



The Gujarat Surviving Alienations Abolition Act, 1963

Act 33 of 1963

Keyword(s):

Aghat Holder, Alienation, Alienated Alienee, Assessment, Authorised Holder, Communication Settlement, Community Service Inam, Covenant, Forest, Inferior Holder, Jiwai, Jiwaidar, Land Acquisition

Amendment appended: 3 of 1965

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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
 President on the 17th July 1963, is hereby published for general information.

AKBAR S. SARELA,
 Secretary to Government,
 Legal Department.

GUJARAT ACT NO. XXXIII OF 1963.

(First published, after having received the assent of the President in the
 "Gujarat Government Gazette" on the 22nd July 1963).

An Act to abolish certain alienations which are not affected by the enactments
 so far enacted for the abolition of various kinds of alienations and in
 force in the State of Gujarat and to provide for matters consequential
 and incidental thereto.

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

1. (1) This Act may be called the Gujarat Surviving Alienations Abolition Act, 1963.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires, —

- (1) "aghat land" means land originally belonging to a taluqdar of a taluka or estate in the former Kathiawar but sold by him to any person by executing a sale

Short title,
 extent and
 commence-
 ment.

Definitions.

deed before the merger of his taluka or estate, as the case may be, in the former State of Saurashtra under an agreement executed by him in accordance with the Covenant without claiming or accepting privy purse ;

(2) "aghat holder" means a person for the time being holding an aghat land subject to the stipulations contained in the sale deed referred to in clause (1) of this section and pertaining to the land ;

(3) "alienation" means—

(a) any right in respect of an aghat land enjoyed by an aghat holder immediately before the appointed day,

(b) any right in respect of a Taluqdari wanta enjoyed by the holder thereof immediately before the appointed day,

(c) any right, with or without any condition of service, in respect of any other land, village or portion of a village and consisting of—

(i) any proprietary interest in the soil coupled or not coupled with exemption from the payment of the whole or part of the land revenue, or

(ii) a right only to the land revenue or a share of land revenue of the land, village or portion of a village,

enjoyed by the holder thereof for the time being and subsisting immediately before the appointed day in limitation of the right of the State Government to assess the land or village or portion of a village to land revenue in accordance with the Code, whether by virtue of an express grant or recognition as a grant by the ruling authority for the time being or otherwise, or

(d) any right to any cash allowance or allowance in kind, by whatever name called, payable by the State Government and enjoyed by any person immediately before the appointed day ;

(4) "alienated land" means an aghat land, Taluqdari Wanta or any other land, village or portion of a village held under an alienation ;

(5) "alienee" means the holder of an alienation and includes his co-sharer if any ;

(6) "appointed day" means the date on which this Act comes into force ;

(7) "assessment" in relation to any land means—

(a) the assessment fixed on the land under the law relating to land revenue applicable to the land immediately before the commencement of this Act, and

(b) where no such law was in existence or no assessment was fixed on the land, the amount which would have been fixed as assessment on the land under section 52 of the Code, had the Code been applicable ;

(8) "authorised holder" in relation to an alienated land means a person in whom the ownership of such land vests permanently whether by virtue of the operation of the tenancy law or of any kind of valid transfer made otherwise than under the tenancy law ;

(9) "Code" means—

(i) in the Bombay and Saurashtra areas of the State of Gujarat, the Bombay Land Revenue Code, 1879, and

Bom. V of 1879. (ii) in the Kutch area of the State of Gujarat, the Bombay Land Revenue Code, 1879 as extended to that area ;

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

(11) "commutation settlement" means a settlement made or confirmed under the law applicable to a watan relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan ;

(12) "community service inam" means an alienation held for the purpose of performing service useful to the village community and includes an alienation held for such service even where such service has ceased to be demanded ;

Sau. X of 1952. (13) "Covenant" means the covenant as defined in clause (14) of section 2 of the Saurashtra Acts (Interpretation) Act, 1952 ;

XVI of 1927. (14) "forest land" means any alienated land or part thereof declared as forest under section 34-A of the Indian Forest Act, 1927 before the appointed day, provided such declaration was in force immediately before the appointed day ;

(15) "inferior holder" means a person who is in possession of an alienated land whether by inheritance or succession or valid transfer under the tenancy law or otherwise and holds such land not on payment of rent but on payment of assessment in cash or kind to the alienee or jiwaidar ;

