



## The Land Acquisition (Bombay Amendment) Act, 1938

Act 18 of 1938

**Keyword(s):**

Central Act Amendment, The Land Acquisition Act, 1894

Amendments appended: 20 of 1945, 27 of 1950, 35 of 1953, 12 of 1958, 7 of 1973, 42 of 1973, 29 of 1977

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BOMBAY ACT No. XVIII OF 1938.<sup>1</sup>

[THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1938.]

[27th October 1938]

An Act to amend the Land Acquisition Act, 1894,<sup>2</sup> in its application to the Province of Bombay.

WHEREAS it is expedient to amend the Land Acquisition Act, 1894, in its application to the Province of Bombay for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. (1) This Act may be called the Land Acquisition (Bombay Amendment) Act, 1938. Short title.  
and extent.

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

2. In sections 28 and 34 of the Land Acquisition Act, 1894, for the word " six " Amendment  
of sections 28  
and 34 of  
Act I of  
1894.  
the word " four " shall be substituted.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1938, Part V, p. 493 ; for Proceedings in Assembly, see *Bombay Legislative Assembly, Debates*, 1938, Vol. 4, p. 370 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1938, Vol. 4, pp. 120 and 121.

<sup>2</sup> See *Unrepealed Central Acts*, Vol. III, p. 481.

**THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1945.**

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**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Insertion of new Part I-A in Act I of 1894.
3. Amendment of section 45 of Act I of 1894.
4. Amendment of section 46 of Act I of 1894.

\*BOMBAY ACT No. XX OF 1945.<sup>1</sup>

[THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1945.]

[3rd November 1945]

An Act to amend the Land Acquisition Act, 1894,<sup>2</sup> in its application to the Province of Bombay.

I of 1894. WHEREAS it is necessary to amend the Land Acquisition Act, 1894, in its application to the Province of Bombay for the purpose hereinafter appearing ;

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Geo. 5.  
Ch 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Land Acquisition (Bombay Amendment) Act, Short title, 1945.

I of 1894. 2. After Part I of the Land Acquisition Act, 1894, hereinafter called " the said Act ", the following Part shall be inserted, namely :—

Insertion of new Part I-A in Act I of 1894.

" PART I-A.

*Preliminary Survey.*

3A. For the purpose of enabling the Provincial Government to determine whether land in any locality is needed or is likely to be needed for any public purpose, it shall be lawful for any officer of the Provincial Government in the Public Works Department, or any other officer either generally or specially authorised by the Provincial Government in this behalf, and for his servants and workmen,—

Preliminary survey of lands and powers of officers to carry out survey.

(i) to enter upon and survey and take levels of any land in such locality,

(ii) to mark such levels,

(iii) to do all other acts necessary to ascertain whether the land is adapted for such purpose, and

(iv) where otherwise the survey cannot be completed and the levels taken, to cut down and clear away any part of any standing crop, fence or jungle :

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

<sup>1</sup>This Act was repealed and re-enacted by Bom. 10 of 1948, s. 2.

<sup>2</sup>For the Statement, see *Bombay Government Gazette*, 1945, Pt. IV, page 178.

<sup>3</sup>See *Unrepealed Central Acts*, Vol. III, p. 481.

Payment for  
damage.

3B. The Officer of the Provincial Government in the Public Works Department, and any other officer so authorised shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, shall at once refer the dispute to the decision of the Collector or other chief revenue-officer of the district, and such decision shall be final."

Amendment  
of section 45  
of Act I of  
1894.

3. In section 45 of the said Act, for the word and figure " section 4 " the words, figures and letter " section 3A or 4 " shall be substituted.

Amendment  
of section 46  
of Act I of  
1894.

4. In section 46 of the said Act—

(a) after the word " by " the word, figure and letter " section 3A " shall be inserted ; and

(b) after the words " under section " the figure, letter and words " 3A or section " shall be inserted.

**BOMBAY ACT No. XXVII OF 1950.<sup>1</sup>****[THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1950.]****[21st June 1950]****An Act to amend the Land Acquisition Act, 1894, in its application to the State of Bombay.**1 of  
1894.

**WHEREAS** it is expedient to amend the Land Acquisition Act, 1894, in its application to the State of Bombay for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Land Acquisition (Bombay Amendment) Act, Short title. 1950.

1 of  
1894.

