



## The Bombay Land Improvement Schemes Act, 1942

Act 28 of 1942

**Keyword(s):**

Board, Company, Company Officer, Director of Agriculture, Divisional Soil Conservation Officer, Inquiry Officer, Owner, Scheduled Bank, Scheme, Soil Conservation Officer, Tenant

**DISCLAIMER:** This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

THE BOMBAY LAND IMPROVEMENT SCHEMES ACT, 1942

---

CONTENTS.

PREAMBLE.

SECTIONS.

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.
2. Definitions.

---

CHAPTER II.

CONSTITUTION OF BOARDS AND PREPARATION OF LAND IMPROVEMENT SCHEMES.

3. Constitution of Boards.
4. Power of Board or Company to direct preparation of land improvement scheme and matters for which scheme may be prepared.
5. Publication of scheme and inviting objections.
6. Report of Inquiry Officer or Company Officer.
7. [Repealed.]
8. [Repealed.]
9. Power of Board or Company to sanction scheme with or without modifications.
10. Effect of scheme.
- 10A. Power of State Government or of Board or Company to make regulations.

---

CHAPTER III.

EXECUTION OF THE SCHEME.

11. Power to enforce scheme.
12. Liability of persons whose lands are not included in scheme to contribute.
- 12A. Penalty.

---

CHAPTER IV.

MAINTENANCE, REPAIR AND USE OF WORKS CARRIED OUT UNDER THE SCHEME.

13. Statement.
- 13A. Executing Officer to prepare recovery statements and entries to be made in Record of Rights, etc.
14. Obligation of persons to maintain and repair works.

## SECTIONS.

## CHAPTER V.

## MISCELLANEOUS.

15. Payment and recovery of amount.
- 15A. Amount due to Company to be first charge on land of defaulter.
- 15B. Recovery of moneys due to Company as arrears of land revenue.
- 15C. Where loan is given by Scheduled bank, transfer of rights of Company to the bank for speedy recovery of its dues from owners of lands benefited.
16. Right of entry.
17. Inquiries to be held summarily.
18. Permission to owners to increase rent on account of improvements effected.
19. Registration of document, plan or map in connection with land improvement scheme not required.
20. [*Repealed.*]
21. Delegation.
22. Certain Officers to be public servants.
23. Protection of persons acting in good faith and limitation of suits and prosecutions.
24. Power to make rules.
25. Power of State Government to direct preparation of scheme in certain circumstances.
- 25A. Power of State Government to direct preparation and execution of scheme in area declared to be famine or scarcity area.
- 25B. Power to revoke scheme.
26. Expenditure incurred by State Government to be charged on Consolidated Fund of State.
- 26A. Effect of transfer of rights and liabilities of Government to Land Development Bank.
- 26B. Power of State Government to transfer schemes to Company.
27. Savings.
28. Validation of constitution and acts of Board.
- 28A. Repeal and Savings.
29. Saving of Khar lands.

**\*BOMBAY ACT No. XXVIII OF 1942<sup>1</sup>**

[THE BOMBAY LAND IMPROVEMENT SCHEMES ACT, 1942]†

[Received the assent of Governor-General on the 15th day of January 1943; assent first published in the *Bombay Government Gazette* on the 25th January 1943.]

Amended by Bom.	3 of 1944*
" " "	7 of 1945**
" " "	73 of 1948
" " "	38 of 1949

Repealed in part and amended by Bom. 53 of 1949.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom.	8 of 1953.
" " "	51 of 1954.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 30 of 1958.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah.	5 of 1962
" " "	35 of 1969†
" " "	44 of 1972‡
" " "	18 of 1973 (13-7-1973)¶
" " "	43 of 1976 (15-9-1976)¶
" " "	26 of 1976
" " "	9 of 1980** (31-12-1979)¶

**An Act to provide for the making and execution of schemes relating to the construction of tanks, embankments and other works, the prohibition and control of grazing for the purposes of preservation of soil, prevention of soil erosion, improvement of water supply and other matters in order thereby to protect and improve lands and crops in the Province of Bombay and for charging certain expenditure on the revenues of the Province.**

WHEREAS it is expedient to provide for the making and execution of schemes relating to the construction of tanks, embankments and other works, the prohibition and control of grazing for the purposes of preservation of soil, prevention of soil erosion, improvement of water supply and other matters in order thereby to protect and improve lands and crops in the Province of Bombay and for charging certain expenditure on the revenues of the Province;

AND WHEREAS the Governor of Bombay has assumed to himself under the 26  
Geo  
5 Ch.  
2. 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;

<sup>1</sup>For Statements, see *Bombay Government Gazette*, 1943, Part IV, p. 44.

<sup>2</sup>For retrospective operation of this Act, see sec. 22, Bom. 7 of 1945.

\*These Acts were repealed and re-enacted by Bom. 29 of 1948, s. 2.

†The Act was extended to that part of the State of Bombay to which immediately before the commencement of Bom. 30 of 1958, it did not extend (*vide* Bom. 30 of 1958, s. 2).

‡Maharashtra Ordinance No. XI of 1969 was repealed by Mah. 35 of 1969, s. 4.

§Maharashtra Ordinance No. X of 1972 was repealed by Mah. 44 of 1972, s. 3.

¶This indicates the date of Commencement of Act.

\*\*Maharashtra Ordinance No. XII of 1979 was repealed by Mah. 9 of 1980, s. 4(I).

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

## CHAPTER I.

### PRELIMINARY.

Short title, extent and commencement. 1. (1) This Act may be called the Bombay Land Improvement Schemes Act, 1942.

<sup>1</sup>[(2) It shall extend to the whole of the <sup>2</sup>[State of Maharashtra].]

(3) It shall come into force in such area and on such date as the <sup>3</sup>[State] Government may, by notification in the *Official Gazette*, direct :

<sup>4</sup>[Provided that on the commencement of the Bombay Land Improvement Schemes (Extension and Amendment) Act, 1958, it shall come into force at once in those areas in which the Hyderabad Land Improvement Act, 1953 \* \* \* was in force immediately before such commencement.]

Bom. XXX of 1958, Hyd. Act No. XIX of 1953.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Board" means a Board constituted under section 3;

<sup>6</sup>[(1A) "Collector" includes a Deputy Commissioner;]

<sup>7</sup>[(1B) "Company" means a company owned or controlled by the State which is set up for the purposes of executing or financing (or for both purposes) schemes which have come into force under this Act;

(1C) "Company Officer" means any Officer of the Company duly appointed by it for all or any of the purposes of this Act;]

<sup>8</sup>[(2) "Director of Agriculture" means the officer appointed for the time being to be the Director of Agriculture and includes any officer appointed by the <sup>3</sup>[State] Government to perform the duties of the Director of Agriculture under this Act ;

(2A) "Divisional Soil Conservation Officer" means the officer appointed for the time being to be the Divisional Soil Conservation Officer;]

<sup>9</sup>[(2B) "District Agricultural Officer" means any officer of a *Zilla Parishad* (constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, Mah. 1961) appointed by the State Government to perform the duties of the District Agricultural Officer under this Act;]

<sup>10</sup>[(2C) "Executing Officer" means an officer appointed by the Board <sup>11</sup>[or Company] under sub-section (1) of section 11 ;] <sup>12</sup>[and the expression "Executing Officer" shall be construed according as the schemes are executed at the expense of the State Government or the Company;]

(3) "Inquiry Officer" means an officer appointed as such by the Board;

<sup>1</sup>This sub-section was substituted for the original by Bom. 30 of 1958, s. 3(1).

