



## The Hyderabad (Abolition of Cash Grants) (Amendment) Act, 1960

Act 18 of 1961

Keyword(s):  
Collector

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**THE HYDERABAD (ABOLITION OF CASH GRANTS) (AMENDMENT) ACT, 1960.**

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MAHARASHTRA ACT No. XVIII OF 1961.<sup>1</sup>

[THE HYDERABAD (ABOLITION OF CASH GRANTS) (AMENDMENT) ACT, 1960.]  
[29th March 1961]

An Act further to amend the Hyderabad (Abolition of Cash Grants) Act, 1952.

Hyd. WHEREAS it is expedient further to amend the Hyderabad (Abolition of Cash  
XXX- Grants) Act, 1952, for the purposes hereinafter appearing ; It is hereby enacted  
III of in the Eleventh Year of the Republic of India as follows :—  
1952.

1. This Act may be called the Hyderabad (Abolition of Cash Grants) Short title.  
(Amendment) Act, 1960.

Hyd. 2. In the Hyderabad (Abolition of Cash Grants) Act, 1952 (hereinafter referred to as "the principal Act"), after section 2, the following section shall be inserted, namely :—  
XXX- Insertion  
III of section 2A  
1952. in Hyd.  
XXXIII of  
1952.

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

(a) "Collector" includes an officer appointed by the State Government to perform the duties of a Collector under this Act ;

(b) "prescribed" means prescribed by rules made under this Act."

Definitions.

3. In section 3 of the principal Act,—

(1) for sub-section (1), the following shall be and shall be deemed always to have been substituted, namely :—

Amendment  
of section 3  
of Hyd.  
XXXIII of  
1952.

"(1) Subject to the provisions made by or under this Act, all cash grants specified in Part A of the Schedule and which are payable or enforceable during the year commencing on the 1st day of April 1952 and in any subsequent financial year, shall be discontinued and cease to have effect immediately on the commencement of this Act, notwithstanding anything contained in any law, sanad or order, custom or usage to the contrary. In the case of each such grant, compensation amounting to a sum equal to four times the annual amount payable to the grantee shall be paid to him."

(2) in sub-section (2), for clause (b), the following shall be and shall be deemed always to have been substituted, namely :—

"(b) in the case of a cash grant specified in Part C of the Schedule, compensation amounting to a sum equal to four times the annual amount payable to the grantee shall be paid to him :

Provided, however, that in respect of each of the cases specified in column 1 below the grant shall be continued subject to the conditions specified against such case, during the period mentioned in column 2, namely :—

Column 1.

Column 2.

- |   |  |
|---|--|
| (1) Where the age of the grantee, whether male or female, was not less than 60 years on the 1st day of April, 1954. | Till the date of the death of the grantee. |
|---|--|

<sup>1</sup> For Statement of Objects and Reasons see Maharashtra Government Gazette, 1960, Part V, page 340.

Column 1.

Column 2.

(2) Where the age of the grantee was less than 60 years on the 1st day of April, 1954—

- |   |   |   |
|---|---|---|
| <p>(i) if a male, in case the grantee is incapable of earning a livelihood on account of being blind, deaf, dumb and mute, mentally deranged, crippled or paralytic ;</p> <p>(ii) if a widow, so long as she remains a widow.</p> | } | From date of abolition till date of the death of the grantee. |
|---|---|---|

(3) Where the grantee is a minor—

- |  |  |
|--|--|
| <p>(i) if a male, in case such cash grant is his only source of income.</p> <p>(ii) if a female ..</p> | <p>from date of abolition till date of attainment of 18 years.</p> <p>from date of abolition till date of marriage or date of attainment of 18 years whichever is earlier.</p> |
|--|--|

Provided further that, in each of the cases mentioned in items (2) and (3) above, where the grantee is in receipt of more than one grant, but has no other source of income for a livelihood, the grantee shall be eligible to receive only the grant of the highest amount :

Provided also that, where the amount of cash grant received under item (3) by a male minor grantee up to the date of attainment of 18 years of age, or by a female minor grantee up to the date of such attainment or her marriage, as the case may be, falls short of four times the annual amount of grant, the amount of deficit shall also be paid to the grantee concerned. ”.

Insertion of new sections 3A to 3I in Hyd. XXXIII of 1952.

4. After section 3 of the principal Act, the following sections shall be inserted, namely :—

Method of awarding compensation to certain grantees.

“ 3A. (1) Any grantee entitled to compensation under sub-section (1) or clause (b) of sub-section (2) of section 3, or under clause (a) of sub-section (1) of section 5A, shall within the prescribed period apply in writing to the Collector for determining the amount of compensation payable to him under the relevant provision of this Act.

(2) On receipt of an application under sub-section (1), the Collector shall, after making formal inquiry, 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.

Hyd.  
VIII  
of  
1317  
Faali.