(16) "jiwai land" means land held by a cadet of the alienee's family for the purpose of maintenance ;

(17) "jiwaidar" means a cadet of the alienee's family holding jiwai land for his maintenance ;

(18) "Land Acquisition Act" means—

I of 1894. (i) in the Bombay and Kutch areas of the State of Gujarat the Land Acquisition Act, 1894 as in force therein for the time being, and

I of 1894. (ii) in the Saurashtra area of the State of Gujarat, the Land Acquisition Act, 1894 as adapted and applied to that area ;

(19) "prescribed" means prescribed by rules made under this Act ;

Bom. XLII of 1949. (20) "Taluqdari wanta" means an alienation comprising of a wanta belonging to a Taluqdar in so far as it is not affected by the Bombay Taluqdari Tenure Abolition Act, 1949 and the Bombay Personal Inams Abolition Act, 1952 ;

Bom. XLIII of 1953.

(21) "tenancy law" means—

Bom. LXVII of 1948. (i) in the Bombay area of the State of Gujarat the Bombay Tenancy and Agricultural Lands Act, 1948,

(ii) in the Kutch area of the State of Gujarat, the Bombay Tenancy and Agricultural Lands (Vidarrbha Region and Kutch Area) Act, 1958, and **Bom. XCIIX of 1958.**

(iii) in the Saurashtra area of the State of Gujarat, any law regulating agricultural tenancies in force for the time being in that area;

(22) "watan" means an alienation held for any service useful to Government other than service appertaining to the office of a revenue or police patel and service appertaining to the office of an inferior village servant within the meaning of the Bombay Inferior Village Watans Abolition Act, 1958; **Bom. I of 1959.**

(23) the other words or expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

Construction of references to incidents of alienations in the Act.

3. Reference in this Act to the incidents of alienations shall, notwithstanding the abolition of the alienations under this Act, be construed as references to the incidents as they were in force immediately before the appointed day.

Act not to apply to certain kinds of alienations.

4. (1) Nothing in this Act shall apply to—

(a) Devasthan inams or inams held by religious or charitable institutions,

(b) any pension granted to an ex-servant of a former Indian State in consideration of the service rendered by him to such State or paid to a retired servant of a Provincial Government or State Government in accordance with the conditions of service applicable to him,

(c) revenue free sites granted by a competent authority for the time being for the construction of schools, colleges, hospitals, dispensaries or other public works from which no profit is intended to be derived,

(d) any land tenure or cash allowance or allowance in kind to which the provisions of any of the laws specified in the Schedule apply, and

(e) grants of land made and exemptions from payments of the whole or part of the land revenue granted in accordance with the provisions of the Code.

(2) For the purposes of this section a Devasthan inam or an inam held by a religious or charitable institution means an inam granted or recognised as a grant by the ruling authority for the time being for a religious or charitable institution and entered as such in the revenue record or any public record maintained in respect of alienations or determined as such by a decision under section 5 but does not include an alienation held for feeding poor people or birds or feeding animals otherwise than in a Panjrapole or an alienation commonly known as a Tajia or Tabut grant for the purposes of tajias in connection with the Moharam festival.

Power of Collector to decide certain questions and appeal.

5. (1) If any question arises—

(i) whether any land or cash allowance or allowance in kind is held under an alienation and, if so, the category thereof,

(ii) whether any alienation in respect of any village, portion of a village or land consists of—

(a) merely a total or partial exemption from payment of land revenue thereof, or

(b) a grant of soil, with or without exemption from payment of land revenue, or

- (c) a right only to land revenue thereof or a share in such land revenue,
 (iii) whether any alienation is or is not a Devasthan inam or inam held by a religious or charitable institution within the meaning of sub-section (2) of section 4, or
 (iv) whether any person is an authorised holder, inferior holder or jiwaidar,
 (v) in the case of a person holding land from an alienee or jiwaidar, whether any payment made by the person to the alienee or, as the case may be, jiwaidar was by way of assessment of the land so held,

the Collector shall after giving an opportunity to the parties to be heard and holding an inquiry decide the question.

(2) Any person aggrieved by the decision of the Collector may file an appeal to the State Government within ninety days from the date of such decision.

(3) Where from a decision of the Collector no appeal is filed under sub-section (2), the State Government may, after the expiry of the period for appeal but not later than one year from the date of the decision, call for the record of the proceeding of the Collector for the purpose of satisfying itself as to the legality, propriety or regularity of such proceeding or decision and may pass such order thereon as it thinks fit.