<sup>2</sup>These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>3</sup>This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>4</sup>This proviso was added by Bom. 30 of 1958, s. 3(2).

<sup>5</sup>The words "or as the case may be, the Saurashtra Land Improvement Schemes Act, 1954" were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>6</sup>This clause was inserted by Bom. 30 of 1958, s. 4(1).

<sup>7</sup>Clauses (1B) and (1C) were inserted by Mah. 18 of 1973, s. 2(1).

<sup>8</sup>Clauses (2) and (2A) were substituted by Bom. 73 of 1948, s. 2.

<sup>9</sup>Clause (2B) was substituted by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>10</sup>Clause (2A) which was renumbered as clause (2C) by Bom. 73 of 1948, s. 2(b), was inserted by Bom. 7 of 1945, s. 2(a), read with Bom. 29 of 1948, s. 2.

<sup>11</sup>These words were inserted by Mah. 18 of 1973, s. 2(2).

<sup>12</sup>This portion was added, *ibid*.

<sup>1</sup>[(4) "owner" includes an owner in severalty, in common or joint, an occupant, a tenure holder pattadar, tenant and a mortgagee in possession and the expressions "owing" and "own" shall be construed accordingly;]

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

<sup>2</sup>[(5A) "relevant Land Revenue Act" means—

(i) in the pre-Reorganisation \*State of Bombay, excluding the transferred territories, the Bombay Land Revenue Code, 1879;†

(ii) in the Vidarbha Region of the \*State of Bombay, the Madhya Pradesh Land Revenue Code, 1954;†

(iii) in the Hyderabad Area of the \*State of Bombay, the Hyderabad Land Revenue Act;†

3\*

(5B) "relevant tenancy law" means—

(i) in the pre-Reorganisation \*State of Bombay, excluding the transferred territories, the Bombay Tenancy and Agricultural Lands Act, 1948;

(ii) in the Vidarbha Region of the \*State of Bombay, the provisions of Chapter XIV of the Madhya Pradesh Land Revenue Code, 1954 and the Berar Regulation of Agricultural Leases Act, 1951;

(iii) in the Hyderabad Area of the \*State of Bombay, the Hyderabad Tenancy and Agricultural Lands Act, 1950;

3\*

<sup>4</sup>[(6) "scheduled bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934, and "Bank Officer", in relation to such bank, means any officer of such bank duly appointed by it for the purposes of this Act;]

II of 1934.

<sup>1</sup>This clause was substituted for the original by Bom. 30 of 1958, s. 4(2).

<sup>2</sup>These clauses were inserted, *ibid.*, s. 4(3).

<sup>3</sup>Sub-clauses (iv) and (v) were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>4</sup>Clause (6) was inserted by Mah. 9 of 1980, s. 2.

\*The words "State of Bombay" shall stand unmodified [*vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.]

†See now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) s. 336, which has repealed these Codes and Act.

(7) "Scheme" means a land improvement scheme prepared under this Act.

<sup>1</sup>[(7A) "Soil Conservation Officer" means the officer appointed for the time being to be the Soil Conservation Officer;

<sup>2</sup>[(7B) "tenant" means a tenant within the meaning of the relevant tenancy law;]

(8) The words and expressions used in this Act, but not defined, shall have the meanings assigned to them in the <sup>3</sup>[relevant Land Revenue Act.]

## CHAPTER II.

### CONSTITUTION OF BOARDS AND PREPARATION OF LAND IMPROVEMENT SCHEMES.

Constitution of Boards. 3. <sup>4</sup>[(1) The <sup>5</sup>[State] Government shall constitute in each district a Board consisting of the Collector, the District Agricultural Officer, the Divisional Soil Conservation Officer and such non-official persons not exceeding two as may be appointed by the <sup>6</sup>[State] Government.

(1A) The Divisional Soil Conservation Officer shall be the Secretary of the Board.]

(2) If there is a difference of opinion among the members of the Board regarding any question under the provisions of this Act the decision of the majority of the members shall prevail.

<sup>1</sup>Clauses (7A) and (7B) were inserted by Bom. 73 of 1948, s. 2(d).

<sup>2</sup>This clause was substituted for the original by Bom. 30 of 1958, s. 4 (4).

<sup>3</sup>These words were substituted for the words and figures "Bombay Land Revenue Code, 1879 by Bom. 30 of 1958," s. 4(b).

<sup>4</sup>Sub-sections (1) and (1A) were substituted for sub-section (1) by Bom. 73 of 1948, s. 3.

<sup>5</sup>This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950,

1942: Bom. XXVIII) *Bombay Land Improvement Schemes Act, 1942*

4. (1) [The Board or the Company] may direct the preparation of a land improvement scheme of any area within its jurisdiction. A scheme may make provision for any of the following matters, namely:—

- (i) preservation and improvement of soil;
- (ii) prevention of erosion of soil;
- (iii) improvement of water supply [including the construction or improvement of wells and other underground water resources, and exploitation of those resources];
- (iii<sup>a</sup>) development of land for better utilisation of the irrigation potential to be specified in the scheme;
- (iv) introduction of dry farming methods;
- (v) improvement in the methods of cultivation;
- (vi) reclamation of waterlogged land or of land from the sea;
- (vii) prohibition or control of grazing;
- (viii) control and maintenance of tree growth;
- (viii<sup>a</sup>) regulation or prohibition of firing of vegetation;
- (viii<sup>b</sup>) cultivation of waste or fallow land;
- (viii<sup>c</sup>) eradication of haryali or any other kind of weed or vegetation which is likely injuriously to affect, or interfere with, cultivation;
- (ix) such other matters not inconsistent with the objects of this Act as may be prescribed.

power of [Board or Company] to direct preparation of land improvement scheme and matters for which scheme may be prepared.

(2) On such direction being issued by [the Board or the Company] [the Board or the Company] shall appoint an officer to prepare, in accordance with such instructions as it may issue, a draft scheme containing the following particulars, namely:—

- (i) the objects of the scheme;
- (ii) the approximate area of the lands to be included in scheme;
- (iii) the work or kind of work to be carried out under the scheme;
- (iv) the agency or agencies through which the work shall be carried out;
- (v) such other particulars as may be prescribed.]

