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The Gujarat Government Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XVII] WEDNESDAY, JUNE 16, 1976/JYAISTHA 26, 1898

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

PART VI

Acts of Parliament and Ordinances promulgated by the President.

GOVERNMENT OF GUJARAT

LEGAL DEPARTMENT

Sachivalaya, Gandhinagar, 16th June, 1976.

No. 18903/B.--The following President's Act assented on the 15th June, 1976,
is published for general information.

THE BOMBAY LAND REVENUE (GUJARAT AMENDMENT) ACT, 1976.

[Act No. 26 of 1976]

Enacted by the President in the Twenty-seventh Year of the Republic of India.

AN ACT

*further to amend the Bombay Land Revenue Code, 1879, as in force in the
State of Gujarat.*

44 of 1376. In exercise of the powers conferred by section 3 of the Gujarat State Legisla-
ture (Delegation of Powers) Act, 1976, the President is pleased to enact as
follows:—

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amend-
ment) Act, 1976.

Short title
and
commen-
cement.

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

Amed-
ment of
section 48.

2. In section 48 of the Bombay Land Revenue Code, 1879, as in force in the State of Gujarat (hereinafter referred to as the principal Act),—

Bom.
bay
Act
V of
1879.

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The land revenue leviable on any land under the provisions of this Act shall be assessed, or shall be deemed to have been assessed, as the case may be, with reference to the use of the land—

- (a) for the purpose of agriculture;
- (b) for the purpose of residence;
- (c) for the purpose of industry;
- (b) for the purpose of residence;
- (e) for any other purpose.”;

(ii) in sub-section (2),—

(a) for the words “Where land assessed for use for any purpose is used for any other purpose”, the words, figures and letters “Where land assessed for use for any purpose is permitted or deemed to have been permitted under section 65, or, as the case may be, under section 65A, to be used for any other purpose, or is used for any other purpose without the permission of the Collector being first obtained or before the expiry of the period prescribed by section 65, or, as the case may be, by section 65A” shall be substituted;

(b) after the words “fixed at a different rate”, the words “with effect from the commencement of the revenue year in which the land is so permitted or deemed to have been permitted to be used, or, as the case may be, is used without the permission of the Collector”. shall be inserted.

end-
ment of
section 65.

3. In section 65 of the principal Act, the last paragraph and the marginal note thereto shall be omitted.

Insertion
of new
section 65-A.

4. After section 65 of the principal Act, the following section shall be inserted, namely:—

Procedure
if occu-
pant wish-
es to ap-
ply his
land from
one non-
agricultu-
ral pur-
pose to
another
non-agri-
cultural
purpose.

“65A. Where the occupant of any land assessed or held for any non-agricultural purpose wishes to use such land or part thereof for any other non-agricultural purpose, the Collector's permission shall in the first place be applied for by him and the provisions of section 65 shall, so far as may be, apply to such application.

Explanation.—In this section, and section 67A, “non-agricultural purpose” means any of the purposes specified in clauses (b) to (e) of sub-section (1) of section 48.”

5. For section 66 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 66.

“66. If any land referred to in section 65 or section 65A be used for any purpose other than the purpose for which such land is assessed or held without the permission of the Collector being first obtained, or before the expiry of three months from the date of application for such permission, the occupant and any tenant or other person holding under or through him shall, without prejudice to the occupant's liability to pay the new assessment which may be leviable under the provisions of section 48, be liable to be summarily evicted by the Collector from the land so used and from the entire survey number or sub-division of the survey number of which it may form a part.

Penalty for using land without permission.

Any tenant of any occupant or any other person holding under or through an occupant, who shall without the occupant's consent use any such land for any such purpose, and thereby render the said occupant liable to the penalty aforesaid, shall be responsible to the said occupant in damages.”.

6. In section 67 of the principal Act, for the words “in the last two preceding sections”, the words, figures and letter “in sections 65, 65A and 66” shall be substituted.

Amendment of section 67

7. After section 67 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 67A.

67A. (1) Where any land assessed or held for the purpose of agriculture and situated in an area specified in column (2) of the Table below (hereafter in this section referred to as the specified area)—

Payment of conversion tax by occupant for change of use of land in certain areas.

(a) is permitted, or deemed to have been permitted, under section 65, to be used for any other purpose; or

(b) is used for any other purpose without the permission of the Collector being first obtained or before the expiry of the period prescribed in that section,

the occupant of such land shall be liable to pay to the State Government, a tax at the rate specified in the corresponding entry in column (3), column (4), or column (5), as the case may be, of the said Table from the date on which such permission is, or is deemed to have been, granted, or from the date on which the land is put to such use, whichever is earlier.

(2) Where any land assessed or held for any non-agricultural purpose (hereafter in this section referred to as the existing non-agricultural purpose) and situated in a specified area—

(a) is permitted or is deemed to have been permitted, under section 65A, to be used for any other non-agricultural purpose; or

(b) is used for any other non-agricultural purpose without the permission of the Collector being first obtained or before the expiry of three months from the date of application for such permission,

the occupant of such land shall be liable to pay to the State Government, a tax at such rate as is equivalent to the difference between the rate of tax applicable to the other non-agricultural purpose specified in the corresponding entry in column (3), column (4) or column (5), as the case may be, of the Table below and the rate of tax applicable to the existing non-agricultural purpose specified in the said columns:

Provided that no tax shall be payable under this sub-section if the rate of tax applicable to the other non-agricultural purpose is lower than the rate applicable to the existing non-agricultural purpose.

(3) The tax payable under this section shall be known as conversion tax and shall be payable by the occupant to such authority, in such manner and at such times as may be prescribed by rules made under section 214.

TABLE

Sr. No.	Areas in which land is situated	Rate of conversion tax per square metre of land		
		When land is to be used for a residential purpose	When land is to be used for an industrial purpose	When land is to be used for a commercial or any other non-agricultural purpose
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
1.	Cities and towns with a population exceeding 50,000, but not exceeding 1 lakh and their adjoining areas.	0.25	0.50	0.75
2.	Cities and towns with a population exceeding 1 lakh but not exceeding 2.5 lakhs and their adjoining areas.	0.50	1.00	1.50
3.	Cities and towns with a population exceeding 2.5 lakhs but not exceeding 5 lakhs and their adjoining areas.	0.75	1.50	2.25
4.	Cities and towns with a population exceeding 5 lakhs and their adjoining areas.	1.00	2.00	3.00

Explanation.—In the above Table—

(i) “adjoining area” means:—

(a) in relation to the City of Ahmedabad or any other local area which is constituted to be a City under section 3 of the Bombay Provincial Municipal Corporations Act, 1949, as in force in the State of Gujarat, or a town with a population exceeding 2.5 lakhs, a peripheral area of five kilometres: ^{Bombay Act, LIX of 1949.}

(b) in relation to any other City or town, a peripheral area of one kilometre;

(ii) "population" means population as ascertained at the last preceding census of which relevant figures have been published."

8. In section 187 of the principal Act, for the words "All sums due on account of land revenue", the words "All sums due on account of land revenue, conversion tax" shall be substituted. Amendment of section 187.

9. In sub-section (2) of section 214 of the principal Act, after clause (h), the following clause shall be inserted, namely:— Amendment of section 214.

"(hh) prescribing the authority to which, the manner in which, and the times at which, the conversion tax shall be payable by an occupant under section 67A;"

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secretary to the Government of India.