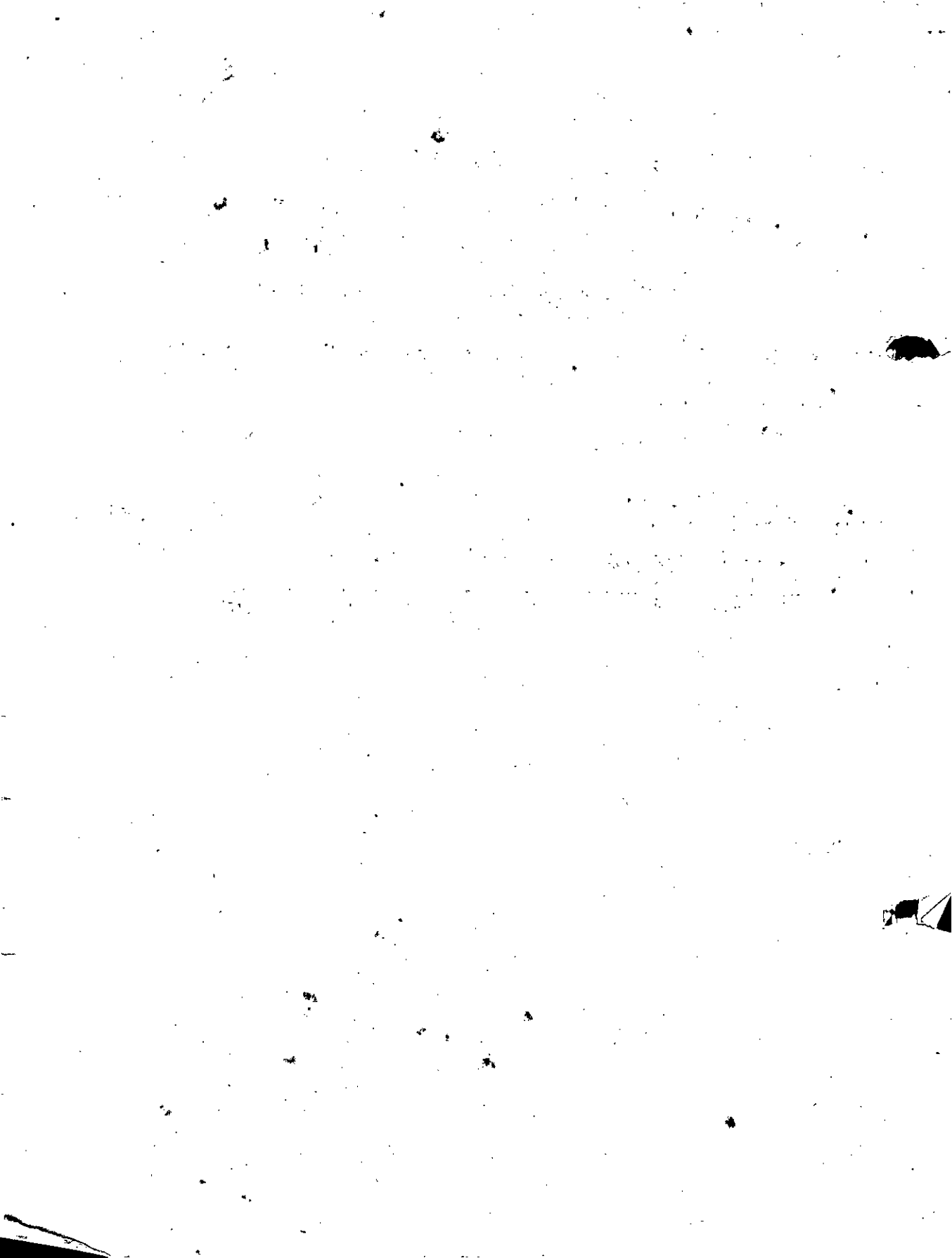
2. In section 3 of the Land Acquisition Act, 1894, after clause (a) the following new clause shall be inserted, namely :—

Amendment  
of section 3  
of Act I of  
1894.

(aa) the expression "arable land" includes "garden land".

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<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1950, Part V, page 97.



**THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1953.**

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**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Amendment of section 3 of Act I of 1894.
3. Amendment of section 11 of Act I of 1894.
4. Amendment of section 12 of Act I of 1894.
5. Insertion of new section 12A in Act I of 1894.
6. Insertion of new section 15A in Act I of 1894.
7. Amendment of section 17 of Act I of 1894.
8. Amendment of section 18 of Act I of 1894.
9. Amendment of section 27 of Act I of 1894.
10. Amendment of section 35 of Act I of 1894.
11. Amendment of section 46 of Act I of 1894.