(3) The draft scheme prepared under section 4 shall be published by the Board or the Company in the *Official Gazette*, and in the village and at the headquarters of the taluka and of the district, in which the lands proposed to be included in the above scheme are situate.

(2) The Board or the Company shall, simultaneously with the publication of the scheme in the *Official Gazette*, require all persons affected by the scheme who wish to make any objections to the scheme or part thereof to submit their objections in writing to the Inquiry Officer appointed by the Board, or as the case may be, to the Company Officer or appear before him within twenty-one days of such publication.]

<sup>1</sup> These words were substituted for the words "The Board" by Mah. 18 of 1973, s. 4(1)(a).  
<sup>2</sup> This portion was added, *ibid.*, s. 4(b).  
<sup>3</sup> Clause (iii<sup>a</sup>) was inserted, *ibid.*, s. 4(b)(c).  
<sup>4</sup> Clause (viii<sup>a</sup>) was inserted by Bom. 7 of 1945, s. 4(i), read with Bom. 29 of 1948, s. 2.  
<sup>5</sup> This clause was inserted by Bom. 73 of 1948, s. 4.  
<sup>6</sup> This clause was inserted by Bom. 38 of 1949, s. 2.  
<sup>7</sup> Sub-section (2) was substituted by Bom. 7 of 1945, s. 4(iii), read with Bom. 29 of 1948, s. 2.  
<sup>8</sup> These words were substituted for the words "the Board" by Mah. 18 of 1973, s. 4(2).  
<sup>9</sup> These words were substituted for the word "Board", *ibid.*, s. 4(3).  
<sup>10</sup> Section 5 was substituted by Mah. 18 of 1973, s. 4.



Report of Inquiry Officer<sup>1</sup> or Company Officer<sup>2</sup>. <sup>1</sup>6. (1) The Inquiry Officer<sup>2</sup> [or Company Officer] shall hear such objections as are made to him in person, consider all objections duly submitted under section 5 and submit his report together with the objections to the Board<sup>2</sup> [or, as the case may be, to the Company].

(2) The Inquiry Officer<sup>2</sup> [or Company Officer] may, while submitting his report under sub-section (1), recommend any modifications which in his opinion are required in any of the particulars contained in the scheme<sup>3</sup> \* \* \*

7. [Decision of disputed claims.] Rep. by Bom. 7 of 1945, s. 6, read with Bom. 29 of 1948, s. 52.

8. [Report of Inquiry Officer.] Rep. by Bom. 7 of 1945, s. 6, read with Bom. 29 of 1948, s. 2.

Power of [Board or Company] to sanction scheme with or without modifications. <sup>4</sup>9. (1) After consideration of the objections and the report submitted under sub-section (1) of section 6 and of any further report<sup>5</sup> [which the Board or Company may require the Inquiry Officer or Company Officer to submit, the Board, or, as the case may be, the Company] may sanction the scheme with or without modifications or reject it :

Provided that if not less than 33 per cent. of the total number of the owners of the land included in the scheme other than the<sup>6</sup> [Government] or owners other than the<sup>6</sup> [Government] owning in the aggregate not less than 33 per cent. of the land included in the scheme have made objections to the scheme or part thereof, <sup>7</sup>[the Board, or as the case may be, the Company] shall submit the scheme to the<sup>8</sup> [State] Government for its orders. The<sup>8</sup> [State] Government may thereupon sanction the scheme with or without modifications or reject it.

(2) The scheme as sanctioned under sub-section (1) shall be published in the *Official Gazette*, and in the village and at the headquarters of the<sup>10</sup> [taluka<sup>11</sup>]\* and of the district in which the lands included in the scheme are situate and shall on such publication be final.]

Effect of scheme. 10. On the date on which the scheme is published in the *Official Gazette* under sub-section<sup>12</sup> (2) of section 9, it shall come into force and shall have effect as if it were enacted in this Act.

Power of Government or of [Board or Company] to make regulations. <sup>13</sup>10A. For the purpose of carrying out the objects of a scheme which has come into force under section 10, <sup>14</sup>[the<sup>15</sup> [State] Government or] the Board<sup>16</sup> [or the Company] may make regulations requiring any person or<sup>17</sup> \* persons or the public generally to take certain action or to refrain from doing certain acts in respect of any matters supplementary and incidental to the scheme.]<sup>18</sup> [The regulations made by the Board or the Company shall be made in consultation with the State Government.]

<sup>1</sup> Section 6 was substituted by Bom. 7 of 1945, s. 5.

<sup>2</sup> This portion was inserted by Mah. 18 of 1973, s. 5.

<sup>3</sup> The words, brackets and figures " approved by the Board under sub-section (1) of section 5" were deleted, *ibid.*, s. 5(2)(b).

<sup>4</sup> This section was substituted for the original by Bom. 7 of 1945, s. 7, read with Bom. 29 of 1948, s. 2.

<sup>5</sup> These words were substituted for the words " which the board may require the Inquiry Officer to submit, the Board " by Mah. 18 of 1973, s. 6(1)(a).

<sup>6</sup> This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

<sup>7</sup> These words were substituted for the words " the Board ", by Mah. 18 of 1973, s. 6(1)(b).

<sup>8</sup> This word was substituted for the word " Provincial ", *ibid.*

<sup>9</sup> These words were substituted for the word " Board ", *ibid.*

<sup>10</sup> These words were substituted for the word " taluka " by Bom. 30 of 1958, s. 6.

<sup>11</sup> The words " , tahsil or mahal " were deleted by Mah. 18 of 1973, s. 6(2).

<sup>12</sup> The brackets and figure " (2) " were substituted for the brackets and figure " (3) " by Bom. 7 of 1945, s. 8, read with Bom. 29 of 1948, s. 2.

<sup>13</sup> This section was inserted by Bom. 3 of 1944, s. 2, read with Bom. 29 of 1948, s. 2.

<sup>14</sup> These words were inserted by Bom. 7 of 1945, s. 9, read with Bom. 29 of 1948, s. 2.

<sup>15</sup> The words " class of " were deleted by Bom. 73 of 1948, s. 6.

<sup>16</sup> This portion was added by Mah. 18 of 1973, s. 7(1).

## CHAPTER III.

## EXECUTION OF THE SCHEME.

<sup>1</sup>[11. (1) After a scheme has come into force under section 10, the Board <sup>Power to enforce scheme.</sup> <sup>2</sup>for Company, as the case may be,] shall appoint an officer to execute it.

(2) Every owner of land included in the scheme shall pay the costs or part costs as the case may be of the works which under the scheme are carried out by the <sup>3</sup>[Government] <sup>2</sup>[or as the case may be, the Company] in his land as the cost or part cost of the owner.

(3) If any owner of the land included in the scheme desires to carry out himself any works which under the scheme are to be carried out in his land by the <sup>3</sup>[Government] <sup>2</sup>[, or as the case may be, the Company] at the cost or part cost of the owner, he shall give notice in writing to that effect to the Executing Officer within twenty-one days of the publication of the scheme in the *Official Gazette* under section 9.