Reasons for the enactment

This Bill seeks to amend the Bombay Land Revenue Code, 1879, as in force in the State of Gujarat, so as to give effect to certain taxation proposals announced in the budget of Gujarat for the year 1976-77. The amendments mainly relate to the making of assessments with effect from the commencement of the revenue year in which a land is permitted to be used for a purpose other than the purpose for which such land is assessed or held, or is so used without such permission, and to the levying of a tax on the conversion of land from an agricultural purpose to a non-agricultural purpose or from one non-agricultural purpose to another in certain cities and towns. The rates at which, and the cities and towns in respect of which, the above tax shall be leviable are set out in the Table below the new section 67A proposed to be included in the Act.

2. The Consultative Committee constituted under the proviso to sub-section (2) of section 3 of the Gujarat State Legislature (Delegation of Powers) Act, 1976 (44 of 1976) has been consulted before the enactment of this measure as a President's Act.

H. N. RAY,
Secretary to the Government of India,
Ministry of Finance.

By order and in the name of the Governor of Gujarat,

S. L. TALATI,
Secretary to Government.



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 be 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 Governor on the 17th August 1977 is hereby published for general information.

S. L. TALATI,
 Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 25 OF 1977.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 18th August, 1977).

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

It is hereby enacted in the Twenty-eighth Year of the Republic of India, as follows:—

1. This Act may be called the Bombay Land Revenue (Gujarat Amendment) Short title, Act, 1977.

Bom. V of 1879. 2. In the Bombay Land Revenue Code, 1879, in section 132, for the words "provided that the said fee shall in no case exceed twenty rupees for each building site or any portion thereof held separately" the words "provided that the said fee shall in no case exceed such amount for each building site or any portion thereof held separately as the State Government may, having regard to the cost ordinarily incurred in such survey operations, specify in those rules" shall be substituted. Amendment of section 132 of Bom. V of 1879.



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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
Governor on the 16th July, 1980 is hereby published for general information.

N. B. PATEL,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 3 OF 1980.

(First published after having received the assent of the Governor in the
"Gujarat Government Gazette" on the 16th July, 1980).

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

It is hereby enacted in the Thirty-first Year of the Republic of India as
follows :—

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amend-
ment) Act, 1980. Short title
and commen-
cement.

(2) It shall be deemed to have come into force on the 19th April, 1980.

2. In the Bombay Land Revenue Code 1879, (hereinafter referred to as "the
principal Act"), in section 66, for the first paragraph, the following paragraph
shall be substituted, namely:— Amendment
of section 66
of Bom. V
of 1879.

"If any land referred to in section 65 or section 65A be used for any purpose other than the purpose for which such land is assessed or held without the permission of the Collector being first obtained, or before the expiry of three months referred to in section 65 or despite refusal of permission during the said period of three months, then, without prejudice to the occupant's liability to pay the new assessment leviable under section 48 or the conversion tax leviable under section 67A,—

(a) the occupant and any tenant or other person holding under or through him shall be liable to be summarily evicted by the Collector from the land so used and from the entire survey number or sub-division of the survey number of which it may form a part; and

(b) the occupant shall also be liable to pay for the period during which the said land has been so used, such fine as the Collector may, subject to the general orders of the State Government, direct."

Repeal and
Saving.

3. (1) The Bombay Land Revenue (Gujarat Amendment) Ordinance, 1980 is hereby repealed.

Guj.
ord
9 of
1980.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.



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PART IV

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

The following Act of the Gujarat Legislature having been assented to by the President on the 20th December, 1980 is hereby published for general information.

J. P. VASAVADA,

Joint Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 37 OF 1980.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 26th December, 1980).

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

It is hereby enacted in the Thirty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Second Amendment) Act, 1980.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and commencement.

Insertion
of new
sections

73AA, 73AB,
73AC and
73AD in
Bom. V of
1879.

2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), after section 73A, the following sections shall be inserted, namely:—

Bom.
V of
1879.

Restriction
on transfer
of occupan-
cies of
tribals to
tribals or
non-tribals.

"73AA. (1) Notwithstanding anything contained in section 73, an occupancy of a person belonging to any of the Scheduled Tribes (hereafter in this section and in section 73AB referred to as "the tribal") shall not be transferred to any person without the previous sanction of the Collector.

(2) The previous sanction of the Collector under sub-section (1) may be given in such circumstances and subject to such conditions as may be prescribed.

(3) (a) Where tribal transfers the possession of his occupancy to another tribal in contravention of sub-section (1), the tribal transferor or his successor in interest may, within two years of such transfer, apply to the Collector that the possession of such occupancy may be restored to him and thereupon the Collector shall, after issuing a notice to the transferee or his successor in interest, as the case may be, in the prescribed form to show cause why he should not be disentitled to retain possession of the occupancy and after holding such inquiry as he deems fit, declare that the transferee or his successor in interest shall not be entitled to retain possession of the occupancy and that the occupancy shall be restored to the tribal transferor or his successor in interest, as the case may be, on the same terms and conditions on which the transferor held it immediately before the transfer and subject to his acceptance of the liability for payment of arrears of land revenue in respect of such occupancy in accordance with the rules made by the State Government and that the transferee or his successor in interest, as the case may be, shall be deemed to be unauthorisedly occupying the occupancy:

Provided that such declaration shall stand revoked if the tribal transferor, or, as the case may be, his successor in interest fails or refuses in writing to accept the restoration of the possession of such occupancy within the prescribed period.

(b) Where—

(i) a tribal in contravention of sub-section (1) of section 73A or of any other law for the time being in force has transferred his occupancy to another tribal at any time during the period commencing on the 4th April, 1961 and ending on the day immediately before the date of commencement of the Bombay Land Revenue (Gujarat Second Amendment) Act, 1980, and

Guj. 37
of
1980.

(ii) the tribal transferee or his successor in interest has not been evicted from such occupancy under section 79A,

the transfer of occupancy shall be valid, as if it were made with the previous sanction of the Collector under section 73A.

(4) Where a tribal—

(a) in contravention of sub-section (1) of this section, or of sub-section (1) of section 73A, or of any other law for the time being in force, transfers his occupancy to any person other than a tribal (hereafter in this section and in section 73AB referred to as "the non-tribal") at any time on or after the date of commencement of the Bombay Land Revenue (Gujarat Second Amendment) Act, 1980 (hereinafter in this section referred to as "the said date"); or

(b) in contravention of sub-section (1) of section 73A or of any other law for the time being in force has transferred his occupancy to a non-tribal at any time before the said date,

The Collector shall, notwithstanding anything contained in any law for the time being in force, either *suo-motu* at any time, or on an application made by the tribal transferor or his successor-in interest at any time within three years from the said date or the date of such transfer, whichever is later, after issuing a notice to the transferee or his successor in-interest, as the case may be, to show cause why the transfer should not be declared void and after making such inquiry as he thinks fit, declare the transfer of such occupancy to be void and thereupon the occupancy together with the standing crops thereon, if any, shall vest in the State Government free from all encumbrances.

