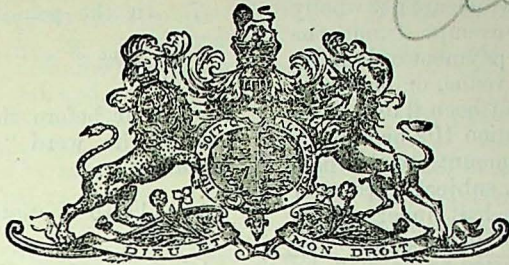


THE



Bombay Government Gazette.

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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 5th September 1901, and the assent of His Excellency the Viceroy and Governor General on the 24th September 1901, and is published for general information:—

Bombay Act No. VI of 1901.

An Act to amend the Bombay Land Revenue Code, 1879.

(The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 5th October 1901.)

WHEREAS it is expedient to amend the Bombay Land Revenue Code, 1879, in manner hereinafter appearing: It is enacted as follows:—

1. (1) This Act may be called the
Short title. Bombay Land Revenue Code Amend-
ment Act, 1901.

(2) It shall
Commencement. come into force at
once.

2. In the Bombay Land Revenue Code, 1879, hereinafter called the Code, in section 3 (9), for the word "vacant" the words "unploughed ridge or" shall be substituted.

3. (1) In sub-clause (b) of the first
Amendment of section 48. paragraph of section 48 of the Code, before the words "from

which" the words "appropriated for any purpose" shall be inserted.

(2) For the second paragraph of the same section, the following shall be substituted, namely:—

"And the assessment fixed under the
Assessment variable provisions of this
if purpose for which Act upon any land
land is held is appropriated for any
changed. one of the above

purposes shall, when such land is appropriated for any other of the said purposes, notwithstanding that the term, if any, for which such assessment was fixed may not have expired, be liable to be altered and fixed at a different rate by such authority and subject to such rules as to the fixing and periodical revision thereof as the Governor in Council prescribes in this behalf."

4. For section 52 of the Code, the following shall be substituted, namely:—
Substitution of new clause for section 52. stituted, namely:—

“52. On all lands which are not wholly exempt from the payment of land revenue, or on which the assessment has not been fixed under the provisions of section 102 or 106 the assessment of the amount to be paid as land revenue shall, subject to rules or orders made in this behalf under section 214, be fixed at the discretion of the Collector, for such period as he may, by general or special orders of Government in this behalf, be authorised to prescribe, and the amounts due according to such assessment shall be levied on all such lands :

Provided that in the case of lands partially exempt from land revenue, or the liability of which to payment of land revenue is subject to special conditions or restrictions, respect shall be had in the fixing of the assessment and the levy of the revenue to all rights legally subsisting, according to the nature of the said rights.”

5. Any assessment of land revenue heretofore fixed by the Collector, which expressly purports, or may be reasonably held to have been intended, to have been fixed under section 52 shall be valid and deemed to have been fixed under that section as amended by the foregoing section of this Act, and the amounts due according to such assessment shall, until duly revised or altered, continue to be levied.

6. In section 56 of the Code, the words “freed from all tenures, incumbrances and rights created by the occupant or holder or any of his predecessors in title, or in anywise subsisting as against such occupant, or holder,” are hereby repealed, and at the end of the section the following shall be added, namely :—

“and such occupancy or alienated holding when disposed of, whether by sale as aforesaid, or by restoration to the defaulter, or by transfer to another person or otherwise howsoever, shall, unless the Collector otherwise directs, be deemed to be freed from all tenures, rights, incumbrances and equities theretofore created in favour of any person other than Government in respect of such occupancy or holding.”

7. In the penultimate paragraph of section 61 of the Code, the words “he may have,” where they occur before the word “raised” and before the word “erected,” are hereby repealed.

8. (1) In sections 67 and 68 of the Code, after the word “terms” the words “or conditions” shall be inserted.