(4) The decision of the Collector, subject to an appeal under sub-section (2) or revision under sub-section (3), and the decision of the State Government under sub-section (2) or under sub-section (3), as the case may be, shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

IX of
1908.

(5) The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 shall apply to the filing of an appeal under sub-section (2).

6. Notwithstanding any usage or custom, settlement, grant, agreement, sanad or order or anything contained in any decree or order of a court or any law for the time being applicable to any alienation, with effect on and from the appointed day—

Abolition of alienations together with their incidents and alienated lands liable to payment of land revenue.

(a) all alienations shall be and are hereby abolished ;

(b) save as expressly provided by or under this Act, all rights legally subsisting on the said day under such alienations and all other incidents of such alienations (including any right to hold office, or any liability to render service appertaining to an alienation) shall be and are hereby extinguished ;

(c) subject to the other provisions of this Act, all alienated lands shall be, and are hereby made liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder; and accordingly the provisions therein relating to unalienated land shall apply to all alienated lands.

7. In the case of an alienated land held under a community service inam,—

(a) if such land be in the actual possession of the authorised holder or inferior holder, such authorised holder or inferior holder, as the case may be, and

(b) if it be in the actual possession of the alienee or of a person other than an authorised holder or inferior holder, the alienee—

Occupancy rights in respect of alienated lands held under community service inam.

shall be deemed to be the occupant of the land and shall be primarily liable to the State Government for the payment of land revenue due in respect thereof in accordance with the provisions of the Code and the rules made thereunder :

Provided that if under the terms of the alienation such land is resumable for non-performance of service, the alienee, the authorised holder or inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period ;

Provided further that if such land under the terms of alienation was not alienable except with the permission of a competent authority, such land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of lands held under a watan.

8. (1) Subject to the provisions of sub-sections (2) and (3) all alienated land held under a watan shall be and is hereby resumed.

(2) In the case of an alienated land held under a watan which is not a grant of soil and is held subject to a total or partial exemption from payment of land revenue or the commutation settlement in respect of which permits a transfer of the land—

(i) the resumption under sub-section (1) shall be by levy of full assessment on the land in accordance with the Code and the rules made thereunder, and

(ii) the alienee, or, as the case may be, authorised holder holding the land shall be deemed to be an occupant of the land and shall be primarily liable to pay land revenue to the State Government in respect thereof in accordance with the provisions of the Code and the rules made thereunder.

(3) (a) An alienated land held under a watan to which sub-section (2) does not apply, shall be regranted to the alienee or, as the case may be, authorised holder on payment by him or on his behalf to the State Government of the occupancy price equal to twelve times the amount of full assessment of such land within the prescribed period and in the prescribed manner and he shall be deemed to be the occupant and be primarily liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder:

Provided that where the land has not been assigned towards the emoluments of the person performing the service appertaining to the watan, the occupancy price shall be equal to six times the amount of the full assessment.

(b) The occupancy of the land regranted under clause (a) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of land to which sections 7 and 8 do not apply.

9. In the case of an alienated land to which the provisions of section 7 or 8 do not apply the person deemed to be the occupant primarily liable to the State Government for payment of land revenue due in respect of such land in accordance with the provisions of the Code and the rules made thereunder shall be—

(1) where such land is jiwai land,—

(i) if it be in the actual possession of an authorised holder or inferior holder, such authorised holder, or as the case may be, inferior holder,

(ii) if it be in the actual possession of the jiwaidar or of a person other than an authorised holder or inferior holder, the jiwaidar,

(2) where such land is land to which clause (1) does not apply,—

(i) if it be in the possession of an authorised holder or inferior holder, such authorised holder or, as the case may be, inferior holder, and

(ii) if it be in the actual possession of the alienee or of a person other than an authorised holder or inferior holder, the alienee:

Provided that if under the terms of the alienation, the alienated land was not alienable except with the permission of a competent authority, the occupancy of the land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

10. Any person who fails to pay within the prescribed period the occupancy price of a land under the provisions of section 7 or 8 shall be deemed to be unauthorisedly occupying the land and be liable to be summarily evicted therefrom in accordance with the provisions of the Code.

Effect of failure to pay occupancy price.

11. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, beds of creeks below high water mark, and beds of rivers, streams and nallas, lakes, wells, tanks, canals and water courses, and all standing and flowing water, and all unbuilt village site lands, all forest lands, all pasture lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes) and all mines whether being worked or not and minerals, whether discovered or not and all quarries, which are situate within the limits of any alienated land shall, except in so far as any rights of any person other than the alienee may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in, and shall be deemed to be with all rights in or over the same or appertaining thereto the property of the State Government and all rights held by an alienee in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose of them as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

All public roads, etc. situate in alienated land to vest in Government.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed day.

12. (1) In the case of an alienation consisting of a right only to the land revenue or share of land revenue of any land or village or portion of a village,—

(i) if the alienation was continuable as hereditary or in perpetuity, a sum equal to seven times the amount of such land revenue, or

(ii) if the alienation was not continuable as hereditary or in perpetuity, a sum equal to three times the amount of such land revenue, shall be paid to the alienee as compensation for the abolition of the alienation.

Compensation in respect of alienation consisting of assignment of land revenue.

(2) For the purpose of sub-section (1), the amount of land revenue shall be the amount received or due to the alienee for the year immediately preceding the appointed day.

13. (1) In the case of an alienation consisting of a cash allowance or allowance in kind, the alienee shall be paid—

(i) seven times the amount of cash allowance, or of the value of the allowance in kind, as the case may be, if the alienation was hereditary or held in perpetuity, and

Compensation in respect of allowances in cash or kind.

(ii) three times the amount of cash allowance or of the value of the allowance in kind, as the case may be, if the alienation was not hereditary or not held in perpetuity :

Provided that if any cash allowance or allowance in kind—

(a) is payable to a widow for the purpose of maintenance, she shall be paid an amount equal to such allowance for the remainder of her life;

(b) is payable to an alienee for the purpose of education, he shall be paid an amount equal to such allowance during a like period, and subject to the like conditions as are contained in the grant :

Provided that where no period is fixed in the grant, the amount shall be payable for such period as the State Government may, in the circumstances of the case, determine;

(c) is payable to an alienee who is a minor, the alienee shall either be paid until attainment of the age of twenty-one years an amount equal to the allowance or be paid seven times or, as the case may be, three times the amount of the allowance, payable under clause (i) or (ii), whichever be the greater :

(d) is received by an alienee in respect of whom, upon application, made to it, within such period and in such manner as may be prescribed, the State Government is satisfied after such inquiry (if any) as it thinks fit, that he has no other source of income, or that if he has any other source of income it is insufficient for his livelihood, or that on account of old age, mental or physical infirmity or other reason he is incapable of earning a livelihood, or maintaining himself in a reasonable manner, he shall be paid as a compassionate payment such amount not exceeding such allowance, during his lifetime, or for such lesser period, as the State Government in the circumstances thinks just.

(2) For the purpose of sub-section (1) the amount of cash allowance shall be the amount paid or payable to the alienee for the year immediately preceding the appointed day and the value of the allowance in kind shall be the value of the allowance in kind paid or payable to the alienee for the year immediately preceding the appointed day, such value being determined in the prescribed manner.

14. Any alienee having any right or interest in any property referred to in section 11 shall if he proves to the satisfaction of the Collector that he had any such right or interest, be entitled to compensation in the following manner, namely :—

(i) if the property in question is waste or uncultivated but is cultivable land, or pasture land the amount of compensation shall not exceed three times the assessment of the land; and where the waste or uncultivated land is not cultivable, the amount of compensation shall not exceed the amount of annual assessment leviable thereon :

Provided that if the land has not been assessed, the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose;

(ii) if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(iii) in the case of minerals, the amount of compensation shall be equivalent to the average of the net annual income received by the alienee in respect of minerals during the three years immediately preceding the date of vesting ;

Compensation in respect of property referred to in section 11.

(iv) in the case of forest land, the amount of compensation shall be equivalent to seven times the average of the net annual income of forest revenue including grazing fees, if any, received by the alienee during the ten years immediately preceding the date of vesting, such annual income being calculated on the basis of data regarding average yield for the said ten years ;

(v) if there are any trees or structures on the land to which clause (i) or (ii) applies the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation.—For the purposes of this section, the “market value” shall mean the value as estimated in accordance with the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act in so far as the said provisions may be applicable.

15. (1) Any alienee entitled to compensation under section 12, 13 or 14 shall within the prescribed period apply in writing to the Collector for determining the amount of compensation payable to him.

