

NO.12

It extends only to the city and port of Bombay and it appears to be applicable to the Muhammadans who are about to proceed from the port of Bombay on a Pilgrimage to the Hedjaz. The provisions in this Act are applicable till this date. The Hon'ble members of the Commission agreed that this Act may be retained.

**SR.NO.13**

This Act appears to be still in force, the latest amendment being made on 1.11.1976 by Maharashtra Act No.XXXIII of 1976. Therefore, this Act will have to be retained.

SR.NO.14

This Act is still in force. The latest amendment as shown in Volume No. I is by Maharashtra Act No. XV of 1994. This Act will have to be retained.

**SR.NO.15**

AN ACT TO AMEND ACT VIII OF 1870 (AN ACT FOR THE PREVENTION OF  
THE MURDER OF FEMALE INFANTS) AS TO THE PRESIDENCY OF  
BOMBAY

By this Amending Act, the main Act of 1870 is made applicable to the Presidency of Bombay. The main Act is a special provision to take care of female infants. There is no similar provision anywhere else and therefore this Act will have to be retained. However, the Government may consider as to whether a new Act should be enacted containing these provisions so that the old Act may be repealed.

SR.NO.16

This Act is still in force and is useful for interpretation of Bombay and Maharashtra Laws. Therefore, it will have to be retained.

SR.NO.17

This Act is still in force. Its provisions are useful even now and they are being used. Therefore, this Act will have to be retained.

SR.NO.18

The Prince of Wales Museum Act, 1909 (Bom. Act. No.III of 1909) and the Prince of Wales Museum (Amending) Act, 1913 (Bom. Act No.VII of 1913) will have to be retained as they relate to the Prince of Wales Museum, Bombay.

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Maharashtra State Law Commission  
Govt. Barrack No.13,  
Free Press Journal Road,  
Opp. Mantralaya,  
Mumbai - 400 021.

B.G.MORE  
Chairman

1

Ref. No. MLC - 869 / 2002

26<sup>th</sup> December, 2002

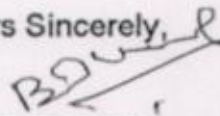
Dear Sir,

I have great pleasure in forwarding herewith the Tenth Report of the Law Commission on the repeal of the State Laws on the subject of the abolition of Land Tenure Laws contained in different volumes of the Maharashtra Code.

The State Laws passed till the end of 1998 were found compiled in nine different volumes of the Maharashtra Code. The Commission have examined all the Laws contained in these nine volumes and have sent their nine reports advising the Government as to which of those laws should be repealed or removed from the statute book and which should be retained even now as they are still necessary for the administration of the State. While examining the laws contained in nine volumes, we found several laws on the same subject but spread in different volumes. They are passed at different times and therefore, they naturally found place in different volumes. As these laws were on the same subject, namely, abolition of land tenures, the Commission decided to consider them separately and send a separate Report after all the other laws in the nine volumes are examined and the Reports are sent. Accordingly, this separate Report on the Abolition of Land Tenure Laws is being sent.

With this Report, normally the work of the Commission on the laws contained in the Maharashtra Code was to come to an end, but a suggestion was made that since the laws passed from the year 1999 till the last Budget Session were not compiled in a separate volume, they are not considered by the Commission. It was suggested that these laws should also be examined by the Commission and the last Report on their repeal or retention should be submitted to the Government so that all the laws passed by the State till the last Budget Session were examined. Accordingly, the Commission is examining the laws passed during last four years, namely, 1999 to 2002 and the Report on them will be sent shortly. Thus, with that Report, the Commission would complete its work on all the laws passed by the State Government till this date.

With kind regards,

Yours Sincerely,   
(B.G. MORE)

Hon'ble Shri Vilasrao Balkrishna Patil  
Minister,  
Law and Judiciary,  
Mantralaya,  
Mumbai-400 032.

## **MAHARASHTRA LAW COMMISSION**

(Constituted under Government Resolution No. LAC-1093 / 566 / (122) – 19 dated 30.09.1996 and Resolution No . MLC -1400/P.K.39/DESK-19, dated 21.12.2001)

Shri B.G. More	...	Chairman
Shri K.M. Dhakephalkar	...	Member
Shri Shrihari Aney	...	Member
Shri Vijay Savant	...	Member
Shri V.B. Bedre	...	Member
Shri J.D. Jaybhav	...	Member
Smt. P.M. Umarji	...	Principal Secretary (Legislation) Law & Judiciary Dept. (Ex-officio Member)
Kum. I.H. Patel	...	Member Secretary



## MAHARASHTRA LAW COMMISSION

By this time, the Commission has submitted 9 Reports on 9 Volumes of the Maharashtra Code. The existing Maharashtra Laws are compiled in 9 Volumes only. Therefore, after sending the 9<sup>th</sup> Report on the 9<sup>th</sup> Volume of the Maharashtra Code the work of the Commission on the Maharashtra Code should normally come to an end. However, while examining these Laws contained in the various Volumes several enactments on the similar subject were found spread in different Volumes. These laws were enacted at different times and therefore, naturally they found place in different Volumes. As these enactments were on the similar subject, namely, Abolition of Land Tenure Laws one and the same approach was required to be taken to decide whether they should be retained or repealed. In the circumstances, the Commission decided to take out these Laws for a separate consideration. These enactments are 26 in number and as stated in different Reports already sent we decided to send a separate Report on the repeal of these laws. Accordingly, this Report is being sent.