(5) Where an occupancy is vested in the State Government under sub-section (4) and such occupancy was assessed or held for the purposes of agriculture immediately before its transfer by the tribal transferor, the Collector shall, after taking necessary action under sections 79A and 202, give notice to the tribal transferor or his successor in interest, as the case may be, requiring him to state in writing within ninety days from the date of receipt of such notice whether he is willing to purchase the occupancy and cultivate it personally, and if such tribal transferor or his successor in-interest agrees to purchase the occupancy and undertakes to cultivate it personally, it may be granted to him on payment of the prescribed occupancy price.

(6) If within the said period of ninety days the transferor or his successor in interest does not intimate his willingness to purchase the occupancy and to cultivate it personally, or fails to pay the occupancy price within such period as may be specified by the Collector, the occupancy shall be granted to any other tribal residing in the same village or in any other village situated within such distance from the village as may be prescribed, on the same conditions, including the payment of the occupancy price, as are specified in sub-section (5), and if he is not so willing, it shall be granted to other classes of persons in such order of priority, at such occupancy price and subject to such conditions as may be prescribed.

(7) Where any occupancy is transferred to a non-tribal in contravention of sub-section (1), such non-tribal shall, without prejudice to any other liability to which he may be subject, be liable to pay to the State Government, a penalty not

exceeding three times the value of the occupancy, such penalty and value to be determined by the Collector, and such determination shall be final :

Provided that before levying any such penalty, the non-tribal shall be given a reasonable opportunity of being heard.

(8) The penalty payable under sub-section (7) shall, if it is not paid within the time specified by the Collector, be recoverable as an arrear of land revenue.

Explanation.—For the purposes of this section,—

(i) “prescribed” means prescribed by rules made under section 214;

(ii) “Scheduled Tribes” means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Gujarat under article 342 of the Constitution;

(iii) “to cultivate personally” shall have the meaning assigned to it in clause (6) of section 2 of the Bombay Tenancy and Agricultural Lands Act, 1948. Bom. LXVI of 1948.

Right of occupant to mortgage his occupancy in favour of State Government and certain institutions.

73AB. Notwithstanding anything contained in section 73 or in sub-section (J) of section 73AA or in any condition lawfully annexed to the tenure, but subject to the provisions contained in section 56, it shall be lawful for an occupant to mortgage, or create a charge on his interest, in his occupancy in favour of the State Government in consideration of a loan advanced to him by the State Government under the Land Improvement Loans Act, 1883, the Agriculturists' Loans Act, 1884, or the Bombay Non-Agriculturists' Loans Act, 1928 as in force in the State of Gujarat or in favour of a bank or a cooperative society, and without prejudice to any other remedy open to the State Government, bank or cooperative society, as the case may be, in the event of his making default in the payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the State Government, bank or co-operative society, as the case may be, to cause his interest in the occupancy to be attached and sold and the proceeds to be applied in payment of such loan : 19 of 1883. 12 of 1884. Bom. III of 1928.

Provided that if such occupant is a tribal his interest in the occupancy shall not be sold to a non-tribal without the previous sanction of the Collector.

Explanations.—For the purposes of this section “bank” means—

(i) the State Bank of India constituted under the State Bank of India Act, 1955; 23 of 1955.

(ii) any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959; 33 of 1959.

(iii) any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970; 1970.

10 of
1983.

(iv) the Agricultural Refinance and Development Corporation established under the Agricultural Refinance and Development Corporation Act, 1963.

73AC. (1) No civil court shall have jurisdiction to settle, decide or deal with any question which is by or, under section 73-A or section 73AA or section 73AB required to be settled, decided or dealt with by the Collector nor shall the civil court have jurisdiction to entertain any suit or application for grant of injunction (whether temporary or permanent) in relation to such question. Bar of jurisdiction of Civil Courts.

(2) No order of the Collector made under section 73-A or section 73AA or section 73AB shall be called in question in any civil or criminal court.

Explanation.—For the purposes of this section, a civil court shall include a Mamlatdar's Court under the Mamlatdar's Court Act, 1906. Bom. II of 1906.

73AD. (1) Notwithstanding anything contained in the Registration Act, 1908,— Restriction on registration of documents.

(a) no document relating to transfer (not being a mortgage or creation of charge falling under section 73AB) of an occupancy of a person belonging to any of the Scheduled Tribes shall be registered on or after the date of the commencement of the Bombay Land Revenue (Gujarat Second Amendment) Act, 1980 (hereinafter in this section referred to as "the said date"), by any registering officer appointed under the Registration Act, 1908 unless the person presenting the document furnishes a declaration by the transferor in the prescribed form which shall be subject to verification in the prescribed manner, that the transfer of occupancy is made with the previous sanction of the Collector under section 73-A or section 73-AA;

(b) a document relating to the transfer of an occupancy belonging to any of the Scheduled Tribes, referred to in clause (a), which is registered on or after the said date shall take effect and operate only from the time of such registration.

(2) Nothing in sub-section (1) shall apply to the documents of transfers of occupancies of persons belonging to any of the Scheduled Tribes made before the said date, but presented for registration after the said date.

Explanation.—In this section, the expressions "prescribed" and "Scheduled Tribes" shall have the same meanings as the said expressions have in clauses (i) and (ii) respectively of the *Explanation* to section 73-AA."

3. In section 79-A of the principal Act,—

(i) in clause (b), for the word, figures and letter "section 73-A", the words, figures and letters "section 73-A or section 73-AA or section 73-AB" shall be substituted; Amendment of section 79-A of Bom. V of 1879.

(ii) the following proviso shall be added at the end, namely:—

"Provided that this section shall not apply in the case where the tribal transferor does not make an application under clause (a) of sub-section (3) of section 73 AA within the time specified in that clause for restoration of possession."

Amendment
of section
214 of Bom.
V of 1879.

4. In sub-section (2) of section 214 of the principal Act, clause (hh) shall be renumbered as clause (h-i) and after clause (h-i) as so renumbered, the following clauses shall be inserted, namely :—

“(h-ii) prescribing the form of notice to be issued to the transferee or his successor in interest by the Collector, making rules relating to the liability to pay arrears of land revenue in respect of an occupancy restored to the tribal transferor under sub-section (3) of section 73AA, and prescribing the period within which the tribal transferor shall accept the occupancy restored to him, under the proviso to the said sub-section (3);

(h-iii) prescribing the circumstances in which and the conditions subject to which the previous sanction of the Collector shall be given under sub-section (2), occupancy price on the payment of which occupancy shall be granted under sub-section (5) and the distance within which any other village shall be situated and the order of priority in which, the occupancy price at which, and the conditions subject to which, the occupancy shall be granted to other classes of persons under sub-section (6) of section 73-AA;

(h-iv) the form in which the declaration shall be made, and the manner in which such declaration shall be verified, by the transferor, under clause (a) of sub-section (1) of section 73-AD.”.

Amendment
of certain
enactments.

5. The enactments specified in column 2 of the Schedule are hereby amended in the manner and to the extent specified in column 3 thereof.

THE SCHEDULE

(See section 5)

Sr. No.	Enactments	Amendments
1	2	3
1.	The Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948).	<p>(1) In section 4-B after the words “any land” the brackets, words, figures and letters “(other than tenancy created with the previous sanction of the Collector under section 73-AA of the Bombay Land Revenue Code, 1879)” shall be inserted.</p> <p>(2) After section 88-C, the following section shall be inserted, namely:—</p> <p>“88-CC. Notwithstanding anything contained in this Act, a tenant who does not belong to any of the Scheduled Tribes</p>

Rights of
certain
tenants to
purchase
land barred.