THE UNITED STATES OF AMERICA

MEMORANDUM

TO :

FROM :

SUBJECT :

1. The attached report contains information regarding the activities of the [redacted] in the [redacted] area during the period [redacted] to [redacted].

2. It is noted that the [redacted] has been active in the [redacted] area and has been observed in the [redacted] area on [redacted] and [redacted].

3. The [redacted] has been observed in the [redacted] area on [redacted] and [redacted].

4. The [redacted] has been observed in the [redacted] area on [redacted] and [redacted].

5. The [redacted] has been observed in the [redacted] area on [redacted] and [redacted].

6. The [redacted] has been observed in the [redacted] area on [redacted] and [redacted].

7. The [redacted] has been observed in the [redacted] area on [redacted] and [redacted].

8. The [redacted] has been observed in the [redacted] area on [redacted] and [redacted].

9. The [redacted] has been observed in the [redacted] area on [redacted] and [redacted].

10. The [redacted] has been observed in the [redacted] area on [redacted] and [redacted].

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BOMBAY ACT No. XXXV OF 1953.<sup>1</sup>

[THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1953.]

[6th June 1953]

An Act to amend the Land Acquisition Act, 1894, in its application to the State of Bombay.

**1** of 1894. WHEREAS it is expedient to amend the Land Acquisition Act, 1894, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Land Acquisition (Bombay Amendment) Act, Short title. 1953.

**1** of 1894. 2. In section 3 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act),— Amendment of section 3 of Act I of 1894.

(1) in clause (d), the following shall be added at the end, namely :—

“ and shall, in relation to any proceedings under this Act, include the Court of a Civil Judge (Senior Division) to which the principal Civil Court may transfer any such proceedings ; ” ;

(2) in clause (f),—

(1) after the word “ includes ” the brackets and figure “ (1) ” shall be inserted ;

(2) after the words “ such provision ” the following shall be inserted, namely :—

“ and ”

(2) the acquisition of land for purposes of the development of areas from public revenues or some fund controlled or managed by a local authority and subsequent disposal thereof in whole or in part by lease, assignment or sale, with the object of securing further development ; ”

3. To section 11 of the said Act, the following proviso shall be added, namely :— Amendment of section 11 of Act I of 1894.

“ Provided that no such award shall be made by the Collector without the previous approval of the State Government or such officer as the State Government may appoint in this behalf. ”

4. In section 12 of the said Act,—

(1) in sub-section (1), after the words “ and shall, ”, the words, figures and letter “ subject to the provisions of section 15A and ” shall be inserted ; Amendment of section 12 of Act I of 1894.

(2) in sub-section (2), after the word “ award ”, where it occurs for the first time, the words, figures and letter “ or the amendment thereof made under section 12A ” shall be inserted ; and after the word “ award ”, where it occurs for the second time, the words “ or amendment ” shall be inserted.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1953, Part V, p. 9.

Insertion of new section 12A in Act I of 1894. 5. After section 12 of the said Act, the following section shall be inserted, namely :—

Amendment of award.

“ 12A. (1) Any clerical or arithmetical mistake in an award or errors arising therein from accidental slips or omission may, at any time not later than six months from the date of the award, be corrected by the Collector either on his own motion or on the application of a person interested and the award so corrected shall be deemed to have been amended accordingly.

(2) If the award so amended discloses any overpayment, the Collector shall, either immediately after the amendment of the award or after the expiry of the time allowed to make a reference to the Court from the amendment of the award, issue a notice to a person to whom overpayment was made that if the amount overpaid is not paid back to the State Government within one month after receipt of the notice, the amount overpaid shall be recovered as an arrear of land revenue and after the expiry of the time stated in the notice the amount shall be so recoverable.”

Insertion of new section 15A in Act I of 1894. 6. After section 15 of the said Act, the following section shall be inserted, namely :—

Power of State Government to call for proceedings and pass orders thereon.

“ 15A. The State Government may, at any time before an award is made by the Collector under section 11, call for and examine the record of any order passed by the Collector or of any inquiry or proceedings of the Collector, for the purpose of satisfying itself as to the legality or propriety of any order passed and as to the regularity of such proceedings. If, in any case, it shall appear to the State Government that any order or proceedings so called for should be modified, annulled or reversed, it may pass such order thereon as it deems fit.”

