



## The Bombay Land Improvement Schemes (Gujarat Amendment) Act, 1963

25 of 1963

**Keyword(s):**

Land, Improvement, Schemes, Development, Company, Executing Officer, Mortgage, Revenue

Amendment appended: 26 of 1981

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# The Gujarat Government Gazette

## EXTRAORDINARY

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### PART IV

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

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 2nd May 1963 is hereby published for general information.

AKBAR S. SARELA,  
Secretary to the Government of Gujarat,  
Legal Department.

#### GUJARAT ACT NO. XXV OF 1963. X

[First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 6th May 1963].

An Act to amend the Bombay Land Improvement Schemes Act, 1942.

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

1. This Act may be called the Bombay Land Improvement Schemes (Gujarat Amendment) Act, 1963.

Short title.

2. In section 2 of the Bombay Land Improvement Schemes Act, 1942 (hereinafter referred to as "the principal Act"), in clause (2A) after the words "to be the Divisional Soil Conservation Officer" the words "and includes any other officer authorised by the State Government to exercise the powers and perform the duties of a Divisional Soil Conservation Officer under this Act" shall be inserted.

Amendment of section 2 of Bom. XXVIII of 1942.

Bom. XXV of 1963.

Amendment 3. In section 5 of the principal Act, in sub-section (3), for the words of section 5 of Bom. XXVIII of 1942. "Official Gazette" the word "village" and for the words "twenty-one days" the words "seven days" shall be substituted.

Amendment 4. In section 9 of the principal Act, in the proviso to sub-section (1), for the figures and words "33 per cent." where they occur at two places the figures and words "49 per cent." shall be substituted.

Amendment 5. In section 10 of the principal Act, for the words "Official Gazette" the word "village" shall be substituted.

Amendment 6. In section 11 of the principal Act, in sub-section (3), for the words "twenty-one days" the words "seven days" and for the words "Official Gazette" the word "village" shall be substituted.

Amendment 7. In section 25A of the principal Act, in sub-section (1), after the words "is of opinion" the words "that a scheme is necessary in the interest of the public or" shall be inserted.



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be filed as a separate compilation.

## PART IV

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

The following Act of the Gujarat Legislature having been assented to by the  
Governor on the 31st July 1981 is hereby published for general information.

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

### GUJARAT ACT NO. 26 OF 1981.

(First published after having received the assent of the Governor in the  
"Gujarat Government Gazette" on the 6th August, 1981).

An Act further to amend the Bombay Land Improvement Schemes Act, 1942.

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

1. This Act may be called the Bombay Land Improvement Schemes (Gujarat Short  
Amendment) Act, 1981. title.

Bom.  
XX.  
VIII  
of  
1942.

2. In the Bombay Land Improvement Schemes Act, 1942 (hereinafter referred  
to as "the principal Act"), in section 2,—

Amendment  
of section 2  
of Bom.  
XX VIII of  
1942.

(1) after clause (1A), the following clauses shall be inserted, namely:—

“(1B) “Company” means the Gujarat State Land Development Corporation Limited, and any other company owned or controlled by the State, the purpose of which is execution or financing or both execution and financing of the schemes 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;”;

(2) for clause (2C), the following clause shall be substituted, namely:—

“(2C) “Executing Officer” means an officer appointed by the Board or the Company under sub-section (1) of section 11 and shall be construed according as the schemes are executed at the expense of the State Government or the Company;”;

(3) for clause (5A), the following clause shall be substituted, namely:—

“(5A) “Code” means the Bombay Land Revenue Code, 1879;”;

(4) in clause (8), for the words “the relevant Land Revenue Act” the words “the Code” shall be substituted.

Bom.  
V of  
1879.

Amendment  
of section 4  
of Bom.  
XXVIII of  
1942.

3. In the principal Act, in section 4,—

(1) in sub-section (1),—

(i) after the word “Board” the words “or the Company” shall be inserted;

(ii) in item (ii), after the words “water supply” the words “including the construction or improvement of wells and other underground water resources and exploitation of those resources” shall be inserted;

(iii) after item (iii), the following item shall be inserted, namely:—

“(iiia) development of land for better utilisation of the irrigation potential to be specified in the scheme;”;

(2) in sub-section (2), for the words “issued by the Board, the Board”, the words “issued by the Board or the Company, the Board or the Company” shall be substituted.

