheme in the Panchayat Samitis area for local population;

(vi) During abnormal

situations arising out of the declaration of scarcity conditions or other natural calamities, as work will be available under the relief work programmes, the Employment Guarantee Scheme will stand suspended; And

(vii) This scheme will operate only where and when employment is not available in agriculture and on existing plan and Non-Plan works including the local employment scheme. ,

**3. Area of operations:-** The Panchayat Samiti area in each District will be the area of operations for the Employment Guarantee Scheme and the territorial limits of each village will be the area of operations for the local employment schemes.

**4. Basic Precondition-conditions for effective implementation of the Scheme:-** The basic Preconditions are necessary to make the Employment Guarantee Scheme an effective instrument of providing supplemental employment and producing durable assets in each area. First pre-conditions is to establish and keep upto date Register for enrolment of unskilled adult persons for each area who need employment on a continual or partial basis. It will be the responsibility of the Secretary of every village Panchayat to prepare and to maintain a Register of employment-seekers for the village. The village panchayat should forward a list of persons who cannot be absorbed in the local employment schemes to the panchayat Samiti so that the names of these persons are included

in a panchayat Samiti register to be maintained by the Block Development Officer or the Block Employment officer as and when he is appointed. The second pre-condition is (a) to assess and to identify the strongly felt requirements and the existing gaps in the productive infra-structure of each area, (b) to formulate specific work schemes designed to repair the infra-structure gaps or meet the felt-needs with a view to strengthening and enlarging the productive base of this area, (c) to work each scheme details with full cost estimates and periods of implementations, and (d) to keep on hand a catalogue of number of schemes which can be activated and implemented at short notice as soon as demand for employment arises in the area. The District Collectors in consultation with the Chief Executive Officers of Zilla Parishads shall initiate immediate action to carry out rapid surveys to assess and identify the felt-needs and deficiencies as well as the gaps in the productive infra-structure facilities in each Panchayat Samiti area, and on the basis of this information to formulate appropriate work schemes suited to local conditions. Action to prepare the Registers of employment seekers and the surveys and formulation of schemes should be taken up, on an immediate, basis from April, 1972, and it should be seen that wherever necessary works should start on 1st May, 1972.

**5.** The District Collectors shall be in overall charge of implementation of the Employment Guarantee Schemes on a statewide basis though the actual responsibility for the implementation of the scheme would vest with the officers of the Zilla Parishads under the direction of the Co-ordination Committees at different levels. The Collector shall carry out his responsibility in close consultation with the Zilla Parishad authorities and the officers of various departments in the District Government attaches the highest importance to the vigorous and effective implementation of the Employment Guarantee Scheme. Government desires to impress on officers at all levels under the jurisdiction of the Zilla Parishads or the different Departments that they should look upon the Employment Guarantee scheme as a challenging task of crucial value to a large section of under-privileged members of the community in the country-side and to render full co-operation and assistance in the prosecution of the scheme.

## **ANNEXURE**

# **Nature of works under the Employment Guarantee Scheme**

There cannot be

uniformity of schemes to be applied in all areas in all Districts. So far as the Employment Guarantee Scheme on a Statewide basis is concerned, labor-intensive schemes which are capable of producing durable assets to the community such as percolation tanks, storage tanks, comprehensive land development schemes including consolidation of holdings, rural roads,

link roads, market roads, contour-bunds, nallah and gully plugging afforestation, anti-water logging rains, watercourses and distributor canals, primary school rooms, housing units for low income persons, in the locality are cited as suitable examples. The ratio of total wages paid to the employed workers on the approved schemes to materials and

equipment should normally conform to 70:30 in respect of the works under the Employment Guarantee Scheme. In general, small items of works should not be included in the catalogue of approved works and the general norm should be of a work with an outlay of Rs.20,000 or more. The Employment Guarantee Scheme shall

be executed invariably departmentally and contractors shall be allowed except for piece-rate contracts to be awarded to groups of persons including labour contract societies or labour gangs. The wages to be paid under the Employment Guarantee Scheme shall be at a level, which will not divert workers who are already employed in other occupations or



interfere with normal farm operations. At the village level, the wage rate shall be at the rate equivalent to the minimum off-season agricultural wage. At the Block level, the Employment Guarantee Committee of the District should fix the level of wages to be paid in consultation with the technical officers of the Department concerned so however, that the

rate, in no case, should be higher than the prevailing agricultural wage. The payment of wages shall be on piecerate basis, based on t h e piece-rate basis, based on the quality and quantity of work output.

Allocations will be made by Government to each District on the basis of specific work schemes a s recommended by the District Committee and

approved by Government. The District Collectors, shall be the disbursing officers who will release the funds from out of the allocations given to them. It shall be the responsibility of each implementing authority to maintain separate accounts of funds released under the Employment Guarantee Scheme, submit monthly statement of accounts to

the Collector and claim further releases from time to time.

## Administrative arrangement

(a) At the State level, there will be a State Employment Guarantee Committee under the Chairmanship of the Chief Minister to give directions in regard to policies, planning, implementations, co-ordination and

evaluation;

(b) At the District level, there will be a District Employment Guarantee Committee for planning, directions, control, co-ordination and evaluation of the Employment Guarantee Scheme. The composition of the Committee will be as follows:-

(1) The Minister incharge of the District

or a person of equivalent rank appointed by Government as Chairman of the Committee;

(2) District Collector;

(3) President, Zilla Parishad;

(4) Chief Executive Officers, Zilla Parishad;

(5) and Three non-Official members to be nominated by Government;

The District Committee

will be assisted by the Planning Officer of the Zilla Parishad, the District Employment Officer of the labour Department and the District statistical Officer of the State Bureau of Economics and Statistics.

(c) At the Panchayat Samiti, level, there will be a Committee for co-ordination, implementation, control and evaluation of the

Employment Guarantee Scheme. This Committee will be called the Local Employment Guarantee Committee. The Sub-Divisional Officer of the area will be the Chairman of this Committee. The Chairman if the Panchayat Samiti will be the Vice-Chairman of the Committee. The other members will be (1) The members of Legislative Assembly of the Samiti



area, (2) The Members of Legislative Council residing in the Samiti area, (3) Two non-officials from the Samiti area to be nominated by Government, (4) The Block Development Officer, (5) The Industries Extension Officer of the panchayat Samiti a..d. (6) The Block Statistical Assistant.]