



**The Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat
Amendment) Act, 1982**

8 of 1982

Keyword(s):

**Land Revenue Code, Land Tenure Abolition Laws, Taluqdari, Mines,
Minerals, Quarries, Inamdar, Jagirdar, Compensation**

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Separate paging is given to this Part in order that it may
be filed as a separate compilation.

PART IV

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

The following Act of the Gujarat Legislature having been assented to by the President on the 20th February, 1982 is hereby published for general information.

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

GUJARAT ACT NO. 8 OF 1982.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 23rd February, 1982.)

AN ACT

to amend the Bombay Land Revenue Code, 1879 and certain Bombay Land Tenure Abolition Laws for certain purposes.

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

1. (1) This Act may be called the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Act, 1982.
- (2) It shall be deemed to have come into force on the 8th December 1981.

Short title
and
commence-
ment.

Amendments
in Bom. V of
1879.

2. In the Bombay Land Revenue Code, 1879,—

Bom.
V,
1879.

(1) in section 69—

(a) the word “unalienated” shall be deleted;

(b) the proviso shall be and shall be deemed always to have been deleted, with effect from 1st May, 1960;

(2) in section 69, in its application to the taluqdari lands, the words “or taluqdari” shall be and shall be deemed always to have been deleted;

(3) after section 69, the following section shall be and shall be deemed always to have been inserted with effect from 1st May, 1960, namely:—

Vesting of
rights to
mines and
mineral pro-
ducts in
the State
Government.

“69A. (1) Notwithstanding anything contained in any custom, usage, grant, sanad or order or agreement or any law for the time being in force, or in any judgement, decree or order of a court or of other authority, with effect on and from the 1st May, 1960 all mines whether being worked or not and minerals whether discovered or not and all quarries which are situate within the limits of any land, granted or recognised under any contract, grant or law for the time being in force or decree of a court, shall vest in and with all rights over the same or appurtenant thereto be the property of the State Government, and the State Government shall, subject to the provisions of the Mines and Minerals (Regulation and Development) Act, 1957 have all powers necessary for the proper enjoyment and disposal of such rights.

LXVII
of
1967.

(2) The rights of the Government to mines and mineral products in land reserved under section 69 or the rights of the Government to mines, minerals and quarries vested under sub-section (1) includes the right of access to land for the purpose of prospecting and working mines and the right to occupy such other land as may be necessary for purposes of erection of offices, workmen's dwellings and machinery, the stacking of minerals and deposit of refuse, the construction of roads, railways or tram-lines and any other purposes which the State Government may declare to be subsidiary to prospecting and working mines.

(3) If the State Government assigns to any person its rights over any mines, minerals, quarries or mineral products, and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) be exercised, the Collector may, by an order in writing subject to such conditions and reservations as he may specify, delegate such powers to the person to whom the right is assigned.

(4) Any occupant, whose rights to mines, minerals or quarries in any land, existing immediately before the 1st May, 1960 have vested in the State Government on that date under sub-section (1), shall be entitled to compensation of an amount equivalent to the average of the net annual income received by the occupant in respect of the mines and mineral products during the three years immediately preceding the date of vesting.

(5) (a) Any occupant entitled to compensation under sub-section (4) may apply to the Collector for such compensation in the form prescribed in this behalf by the State Government.

Guj.
Ord. 9
of
1981.

(b) Such application shall be made within twelve months from the date of the commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981 or such further period as may be prescribed by the State Government.

1 of
1894.

(c) The Collector shall, after making such inquiry (including giving the applicant an opportunity of being heard) as he thinks necessary, determine the amount of compensation and the provisions of sections 9, 10, 11, 12, 13, 14, and 15 of the Land Acquisition Act, 1894 shall, so far as may be apply to the proceedings held by the Collector in this behalf.

(d) The decision of the Collector determining the amount of compensation shall, subject to decision in an appeal to the Gujarat Revenue Tribunal be final, and payment shall be made by the Collector accordingly.