1

2

3

Guj. 37
of
1980.Bom.
V of
1879.

shall not, after the commencement of the Bombay Land Revenue (Gujarat Second Amendment) Act, 1980 be entitled to purchase from the land lord under this Act any land leased to him with the previous sanction of the Collector under section 73-AA of the Bombay Land Revenue Code, 1879.

Explanation.—For the purpose of this section, "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Gujarat under article 342 of the Constitution."

2. The Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (Bom. XCIX of 1958).

(1) In section 9, after the words "any land", the brackets, words, figures and letters "(other than a tenancy created with the previous sanction of the Collector under section 73-AA of the Bombay Land Revenue Code, 1879)" shall be inserted.

(2) After section 130, the following section shall be inserted, namely:—

"130-A. Notwithstanding anything contained in this Act, a tenant who does not belong to any of the Scheduled Tribes shall not, after the Commencement of the Bombay Land Revenue (Gujarat Second Amendment) Act, 1980 be entitled to purchase from the landlord under this Act any land leased to him with the previous sanction of the Collector under section 73AA of the Bombay Land Revenue Code, 1879.

Rights of certain tenants to purchase land barred.

Guj. 37
of
1980.Bom.
V of
1879.

Explanation.—For the purpose of this section, "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Gujarat under article 342 of the Constitution."



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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 Governor on the 23rd February, 1981 is hereby published for general information.

K. M. SATWANI,
 Secretary to the Government of Gujarat
 Legal Department.

GUJARAT ACT NO. 2 OF 1981.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 24th February, 1981.

An act further to amend the Bombay Land Revenue, Code, 1879 and to validate certain rules made thereunder.

It is hereby enacted in the Thirty-second Year of the Republic of India, as follows :—

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amendment and Validation) Act, 1981. Short title and comment.

(2) It shall be deemed to have come into force on the 10th December, 1980.

2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in section 214, in sub-section (1), for the words "make rules" the words "make, whether prospectively or retrospectively, rules" shall be substituted. Amendment of section 214 of Bom. V of 1879.

Amendment
of section
215 of
Bom. V of
1879.

3. In the principal Act, section 215 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

“(2) (a) Nothing in section 214 shall authorise the State Government to make retrospectively a rule prescribing a penalty referred to in sub-section (1).

(b) Notwithstanding the retrospective operation of any rule made under section 214, no thing or no action constituting breach of such rule, done or taken by a person before such rule is so made shall render such person liable to penalty prescribed under sub-section (1).”

Validation
of certain
rules.

4. Any rule made retrospectively under section 214 of the principal Act, before the commencement of this Act shall be and shall be deemed always to have been validly made in accordance with law, as if the principal Act had been in force as amended by this Act at all material times when such rule was made and any such rule or anything done or action or proceeding taken or purported to have been done or taken under such rule, shall not be called in question in any court or before any officer or authority whatsoever merely on the ground that such rule was made retrospectively without power to do so or that such thing was done or action or proceeding was taken or purported to have been done or taken under such rule.

Repeal and
saving.

5. (1) The Bombay Land Revenue (Gujarat Amendment and Validation) Ordinance, 1980 is hereby repealed.

Guj.
Ord.
20 of
1980.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.



The Gujarat Government Gazette
EXTRAORDINARY
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Vol. XXII]

FRIDAY, JULY 31, 1981/SRAVANA 9, 1903

Separate pricing is given to this Part in order that it may be 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 by the Governor on the 29th July, 1981 is hereby published for general information

K. M. SATWANI,

Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 24 OF 1981.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 31st July, 1981).

An Act to amend the Bombay Land Revenue Code, 1879 with a view to discontinuing exemption from payment of land revenue in respect of lands, other than lands ordinarily used for the purposes of agriculture only, situate within the sites of certain towns and cities in the State of Gujarat.

It is hereby enacted in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amend-Short title and commencement.
ment) Act, 1981.

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

Amendment of section 128 of Bom. V of 1879. 2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), section 128 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

"(2) The existing exemption from payment of land revenue continued under sub-section (1) in respect of lands specified in that sub-section, shall with effect on and from 1st August 1981 stand discontinued."

Amendment of section 129 of Bom. V of 1879. 3. In the principal Act, in section 129, in sub-section (1), for the words "under the last preceding section" the words, brackets and figures "under sub-section (1) of section 128" shall be substituted.

Amendment of section 130 of Bom. V of 1879. 4. In the principal Act, in section 130, for the word and figures "section 128", the words, brackets and figures "sub-section (1) of section 128" shall be substituted.



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Separate paying is given to this Part in order that it may be filed as a Separate Compilation.

P A R T I V

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 Governor on the 11th February, 1987 is hereby published for general information.

J. P. VASAVADA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 2 OF 1987

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 13th February, 1987)

AN ACT

further to amend the Bombay Land Revenue Code, 1879.

It is hereby enacted in the Thirty-eighth Year of the Republic of India as follows :—

Short title
and
Commence-
ment.

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amendment) Act, 1987.

(2) It shall be deemed to have come into force on the 26th December 1986.

Amendment
of section 12
of Bom.
V of 1879.

2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in section 12, the following paragraph shall be added at the end, namely :—

"A decision or order of a Mamlatdar in performance of the duties and exercise of the powers, imposed or conferred upon him or delegated to him, under this section, shall be subject to the provisions of Chapter XIII."

Amends
ment of
section 135C
of Bom. V
of 1879.

3. In the principal Act, in section 135C, for the words "shall report orally or in writing", the words "shall report in writing" shall be substituted.

Amendment
of section
135 D of
Bom. V of
1879.

4. In the principal Act, in section 135D,—

(1) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The village accountant shall enter in a register of mutations every report made to him under section 135C or any intimation of acquisition or transfer of any right of the kind mentioned in section 135C received from the Mamlatdar or a Court of Law.;"

(2) in sub-section (3),—

(a) the words "either orally or" shall be deleted; and

(b) the following shall be added at the end, namely :—

"and to give a written acknowledgement of the receipt of such objection to the person making it."

Insertion of
new Chapter
XB in
Bom. V of
1879.

5. In the principal Act, after CHAPTER XA, the following new Chapter shall be inserted, namely :—

"CHAPTER XB

OF THE AGRICULTURIST PASS BOOK

Prepara-
tion and
supply of
agricul-
tural
pass-book.

135M. (1) In respect of every agriculturist holding land in a village or group of villages for which a village accountant is appointed, there shall be prepared by the village accountant an agriculturist pass-book in duplicate in such form and containing particulars as to rights recorded in the record of rights and such other particulars (including the particulars regarding subsisting mortgages of land, the total amount of mortgage money and the amount of interest due thereon) as may be prescribed by rules made under this Act.

Guj.
Ord.
16 of
1986.

(2) The agriculturist pass-book shall be supplied to the agriculturist within such period from the commencement of the Bombay Land Revenue (Gujarat Amendment) Ordinance, 1986 as the State Government may, by notification in the *Official Gazette*, specify and the duplicate agriculturist pass-book shall be retained by the village accountant.

(3) The particulars referred to in sub-section (1) shall be with reference to such date as the State Government may, by notification in the *Official Gazette*, specify.

135N. No bank shall entertain an application by an agriculturist for grant of financial assistance unless such an application is accompanied by his agriculturist pass-book.