Amendment of section 17 of Act I of 1894. 7. In section 17 of the said Act, in sub-section (2), after the words “ access to any such station ”, the following words shall be inserted, namely :—

“ or whenever owing to a like emergency or owing to breaches or other unforeseen events causing damage to roads, rivers, channels or tanks, it becomes necessary for the State Government to acquire the immediate possession of any land for the purpose of maintaining road communication or irrigation or water supply service, as the case may be, ”

Amendment of section 18 of Act I of 1894. 8. In section 18 of the said Act, after the word “ award ”, where it occurs for the first time, the words “ or the amendment thereof ” shall be inserted ; and after the said word, wherever it occurs thereafter, the words “ or the amendment ” shall be inserted.

Amendment of section 27 of Act I of 1894. 9. In section 27 of the said Act, in sub-section (2), after the words “ award of the Collector ”, the words “ or the amendment thereof ” shall be inserted.

Amendment of section 35 of Act I of 1894.

10. In section 35 of the said Act,—

(1) after sub-section (1), the following sub-sections shall be inserted, namely :—

“ (1A) Before issuing a direction under sub-section (1) the State Government may require the Collector to submit—

(a) a plan of the land which is needed for occupation and use ; and

(b) an estimate of the compensation that would be payable under sub-section (2) ;

and upon the issue of such a requisition the Collector shall cause public notice of the substance of the requisition to be given at convenient places in the locality in which the land is situated.

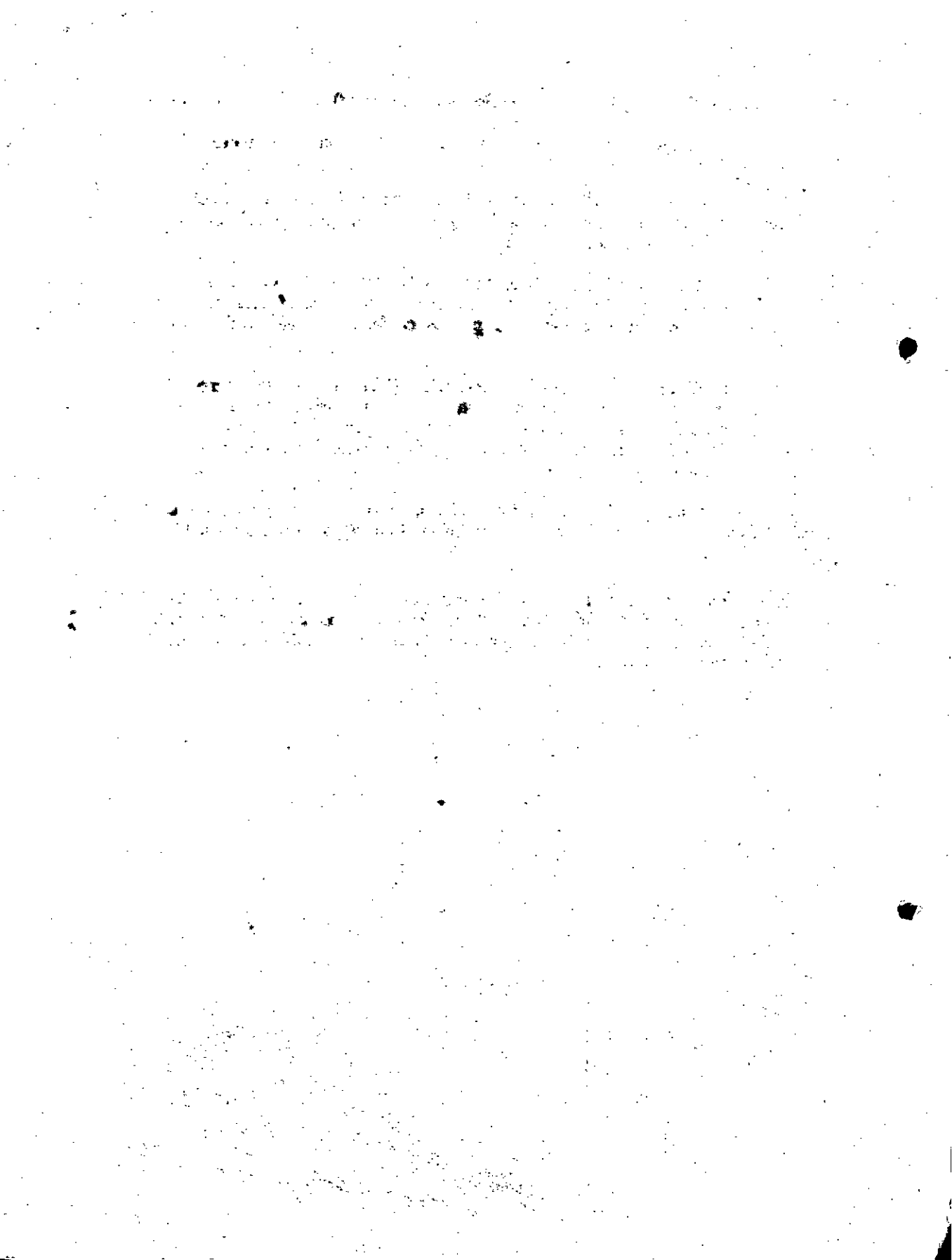
(1B) After the issue of such notice, it shall be lawful for any officer either generally or specially authorised by the Collector in this behalf, and for his servants and workmen to exercise the powers conferred by sub-section (2) of section 4.