Guj.
Ord. 9
of
1981.

(e) The amount of compensation payable under this section shall be paid in cash with interest at the rate of 4 1/2 per cent. for the period commencing on and from the date of commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981 and ending on the date of payment.”

Bom.
LXII
of
1949.

3. In the Bombay Taluqdari Tenure Abolition Act, 1949,—

Amendments
in Bom. LXII
of 1949.

(1) in section 6, the existing *Explanation* shall be and shall be deemed always to have been renumbered as *Explanation I* and after the *Explanation* as so renumbered, the following *Explanation* shall be and shall be deemed always to have been inserted, namely :—

“*Explanation II*—For the purposes of this section waste land means land unfit for cultivation and includes—

(a) land on which grass grows naturally,

(b) land in which there exists any mines, whether being worked or not, any minerals, whether discovered or not and any quarries, whether being worked or not.” ;

(2) after section 6, the following section shall be and shall be deemed always to have been inserted, namely :—

“6A. (1) Notwithstanding anything contained in any custom, usage, grant, sanad, or order or agreement or any law for the time being in force, or in any judgement, decree or order of a court or of other authority with effect on and from the date on which this Act comes into force, all mines whether being worked or not and minerals whether discovered or not and all quarries which are situated within the limits of any taluqdari land, granted, or recognised under any contract, grant or law for the time being in force or decree of a court shall vest in and with all rights over the same or appurtenant thereto be

Vesting of
rights to
mines and
mineral pro-
ducts in the
State
Government.

the property of the State Government, and the State Government shall, subject to provisions of the mines and Minerals (Regulation and Development) Act, 1957 have all powers necessary for the proper enjoyment and disposal of such rights. LXVII
of
1957.

() The rights of the Government to mines, minerals and quarries in land vested under sub-section (1) includes the right of access to land for the purpose of prospecting and working mines and the right to occupy such other land as may be necessary for purposes of erection of offices, workmen's dwellings and machinery, the stacking of minerals and deposit of refuse, the construction of roads, railways or tram-lines and any other purposes which the State Government may declare to be subsidiary to prospecting and working mines.

(2) If the State Government assigns to any person its right over any mines, minerals or quarries and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) be exercised, the Collector may, by an order in writing, subject to such conditions and reservations as he may specify, delegate such powers to the person to whom the right is assigned.”;

(2) after section 14, the following section shall be and shall be deemed always to have been inserted, namely :—

Compensation for vesting of rights to mines and mineral products in the State Government.

“14A. (1) Any taluqdar whose rights to mines, minerals or quarries in any taluqdari land existing immediately before the date of commencement of this Act have vested in the State Government on that date under sub-section (1) of section 6A, shall be entitled to compensation of an amount equivalent to the average of the net annual income received by the taluqdar in respect of the mines and mineral products during the three years immediately preceding the date of vesting.

(2) Any taluqdar entitled to compensation under sub-section (1) may apply to the Collector for such compensation.

(3) The application under sub-section (2) shall be made to the Collector in the prescribed form within twelve months from the date of the commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1931 or such further period as may be prescribed. The Collector shall after holding a formal inquiry in the manner provided by the Code make an award determining the compensation. Guj.
Ord. 9
of
1981.

(4) An appeal shall lie from the said award to the Gujarat Revenue Tribunal.

(5) The provisions of sections 7 to 13 (both inclusive) shall, so far as may be, apply to the proceedings in respect of such award or appeal as the case may be.

Guj.
Ord. 9
of
1981.

(6) The amount of compensation payable under this section shall be paid in cash with interest at the rate of 4 1/2 per cent. for the period commencing on and from the date of commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981 and ending on the date of payment.”

Bom.
XLII
of 1953

4. In the Bombay Personal Inams Abolition Act, 1952,—

Amendments
in Bom. XLII
of 1953.