Agriculturist
pass-book
to
accompany
application
for
financial
assistance.

Explanation.—In this section and section 135O, the expression “bank” means—

X of
1949.

(i) a banking company as defined in the Banking Regulation Act, 1949 ;

XXIII
of
1955.

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 ;

XXX,
III of
1959.

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 ;

V of
1970.

(iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 ;

X of
1949.

(v) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949 ;

X of
1963.

(vi) the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963 ;

(vii) any Agro-Industries Corporation ;

I of
1956.

(viii) the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956 ;

(ix) a co-operative bank ;

(x) any other financial institution notified by the State Government in the *Official Gazette* as a bank, for the purposes of this Act.

135O. (1) Whenever an agriculturist mortgages or creates a charge on his land or any interest therein in favour of a bank for the purpose of obtaining financial assistance from that bank, or

Entries in
agriculturist
pass-book by
banks

(2) whenever an agriculturist redeems any mortgage or a charge on his land or any interest therein by payment of mortgage money,

the bank shall—

(a) make necessary entries in the agriculturist pass-book of the agriculturist and thereafter return the pass-book to the agriculturist, and

(b) (i) in the case falling under clause (1) report in writing of its acquisition of right as mortgagee to the village accountant in accordance with the provisions of section 135C, and

(ii) in the case falling under clause (2) report in writing of the redemption of mortgage to the village accountant in accordance with the provisions of section 135C.

135P. Whenever entries are transferred from the register of mutations to the record of rights under section 135D, the village accountant shall call for the agriculturist pass-book from the concerned agriculturist and make entries therein, corresponding to those in the record of rights.

135Q. The village accountant shall also keep the duplicate agriculturist pass-book retained by him up-to-date by making necessary entries therein, from time to time, after verifying the entries from the original agriculturist pass-book and for that purpose, he may, from time to time, call for the original agriculturist pass-book from the agriculturist whereupon it shall be the duty of the agriculturist to forward his agriculturist pass-book to the village accountant.

135R. A certified copy of any entry in the duplicate agriculturist pass-book maintained by the village accountant shall in all legal proceedings be received as *prima facie* evidence of the existence of such entry and shall be admitted as evidence of the matters, transactions and accounts therein recorded to the same extent as the original entry itself but not further or otherwise.

Explanation.—For the purposes of this Chapter, the expression 'agriculturist' means a land holder who holds land for the purpose of agriculture."

6. (1) The Bombay Land Revenue (Gujarat Amendment) Ordinance, 1986 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Guj.
Ord.
16 of
1987.



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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 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 Governor on the 31st March, 1989 is hereby published for general information.

R. M. MEHTA,
 Secretary to the Governor of Gujarat,
 Legal Department.

GUJARAT ACT NO. 16 OF 1989

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 31st March, 1989)

AN ACT

further to amend the Bombay Land Revenue Code, 1879.

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

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amendment) Act, 1989.

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

2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), section 65 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

Short
 title and
 commence-
 ment.

Amend-
 ment of
 section
 65 of
 Bom. V of
 1879.

Bom
 V of
 1879.

“(2) Notwithstanding anything contained in sub-section (1) but subject to any terms and conditions laid down by the State Government in this behalf, where an occupant has his holding in an area comprising a gram and such area is not within an urban agglomeration or within a radius of five kilometres from the limits of a municipal borough or notified area or industrial estate and such occupant wishes to use his holding or a part thereof only for a residential purpose, it shall not be necessary for him to obtain permission of the Collector under sub-section (1).

Explanation.—For the purposes of this section—

Guj. VI of 1962.

(i) “gram” means a gram within the meaning of the Gujarat Panchayats Act, 1961;

Guj. XXIII of 1962.

(ii) “industrial estate” means an industrial estate within the meaning of the Gujarat Industrial Development Act, 1962;

Guj. 34 of 1964.

(iii) “municipal borough” or “notified area” means respectively, a municipal borough or a notified area within the meaning of the Gujarat Municipalities Act, 1963;

88 of 1976.

(iv) “urban agglomeration” means an urban agglomeration within the meaning of the Urban Land (Ceiling and Regulation) Act, 1976.”

Amendment:

3. In the principal Act, in section 67 A,—

section 67A of Bom. V of 1879.

(1) in sub-section (1) and sub-section (2), for the words, brackets and figures “in column (3), column (4) or column (5)”, the words, brackets and figures “in column (3), (4), (5), (6), or (7)” shall be substituted;

(2) in sub-section (3), for the existing Table and the *Explanation*, the following Table and *Explanation* shall be substituted, namely :—

TABLE

Sr. No.	Areas in which land is situated	Rate of conversion tax per square metre of land				
		when land is to be used for temporary non-agricultural purpose	when land is to be used for residential purpose.	when land is to be used for educational or charitable purpose.	when land is to be used for industrial purpose.	when land is to be used for commercial or any other non-agricultural purpose.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(1)	(2)	(3) Rs.	(4) Rs.	(5) Rs.	(6) Rs.	(7) Rs.
1.	Municipal boroughs and notified areas with a population not exceeding 50,000 and their adjoining areas.	0.20	0.25	0.25	0.50	0.75
2.	Cities and municipal boroughs with a population exceeding 50,000, but not exceeding 1 lakh, and their adjoining areas.	0.40	0.50	0.50	1.00	1.50
3.	Cities and municipal boroughs with a population exceeding 1 lakh but not exceeding 2.5 lakhs and their adjoining areas.	0.80	1.00	1.00	2.00	3.00
4.	Cities and municipal boroughs with a population exceeding 2.5 lakhs but not exceeding 5 lakhs and their adjoining areas.	1.20	1.50	1.50	3.00	4.50
5.	Cities and municipal boroughs with a population exceeding 5 lakhs and their adjoining areas.	1.60	2.00	2.00	4.00	6.00

Explanation.—In the above Table,—

(a) “adjoining area” means—

(i) in relation to the City of Ahmedabad or any other local area which is constituted to be a City under section 3 of the Bombay Provincial Municipal Corporations Act, 1949, as in is force in the State of Gujarat or a municipal borough with a population exceeding 2.5 lakhs, a peripheral area of five kilometres;

(ii) in relation to any other municipal borough, a peripheral area of one kilometre;

(b) “municipal borough” or “notified area”, means respectively a municipal borough or a notified area within the meaning of the Gujarat Municipalities Act, 1963;

(c) “population” means a population as ascertained at the last preceding census of which relevant figures have been published.”

Bom. LIX of
1949.

Guj. 34
of 1963.



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WEDNESDAY, MARCH 31, 1993/CATRA 10, 1915

Separate paging is given to this Part in order that it
 may be 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 Governor on the 31st March, 1993, is hereby published for general information.

R. H. GORI,
 Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 12 OF 1993.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 31st March, 1993.)

AN ACT

further to amend the Bombay Land Revenue Code, 1879.

It is hereby enacted in the Forty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amendment) Act, 1993.

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

2. In the Bombay Land Revenue Code, 1879 in section 67A, in sub-section (3), for the existing Table, the following Table shall be, substituted; namely :—

Bom.
 V
 of 1879.

Short
 title
 and
 comm-
 encement.

Amend-
 ment
 of
 section
 67A of
 Bom.
 V of
 1879.