(4) On receipt of such notice, the Executing Officer shall inform the owner of the works which are to be carried out in his land, and shall fix the date before which the owner shall carry out the works.

(5) If such owner fails to carry out any work to the satisfaction of the Executing Officer before the date fixed by him or at any time expresses in writing to the Executing Officer his inability to do so, the Executing Officer may himself get the work carried out and the expenses incurred by the Executing Officer for the purpose shall be recovered from the owner.

(6) Where the owner of any land included in the scheme is the <sup>3</sup>[Government], the Department of Government which has the control or management of such land, or the Executing Officer directed in this behalf by the Board or the <sup>4</sup>[State] Government <sup>2</sup>[or the Company], as the case may be, shall carry out the works which the <sup>3</sup>[Government] is liable to carry out under the scheme.]

12. (1) If, in consequence of any work carried out <sup>5\*</sup> \* \* \* <sup>6</sup>Liability of persons whose land are not included in scheme to contribution.

of the land in which the work is done,] is likely to be benefited, he shall pay such amount <sup>7</sup>[as the <sup>4</sup>[State] Government <sup>8</sup>[or the Company] may determine as contribution to the owner of the land, if the work has been carried out by the owner, or to the <sup>4</sup>[State] Government <sup>2</sup>[or the Company], if the work has been carried out by the Executing Officer] :

Provided that the <sup>4</sup>[State] Government may excuse payment of such contribution in whole or in part in respect of any work carried out by it <sup>9</sup>[in land belonging to the <sup>3</sup>[Government]]. <sup>10</sup>[Where the work is carried out at the expense of the Company, and the State Government excuses payment of the contribution, the State Government shall pay to the Company an amount equal to the amount of the contribution so excused.]

<sup>11</sup>[ (2) The amount shall be paid within such time as may be specified by the <sup>4</sup>[State] Government <sup>8</sup>[or the Company].

<sup>1</sup> This section was substituted for the original by Bom. 7 of 1945, s. 10, read with Bom. 29 of 1948, s. 2.

<sup>2</sup> These words were inserted by Mah. 18 of 1973, s. 8.

<sup>3</sup> This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

<sup>4</sup> This word was substituted for the word " Provincial ", *ibid.*

<sup>5</sup> The words " by the owner of any land " were deleted by Bom. 7 of 1945, s. 11(i), read with Bom. 29 of 1948, s. 2.

<sup>6</sup> These words were substituted for the words " any other person, including the Crown ", *ibid.*, s. 11(ii).

<sup>7</sup> These words were substituted for the words " to the owner of the land as contribution as the Board may determine " by Bom. 73 of 1948, s. 7(a).

<sup>8</sup> These words were inserted by Mah. 18 of 1973, s. 9.

<sup>9</sup> These words were inserted by Bom. 7 of 1945, s. 11 (iv), read with Bom. 29 of 1948, s. 2.

<sup>10</sup> This portion was added by Mah. 18 of 1973, s. 9 (1)(b).

<sup>11</sup> This sub-section was substituted for the original by Bom. 73 of 1948, s. 7 (b).

Penalty. **[12A.]** Any person who contravenes or causes any contravention of any of the provisions of a scheme which has come into force under section 10, or any of the regulations made under section 10A, or does any act which causes damage to any of the works carried out under the scheme or fails to fulfil any liability imposed upon him under section 13<sup>2</sup> [or 13A] or sub-section<sup>3</sup> [(4)] of section 25<sup>4</sup> [or of section 25A], shall on conviction, be punishable with fine which may extend to fifty rupees or with simple imprisonment for a period which may extend to one month, or with both.]

CHAPTER IV.

MAINTENANCE, REPAIR AND USE OF WORKS CARRIED OUT UNDER THE SCHEME

Statement. **[13.]** (1) In the case of any work under the scheme, wholly carried out before the commencement of the Bombay Land Improvement Schemes (Extension and Amendment) Act, 1958, the Executing Officer shall prepare a statement giving of for any specified area the following particulars:—

- (a) (i) the work done;
- (ii) the cost thereof;
- (iii) the total amount to be recovered from the owners, including the rate of interest and the amount to be recovered at such rate and any matter incidental thereto;
- (iv) the general rate per acre or per rupee of assessment per annum at which such amount is to be recovered from the owners;
- (v) the period within which such amount is to be recovered;
- (vi) the work which, in his opinion, shall be maintained and repaired individually or jointly and the names of such person or persons.

(b) If in the case of any survey number or sub-division of a survey number the owner is not liable to maintain or repair works therein, or if the cost is to be recovered from an owner of a rate other than the general rate, a list of such survey numbers or sub-divisions and the rate at which the cost is to be recovered from the owner of such survey numbers or sub-divisions.

(c) a map showing the work carried out in the village;

(d) such other matters as may be prescribed.

(2) When the statement is prepared under this section any rights and liabilities shown therein shall be entered in the record of rights<sup>5</sup> [or where there is no record of rights, in the prescribed village record] and in the village accounts in such manner as the [State] Government may prescribe and shall thereupon form part of such record of rights<sup>6</sup> [or as the case may be, of such village record and of the village accounts].

<sup>1</sup> This section was inserted by Bom. 3 of 1944, s. 3, read with Bom. 29 of 1948, s. 2.  
<sup>2</sup> This word, figures and letter were inserted by Bom. 30 of 1958, s. 7.  
<sup>3</sup> The brackets and figure (4) were substituted for the brackets and figure (5) by Bom. 7 of 1945, s. 12, read with Bom. 29 of 1948, s. 2.  
<sup>4</sup> The words, figures and letter " or of section 25A " were inserted by Bom. 51 of 1954, s. 2.  
<sup>5</sup> This section was substituted for the original by Bom. 7 of 1945, s. 13.  
<sup>6</sup> This portion was substituted for the words " the Executing Officer " by Bom. 30 of 1958, s. 8(1).  
<sup>7</sup> This portion was added by Mah. 18 of 1973, s. 10.  
<sup>8</sup> This clause was substituted for the original by Bom. 73 of 1948, s. 8.  
<sup>9</sup> These words were substituted for the words, figures and letter " maintained under Chapter XA of the Bombay Land Revenue Code, 1879 " by Bom. 30 of 1958, s. 8(2).  
<sup>10</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.  
<sup>11</sup> These words were substituted for the words " and of the village accounts " by Bom. 30 of 1958, s. 8(2).

13A (1) Save as otherwise provided in section 13, the Executing Officer shall, on the completion of part of any work to be carried out under a scheme, prepare an interim statement specifying therein—

- (i) the part of the work carried out;
- (ii) the cost of such part calculated on the basis of the works cost as recorded in the works register maintained by the Executing Officer;
- (iii) the interim amount to be recovered from the owners in respect of the work so carried out [including the rate of interest and the amount to be recovered at such rate and any matter incidental thereto];
- (iv) the period within which such amount is to be recovered;
- (v) the general rate per acre or per rupee of assessment per annum at which such amount is to be recovered from the owners;
- (vi) if in the case of any survey numbers or sub-divisions of survey numbers the amount to be recovered under clause (iii) is to be recovered at a rate other than the general rate, such rate;
- (vii) the names of the persons from whom such amount is recoverable;
- (viii) such other particulars as may be prescribed.