3B. (1) Where the officer making an award under section 3A is a Collector under this Act but not a Collector appointed under section 6 of the Hyderabad Land Revenue Act and the amount of such award exceeds five thousand rupees, then the award shall not be made without the previous approval of—

Previous  
approval  
in respect of  
certain  
awards.

(a) the Collector appointed under the said section 6, if such amount does not exceed twenty-five thousand rupees, or

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

Hyd.  
VIII  
of  
1317  
Faali.

(2) Where the officer making an award under section 3A is a Collector under this Act and also a Collector appointed under section 6 of the Hyderabad Land Revenue Act and the amount of the award exceeds twenty-five thousand rupees, then such award shall not be made without the previous approval of the Commissioner.

Hyd.  
IX of  
1309  
Faali.

(3) Every award under section 3A shall be in the form prescribed in section 21 of the Land Acquisition Act and the provisions of that Act shall, so far as may be, apply to the making of such award.

Bom.  
XXXI  
of  
1958.

3C. An appeal shall lie against an award of the Collector to the Maharashtra Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957, notwithstanding anything contained in that Act.

Appeal  
against  
Collector's  
award.

3D. (1) The Maharashtra Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

Procedure  
before  
Revenue  
Tribunal.

(2) In deciding an appeal under this Act, the Maharashtra Revenue Tribunal shall exercise all the powers which a Court has and 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.

3E. Every appeal made under this Act to the Maharashtra 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.

Limitation  
for appeals.IX of  
1908.Bom.  
XXX  
VI of  
1959.

3F. Notwithstanding anything contained in the Bombay Court-fees Act, 1959, or any other law relating to court-fees for the time being in force, every appeal made under this Act to the Maharashtra Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

Court-fees.

3G. All inquiries and proceedings before the Collector and the Maharashtra 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.

Inquiries and  
proceedings  
to be  
judicial  
proceedings.XLV  
of  
1860.

3H. The award made by the Collector subject to an appeal to the Maharashtra Revenue Tribunal, and the decision of the Maharashtra Revenue Tribunal on appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Finality of  
award and  
decision of  
Revenue  
Tribunal.

Mode of  
payment  
of certain  
compensa-  
tion.

31. (1) The amount of compensation payable under sub-section (1) or clause (b) of sub-section (2) of section 3, or under clause (a) of sub-section (1) of section 5A, shall be paid in cash, or in transferable bonds as provided in sub-section (2), or partly in cash and partly in such transferable bonds as the State Government may determine.

(2) Where any amount of compensation is to be paid in transferable bonds, such bonds shall carry interest at the rate of three per cent. per annum from the date of their issue and shall be repayable, during such period not exceeding twelve years from the date of their issue as may be prescribed, by equated annual instalments of principal and interest.

(3) The bonds shall be of such denominations and shall be in such forms as may be prescribed."

Amendment  
of section 4  
of Hyd.  
XXXIII of  
1952.

5. (1) Section 4 of the principal Act shall be renumbered as sub-section (1) of that section.

(2) To sub-section (1) so renumbered, the following shall be added, namely :—  
"Such rules shall be made subject to the condition of previous publication."

(3) After the said sub-section (1), the following sub-section shall be inserted, namely :—

"(2) All rules made by the State Government under this Act shall be laid before each House of the State Legislature as soon as may be after they are made, and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following and may publish in the *Official Gazette*."

Insertion  
of new  
section 5A  
in Hyd.  
XXXIII of  
1952.

6. After section 5 of the principal Act, the following section shall be inserted, namely :—

"5A. (1) Notwithstanding any judgment, decree or order of a Court, where a grantee has, in the case of a cash grant specified in Part A of the Schedule for any period commencing on the 1st April 1952 and in the case of a cash grant specified in Part C of the Schedule for any period commencing on the 1st July 1954, been paid any grant—

(a) if the aggregate amount of grant so paid falls short of the amount of compensation to which the grantee is entitled under this Act, such grantee shall be paid the amount of deficit as the balance of compensation due to him ;

(b) if the aggregate amount of grant so paid is in excess of the amount of compensation to which the grantee is entitled under this Act, such grantee shall, within sixty days on a demand being made by the Collector, be liable to refund the specified excess amount. On the failure of the grantee to refund the excess amount paid to him within sixty days from the date of such demand, or within such further period as the Collector may allow, such amount shall be recovered as an arrear of land revenue.

(2) If any grantee is aggrieved by an order made by the Collector under clause (b) of sub-section (1), such person may appeal to the Maharashtra Revenue Tribunal and the foregoing provisions relating to appeals to the said Tribunal shall, so far as may be, apply to such appeal."

Adjustment  
of compensa-  
tion on  
account of  
discontinua-  
nce of  
cash grants  
specified  
in Parts A  
and C of  
Schedule.