(1C) The officer authorised under sub-section (1B) shall at the time of his entry pay or tender payment for all necessary damage to be done as aforesaid, and, in the case of dispute as to the sufficiency of the amount paid or tendered, he shall at once refer the dispute to the decision of the Collector and such decision shall be final ;” ;

(2) in sub-section (2), for the words “The Collector shall thereupon” the words “Upon the issue of a direction under sub-section (1) the Collector shall” shall be substituted.

11. In section 46 of the said Act, for the words and figure “or section 8” the words and figures “, section 8 or section 35” and for the words, figures and letter “section 3A or section 4” the words, figures and letter “section 3A, section 4 or 1894” shall be substituted.

Amendment  
of section 46  
of Act I of



**THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1957.**

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**CONTENTS**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Amendment of section 11 of Act I of 1894.

**BOMBAY ACT No. XII OF 1958.<sup>1</sup>**

[THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1957.]

[24th January 1953]

An Act further to amend the Land Acquisition Act, 1894, in its application to the pre-Reorganisation State of Bombay, excluding the transferred territories.

I of  
1894.

WHEREAS it is expedient further to amend the Land Acquisition Act, 1894, in its application to the pre-Reorganisation State of Bombay, excluding the transferred territories, for the purpose hereinafter appearing; It is hereby enacted in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Land Acquisition (Bombay Amendment) Act, Short title. 1957.

I of  
1894.

2. In section 11 of the Land Acquisition Act, 1894, in the proviso thereto, for the Amendment words "no such award" the words "no award allowing compensation exceeding of section 11 such amount as the State Government may by general order specify" shall be 1894. substituted.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1957, Part V, page 173.

**MAHARASHTRA ACT No. VII OF 1973<sup>1</sup>**

[THE LAND ACQUISITION (MAHARASHTRA) (TEMPORARY AMENDMENT)  
ACT, 1972.]

[13th February 1973].

**An Act further to amend the Land Acquisition Act, 1894, in its application to the State of Maharashtra, for the purpose of meeting the emergent conditions in the State consequent on the failure of successive monsoons.**

WHEREAS, during the last three consecutive years there has been a failure of the monsoon throughout the State of Maharashtra; and as a consequence thereof there is at present acute scarcity of water for drinking and agriculture in most areas of the State; and irrigation projects and rivers and (as the water level has gone down) wells also, are running dry ;

AND WHEREAS, as a consequence of the failure of the monsoons during the prolonged periods aforesaid, crops have withered ; and there is considerable and growing unemployment in rural areas leading to general unrest amongst the population, and the likelihood of law and order being affected ; and reports are also coming in of the distress sales and loss of cattle, and there is apprehension of large-scale migrations of the rural population in search of work to urban areas ;

AND WHEREAS, in order immediately to alleviate shortages of water and gain, and in some measure to provide for water both for drinking and other purposes, by means of irrigation projects, digging of wells, tanks, etc. ; and to provide for temporary employment of persons affected by the scarcity mentioned aforesaid in relief works such as building of roads, bridges, tanks and the like, and prevent large-scale migrations and the problems attendant thereto, it is expedient to amend the Land Acquisition Act, 1894, for a certain time, so that land can be acquired for the emergent purposes aforesaid, without the normal delays in taking possession of such land ; It is hereby enacted in the Twenty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Land Acquisition (Maharashtra) (Temporary Amendment) Act, 1972. Short title, commencement and duration.