Method of awarding compensation to alienee.

(2) On receipt of an application under sub-section (1), the Collector shall after making formal enquiry in the manner provided by the Code, make an award determining the amount of compensation. Where there are co-sharers claiming compensation, the Collector shall by his award apportion the compensation between the co-sharers.

16. (1) If any person other than an alienee is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the other provisions of this Act, such person may apply to the Collector for compensation.

Method of awarding compensation for abolition, etc., of rights of other person in property.

(2) The application under sub-section (1) shall be made to the Collector in the prescribed form within the prescribed period. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act :

Provided that the amount of compensation under this section shall in no case exceed two hundred rupees.

(3) Nothing in this section shall entitle any person to compensation on the ground that any alienated land which was wholly or partially exempt from payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

17. (1) Every award made under section 15 or 16 shall be in the form prescribed in section 26 of the Land Acquisition Act, and the provisions of the said Act, shall, so far as may be, apply to the making of such award.

Provisions of Land Acquisition Act, applicable to awards.

(2) No award of compensation under this Act in excess of five thousand rupees shall be made by an officer not being a Collector under section 8 of the Code except with the previous approval of—

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

(b) the Commissioner, if the amount of compensation exceeds twenty-five thousand rupees.

(3) No such award of compensation in excess of twenty-five thousand rupees shall be made by an officer who is also a Collector under section 8 of the Code, except with the previous approval of the Commissioner.

Appeal
against
Collector's
award.

18. An appeal shall lie against an award of the Collector to the Gujarat Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957, notwithstanding anything contained in the said Act. Bom.
XXXI
of
1958.

Procedure
before
Revenue
Tribunal.

19. (1) The Gujarat Revenue Tribunal shall, after giving notice to the appellant and the respondent, decide the appeal and record its decision.

(2) In deciding an appeal under this Act, the Gujarat Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908. V of
1908.

Limitation.

20. Every appeal made under this Act to the Gujarat Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. IX of
1908.

Court-fees

21. Notwithstanding anything contained in the Bombay Court-fees Act, 1959, every appeal made under this Act to the Gujarat Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. Bom.
XXXI
VI of
1959.

Finality of
award and
decision of
Revenue
Tribunal.

22. Subject to an appeal to the Gujarat Revenue Tribunal, the award made by the Collector and the decision of the Gujarat Revenue Tribunal in appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

Inquiries
and proceed-
ings to be
judicial
proceedings.

23. All inquiries and proceedings before the Collector and the Gujarat Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code, XLV
of
1960.

Mode of
payment of
amount of
compensa-
tion.

24. The amount of compensation payable under this Act shall—

(i) if not exceeding Rs. 1000, be payable in cash, and

(ii) if it exceeds Rs. 1000, shall be payable in cash upto a sum of Rs. 1000 the balance being payable in transferable bonds which shall carry interest at the rate of three per cent. per annum from the date of issue and be repayable during such period not exceeding twenty years from the said date as may be prescribed by equated annual instalments of principal and interest. The bonds shall be of such denomination and in such form as may be prescribed :

Provided that the amount of compensation payable under the proviso to sub-section (1) of section 13 shall be paid in cash.

25. (1) Whenever an officer authorised by the State Government in this behalf so directs, an alienee shall deliver to him or such other officer as may be specified by him the records maintained by the alienee relating to the alienated land.

Alienees to deliver records to authorised officers.

(2) If the alienee fails without reasonable cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver any such records the alienee shall be punished with an additional fine which may extend to twenty five rupees for every day during which such failure continues after conviction for the first failure.

Guj.
XXV.
II of
1961.

26. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the tenancy laws or of the Gujarat Agricultural Lands Ceiling Act, 1960, to any alienated land or the rights and obligations of a land lord and his tenants save in so far as the said provisions are in any way inconsistent with the express provisions of this Act.

Provisions of tenancy law to govern the relations of landlord and tenants.

27. The State Government may, subject to such restrictions and conditions as it may impose, by notification in the *Official Gazette*, delegate to any of its officers not below the rank of a Collector under the Code, all or any of the powers conferred on it by this Act.

Delegation of powers.

28. (1) The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

Rules.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the Legislature, or to such modification as the Legislature may make during the session in which they are so laid, or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

29. Nothing contained in this Act shall affect any obligation or liability already incurred under an incident of an alienation before the appointed day, or any proceeding or remedy in respect of such obligation or liability, and any such proceeding may be continued and remedy enforced as if this Act had not been passed.