(2) To section 68 of the Code the following proviso shall be added, namely :—

“Provided that nothing in this or any other section shall make it, or shall be deemed ever to have made it, unlawful for the Collector at any time to grant permission to any person to occupy any unalienated unoccupied land, for such period and on such conditions as he may, subject to the orders of Government, prescribe, and in any such case the occupancy shall, whether a survey settlement has been extended to the land or not, be held only for the period and subject to the conditions so prescribed.”

9. To section 70 of the Code the following proviso shall be added, namely :—

“Provided that in any case where the occupancy or interest of the occupant in the land is not transferable without the previous sanction of the Collector, and such sanction has not been granted to the transfer which has been made or ordered by the Court or on which the Court’s decree or order is founded,

(a) such occupancy or interest shall not be liable to the process of any Court, and such transfer shall be null and void, and

(b) the Court, on receipt of a certificate under the hand and seal of the Collector, to the effect that any such occupancy or interest is not transferable without his previous sanction and that such sanction has not been granted, shall remove any attachment or other process placed on, or set aside any sale of, or affecting, such occupancy or interest in the land.”

10. For section 73 of the Code, the following shall be substituted, namely :—

“The right of occupancy shall, subject to the provisions contained in section 56, and to any conditions lawfully annexed to the occupancy, and save as otherwise prescribed by law, be deemed an heritable and transferable property.”

11. After section 73 of the Code the following section shall be inserted, namely:—

73A. (1) Notwithstanding anything in the foregoing section, in any tract or village to which Government may, by Notification published before the introduction therein of an original survey settlement under section 103, declare the provisions of this section applicable, the occupancy or interest of the occupant in the land shall not after the date of such Notification be transferable without the previous sanction of the Collector.

(2) Government may, by Notification in the *Bombay Government Gazette*, from time to time exempt any part of such tract or village or any person or class of persons from the operation of this section.”

12. After section 79 of the Code the following section shall be inserted, namely:—

79A. Any person unauthorisedly occupying, or wrongfully in possession of, any land

(a) to the use and occupation of which he has ceased to be entitled under any of the provisions of this Act, or

(b) of which the occupancy right is not transferable without previous sanction under section 73A or by virtue of any condition lawfully annexed to the occupancy under the provisions of section 62, 67 or 68,

may be summarily evicted by the Collector.”

13. In section 81 of the Code, after the words “or that a sale” the words “or other disposal” shall be inserted, and after the words “instead of selling” the words “or otherwise disposing of” shall be inserted.

14. (1) In the first paragraph of section 122 of the Code, for the words “cause to be constructed or repaired” the words “specify, or cause to be constructed, laid out, maintained or repaired,” shall be substituted.

(2) In the second paragraph of the same section between the words “construct” and “or repair,” in the first two places where they occur, the words “lay out, maintain,” shall be inserted, and in the third place where they occur the words “lay out” shall be inserted.

(3) For the last paragraph of the same section the following shall be substituted, namely:—

“The boundary marks shall be of such description, and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to rules or orders made in this behalf under section 214, be determined by the Superintendent of Survey, according to the requirements of soil and climate.”

15. In section 124 of the Code, before the words “maintenance and repair” the words “construction, laying out,” shall be inserted.

16. To section 153 of the Code the following proviso shall be added, namely:—

“Provided that the Collector shall not declare any such occupancy or alienated holding to be forfeited—

(a) unless previously thereto he shall have issued a proclamation and written notices of the intended declaration in the manner prescribed by sections 165 and 166 for sales of immoveable property, and

(b) until after the expiration of at least fifteen days from the latest date on which any of the said notices shall have been affixed as required by section 166.”

17. In clause (g) of section 214 of the Code after the words “survey settlement” the words “and the maintenance of boundary marks” shall be added.

By order of His Excellency the Right Honourable the Governor in Council,

A. S. A. WESTROPP,

Secretary to the Council of the Governor of Bombay
for making Laws and Regulations.

Bombay Castle, 5th October 1901.