(2), It shall come into force on such date<sup>2</sup> as the State Government may, by notification in the *Official Gazette*, appoint ; and shall remain in force for a period of one year and shall then expire and section 7 of the Bombay General Clauses Act, 1904, shall apply on the expiry of this Act as if it had then been repealed by a Maharashtra Act.

2. During the continuance of the Land Acquisition (Maharashtra) (Temporary Amendment) Act, 1972, the provisions of section 17 of the Land Acquisition Act, 1894, shall apply in the State of Maharashtra subject to the following modifications that is to say,— Application of section 17 of Act I of 1894 with modifications, during continuance of Mah. VII of 1973.

In section 17, in sub-section (2), after the words " as the case may be ", where they occur for the first time, the words " or whenever due to failure of the monsoons or otherwise there is acute scarcity of water for drinking or agriculture and failure of crops in the State, it becomes necessary for the State Government or the Commissioner to acquire the immediate possession of any land, for the purpose of providing water for drinking or agriculture and by setting up or continuing relief works for providing employment to persons affected by the conditions referred to above." shall be inserted.

<sup>1</sup>For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1972, Pt. V, p. 603.

<sup>2</sup>26th day of February 1973 (*vide* G. N., R. & F.E., No. LQN. 1672/27621-H-1, dated the 21st February 1973).



**MAHARASHTRA ACT No. XLII OF 1973<sup>1</sup>**

**[THE LAND ACQUISITION (MAHARASHTRA AMENDMENT) AND MAHARASHTRA REGIONAL AND TOWN PLANNING (AMENDMENT) ACT, 1973]**

[13th December 1973]

**An Act further to amend the Land Acquisition Act, 1894, in its application to the State of Maharashtra and to amend section 129 of the Maharashtra Regional and Town Planning Act, 1966.**

**WHEREAS, it is expedient further to amend the Land Acquisition Act, 1894, in its application to the State of Maharashtra ; and to amend section 129 of the Maharashtra Regional and Town Planning Act, 1966 ; It is hereby enacted in the Twenty-third Year of the Republic of India as follows :—**

**I of 1894.**  
**Mah. XXXVII of 1966.**

**1. (1) This Act may be called the Land Acquisition (Maharashtra Amendment) and Maharashtra Regional and Town Planning (Amendment) Act, 1972.** Short title and commencement.

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

**2. In section 17 of the Land Acquisition Act, 1894, in its application to the State of Maharashtra (hereinafter referred to as the principal Act)—** Amendment of section 17 of I of 1894.

**(a) in sub-section (1), the words "waste or arable" shall be deleted ;**

**(b) the Explanation at the end shall be deleted.**

**I of 1894.**

**3. For section 52-A of the principal Act, the following shall be substituted, namely :—** Substitution of section 52-A of Act I of 1894.

**" 52-A. Notwithstanding anything contained in the foregoing provisions of this Act—**

**(1) the State Government may, by notification in the *Official Gazette*, direct that all or any of the powers conferred or duties imposed on it or on the Commissioner by or under this Act may, subject to such restrictions and conditions, if any, as may be specified in the notification be exercisable also by the Collector,**