"TABLE

Sr. No.	Area, in which land is situated	Rate of conversion tax per square metre of land				
		when land is to be used for temporary non-agricultural purpose.	when land is to be used for residential purpose.	when land is to be used for educational or charitable purpose.	when land is to be used for industrial purpose.	when land is to be used for commercial or any other non-agricultural purpose.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
		Rs.	Rs.	Rs.	Rs.	Rs.
1.	Municipal boroughs and notified areas with a population not exceeding 50,000 and their adjoining areas.	0.50	0.60	0.60	1.25	1.85
2.	Cities and municipal boroughs with a population exceeding 50,000, but not exceeding 1 lakh, and their adjoining areas.	1.00	1.25	1.25	2.50	3.75
3.	Cities and municipal boroughs with a population exceeding 1 lakh but not exceeding 2.5 lakhs and their adjoining areas.	2.00	2.50	2.50	5.00	7.50
4.	Cities and municipal boroughs with a population exceeding 2.5 lakhs but not exceeding 5 lakhs and their adjoining areas.	3.00	3.75	3.75	7.50	11.25
5.	Cities and municipal boroughs with a population exceeding 5 lakhs and their adjoining areas.	4.00	5.00	5.00	10.00	15.00".



The Gujarat Government Gazette
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TUESDAY, JULY 4, 1995/ASADHA 13, 1917

Separate paging is given to this Part in order that it
 may be 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 Governor on the 3rd July, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
 Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 1995

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 4th July, 1995).

AN ACT

further to amend the Bombay Land Revenue Code, 1879.

It is hereby enacted in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amendment) Act, 1995.

Short title
and
commen-
cement.

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

2. In the Bombay Land Revenue Code, 1879, for section 157, the following section shall be substituted, namely:—

Substitu-
tion of
section 157
of Bom.
V of 1879.

"157. (1) At any time after an arrear becomes due, the defaulter (not being an agriculturist from whom such arrear in respect of his occupancy is due) may be arrested and detained in custody for ten days in the office of the Collector or of a Mamlatdar unless the revenue dues together with the penalty or interest and the cost of arrest and of notice of demand, if any, and the cost of his subsistence during detention is sooner paid :

Arrest and
detention
of
defaulter.

Provided that no such arrest shall be made unless the default is wilful and the defaulter is given an opportunity to show cause against his arrest and detention.

(2) If, on the expiry of ten days the amount due by the defaulter is not paid, then, or if the Collector deems fit on any earlier day, he may be sent by the Collector with a warrant, in the form of Schedule C for imprisonment in the civil jail of the district :

Provided that no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of civil court for a debt equal in amount to the arrear of revenue due by such defaulter.”.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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SATURDAY, JULY 29, 1995/SRAVANA 7, 1917

Separate paging is given to this Part in order that it may be 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 Governor on the 29th July, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 9 OF 1995.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 29th July, 1995).

AN ACT
further to amend the Bombay Land Revenue Code, 1879.

It is hereby enacted in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Second Amendment) Act, 1995.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in Chapter XB, for the words "village accountant" wherever they occur, the words "competent authority" shall be substituted.

3. In the principal Act, in Chapter XB, after the heading "OF THE AGRICULTURIST PASS BOOK" but before section 135M, the following new section shall be inserted, namely:—

Short title and commencement.

Amendment of Chapter XB of Bom. V of 1879.

Insertion of new section 135 LL in Bom. V of 1879.

Applica-
tion.

"135LL. (1) This chapter shall apply to such taluka in a district as the State Government may, by notification in the *Official Gazette*, specify.

(2) This chapter shall cease to apply to such taluka in a district as the State Government may, by notification in the *Official Gazette*, specify.

(3) This chapter shall re-apply to such taluka in a district as the State Government may, by notification in the *Official Gazette*, specify."

Amende-
ment of
section
135M of
Bom. V of
1879.

4. In the principal Act, in section 135M,—

(1) in sub-section (1), for the words "for which a village accountant is appointed", the words, brackets and figures "in a taluka to which this Chapter is applied under sub-section (1) or re-applied under sub-section (3) of section 135LL and for which a competent authority is appointed" shall be substituted;

(2) for sub-section (2), the following shall be substituted, namely:—

"(2)(a) The agriculturist pass-book shall be supplied to the agriculturist holding land in a taluka to which this Chapter is applied under sub-section (1) or re-applied under sub-section (3) of section 135LL.

(b) The pass-book shall be supplied under clause (a)—

(i) within such period from the date on which this Chapter is applied or re-applied to the taluka as the State Government may, by notification in the *Official Gazette*, specify; and

(ii) on payment of such fees as may be prescribed by rules made under this Act.

(c) The duplicate agriculturist pass-book shall be retained by the competent authority."

Amend-
ment of
section
135N of
Bom. V of
1879.

5. In the principal Act in section 135N, in the Explanation,—

(1) for the words, figures and letter "and section 135O", the words, figures and letters "and sections 135O and 135R" shall be substituted;

(2) in clause (iv), after the figures "1970", the words, brackets and figures "or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980" shall be inserted,

40 of
1980.

(3) after clause (ix), the following clauses shall be inserted, namely:—

"(ixa) a co-operative society registered under the Gujarat Co-operative Societies Act, 1961;

Guj. 10
of 1962.

(ixb) a panchayat constituted under the Gujarat Panchayats Act, 1993."

Guj. 18
of 1993.

Insertion
of new
sections
135 O
and 135 OOO
in Bom.
V of 1879.

6. In the principal Act, after section 135 O, the following new sections shall be inserted, namely:—

"135 00. (1) No document of transfer of any agricultural land by sale, purchase, gift, mortgage whether with or without possession, exchange, partition, lease, surrender or otherwise shall be registered by any registering authority in a taluka to which this Chapter is applied under sub-section (1) or re-applied under sub-section (3) of section 135 LL unless such document is accompanied by the agriculturist pass-book relating to such land.

Document for registration of transfer of agricultural land to accompany the agriculturist pass-book.

(2) The registering authority shall after registering such document make necessary entries in the agriculturist pass-book of the agriculturist and thereafter return the pass-book to the agriculturist.

(3) The registering authority shall make report in writing of such registration to the competent authority.

135 000. The competent authority shall be responsible to keep, the agriculturist pass-book and the duplicate agriculturist pass-book retained by it, up-to-date by making necessary entries therein as provided in sections 135P and 135Q, respectively."

Responsibility of competent authority.

7. In the principal Act, for section 135P, the following shall be substituted, namely:—

Substitution of section 135P of Bom. V of 1879.

"135P. Whenever entries are transferred from the register of mutations to the record of rights under section 135D, the competent authority shall call for the agriculturist pass-book from the concerned agriculturist and thereupon the agriculturist shall produce the agriculturist pass-book before the competent authority within such period as may be prescribed by rules made under this Act and on such production of pass-book, the competent authority shall make entries therein, corresponding to those in the record of rights and keep such pass-book up-to-date."

Agriculturists pass-book to be kept up-to-date.

8. In the principal Act, for section 135R including the Explanation thereunder, the following shall be substituted, namely:—

Substitution of section 135R of Bom. V of 1879.

"135R. A certified copy of any entry not being an entry made by a bank or registering authority in—

(a) the duplicate agriculturist pass-book maintained by the competent authority, or

(b) the agriculturist pass-book of the agriculturist,

Mode of proof of entries in agriculturist pass-book.

shall in all legal proceedings be received as *prima facie* evidence of the existence of such entry and shall be admitted as evidence of the matters, transactions and accounts therein recorded to the same extent as the original entry itself in the record of rights but not further or otherwise."