Savings.

SCHEDULE

(See section 4.)

List of Tenures Abolition Laws.

BOMBAY ACTS

1. The Bombay Bhagdari and Narwadari Tenures Abolition Act, 1949 (Bom. XXXII of 1949).
2. The Bombay Maleki Tenure Abolition Act, 1949 (Bom. LXI of 1949).
3. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949), save as provided in this Act.
4. The Panch Mahals Mehwassi Tenure Abolition Act, 1949 (Bom. LXIII of 1949).

5. The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950 (Bom. LX of 1950).
6. The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom. LXII of 1950).
7. The Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953).
8. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).
9. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).
10. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).
11. The Bombay Merged Territories (Matadari Tenure Abolition) Act, 1953 (Bom. XLVIII of 1953).
12. The Bombay Service Inams (Useful to Community) Abolition Act, 1953 (Bom. LXX of 1953).
13. The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953 (Bom. I of 1954).
14. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954).
15. The Bombay Bhil Naik Inams Abolition Act, 1955 (Bom. XXI of 1955).
16. The Bombay Merged Territories Miscellaneous Alienations Abolition Act 1955 (Bom. XXII of 1955).
17. The Bombay Inams (Kutch Area) Abolition Act, 1958 (Bom. XCVIII of 1958).
18. The Bombay Inferior Village Watans Abolition Act, 1958 (Bom. I of 1959).
19. The Bombay Ankadia Tenure (Saurashtra Area) Abolition Act, 1959 (Bom. XXXI of 1959).
20. The Bombay Bandhijama, Udhad and Ugadia Tenures Abolition Act, 1959 (Bom. XXXV of 1959).
21. The Bombay (Saurashtra Area) Aghat Tenure and Ijaras Abolition Act 1959 (Bom. LXV of 1959).

BOMBAY RULES

1. The Bombay Saranjams, Jahagirs and other Inams of Political nature, Resumption Rules, 1954.
2. The Bombay Service Inams useful to community (Gujarat and Konkan) Resumption Rules, 1954.

SAURASHTRA ACTS

1. The Saurashtra Land Reforms Act, 1951 (Sau. Act XXV of 1951).
2. The Saurashtra Barkhali Abolition Act, 1951 (Sau. Act XXVI of 1951).
3. The Saurashtra Estate Acquisition Act, 1952 (Sau. Act XXX of 1952).

GUJARAT ACT

1. The Gujarat Patel Watans Abolition Act, 1961 (Guj. XLVIII of 1961).



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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 President on the 24th March 1965 is hereby published for general information.

AKBAR S. SARELA,
 Secretary to Government,
 Legal Department.

GUJARAT ACT NO. 3 OF 1965.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 27th March 1965.)

An Act to amend the Gujarat Surviving Alienations Abolition Act, 1963 for certain purposes.

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

1. This Act may be called the Gujarat Surviving Alienations Abolition Short title, (Amendment) Act, 1965.

2. In the Gujarat Surviving Alienations Abolition Act, 1963, after section 26, the following section shall be and shall be deemed always to have been inserted, namely :—

Guj. XXXIII of 1963.

Insertion of section 26A in Guj. XXXIII of 1963.

Alienee to continue to receive land revenue, cash allowance etc. subject to certain conditions.

"26A.(1) In the case of an alienation consisting of a right only to land revenue or a share of land revenue of any land or village or portion of a village or of a cash allowance or allowance in kind, the alienee shall notwithstanding the abolition of the alienation, continue to receive until the expiry of three years from the appointed day or the determination of compensation under section 15, whichever event occurs earlier, the land revenue or share of land revenue or cash allowance or as the case may be, allowance in kind to the extent of the amount as received by or due to the alienee for the year immediately before the appointed day but not exceeding Rs. 3,600 in any case.

(2) Any amount received under sub-section (1) shall be adjusted against the amount of compensation determined under section 15.

(3) The foregoing provisions of this section shall cease to apply to an alienee who fails to make an application for compensation under section 15, within the period prescribed therefor."

Repeal of
Guj. Ord.
No. 1 of
1965.

3. The Gujarat Surviving Alienations Abolition (Amendment) Ordinance, 1965, Guj. Ord. No. 1 of 1965, is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.

Bom. I
of
1904.