4. In the principal Act, in section 5,—

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

“(1) The draft scheme prepared under section 4 shall be submitted by the officer appointed by the Board or the officer appointed by the Company to

Amendment  
of section 5  
of Bom.  
XXVIII of  
1942.

the Board or, as the case may be, to the Company, and the Board or, as the case may be, the Company shall either approve the scheme with or without modifications or reject it and where the Board approves the scheme it shall appoint an Inquiry Officer.”;

(2) in sub-section (2), after the words “the Board” the words “or the Company” shall be inserted;

(3) in sub-section (3),—

(i) after the words “The Board” the words “or the Company” shall be inserted;

(ii) after the words “Inquiry Officer” the words “or as the case may be, the Company Officer” shall be inserted.

5. In the principal Act, in section 6,—

(1) in sub-section (1),—

(i) after the words “Inquiry Officer”, the words “or the Company Officer” shall be inserted;

(ii) after the words “the Board” the words “or, as the case may be, to the Company” shall be inserted;

(2) in sub-section (2),—

(i) after the words “Inquiry Officer”, the words “or, the Company Officer” shall be inserted;

(ii) after the words, “the Board” the words “or the Company” shall be inserted.

Amendment  
of section 6  
of Bom.  
XXVIII of  
1942.

6. In the principal Act, in section 9, in sub-section (1),—

(1) for the words “which the Board may require the Inquiry Officer to submit, the Board” the words “which the Board or the Company may require the Inquiry Officer or Company Officer to submit to, the Board or, as the case may be, the Company” shall be substituted;

(2) in the proviso, after the words “the Board” the words “or, as the case may be, the Company” shall be inserted.

Amendment  
of section 9  
of Bom.  
XXVIII of  
1942.

7. In the principal Act, in section 10A, for the portion beginning with the words “For the purpose of” and ending with the words “the Board may make” the following shall be substituted, namely:—

“For the purpose of carrying out the objects of a scheme which has come into force under section 10—

(a) the State Government, or

(b) the Board or the Company, in consultation with the State Government, may make.”.

Amendment  
of section  
10A of Bom.  
XXVIII of  
1942.

8. In the principal Act, in section 11,—

(1) in sub-section (1), after the words “the Board” the words “or, as the case may be, the Company” shall be inserted;

Amendment  
of section 11  
of Bom. XX.  
VII of 1942

(2) in sub-section (2), after the words "the Government" the words "or, as the case may be, the Company" shall be inserted;

(3) in sub-section (3), after the words "the Government" the words "or, as the case may be, the Company" shall be inserted;

(4) in sub-section (6), for the words "the Board or the State Government" the words "the Board, the State Government or the Company" shall be substituted.

Amendment  
of section 12  
of Bom.  
XXVIII of  
1942.

9. In the principal Act,\* in section 12,—

(1) in sub-section (1),—

(i) for the words "as the State Government" the words "as the State Government or the Company" shall be substituted;

(ii) for the words "to the State Government" the words "to the State Government or the Company" shall be substituted;

(iii) after the proviso, the following further proviso shall be inserted namely:—

"Provided further that 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.";

(2) in sub-section (2), after the words "State Government" the words "or, as the case may be, the Company" shall be inserted.

Amendment  
of section  
13A of Bom.  
XXVIII of  
1942.

10. In the principal Act, in section 13A, in sub-section (2), in clause (a), in sub-clause (iii), after the words "interim statement" the words "including the rate of interest and the amount to be recovered at such rate and any matter incidental thereto" shall be inserted.

Amendment  
of section 14  
of Bom.  
XXVIII of  
1942.

11. In the principal Act, in section 14,—

(1) after the words "Divisional Soil Conservation Officer" wherever they occur the words "or the Company Officer" shall be inserted;

(2) in sub-section (4), after the words "State Government" the words "or the Company" shall be inserted;

Amendment  
of section 15  
of Bom.  
XXVIII of  
1942.