9. In the principal Act, in Chapter XB, after section 135R, the following sections and Explanation shall be added, namely:—

Insertion of new sections and Explanation in Chapter XB of Bom. V of 1879.

Penalty
for
contraven-
tion of
section
135P.

"135S. Any agriculturist who contravenes the provision of section 135P shall be punished with fine which may extend to two hundred rupees.

Penalty
for
unauthori-
sed alter-
ation in
pass-
book or
furnish-
ing false
infor-
mation.

135T. Any person who unauthorisely makes, alters or deletes any entry in the pass-book or furnishes false information to the competent authority in relation to the pass-book shall be punished with fine which may extend to one thousand rupees.

Explanation.—For the purposes of this Chapter,—

(i) the expression 'agriculturist' means land holder who holds land for the purpose of agriculture;

(ii) the expression 'competent authority' means such revenue officer as the State Government may, by notification in the *Official Gazette*, appoint;

(iii) the expression 'registering authority' means the registering officer appointed under the Registration Act, 1908.

XI
of 18

Amend-
ment of
section
214 of
Bom. V.
of 1879.

10. In the principal Act, in section 214, in sub-section (2), after clause (v) the following clause shall be added, namely:—

"(v) regulating the supply of agriculturist pass-book."



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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 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 Governor on the 5th March, 1997 is hereby published for general information.

KUM. H. K. JHAVERI,
 Secretary to the Government of Gujarat,
 Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 1997.

(First published, after having received the assent of the Governor in the Gujarat Government Gazette, on the 6th March, 1997.)

AN ACT

further to amend the Bombay Land Revenue Code, 1879.

It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

Short title
and
commen-
cement.

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amendment) Act, 1997.

(2) It shall be deemed to have come into force on the 24th December, 1996.

Amend-
ment of
section 48
of Bom. V
of 1879.

2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in section 48, after sub-section (2), the following new sub-section shall be inserted, namely :—

Bom. V of
1879.

"(2A) Where any land assessed for any purpose is used for a *bonafide* industrial purpose under section 65B and a certificate to that effect is issued to the occupant of such land under that section, the assessment fixed under the provisions of this Act upon such land shall, notwithstanding that the term for which such assessment may have been fixed has not expired, be liable to be altered and fixed at a different rate with effect from the commencement of the revenue year in which the use of land for a *bonafide* industrial purpose is commenced, by such authority and subject to such rules as the State Government may prescribe in this behalf."

Insertion of new section in Bom. V of 1879.

3. In the principal Act, after section 65A, the following new section shall be inserted, namely :—

Use of certain lands for *bonafide* industrial purpose.

"65B. (1) Notwithstanding anything contained in section 65 or 65A, where—

(a) any land used or held for the purpose of agriculture or, as the case may be, for any non-agricultural purpose not being an industrial purpose is,—

(i) designated for the use of industrial purpose in the draft or final development plan or draft or final town planning scheme under the Gujarat Town Planning and Urban Development Act, 1976; or

President's Act No. 27 of 1976.

(ii) situated in the area where no plan or scheme referred to in sub-clause (i) is in force and is designated by the State Government, by notification in the *Official Gazette*, for the use of such industrial purpose as may be specified therein, having regard to such factors as may be prescribed by rules made under this Act in this behalf :

Provided that nothing in this sub-clause shall render invalid the use of land for a *bonafide* industrial purpose in pursuance of the provisions of the Bombay Land Revenue (Gujarat Amendment) (Second) Ordinance, 1996 during the period when the said Ordinance was in force notwithstanding that the said land is not designated for such use under this Act, and

Guj. Ord. 20 of 1996.

(b) the occupant of such land wishes to use such land or part thereof—

(1) for a *bonafide* industrial purpose other than the purpose of manufacture or storage of any chemical or petrochemical,

it shall be lawful for him to use such land for such *bonafide* industrial purpose without the permission of the Collector subject to the fulfilment of the following conditions, namely:—

(a) the occupant has a clear title to such land,

(b) such land or part thereof,—

(i) is not shown as reserved for a public purpose in draft or final development plan or draft or final town planning scheme under the Gujarat Town Planning and Urban Development Act, 1976,

President's Act No. 27 of 1976.

1 of 1894.

(ii) is not notified for acquisition under the Land Acquisition Act, 1894 or any other law for the time being in force,

(iii) does not fall within the alignment of any road plan prepared by the State Government or the command area of any irrigation project,

(iv) is not situated within thirty metres from the boundary of any land held for the purpose of railway by the Central Government or the Indian Railway Company Ltd., or

(v) is not situated within fifteen metres of the high voltage transmission line;

(vi) is not situated within five kilometres of the periphery of the area within the jurisdiction of any Area Development Authority or Urban Development Authority constituted under the Gujarat Town Planning and Urban Development Act, 1976 :

President's Act
No. 27 of 1976.

Provided that nothing in this item shall render invalid the use of land for a *bonafide* industrial purpose in pursuance of the provisions of the Bombay Land Revenue (Gujarat Amendment) (Second) Ordinance, 1996 when the said Ordinance was in force notwithstanding that the said land falls within five kilometres of the periphery of the area within the jurisdiction of any Area Development Authority or Urban Development Authority.

Guj. Ord. 20
of 1996.

(II) for the purpose of manufacture or storage of any chemical or petrochemical,

it shall be lawful for him to use such land for such *bonafide* industrial purpose without the permission of the Collector subject to the fulfilment of the following conditions, in addition to the conditions mentioned in sub-clause (I), namely :—

such land or part thereof is not situated within two kilometres from the boundary of—

(i) an ancient monument declared as 'protected monument' under sub-section (1) of section 3 of the Ancient Monuments Preservation Act, 1904; 7 of 1904.

(ii) an ancient and historical monument declared as 'protected monument' under sub-section (3) of section 4 of the Gujarat Ancient Monuments and Archaeological Sites and Remains Act, 1965; 25 of 1965.

Guj. 25 of 1965.

(iii) a forest land or waste land declared as 'reserved forest land' under section 3 of the Indian Forest Act, 1927; XVI of 1927.

XVI of 1927.

(iv) a forest land or waste land known as 'protected forest' under section 29 of the Indian Forest Act, 1927; XVI of 1927.

XVI of 1927.

(v) an area declared as 'sanctuary' under sub-section (1) of section 18 of the Wild Life (Protection) Act, 1972; or 53 of 1972.

53 of 1972.

(vi) an area declared as 'national park' under section 35 of the Wild Life (Protection) Act, 1972. 53 of 1972.

53 of 1972.

(2)(a) The occupant shall comply with the provisions of any law for the time being in force or any order or direction of the Central Government or State Government or any Corporation owned or controlled by such Government, Government Company, local authority in relation to use of land for a *bonafide* industrial purpose under sub-section (1) before the land is put to use for such purpose.

(b) Where an occupant commences the use of the land for a *bonafide* industrial purpose under sub-section (1), he shall within thirty days from the date of commencement of the use of land for a *bonafide* industrial purpose, send a notice of the date of commencement of such use, alongwith other particulars in such form as may be prescribed by rules made under this Act, to the Collector and endorse a copy thereof to the Mamlatdar.