On examination of all these laws, it clearly appears that one and the same pattern is adopted while passing these laws. Briefly, it may be described as follows :-

Initially, these Inams or Watans are abolished and the Watan and Inam Lands are resumed by the Government. For the abolition of the rights of the Watandars a compensation is directed to be paid to them. After the land is resumed by the Government it was regranted to the person who was in possession on the date of the abolition of these rights. While regranteeing these lands certain amount was directed to be recovered from these persons. The persons to whom these lands were regranted were given the rights of Occupants and therefore, this amount was called as an Occupancy Price. The compensation to be paid for abolition of the rights and the Occupancy Price to be recovered for regrant of the land was determined as per the rights of these persons in those lands at the time of their abolition. Thus, different rate of compensation was paid to the different holders so also different rates of Occupancy Price were fixed. A procedure was laid down to decide the compensation and its recovery and also to recover the Occupancy Price. For this purpose, certain Officers were authorised to conduct these proceedings. A time-limit was given as to when the compensation is to be claimed or Occupancy Price is to be paid or the claim is to be made to the Competent Authority, and appeal is to be filed over the decision etc.



In certain cases, the lands in the possession of the original holders are not resumed but merely their rights and privileges or titles are abolished. They are allowed to retain the lands in their possession but their tenure is changed. They are made Occupants of these lands. In certain cases, in addition to the abolition of these rights the land in their possession is resumed by the Government and is again regranted to them. In some cases, this regrant was on old tenure basis, namely, no restriction was kept on their rights as Occupants of these lands. In some cases, these lands were regranted on the basis of new tenure, namely, certain restrictions were kept on their occupancy rights. Their holding was made non-transferable or non-partible except with the permission of the authorities and on payment of certain amount to the Government.

Initially, it was thought that these laws have been passed long back and a time-frame was fixed in these enactments themselves to complete the procedure laid down by them. If the purpose of these Acts was likely to have been achieved by this time, it appeared that there should be no objection to the repeal of these laws. However, it was found that inspite of this time-frame the persons concerned did not take steps within the time, for instance, the compensation was not claimed within the time, Occupancy Price was not paid within the time, the proceedings in this respect were not taken and finished in time. In certain cases even though there were restrictions on the transferability of the occupancy they were unauthorisedly transferred etc. Thus, several problems arose and therefore, the Government was required to issue a number of notifications from time to time as to how these situations should be dealt with. The Commission found that these notifications and circulars have been issued as late as 1983. Unfortunately, the Commission has no means to find details about these notifications or the pending proceedings etc. In this respect, the Revenue Department of the Government was not of much help. Therefore, a cautious approach was required to be taken while recommending the repeal of these laws.

At this stage, it may be mentioned that when the Commission decided to consider these laws the representatives of the Revenue Department were invited for discussion. This was with a view to obtain from them the necessary data about the circulars and pending cases and further their opinion about the repeal of these laws. However, these representatives, when attended the meeting, informed the Commission that the Government has appointed a Committee to take the review of all the Revenue Laws and since that Committee was yet to consider these laws the Department could not give its opinion on the



Committee comes to a definite conclusion on the relevant laws the Revenue Department would give its opinion about the repeal or retention of the laws to the Commission. The Commission then decided to postpone the consideration of these laws till all other laws from the Maharashtra Code were considered and Reports were sent on them. It was accordingly, informed to the Revenue Department that the Commission was likely to send all the Reports by the end of November 2002 and therefore it would be better if the decision taken by the Committee and the opinion of the Revenue Department based on it is informed to the Commission by the end of November 2002. Such information was not given by the Revenue Department and therefore, the Commission decided to go ahead to consider these laws independently.

While considering these laws different opinions were expressed on the feasibility of repeal of these laws. It was felt that in cases of certain enactments it may not be advisable to repeal them in spite of the fact that Section 7 of the Bombay General Clauses Act would take care of the rights and liabilities created by these laws and the proceedings still pending under them.