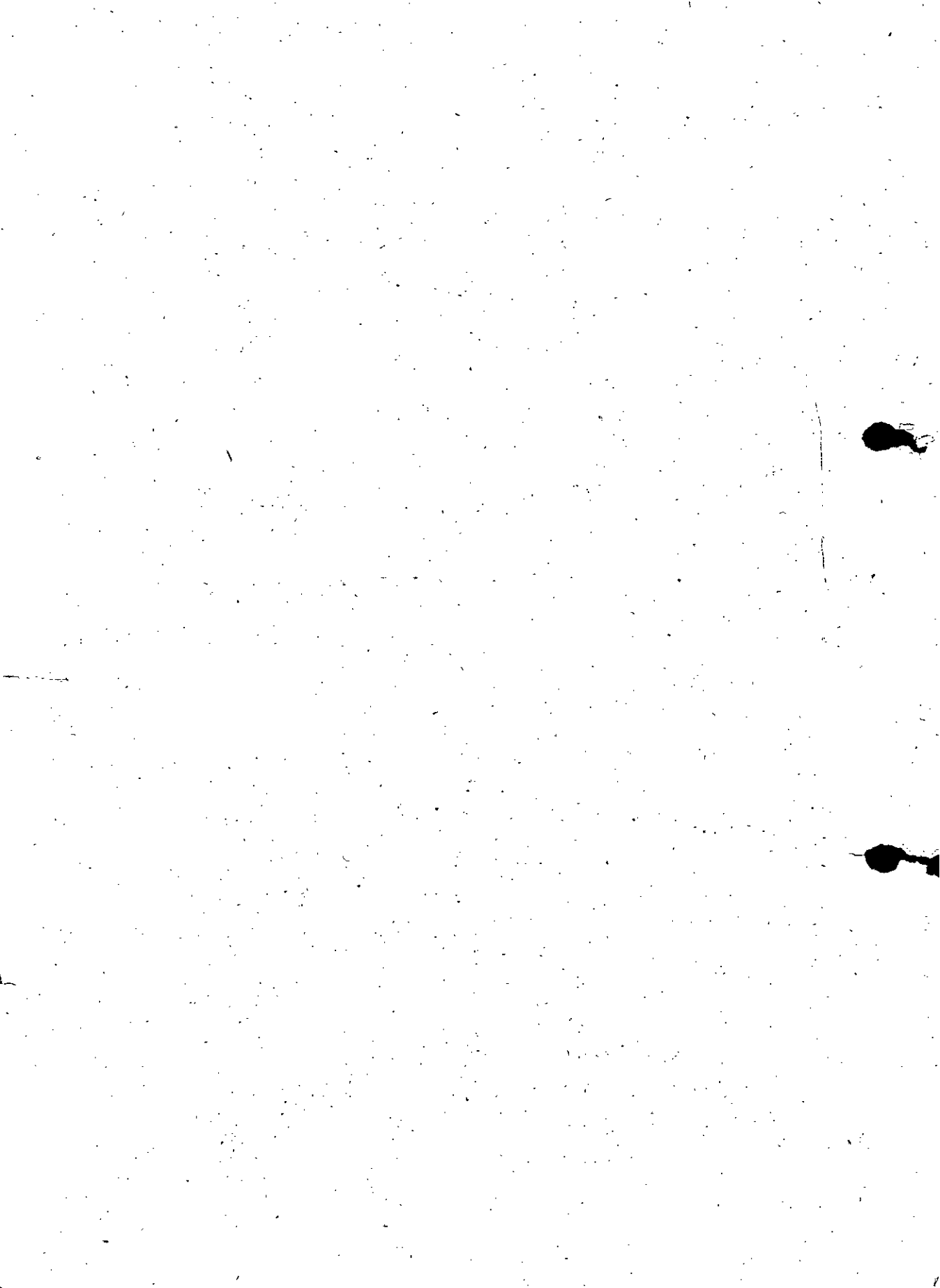
**(2) a Collector may, subject to the general or special orders of the Government, delegate any of his powers or functions under this Act to any officer not below the rank of a Tahsildar or to a Land Acquisition Officer specially appointed by the Government in this behalf."**