(3) Where, on the receipt of such notice alongwith other particulars sent by the occupant under clause (b) of sub-section (2), the Collector, after making such inquiry as he deems fit—

(a) is satisfied that the occupant of such land has validly commenced the use of the land for a *bonafide* industrial purpose under sub-section (1), he shall issue a certificate to that effect to the occupant in such form and within such period as may be prescribed by rules made under this Act,

(b) is not so satisfied, he shall, after giving the occupant an opportunity of being heard, refuse to issue such certificate :

Provided that no such certificate shall be issued under clause (a) unless the conversion tax leviable under section 67A is paid.

(4)(a) Where the occupant fails to send the notice and other particulars under clause (b) of sub-section (2) within the period specified therein, he shall be liable to pay, in addition to the non-agricultural assessment leviable under this Act, such fine not exceeding ten thousand rupees as the Collector may, subject to rules made under this Act, direct.

(b)(i) Where the occupant commences the use of such land for industrial purpose despite the non-fulfilment of any of the conditions specified in sub-section (1), or

(ii) where certificate is refused to the occupant under clause (b) of sub-section (3),

he shall be liable, in addition to the payment of non-agricultural assessment leviable under this Act, to restore such land to its original use within such period as the Collector may specify in a notice served on such occupant in this behalf.

(c) Where such occupant does not restore the land to its original use within the period specified by the Collector in the notice served under clause (b),—

(i) he shall be liable to pay such fine not exceeding five thousand rupees and in addition, such daily fine not exceeding one hundred rupees per hectare or part thereof of land not so restored for each day during which such land is not restored to its original use, after the expiry of the period specified in such notice as the Collector may, subject to rules made under this Act, direct, and

(ii) the Collector shall take such steps as he thinks fit to get such land restored to its original use and collect the cost incurred in this behalf from such occupant as an arrear of land revenue.

(5)(a) The occupant shall commence industrial activity on such land within three years from the date of the notice sent by him to the Collector under clause (b) of sub-section (2) and commence production of goods or providing of services on such land within five years from such date :

Provided that the period of three years or, as the case may be, five years may, on an application made by the occupant in that behalf, be extended from time to time by the Collector in such circumstances as may be prescribed by rules made under this Act.

(b) Where the occupant fails to commence industrial activity or production of goods or providing of services within the period specified in clause (a) or the period extended under the proviso to clause (a), he shall be liable to pay, in addition to non-agricultural assessment leviable under section 48, non-agricultural assessment at the rate of five rupees per square metre of the land with effect from the date of expiry of the period of three years or five years or, as the case may be, the period extended under the proviso to clause (a) till he commences industrial activity or, as the case may be, commences production of goods or providing of services.

Explanation I.—For the purposes of this section, section 48 and section 67A, the expression "*bonafide industrial purpose*" means an activity of manufacture, preservation or processing of goods, (other than the hazardous and toxic chemicals specified in Part II of the Schedule I to the Manufacture, Stages and Import of Hazardous Chemicals Rules, 1989 made under the Environment (Protection) Act, 1986 and for the time being in force) or any handicraft, or industrial business or enterprise, carried on by any person and includes construction of industrial buildings used for the manufacturing process or purpose, or power projects or port projects and ancillary industrial usage like research and development, godown, canteen, office building of the industry concerned, or providing housing accommodation to the workers of the industry concerned, or establishment of industrial estate including a co-operative estate or service industry or tourism or cottage industry. 29 of 1986.

Explanation II.—For the purposes of this section, an occupant shall be deemed to have commenced the use of land for a *bonafide industrial purpose* from the date on which he ceases to use the land for agricultural or non-agricultural purpose existing immediately before the date of such cesser."

Amendment of
section 67A of
Bom. V of
1879.

4. In the principal Act, in section 67A,—

(1) in sub-section (1),—

(a) in clause (b), for the words "in that section", the words "in that section, or" shall be substituted;

(b) after clause (b), the following clause shall be added, namely :—

"(c) is used for a *bonafide* industrial purpose under section 65B,";

(2) in sub-section (2), in the proviso, for the words "under this sub-section", the words, brackets, figure and letter "under this sub-section or under sub-section (2A)" shall be substituted;

(3) after sub-section (2) but before the proviso, the following new sub-section shall be inserted, namely :—

"(2A) Where any land assessed or held for any non-agricultural purpose not being an industrial purpose (hereinafter referred to as "the existing non-agricultural purpose") and situated in a specified area is used for a *bonafide* industrial purpose under section 65B, the occupant of such land shall be liable to pay to the State Government a tax at such rate as is equivalent to the difference between the rate of tax applicable to the industrial purpose specified in the corresponding entry in column (6) of the Table below and the rate of tax applicable to the existing non-agricultural purpose specified in columns (3), (4) and (5) of the Table below."

Amendment of
section 214 of
Bom. V of
1879.

5. In the principal Act, in section 214, in sub-section (2), clause (h) shall be renumbered as clause (gi) and after clause (gi) as so renumbered, the following clause shall be inserted, namely :—

"(h) the form of notice and the particulars to be sent under clause (b) of sub-section (2), the form of and the time within which a certificate is to be issued under sub-section (3), the rules subject to which the Collector may direct payment of fine under clauses (a) and (c) and the form of notice to be served under clause (b) of sub-section (4), and the circumstances in which the period may be extended under the proviso to clause (a) of sub-section (5), of section 65B."

Repeal
and savings.

6. (1) The Bombay Land Revenue (Gujarat Amendment) (Second) Ordinance, 1996 is hereby repealed.

Guj.
Ord. 20
of 1996.

(2) Notwithstanding such repeal, any thing done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.



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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 Governor on the 29th March, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 14 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 31st March, 2003).

AN ACT

further to amend the Bombay Land Revenue Code, 1879.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :-

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amendment) Act, 2003.
- (2) It shall come into force on the 1st April, 2003.

Short title
and
commence-
ment.

Amendment
of section
67A of Bom.
V of 1879.

2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in section 67A,-

Bom. V
of 1879.

(1) in in sub-sections (1) and (2), for the words, brackets and figures "in column (3), (4), (5), (6) or (7)", the words, brackets and figures "in column (3) or (4)" shall be substituted;

(2) sub-section (2A),-

(i) for the word, brackets and figure "column (6)", the word, brackets and figure "column (4)" shall be substituted;

(ii) for the words, brackets and figures "columns (3), (4) and (5)", the word, brackets and figure "column (3)" shall be substituted;

(3) for the existing Table and *Explanation* thereunder, the following Table shall be substituted, namely :-

"TABLE

Sr. No.	Area in which land is situated	Rate of conversion tax per square metre of land	
		when land is to be used for temporary non-agricultural purpose or for residential purpose or for charitable purpose.	when land is to be used for industrial purpose or for any other purpose.
1	2	3	4
1.	Villages, Municipal boroughs, notified areas and cities having population not exceeding one lakh as per the last census.	Rs. 2.00	Rs. 6.00
2.	Municipal boroughs, notified areas and cities with a population exceeding one lakh as per the last census.	Rs. 10.00	Rs. 30.00

Explanation.- In the above Table, "municipal borough" or "notified area" means respectively a municipal borough or a notified area within the meaning of the Gujarat Municipalities Act, 1963."

Guj. 34 of
1964.