(1) in section 7, the existing *Explanation* shall be and shall be deemed always to have been renumbered as *Explanation I* and after the *Explanation* as so renumbered, the following *Explanation* shall be and shall be deemed always to have been inserted, namely :—

“*Explanation II.*—For the purposes of this section waste land means land unfit for cultivation and includes—

(a) land on which grass grows naturally,

(b) land in which there exists any mines, whether being worked or not, any minerals, whether discovered or not and any quarries whether being worked or not.”;

(2) for section 9, the following section shall be and shall be deemed always to have been substituted, namely:—

“9.(1) Notwithstanding anything contained in any custom, usage, grant, sanad, or order or agreement or any law for the time being in force, or in any judgment, decree or order of a court or of other authority, with effect on and from the appointed date, all mines whether being worked or not and minerals whether discovered or not and all quarries which are situate within the limits of any inam village or inam land granted or recognised under any contract, grant or law for the time being in force or decree of a court, shall vest in and with all rights over the same or appurtenant thereto be the property of the State Government, and the State Government shall, subject to the provisions of the Mines and Minerals (Regulation and Development) Act, 1957 have all powers necessary for the proper enjoyment and disposal of such rights.

Vesting of
rights to mines
and mineral
products in
the State
Government.

LXVII
of 1957.

(2) The rights of the Government to mines, minerals, and quarries in land vested under sub-section (1) includes the right of access to land for the purpose of prospecting and working mines and the right to occupy such other land as may be necessary for purposes of erection of offices, workmen's dwellings and machinery, the stacking of minerals and deposit of refuse, the construction of roads, railways or tram-lines and any other purposes which the State Government may declare to be subsidiary to prospecting and working mines.

(3) If the State Government assigns to any person its right over any mines, minerals or quarries and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) be exercised, the Collector may, by an order in writing, subject to such conditions and reservations as he may specify, delegate such powers to the person to whom the right is assigned.”;

(2) after section 17, the following section shall be and shall be deemed always to have been inserted, namely :-

Compensation for vesting of rights to mines and mineral products in the State Government.

“17AA. (1) Any inamdar whose rights to mines, minerals and quarries in any inam village or inam land existing immediately before the appointed date have vested in the State Government on that date under sub-section (1) of section 9 shall be entitled to compensation of an amount equivalent to the average of the net annual income received by the inamdar in respect of the mines and mineral products during the three years immediately preceding the date of vesting.

(2) Any inamdar entitled to compensation under sub-section (1), may apply to the Collector for such compensation.

(3) The application under sub-section (2) shall be made to the Collector in the prescribed form within twelve months from the date of the commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981 or such further period as may be prescribed. The Collector shall after holding formal inquiry in the manner provided by the Code make an award determining the compensation.

Guj.
Ord. 9
of 1981

(4) An appeal shall lie from the said award to the Gujarat Revenue Tribunal.

(5) The provisions of sections 10 to 16 (both inclusive) shall so far as may be, apply to the proceedings in respect of such award or appeal, as the case may be.

(6) Notwithstanding anything contained in section 17A the amount of compensation payable under this section shall be paid in cash with interest at the rate of 4 1/2 percent for the period commencing on and from the date of commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981 and ending on the date of payment.”.

Guj.
Ord. 9
of 1981

Amendments
in Bom.
XXXIX
of 1954.

5. In the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953,—

Bom.
XXX.
IX of
1954.