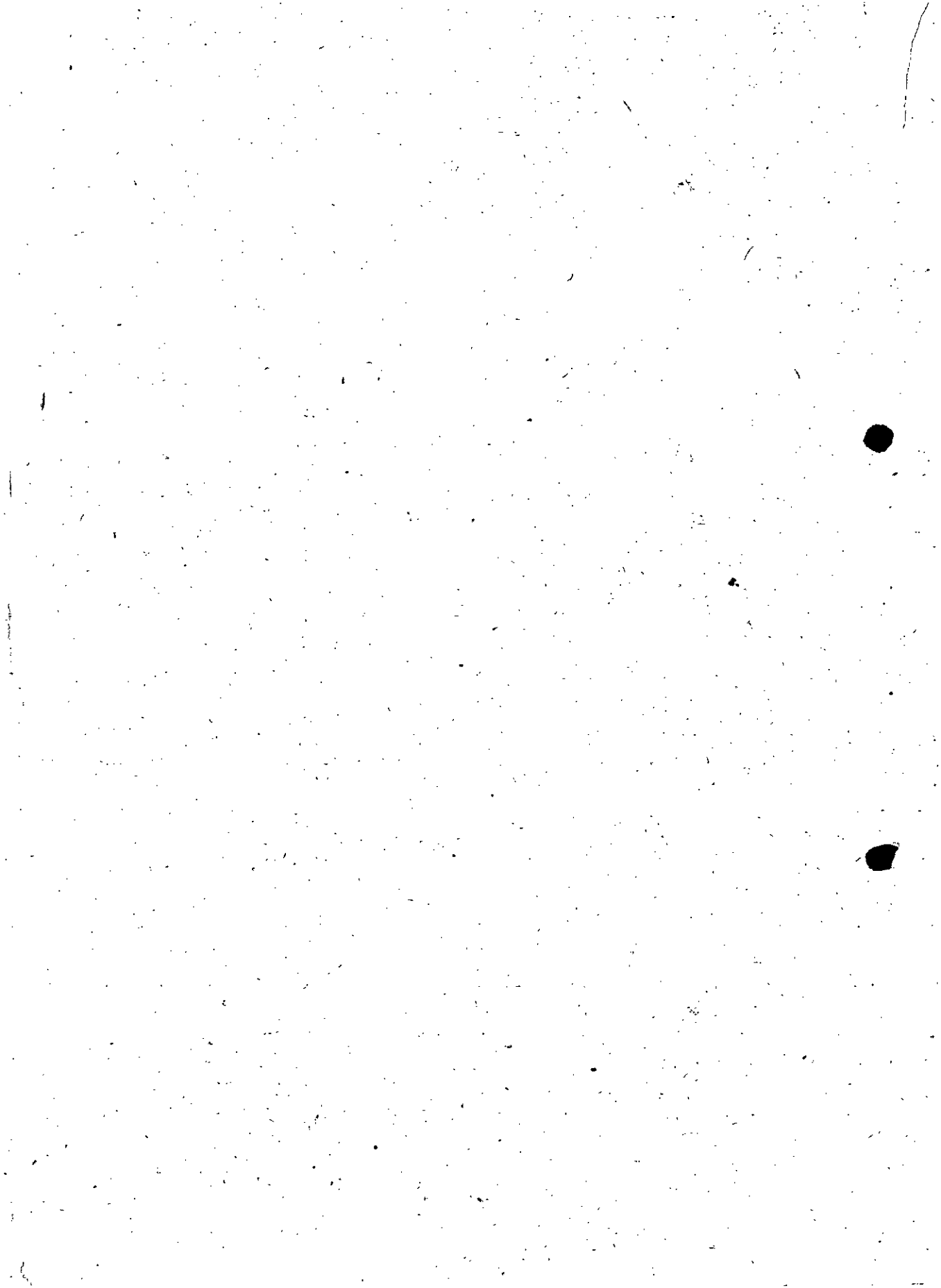
**4. In section 129 of the Maharashtra Regional and Town Planning Act, 1966, in sub-section (1), the words "whether arable, waste or open" shall be deleted.** Amendment of section 129 of Mah. XXXVII of 1966.

**Mah. XXXVII of 1966.**

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1972, Part V Extra., page 598.

<sup>2</sup> 1st January 1974 (see G.N., R. & F.D., No. JLN-1672/27621-H-1, dated 28th December 1973.





THE LAND ACQUISITION (MAHARASHTRA AMENDMENT) ACT, 1976.

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CONTENTS

PREAMBLE

SECTIONS

1. Short title.
2. Amendment of section 4 of Act I of 1894.
3. Amendment of section 6 of Act I of 1894.

MAHARASHTRA ACT No. XXIX OF 1977<sup>1</sup>

[THE LAND ACQUISITION (MAHARASHTRA AMENDMENT) ACT, 1976.]

[21st May 1977]

An Act further to amend the Land Acquisition Act, 1894, in its application to the State of Maharashtra.

1 of 1894. WHEREAS it is expedient further to amend the Land Acquisition Act, 1894, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-seventh year of the Republic of India as follows:—

1. This Act may be called the Land Acquisition (Maharashtra Amendment) Short title, Act, 1976.

2. In section 4 of the Land Acquisition Act, 1894, in its application to the State of Amendment I of Maharashtra (hereinafter referred to as "the principal Act"), in sub-section (1), of section 4 1894. for the words "shall be published in the *Official Gazette*", the words "shall be of Act I of 1894. published in the *Official Gazette* or in the Government periodical entitled 'Lok Rajya' or in a newspaper having circulation in the local area," shall be substituted.

3. In section 6 of the principal Act, in sub-section (2), for the words "shall be Amendment published in the *Official Gazette*," the words "shall be published in the *Official of section 6 of Act I of 1894. Gazette* or in the Government periodical entitled "Lok Rajya" or in a newspaper having circulation in the local area," shall be substituted.

<sup>1</sup>For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1976, Part V, Extraordinary, Dated the 16th November 1976, page 599.