(2) After the whole of the work under such scheme is carried out the Executing Officer shall prepare—

- (a) the final statement specifying therein—
  - (i) the work carried out;
  - (ii) the total cost of the whole work;
  - (iii) the balance after deducting from the total cost the interim amount set out in the interim statement [including the rate of interest and the amount to be recovered at such rate and any matter incidental thereto];
  - (iv) in relation to such balance, the balance amount to be recovered from the owners as cost or part cost;
  - (v) the period within which such amount is to be recovered;
  - (vi) the names of persons from whom such amount is recoverable;
  - (vii) the general rate per acre or per rupee of assessment, per annum, at which the amount specified under clause (iv) should be recovered;
  - (viii) if in the case of any survey number or sub-division of a survey number the amount recoverable from the owner thereof is to be recovered at a rate other than the general rate, such rate and a list of all such survey numbers or sub-divisions;
  - (ix) the work which, in his opinion, shall be maintained and repaired individually or jointly and the names of such persons;
  - (x) such other particulars as may be prescribed;

(b) a map showing the work carried out in the village.

(3) The rights and liabilities shown in the interim statement and the final statement shall be entered in the record of rights of where there is no record of rights in the prescribed village record and in the village accounts in such manner as the State Government may prescribe and shall thereupon form part of such record of rights or as the case may be, the village record and of the village accounts.]

<sup>1</sup> Section 13A was inserted by Bom. 30 of 1958, s. 9.  
<sup>2</sup> This portion was added by Mah. 18 of 1973, s. 11.

**Obligation of persons to maintain and repair works.** <sup>1</sup>[14. (1) Every person shown in the statement prepared under section 13 <sup>2</sup>[or 13A] as liable to maintain and repair work shall, to the satisfaction of <sup>3</sup>[the Divisional Soil Conservation Officer] <sup>4</sup>[or the Company Officer] and within such time as the said officer may fix, maintain and repair the work in his own land and in any other land in request of which he is shown as liable in the said statement.

(2) If such person fails to maintain or repair the work within the time fixed by <sup>3</sup>[the Divisional Soil Conservation Officer] <sup>4</sup>[or the Company Officer] under sub-section (1), <sup>3</sup>[the Divisional Soil Conservation Officer] <sup>4</sup>[or the Company Officer] shall himself get the work maintained or repaired and the cost of so doing shall be recovered from the person.]

<sup>5</sup>[(3) If <sup>3</sup>[the Divisional Soil Conservation Officer] <sup>4</sup>[or the Company Officer] is of opinion that an emergency has arisen and that the immediate repair of any work referred to in sub-section (1) is necessary in the general interest, he shall carry out such repair and the cost of each repair shall be paid by the owner of the land on which the repair has been ] carried out.

(4) <sup>8</sup>[The Divisional Soil Conservation Officer] <sup>4</sup>[or the Company Officer] shall, as soon as practicable, make report to the <sup>9</sup>[State] Government <sup>4</sup>[or Company] regarding such repair.].

## CHAPTER V.

### MISCELLANEOUS.

**Payment and recovery of amount.** <sup>7</sup>[15. Any amount or instalment thereof <sup>8</sup>[payable to the State Government under] sections 11, 12 <sup>9</sup>[or 14] which is not paid on the date when it becomes due under this Act shall be deemed to be an arrear of land revenue due on account of the land for the benefit of which the scheme has been sanctioned under this Act or the work is or repairs are carried out and shall be recoverable as such arrear by any of the methods <sup>10</sup>[provided in the relevant Land Revenue Act].

**Amount due to Company to be first charge on land of defaulter.** <sup>11</sup>[15A. The amount or instalment thereof due from any owner in respect of land payable under section 11, 12 or 14 to the Company shall [subject to the prior payment of land revenue (if any) due to the State Government thereon] be a first charge upon that land to which every other charge created in respect of that land shall be postponed, and may be recovered according to the provisions of section 15B.

**Recovery of money due to Company as arrears of land revenue.** 15B. Where any amount or any instalment thereof payable to the Company by or under this Act is not paid on the date when it becomes due—

(a) and the claim is not disputed or the amount in dispute does not exceed Rs. 100, the Company Officer may send to the Collector a certificate under his hand indicating therein the sum which is due to the Company or is claimed by the Company, as the case may be, and thereupon, the Collector shall recover the sum due or claimed as arrear of land revenue ;

<sup>1</sup> This section was substituted for the original by Bom. 7 of 1945, s. 14, read with Bom. 29 of 1948, s. 2.

<sup>2</sup> This word, figures and letter were inserted by Bom. 30 of 1958, s. 10.

<sup>3</sup> The word were substituted for the words " the Land Improvement Officer " by Bom. 53 of 1949, s. 3, Second Sch.

<sup>4</sup> This portion was inserted by Mah. 18 of 1973, s. 12.

<sup>5</sup> These sub-section were added by Bom. 73 of 1948, s. 9.

<sup>6</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

<sup>7</sup> This section was substituted for the original by Bom. 73 of 1948, s. 10.

<sup>8</sup> These words were substituted for the words " payable under ", by Mah. 18 of 1973, s. 13.

<sup>9</sup> The word and figures " or 14 " were substituted for the figures, word and letter " 14 or 25A " by Bom. 8 of 1953, s. 2.

<sup>10</sup> These words were substituted for the words and figures " specified in section 150 of the Bombay Land Revenue Code, 1879 " by Bom. 30 of 1958, s. 11.

<sup>11</sup> Sections 15A and 5B were inserted by Mah. 18 of 1973, s. 14.

(b) and the claim is disputed and the amount in dispute exceeds Rs. 100, then it shall be referred to the Tribunal constituted by the State Government for the purpose; and the Tribunal shall after making such inquiry as it deems fit, and after giving to the person by whom the amount is alleged to be payable an opportunity of being heard, decide the question; and the decision of the Tribunal shall be final; and thereupon the Collector shall recover the sum determined to be due as arrear of land revenue.]

[15C. (1) Notwithstanding anything contained in this Act, where any work under any scheme is to be carried out or is completed by the Company, with the help of the funds borrowed by it from any scheduled bank and a charge is consequently created upon any lands in favour of the Company under section 15A, all the rights and liabilities of the Company for recovery of cost (including interest) of the said work or of any part thereof, with the priority therefor under section 15A, shall stand transferred to and vest in the scheduled bank—

Where loan is given by scheduled bank, transfer of rights of Company to the bank for speedy recovery of its dues from owners of lands benefited.