(1) in section 8, the existing *Explanation* shall be and shall be deemed always to have been renumbered as *Explanation I* and after the *Explanation* as so renumbered, the following *Explanation* shall be and shall be deemed always to have been inserted, namely:—

“*Explanation II*.—For the purposes of this section waste land means land unfit for cultivation and includes—

(a) land on which grass grows naturally,

(b) land in which there exists any mines, whether being worked or not, any minerals, whether discovered or not and any quarries, whether being worked or not.”;

(2) for section 10, the following section shall be and shall be deemed always to have been substituted, namely:—

"10. (1) Notwithstanding anything contained in any custom, usage, grant, sanad, or order or agreement or any law for the time being in force, or in any judgement, decree or order of a court or of other authority, with effect on and from the appointed date, all mines whether being worked or not and minerals whether discovered or not and all quarries which are situate within the limits of any jagir village granted or recognised under any contract, grant or law for the time being in force or decree of a court shall vest in and with all rights over the same or appurtenant thereto being the property of the State Government, and the State Government shall, subject to the provisions of the Mines and Minerals (Regulation and Development) Act, 1957 have all powers necessary for the proper enjoyment and disposal of such rights.

Vesting of rights to mines and mineral products in the State Government.

LXVII
of
1957.

(2) The rights of the Government to mines, minerals and quarries in land vested under sub-section (1) includes the right of access to land for the purpose of prospecting and working mines and the right to occupy such other land as may be necessary for purposes of erection of offices, workmen's dwellings and machinery, the stacking of minerals and deposit of refuse, the construction of roads, railways, or tram-lines and any other purposes which the State Government may declare to be subsidiary to prospecting and working mines.

(3) If the State Government assigns to any person its right over any mines, minerals or quarries and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) be exercised, the Collector may, by an order in writing, subject to such conditions and reservations as he may specify, delegate such powers to the person to whom the right is assigned."

(3) after section 21, the following section shall be and shall be deemed always to have been inserted, namely:—

"21A. (1) Any jagirdar whose rights to mines, minerals or quarries in any jagir village existing immediately before the appointed date have vested in the State Government on that date under section 10, shall be entitled to compensation of an amount equivalent to the average of the net annual income received by the jagirdar in respect of the mines and mineral products during the three years immediately preceding the date of vesting.

Compensation for vesting of rights to mines and mineral products in the State Government.

(2) Any jagirdar entitled to compensation under sub-section (1), may apply to the Collector for such compensation.

(3) The application under sub-section (2) shall be made to the Collector in the prescribed form within twelve months from the date of the commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981, or such further period as may be prescribed. The Collector shall after holding formal inquiry in the manner provided by the Code make an award determining the compensation.

Guj.
Ord. 9
of 1981.

(4) An appeal shall lie from the said award to the Gujarat Revenue Tribunal.

(5) The provisions of sections 15 to 21 (both inclusive) shall so far as may be, apply to the proceedings in respect of such award or appeal, as the case may be.

(6) Notwithstanding anything contained in section 22 the amount of compensation payable under this section shall be paid in cash with interest at the rate of 4 1/2 per cent. for the period commencing on and from the date of commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981 and ending on the date of payment.”

Guj.
Ord.
9 of
1981.

Amendments
in Bom. XXII
of 1955.

6. In the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955,—

Bom
XXII
of
1955.

(1) in section 11, the existing *Explanation* shall be and shall be deemed always to have been renumbered as *Explanation I* and after the *Explanation* as so renumbered, the following *Explanation* shall be and shall be deemed always to have been inserted, namely:—

“*Explanation II.*—For the purposes of this section waste land means land unfit for cultivation and includes,—

(a) land on which grass grows naturally,

(b) land in which there exist any mines, whether being worked or not, any minerals, whether discovered or not and any quarries, whether being worked or not.”;

(2) for section 13, the following section shall be and shall be deemed always to have been substituted, namely:—

“13. (1) Notwithstanding anything contained in any custom, usage, grant, sanad or order or agreement or any law for the time being in force, or in any judgement, decree or order of a court or of other authority with effect on and from the appointed date, all mines whether being worked or not and minerals whether discovered or not and all quarries which are situate within the limits of any alienated land granted or recognised by any contract, grant or law for the time being in force or decree of a court shall vest in, and with all rights over the same or appurtenant thereto be the property of the State Government and the State Government shall, subject to the provisions of the Mines and Minerals (Regulation and Development) Act, 1957 have all powers necessary for the proper enjoyment and disposal of such rights.