12. In the principal Act, in section 15, for the words "provided in the relevant Land Revenue Act" the words "provided in the Code" shall be substituted.

Insertion of  
new sections  
15A, 15B,  
and 15C in  
Bom.  
XXVIII of  
1942.

13. In the principal Act, after section 15, the following new sections shall be inserted, namely:—

**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, and subject to the provisions of section 7 of the Gujarat Agricultural Credit (Provision of Facilities) Act, 1979 be a first charge upon that land to which every other charge created in respect of that land shall be postponed, and such amount or instalment may be recovered according to the provisions of section 15B.

Guj-  
19 of  
1979,

Amount due to Company to be first charge on land of defaulters.

**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—

Recovery of money due to company as arrears of land revenue.

(a) and the claim is not disputed, 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;

(b) and the claim is disputed, it shall be referred to an officer authorised in this behalf by the State Government for the purpose; and such officer shall after making such inquiry as he 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 such Officer shall be final; and thereupon the amount, if any, determined to be due to the company may be recovered in the manner provided under clause (a) as if the claim is not disputed.

**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, by use of the funds borrowed by it from any scheduled bank and in consequence thereof a charge is created upon any land 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 15-A, 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 land 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; or

(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 lands 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 *talati*, or such revenue 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 charges or mortgage created thereon in its favour. The *talati* 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 *talati* or designated officer as soon as the whole amount due from any owner ceases to be outstanding, and thereupon the *talati* or the 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 charges or mortgage, as the case may be.

(4) The provisions of sections 15A and 15B 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.

*Explanation.*—For the purposes of this section “scheduled bank” means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934<sup>1934</sup> and “bank officer”, in relation to such bank means any officer of such bank duly appointed by it for the purposes of this Act.”

Amendment of section 16 of Bom. XXVIII of 1942. 14. In the principal Act, in section 16, for the words “the Collector or the Divisional Soil Conservation Officer” the words “the Collector, the Divisional Soil Conservation Officer or the Company” shall be substituted.

Amendment of section 17 of Bom. XXVIII of 1942. 15. In the principal Act, in section 17, for the words “the relevant Land Revenue Act” occurring at two places, the words “the Code” shall be substituted.

Amendment of section 22 of Bom. XXVIII of 1942. 16. In the principal Act, in section 22, after the words “by the Board” the words “the Company” shall be inserted.

Amendment of section 25 of Bom. XXVIII of 1942. 17. In the principal Act, in section 25,—

(1) in sub-section (1), in clause (i), for the words “the State Government or any trust”, the words “the State Government, the Company or any trust” shall be substituted;

(2) in sub-section (4), after the words "Divisional Soil Conservation Officer" the words "or the Company Officer" shall be inserted.

18. In the principal Act, in section 25A,—

Amendment  
of section  
25A of Bom.  
XXVIII of  
1942.

(1) in sub-section (1)—

(a) after the words "may direct the Collector" the words "or the Company" shall be inserted;

(b) after the words "the Board" the words "or, as the case may be, the Company" shall be inserted;

(2) in sub-section (2), after the words "the Board" occurring at three places, the words "or, as the case may be, the Company" shall be inserted;

(3) in sub-section (3)—

(a) after the words "to the Board" the words "or, as the case may be, the Company" shall be inserted;

(b) after the words "by the Board" the words "or the Company" shall be inserted;

(4) in sub-section (4), after the words "Divisional Soil Conservation Officer" the words "or, as the case may be, the Company Officer" shall be inserted.

19. In the principal Act, in section 25B, after the words "the Board" the words "or, as the case may be, the Company" shall be inserted.

Amendment  
of section  
25B of Bom.  
XXVIII of  
1942.

20. In the principal Act, after section 26A, the following section shall be inserted, namely:—

Insertion of  
new section  
26B in Bom.  
XXVIII of  
1942.

"26B. The State Government may, by order in writing, give to the Board or the Company such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act and the Board, or as the case may be, the Company shall comply with such directions."

Power of  
Government  
to give  
directions  
to Board or  
Company.