(a) upon the Company preparing an interim or final statement under section 13A and notifying the same to the scheduled bank from which the funds are borrowed by the Company; and

(b) upon such scheduled bank notifying to the Company its acceptance of all owners or any of the owners named in the statement as its debtors, instead of being debtors of the Company:

Provided that, where the scheduled bank does not accept all the owners, but accepts only some of the owners, named in the statement as its debtors, then the rights and liabilities of the Company, with the priority therefor, in respect of land of only those owners who are accepted as its debtors by the scheduled bank shall stand transferred to and vest in the scheduled bank.

(2) On such transfer, the Company shall inform the owners concerned of the same, and then the amount shown in the interim or final statement, as the case may be as recoverable against each owner, who is accepted as its debtor by the scheduled bank, shall be paid by the respective owner to the scheduled bank on due dates in such instalments, and with interest at such rate, as may be specified in the statement.

(3) Where the rights and liabilities of the Company, in respect of any owners are transferred to and vest in a scheduled bank, the bank shall give an intimation to the Talathi, or such officer as may be designated by the State Government in this behalf, of the particulars of the lands and the names of such owners and of the charge or mortgage created thereon in its favour. The Talathi or designated officer shall show in the record of rights or, where there is no record of rights, in the prescribed village record and in the village accounts the name of the bank as the mortgagee of the lands and make a note of other particulars of the charge created or mortgage given. The bank shall likewise give an intimation to the Talathi or designated officer as soon as the whole amount due from any owner ceases to be outstanding, and thereupon the Talathi or designated officer shall make a suitable note in the record of rights or the village record and accounts about release of the land from the charge or mortgage, as the case may be.

(4) The provisions of sections 13A and 13B shall apply *mutatis mutandis* to any amount or instalment thereof payable by any owner of land to any scheduled bank under this section, as if references in those sections to the Company and the Company Officer were references to the scheduled bank and the Bank Officer, respectively.]

**Right of entry.** 16. For the purpose of preparing, sanctioning or executing any scheme for repairing or maintaining any works under any scheme, any person authorised by [the Board, the Collector or [the Divisional Soil Conservation Officer]], [or Company] may, after giving such notice as may be prescribed to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

**Inquiries to be held summarily.** 17. (1) Any authority other than a Board empowered under this Act to make an inquiry shall make the inquiry in the manner provided for holding a summary inquiry under [the relevant Land Revenue Act] and all the provisions contained in [such Act] relating to the holding of a summary inquiry shall, so far as may be, apply.

(2) Such authority as well as a Board shall have the same powers for summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in the revenue officers under [the relevant Land Revenue Act].

**Permission to owners to increase rent on account of improvements effected.** 18. Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the owner of any land included in a scheme to enhance the rent payable by a tenant of the land by such amount and subject to such conditions as may be prescribed.

**Registration of document, plan or map in connection with land improvement scheme not required.** 19. (1) Nothing in the Indian Registration Act, 1908, shall be deemed to require XVI of the registration of any document, plan or map prepared, made or sanctioned in 1908, in connection with a scheme which has come into force.

(2) All such documents, plans and maps shall, for the purpose of sections 48 and 49 of the Indian Registration Act, 1908, be deemed to be registered in accordance XVI of with the provisions of that Act: 1908.

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

20. [Delegation of powers by Provincial Government] Rep. by Bom. 7 of 1945, s. 16, read with Bom. 29 of 1948, s. 2.

**Delegation.** 21. The [State] Government and subject to the control of the [State] Government, the Collector or [the Divisional Soil Conservation Officer] may delegate to any officer, [or person] of the powers conferred on it or him or any of the functions to be performed by it or him by or under this Act.]

<sup>1</sup>These words were inserted by Bom. 7 of 1945, s. 15(7), read with Bom. 29 of 1948, s. 2.

<sup>2</sup>These words were substituted for the words "the Board or the Collector", by Bom. 7 of 1945, s. 15(i).

<sup>3</sup>These words were substituted for the words "the Land Improvement Officer" by Bom. 53 of 1949, s. 3, Second Sch.

<sup>4</sup>These words were inserted by Mah. 18 of 1973, s. 15.

<sup>5</sup>These words were substituted for the words and figures "the Bombay Land Revenue Code, 1879" by Bom. 30 of 1958, s. 12(7).

<sup>6</sup>These words were substituted for the words "the said Code", *ibid.*, s. 12(2).

<sup>7</sup>This section was substituted for the original by Bom. 73 of 1948, s. 11.

<sup>8</sup>This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>9</sup>These words were inserted by Mah. 3 of 1962, s. 286, Tenth Sch.

22. The members and Secretary of a Board, the Inquiry Officer and any officer or person authorised or appointed by the Board <sup>4</sup>[or the Company], the Collector, <sup>2</sup>[the Divisional Soil Conservation Officer] or the <sup>3</sup>[State] Government under sub-section (2) of section 4, sub-section (1) of section 11, <sup>\*\*</sup> <sup>\*</sup> <sup>\*</sup> Certain officers to be public servants.

XLV section 16, <sup>5</sup>[section 21] or sub-section (2) of section 25, as the case may be, shall of be deemed to be public servants within the meaning of the Indian Panel Code. 1860.

23. (1) No suit, prosecution or other legal proceeding shall be instituted against any public servant or person duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder. Protection of persons acting in good faith and limitation of suits and prosecutions.

(2) No suit or prosecution shall be instituted against any public servant or person duly authorised under this Act in respect of anything done or intended to be done, under this Act, unless the suit or prosecution has been instituted within six months from the date of the act complained.

24. (1) <sup>3</sup>[State] Government may, by notification published in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions of this Act. Official Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to determine the following matters, namely :—

<sup>6</sup>[(i) the matters to be prescribed under clause (ix) of sub-section (1) and clause (v) of sub-section (2) of section 4;

(ii) the matters to be prescribed under clause (d) of sub-section (1) of section 13;

<sup>7</sup>[(iii) other particulars to be prescribed under sub-sections (1) and (2) of section 13A ;

(iiia) the manner in which the rights and liabilities shown in the statements prepared under sections 13 and 13A shall be entered in the record of rights or village record and in the village accounts ;]

(iv) the manner of giving notice under section 16 ;

(v) the manner in which documents, plans and maps shall be made accessible to the public under section 19 ;

\*\* \* \* \* \*

(3) The rules made under this section shall be subject to the condition of previous publication.

<sup>9</sup>[(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period for thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rules or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be : so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule].

<sup>1</sup>These words were inserted by Mah. 18 of 1973, s. 16.

<sup>2</sup>These words were substituted for the words "the Land Improvement Officer" by Bom. 53 of 1949, s. 3, Second Sch.

<sup>3</sup>This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>4</sup>The words, brackets and figures " sub-section (2) of section 12" were deleted by Bom. 53 of 1949, s. 2, First Sch.

<sup>5</sup>The word and figures "section 21" were inserted by Bom. 73 of 1948, s. 18.