LXVII
of
1957.

(2) The rights of the Government to mines, minerals and quarries in land vested under sub-section (1) includes the right of access to land for the purpose of prospecting and working the mines and the right to occupy such other land as may be necessary for purposes of erection of offices, workmen's dwellings and machinery, the stacking of minerals and deposit of refuse, the construction of roads, railways or tram-lines and any other purposes which the State Government may declare to be subsidiary to prospecting and working mines.

Vesting of
rights to
mines and
mineral pro-
ducts in the
State
Government.

(3) If the State Government assigns to any person its right over any mines, minerals or quarries and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) be exercised, the Collector may, by an order in writing, subject to such conditions and reservations as he may specify, delegate such powers to the person to whom the right is assigned.”;

(3) after section 24, the following section shall be and shall be deemed always to have been inserted, namely:—

“24A. (1) Any alienee whose rights to mines, minerals or quarries in any alienated land existing immediately before the appointed date have vested in the State Government on that date under section 13, shall be entitled to compensation of an amount equivalent to the average of the net annual income received by the alienee in respect of the mines and mineral products during the three years immediately preceding the date of vesting.

Compensation for vesting of rights to mines and mineral products in the State Government.

(2) Any alienee entitled to compensation under sub-section (1) may apply to the Collector for such compensation.

(3) The application under sub-section (2) shall be made to the Collector in the prescribed form within twelve months from the date of the commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981 or such further period as may be prescribed. The Collector shall after holding formal inquiry in the manner provided by the Code make an award determining the compensation.

Guj.
Ord.
9 of
1981.

(4) An appeal shall lie from the said award to the Gujarat Revenue Tribunal.

(5) The provisions of sections 21 to 25 (both inclusive) shall, so far as may be, apply to the proceedings in respect of such award or appeal, as the case may be.

(6) Notwithstanding anything contained in section 26 the amount of compensation payable under this section shall be paid in cash with interest at the rate of 4 1/2 per cent. for the period commencing on and from the date of the commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981 and ending on the date of payment.”.

Guj.
Ord.
9 of
1981.

7. (1) Subject to the provisions of sub-sections (2) and (3), nothing contained in the Bombay Land Revenue Code, 1879, or any of the Bombay Land Tenure Abolition Laws, as amended by this Act, shall affect any thing done or any action taken before the commencement of the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981 (hereinafter referred to as “the said Ordinance”) in relation to any mines, minerals or quarries vesting in a person other than the Government.

Transitory provision.

(2) Any prospecting licence, mining lease, quarry lease, or any document evidencing any mineral concession, in respect of land in which the minerals vested in a person other than the Government brought into conformity with the provisions of the Mines and Minerals (Regulation and Development) Act, 1957 and rules made thereunder under section 16 of that Act or issued under

Guj.
Ord. 9
of
1981,

LXVII
of
1957.

that Act and the rules made thereunder and in force at the commencement of the said Ordinance shall continue as if such licence, lease or document were given in respect of land in which minerals vested in the Government and accordingly,—

(i) such licence, lease or document shall be construed as if it was given by the Government;

(ii) any rent, royalty or other sum payable to such person by virtue of such licence, lease, or document shall from the commencement of the said Ordinance be payable to the Government; and

(iii) such licence or lease shall be renewable according to law.

(3) Any obligation or liability of the Government to pay any royalty or any other sum to a person in relation to his right or privilege to any mines and mineral products existing before the commencement of the said Ordinance shall cease and no legal proceeding or remedy for enforcement of such right or privilege or in respect of such obligation or liability shall be instituted, continued or enforced in any court, or other authority.

Repeal
aving.

8. (1) The Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance, 1981 is hereby repealed.

Guj
Ord. 9
of
1981.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Acts as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Acts as amended by this Act.