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

PART IV

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The following Act of the Gujarat Legislature, having been assented to by the President on the 18th May 1961, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. XXV OF 1961

(First published, after having received the assent of the President in the 'Gujarat Government Gazette' on the 2nd June 1961.)

An Act further to amend the Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.

It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Merged Territories (Ankadia Tenure Abolition) (Gujarat Amendment) Act, 1961. Short title.

2. In the Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 after section 4A the following new sections shall be inserted, Insertion of new sections 4B and 4C in Bom. XLIII of 1953.

Bom. XLIII Act, 1953 of 1953. namely :—

Further provisions conferring rights of occupation on persons holding under holders of Jiwai lands.

" 4B. (1) If after the expiry of the period specified in sub-section (2) of section 4A, any Jiwai land—

(i) is held by the Jiwaidar as occupant thereof by reason of the fact that the person having a right under section 4A to become an occupant in respect of such land has not exercised the right before the expiry of the aforesaid period, and

(ii) is in the possession of a person on whom immediately before the date of the coming into force of this Act, the rights and liabilities corresponding to those of an occupant in respect of such land under a settlement introduced under the Baroda Land Revenue Code as in force at the time of the introduction of the settlement, were respectively conferred and imposed,

then notwithstanding anything contained in this Act, the person so in possession of the Jiwai land shall, with effect from the date of the commencement of the Bombay Merged Territories (Ankadia Tenure Abolition) (Gujarat Amendment) Act, 1961, be primarily liable to the State Government for the payment of land revenue due in respect of the Jiwai land in his possession and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force and all the rights of the Jiwaidar in such land shall be deemed to have been extinguished.

(2) Nothing in this Act shall entitle the Jiwaidar to claim compensation for the extinguishment of any of his rights under sub-section (1).

Explanation. — For the purposes of this section "Jiwaidar" means a cadet of an Ankadedar's family holding Jiwai land for the purpose of maintenance.

Collector to decide questions arising under section 4B and appeal against such decision.

4C. (1) If any question arises as to whether or not any rights and liabilities were conferred and imposed as specified in clause (ii) of sub-section (1) of section 4B, the Collector shall, after holding a formal inquiry as provided in the Code, decide the question for the purposes of this Act.

(2) Any person aggrieved by a decision of the Collector under sub-section (1) may, within a period of sixty days from the date of the decision of the Collector appeal to the State Government.

(3) The decision of the Collector under sub-section (1), subject to an appeal to the State Government and the decision of the State Government on the appeal, shall be final".