<sup>6</sup>Clauses (i) to (vi) were substituted for the original clauses (i) to (viii) by Bom. 7 of 1945, s. 19 read with Bom. 29 of 1948, s. 2.

<sup>7</sup>Clauses (ii) and (iiia) were substituted for clause (iii) by Bom. 30 of 1958, s. 13.

<sup>8</sup>Clause (vi) was deleted by Bom. 8 of 1953, s. 3.

<sup>9</sup>Sub-section (4) was inserted by Mah. 26 of 1976, s. 2.



[25. (1) Notwithstanding anything contained in this Act, the State Government may direct the preparation of a scheme providing for any of the matters specified in sub-section (1) of section 4 in any area in the following cases, namely:—

Power of State Government to direct preparation of scheme in certain circumstances.

(i) where the State Government<sup>2</sup>[, the Company] or any trust contributes not less than 25 per cent. of the cost of the scheme;

(ii) if any person or authority is willing to contribute not less than 25 per cent. of the estimated cost of the scheme;

\* \* \* \* \*

(iv) if in the opinion of the State Government land improvement is necessary in the interest of any persons who are members of the armed forces of the union or who were such members and have retired or the dependents of such persons; or

(v) if in the opinion of the State Government the scheme is necessary in the interest of the public.

(2) Along with such direction or any time thereafter, the State Government may authorize the Board to appoint an officer to prepare, in accordance with such instructions as the Board may issue, a draft scheme containing the particulars specified in sub-section (2) of section 4. The officer so appointed shall prepare a draft scheme accordingly and submit it to the Board for approval.

(3) After the scheme is submitted to the Board for approval under sub-section (2), the provisions of section 5 and the sections following the said section and the rules made under section 24 shall, so far as they can be made applicable, apply in respect of such scheme.

(4) Notwithstanding anything contained in sub-section (3), the owner of the land in which any work has been carried out for the purposes of a scheme under this section be liable, pending the preparation of the statement under section 13<sup>4</sup>[or 13A] to maintain the work to the satisfaction of the Divisional Soil Conservation Officer<sup>5</sup>[or Company Officer] and repair it to his satisfaction within such time as he may fix.

The provisions of sub-section (2) of section 14 shall apply in respect of the owner's liability under this sub-section.]

<sup>6</sup>[25A. (1) Notwithstanding anything contained in this Act, if the State Government<sup>7</sup>[is of opinion that a state of scarcity prevails] or is likely to prevail in any area, <sup>8</sup>[or that it is necessary to provide suitable work to relieve rural unemployment in any area], <sup>9</sup>[or that it is necessary in the public interest to carry out immediately any work of land improvement in any area for meeting an emergency of any kind whatsoever] it may make a declaration to that effect. Such declaration shall be published in the *Official Gazette*. On the publication of such declaration, the State Government may direct the Collector<sup>10</sup>[or the Company] to appoint an officer as the Executing Officer for the purpose of immediately<sup>11</sup>[constructing embankments, water courses or any work of land improvement in such villages

Power of State Government to direct preparation and execution of scheme in area declared to be scarcity area.]

<sup>1</sup> Section 25 was substituted for the original section 25 and 25A by Bom. 8 of 1953, s. 4.

<sup>2</sup> This portion was inserted by Mah. 18 of 1973, s. 18(1).

<sup>3</sup> Clause (iii) was deleted by Bom. 51 of 1954, s. 3.

<sup>4</sup> The word, figures and letter " or 13A " were inserted by Bom. 30 of 1958, s. 14.

<sup>5</sup> These words were inserted by Mah. 18 of 1973, s. 17(2).

<sup>6</sup> Sections 25A and 25B were inserted by Bom. 51 of 1954, s. 4.

<sup>7</sup> These words were substituted by G. N., A. & F. D., No. SCS. 1564-III-8062-F, dated 28th October 1964.

<sup>8</sup> These words were inserted by Bom. 30 of 1958, s. 15(1).

<sup>9</sup> These words were inserted by Mah. 44 of 1972, s. 2.

<sup>10</sup> These words were inserted by Mah. 18 of 1973, s. 18(1).

<sup>11</sup> These words were substituted for the words " constructing embankments in such villages as may be specified " by Mah. 44 of 1972, s. 2.

or areas as may be specified.] Such direction shall also require the Board to prepare a scheme providing for matters specified in clauses (i) and (ii) of sub-section (1) of section 4, or any other matters specified in sub-section (1) of that section in such villages <sup>1</sup>[or areas].

(2) On the issue of a direction under sub-section (1), the Board shall ask the <sup>2</sup>[Officer appointed by it for the purpose] to prepare a draft scheme, including therein all the works <sup>3</sup>[undertaken by the Executing Officer] under sub-section (1), and other works in accordance with such instructions as the Board may issue, containing the particulars specified in sub-section (2) of section 4. Such <sup>4</sup>[Officer] shall prepare a draft scheme accordingly and submit it to the Board for its approval.

(3) The draft scheme submitted to the Board may be approved by it without modification, or with such modifications as shall not affect the work carried out by the Executing Officer under sub-section (1). The scheme so approved by the Board shall be published in the *Official Gazette* and in the village <sup>1</sup>[or area] in which the lands included in the scheme are situate. On the date on which the scheme is published in the village <sup>1</sup>[or area], it shall come into force and shall have effect as if it were enacted in this Act. The provisions of section 10A and the sections following the said section and the rules made under section 24 shall, so far as they can be made applicable, apply in respect of such scheme as if it were a scheme which has come into force under section 10.

(4) Notwithstanding anything contained in sub-section (3), the owner of the land in which any work has been carried out for the purposes of a scheme under this section shall be liable, pending the preparation of the statement under section 13 <sup>6</sup>[or 13A], to maintain the work to the satisfaction of the Divisional Soil Conservation Officer <sup>6</sup>[or Company Officer] and repair it to his satisfaction within such time as he may fix and the provisions of sub-section (2) of section 14 shall apply in respect of the owner's liability under this section.

**25B.** If upon an application made by the Board, the State Government is satisfied that it is necessary so to do, the State Government may, at any time <sup>7</sup>[after consulting with the Company, if necessary,] by notification in the *Official Gazette*, revoke any scheme after it has come into force and upon such revocation the provisions of this Act, except section 15, shall cease to apply to such scheme. Such notification shall also be published in the village and at the headquarters of the <sup>8</sup>[taluka <sup>9</sup>\*] and of the district in which the lands included in such scheme are situate.]

**26.** The expenditure incurred by the <sup>10</sup>[State] Government in pursuance of anything done under this Act shall be charged on the <sup>11</sup>[Consolidated Fund of the State].

<sup>1</sup> These words were inserted by Mah. 44 of 1972, s. 2.

<sup>2</sup> These words were substituted for the words " Executive Officer " by Mah. 18 of 1973, s. 18(2)(a).

<sup>3</sup> These words were substituted for the words " undertaken by him ", *ibid.*, s. 18(2)(b).

