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 filed as a separate compilation

**PART IV**

**Acts of the Gujarat Legislature and Ordinances promulgated  
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the President on the 23rd December 1965 is hereby published for general information.

SUMANT M. VIDYARTHI,  
 Secretary to the Government of Gujarat,  
 Legal Department.

**GUJARAT ACT NO. 35 OF 1965.**

(First published, after having received the assent of the President in the "*Gujarat Government Gazette*" on the 29th December 1965).

An Act to extend the Bombay Land Revenue Code, 1879 to the Kutch area of the State of Gujarat and to repeal the corresponding law in force in that area and to amend the said Code for certain other purposes.

It is hereby enacted in the Sixteenth Year of the Republic of India as follows:— Short title and commencement.

1. (1) This Act may be called the Bombay Land Revenue (Extension to Kutch Area and Amendment) Act, 1965.

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

2. In the long title of the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), for the words "Presidency of Bombay" the words "State of Gujarat" shall be substituted. Amendment of long title of Bom. V of 1879.

Bom.  
V of  
1879.

Amendment  
of Section 1 of  
Bom. V of  
1879.

3. In section 1 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

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1965.

“(5) On and from the date of the coming into force of the Bombay Land Revenue (Extension to Kutch Area and Amendment) Act, 1965, this Act shall also extend to and be in force in the Kutch area of the State of Gujarat.”

Amendment  
of section 3  
of Bom. V  
of 1879.

4. In section 3 of the principal Act, after clause (27) the following shall be inserted, namely:—

“(27A) In this Act, where there is any reference to any other enactment or a provision thereof, such enactment or provision shall not merely by reason of such reference be deemed to extend to the Kutch area of the State of Gujarat but if there be any law corresponding to such enactment or provision in force in the said area, the reference to the enactment or provision as aforesaid shall include a reference to such corresponding law.”

Amendment  
of section 16  
of Bom. V  
of 1879.

5. In section 16 of the principal Act, sub-section (2) shall be deleted.

Amendment  
of section  
52 of Bom. V  
of 1879.

6. In section 52 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

“Provided that where any land has been assessed for a purpose other than agriculture but the assessment of the amount to be paid as land revenue on such land has been fixed without fixing a period therefor, it shall be lawful for the Collector to revise the assessment of such land under this sub-section at any time after the expiry of a period of ten years from the date on which the assessment of the amount was so fixed and for calculating the aforesaid period of ten years, the period elapsed before the commencement of the Bombay Land Revenue (Extension to Kutch Area and Amendment) Act, 1965 may be taken into account.”

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of  
1965.

Insertion  
of new  
section 73B  
in Bom. V  
of 1879.

7. After section 73A of the principal Act, the following section 73B shall be and shall be deemed always to have been inserted, namely:—

Payment  
of premium  
for sanctioning  
transfer  
or partition  
of occupancy.

“73B. Where any occupancy, by virtue of any conditions annexed to the tenure by or under this Act, is not transferable or partible without the previous sanction of the State Government, the Collector or any other officer authorised by the State Government, such sanction shall not be given except on payment to the State Government of such sum as the State Government may by general or special order determine.”

Amendment  
of section  
84-1A of  
Bom. V of  
1879.

8. In section 84-1A of the principal Act, for the figures and word “1948, apply” the figures, words and brackets “1948 or as the case may be, of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, apply” shall be substituted.

9. In section 120 of the principal Act, for the words and figures "paragraph 14 of the second Schedule to the Code of Civil Procedure, 1908" the words and figures "section 16 of the Arbitration Act, 1940" shall be substituted. Amendment of section 120 of Bom. V of 1879.
- V of 1908.  
X of 1940.
10. In section 135H of the principal Act, in sub-section (4), in clause (b)— Amendment of section 135H of Bom. V of 1879.
- (i) in sub-clause (iii) for the words and figures "paragraph 17 of the second Schedule to the said Code" the words and figures "section 20 of the Arbitration Act, 1940" shall be substituted;
- (ii) in sub-clause (iv), for the words and figures "paragraph 20 of the said Schedule" the words and figures "section 14 of the Arbitration Act, 1940" shall be substituted.
11. In section 136 of the principal Act, in the proviso to sub-section (1) after the words and figures "the Bombay Tenancy and Agricultural Lands Act, 1948" the words and figures "or as the case may be, the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958" shall be inserted. Amendment of section 136 of Bom. V of 1879.
- Bom. LXVII of 1948.
- Bom. XCIX of 1958.
12. In section 187 of the principal Act, Amendment of section 187 of Bom. V of 1879.
- (i) for the words and figures "section 42 of the Co-operative Societies Act, 1912" the words and figures "section 108 of the Gujarat Co-operative Societies Act, 1961" shall be substituted;
- (ii) for the words, brackets and figures "sub-section (5) of section 42 of the said Act" the words and figures "section 103 of the said Act" shall be substituted;
- (iii) for the words and figures "section 3 of the Co-operative Societies Act, 1912" the words and figures "section 3 of the said Act" shall be substituted.
- II of 1912.  
Guj. X of 1962.
- II of 1962.
13. In section 214 of the principal Act, in sub-section (2), clause (aa) shall be deleted. Amendment of section 214 of Bom. V of 1879.
14. After section 218 of the principal Act the following new section shall be inserted, namely:— Insertion of new section 218-A of Bom. V of 1879.
- "218A. (1) The Bombay Land Revenue Code, 1879 as extended to the Kutch area of the State of Gujarat under section 2 of the Part C States (Laws) Act, 1950 is hereby repealed: Repeal of Bom. V of 1879 as in force in the Kutch area of the State of Gujarat.
- Provided that unless a different intention appears, the repeal shall not in relation to the Kutch area of the State of Gujarat—
- Bom. V of 1879.

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(b) affect the previous operation of the Act so repealed or anything duly done or suffered thereunder; or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture or punishment as aforesaid;

(f) affect the levy, assessment, collection or refund of any sum due on account of land revenue, any quit rents, nazaranas, succession duties and forfeitures and any cesses, profits from lands, emoluments, fees, charges and costs which may have become payable or leviable under the Act so repealed before the commencement of this Act in the said Kutch area, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed and any such sum due on account of land revenue and any quit rents, nazaranas, succession duties and forfeitures and any cesses, profits from lands, emoluments, fees, charges, penalties, fines and costs may be paid, levied assessed or collected or refund thereof made as if the Bombay Land Revenue Code (Gujarat Extension to Kutch Area and Amendment) Act, 1965 had not been passed:

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of  
1965.

Provided further, but subject to the preceding proviso, anything done or action taken or deemed to be taken (including any rules, regulations, orders, notifications and forms made or issued and notices issued and enquiries made) under the Act so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

(2) Any reference to the Act so repealed or to any provision thereof or to any officer appointed or any authority appointed or constituted by the Act so repealed, in any law for the time being in force in the Kutch area of the State of Gujarat or in any instrument or other document shall be construed as a reference to this Act or the relevant provision thereof, or to the officer or as the case may be the authority appointed or constituted under this Act and the officer or authority shall have and exercise all the powers under such law, instrument or document.

15. In schedule J to the principal Act, clauses 1, 9 and 11 shall be deleted.

Amendment  
of Schedule  
J to Bom. V  
of 1879.