<sup>4</sup> This word was substituted for the words " Executing Officer ", *ibid.*, s. 18(2)(c).

<sup>5</sup> These words were inserted by Bom. 30 of 1958, s. 15(1).

<sup>6</sup> These words were inserted by Mah. 18 of 1973, s. 18(3).

<sup>7</sup> These words were inserted, *ibid.*, s. 19(1).

<sup>8</sup> These words were substituted for the word " taluka " by Bom. 30 of 1958, s. 16.

<sup>9</sup> The words " tahsil or mahal " were deleted by Mah. 18 of 1973, s. 19(2).

<sup>10</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

<sup>11</sup> These words were substituted for the words " Revenues of the State " by Bom. 30 of 1958, s. 17.

<sup>1</sup>[26A. Where rights and liabilities of the State Government in relation to the recovery of cost or part cost of the works carried out under any scheme from any owners of lands included in such scheme stand transferred to a Land Development Bank under section 143A of the Maharashtra Co-operative Societies Act, 1960, then notwithstanding anything contained in this Act, every such owner of land shall pay the amount recoverable from him under this Act to such Bank ; the amount of such cost or part cost shall be paid by, and recovered from such owners of lands in accordance with the provisions of section 143A of the Maharashtra co-operative Societies Act, 1960, and the rights and liabilities transferred to the Bank shall be entered in the records referred to in sub-section (2) of section 13 or as the case may be, sub-section (3) of section 13A.]

Effect of transfer of rights and liabilities of Government to Land Development Bank.

<sup>2</sup>[26B. (1) Notwithstanding anything contained in this Act, the State Government may, by notification published in the *Official Gazette*, transfer to the Company such schemes which have come into force under section 10, subject to such terms and conditions mutually agreed upon between the State Government and the Company (including any condition regarding giving of any guarantee by the State Government) as may be specified in the notification.

Power of State Government to transfer schemes to Company.

(2) On transfer of the schemes to the Company under sub-section (1),—

(a) where any work or part thereof under any such schemes is carried out or to be carried out at the cost or part cost of the State Government, and such cost is to be recovered from the owners of lands (other than Government) included in the schemes as shown in the statement prepared under section 13 or in the interim or final statement prepared under section 13A, then the rights and liabilities of the State Government under this Act and the rules and regulations made thereunder for the recovery of such cost or part cost from the owners of lands shall, with effect from the date specified in such notification, stand transferred to the Company in relation to such owners of lands ;

(b) the Company shall pay to the State Government an amount equal to the cost or part cost of the schemes transferred as aforesaid ;

(c) the State Government shall inform the owners of lands concerned of such transfer of rights and liabilities ;

(d) the owners of lands shall pay to the Company the amount or balance of the amount, as the case may be, which is to be recovered from them as aforesaid, and

(e) any payments made to the Company accordingly shall discharge the owners of lands of their liability to make payment to the State Government under such schemes.

(3) Save as provided in sub-section (2), all the provisions of this Act shall apply in relation to the schemes transferred to the Company under sub-section (2) as those provisions apply in relation to schemes prepared and executed by the Company under this Act.]

<sup>3</sup>[27. All Boards constituted for a division under section 3 shall be dissolved on the day on which the new Boards shall be constituted under section 3 as amended by the Bombay Land Improvement Schemes (Amendment) Act, 1948 :

Savings.

Provided that any direction issued, appointments made, scheme sanctioned, regulation made and all things done by the first mentioned Board shall be deemed to have been lawfully issued, made, sanctioned or done and any scheme so sanctioned shall be executed by the new Board constituted as aforesaid in the district in which the land in respect of which such scheme is made is situate :

<sup>1</sup> Section 26A was inserted by Mah. 35 of 1969, s. 3.

<sup>2</sup> Section 26B was inserted by Mah. 43 of 1976, s. 2.

<sup>3</sup> Sections 27, 28 and 29 were added by Bom. 73 of 1948, s. 13.

Provided further that if such land is situate within the limits of more than one district the <sup>1</sup>[State] Government shall decide which of the Boards shall execute the scheme in respect thereof.

**Validation of constitution and acts of Board.** 28. Notwithstanding anything contained in this Act, the Board constituted, any directions issued, appointments made, scheme approved, regulations made and, all things done by or on behalf of the Board, before the date on which the Bombay Land Improvement Schemes (Amendment) Act, 1948, came into force shall be deemed to be and to have always been validly constituted, issued, made, approved or done and shall not be deemed to have invalidly constituted, issued, made, approved or done by reason only of the fact that the Agricultural Commissioner or the Director of Agricultural Engineering acted as a member of the Board before the said date.

**Repeal and savings.** <sup>2</sup>[23A. (1) On and from the commencement of the Bombay Land Improvement Schemes (Extension and Amendment) Act, 1958, the Hyderabad Land Improvement Act, 1953, and the Saurashtra Land Improvement Schemes Act, 1954, shall subject to the provisions of sub-sections (2) to (5), stand repealed.

(2) Every Board constituted for a district under any of the Acts so repealed shall be dissolved and the members thereof shall vacate office on the day on which a new Board is constituted for such district under section 3 of this Act :

Provided that anything done or action taken (including any direction given, any draft scheme approved or published, appointments made, any schemes submitted for sanction or regulations made) by the first mentioned Board shall be deemed to have been lawfully done, taken, made, issued, approved, published or submitted by such new Board under this Act and the provisions of this Act shall apply thereto and any scheme sanctioned under any of the Acts so repealed and to be executed by the first mentioned Board shall be executed by the new Board in accordance with the provisions of this Act.

(3) Any statement prepared and entries made in the record of rights and in the village accounts or other record under any of the Acts so repealed shall be deemed to have been prepared and made under the corresponding provision of this Act.

(4) Any right, privilege, obligation or liability acquired, accrued or incurred under any such scheme or statement or under any other provisions of any of the Acts so repealed shall continue as if acquired, accrued or incurred under this Act and the same may be enforced in accordance with the provisions of this Act :

Provided that where any act committed prior to the repeal of the Saurashtra Land Improvement Schemes Act, 1954 was an offence punishable under section 13 of that Act, any proceeding in respect thereof may be instituted, continued or disposed of as if the Bombay Land Improvement Schemes (Extension and Amendment) Act, 1958 had not been passed.

(5) Any appointment, notification, order, rule, notice, report or delegation made or issued under any of the Acts so repealed shall continue in force in so far as such appointment, notification, order, rule, notice, report or delegation is not inconsistent with the provisions of this Act, until it is superseded by an appointment, notification, order, rule, notice, report or delegation made or issued under this Act.]

**Savings of Khar lands.** 29. Nothing in this Act shall apply to Khar lands in respect of which a scheme is or has been sanctioned under the Bombay Khar Lands Act, 1948.]

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>2</sup> Section 28A was inserted by Bom. 30 of 1958, s. 18.