The Commission therefore, decided to approach these laws by putting them in 3 different categories. The 1<sup>st</sup> category would be of those laws wherein merely rights of Inamdars, Jagirdars, Watandars etc. were abolished, but the land was not resumed. The 2<sup>nd</sup> category would be of those laws, wherein in addition to the abolition of the rights, the land was resumed but was granted on the old tenure basis and the 3<sup>rd</sup> category would be of those enactments in which the land was regranted on the new tenure basis. The Commission is of the opinion that the enactments falling in the 1<sup>st</sup> category can straightway be repealed. In their cases, as there was no resumption of land there was no question of taking further proceedings of its regrant. In their cases, only compensation was required to be paid for abolition of the various rights. It can safely be presumed that this work of payment of compensation must have been finished by this time. Thus, the object of these laws is achieved and therefore, they may be repealed. The laws falling in the 2<sup>nd</sup> category also could be repealed without much hesitation. In their cases, even though the land is resumed it is regranted on old tenure basis. No restriction is put on their occupancy rights. Here, the question was payment of compensation to them and the recovery of Occupancy Price from them. The Commission decided to presume that this process also must have been finished by this time and therefore, the object of these laws is also achieved and hence, they may also be repealed.

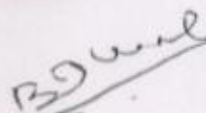


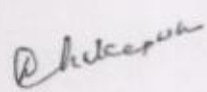
The difficulty arose in respect of the enactments falling in the category No.3. In this case, the land is resumed and is re-granted but it is on the basis of new tenure. The Maharashtra Land Revenue Code recognises this tenure as Occupant Class II. Some restrictions have been put on their occupancy. The lands re-granted are made non-transferable and impartible. What is important is that these Occupants are given rights to change their tenure from Occupant Class II to Occupant Class I, namely, from new tenure to the old tenure. A procedure was laid down as to how the restriction of non-transferability and impartibility could be removed. Unfortunately, no time limit is fixed in these enactments as to when these rights could be exercised by the holders. The Commission therefore, decided to advise the Government to retain these laws so as not to create more complications.

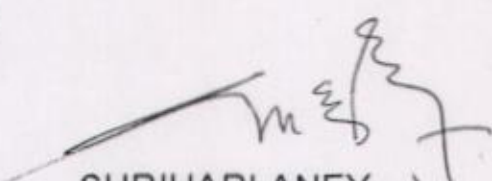
On the examination of these laws from this point of view the Commission came to a conclusion that out of these 26 laws 14 enactments should be repealed and the remaining 12 enactments should be retained.

As usual, the Annexures have been appended to this Report but they are 3 in number now. The 1<sup>st</sup> Annexure contains the laws considered by the Commission in this Report. The 2<sup>nd</sup> Annexure contains the laws advised to be repealed and the 3<sup>rd</sup> Annexure contains the laws advised to be retained. As usual, brief reasons are given after each enactment as to why that law is advised to be repealed or retained.

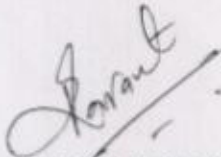
Having sent this Report normally the work of the Commission on the Maharashtra Code was to come to an end but then it was suggested that the Commission may examine the laws passed till the last Budget Session even though they were not compiled in a separate Volume. Accordingly, the Commission is taking up this work now and expects to send its Report within a short time. With that Report the Commission would finish its task on the repeal or retention of the State Laws till this date.

  
(B.G.MORE)  
CHAIRMAN

  
K.M. DHAKEPHALKAR  
Member

  
SHRIHARI ANEY  
Member

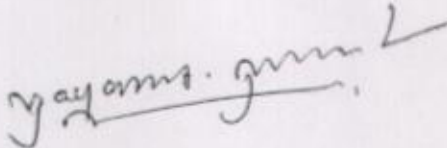




VIJAY SAVANT  
Member

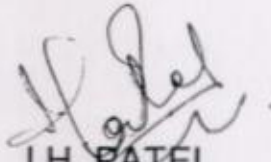


V.B. BEDRE  
Member



J.D. JAYBHAVE  
Member

P.M. UMARJI  
Ex-officio Member



I.H. PATEL  
Member Secretary

**MAHARASHTRA LAW COMMISSION****ANNEXURE - I****NAMES OF THE INAMS AND WATANS ABOLITION ACTS CONTAINED IN DIFFERENT VOLUMES OF THE MAHARASHTRA CODE CONSIDERED BY THE COMMISSION FOR REPEAL**

<b><u>SR.NO.</u></b>	<b><u>NAME OF THE ACTS</u></b>
1	THE BOMBAY BHAGDARI AND NARWADARI TENURES ABOLITION ACT, 1949 (BOM. ACT NO. XXXII OF 1949)
2	THE BOMBAY KHOTI ABOLITION ACT, 1949 (BOM. ACT NO. VI OF 1950)
3	THE SALSETTE ESTATES (LAND REVENUE EXEMPTION ABOLITION) ACT, 1951 (BOM. ACT NO. XLVII OF 1951)
4	THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1953 (BOM. ACT NO. XXXVIII OF 1953)
5	THE BOMBAY PERSONAL INAMS ABOLITION ACT, 1952 (BOM. ACT NO. XLII OF 1953)
6	THE BOMBAY KAULI AND KATUBAN TENURES (ABOLITION) ACT, 1953 (BOM. ACT NO. XLIV OF 1953)
7	THE BOMBAY LAND TENURES ABOLITION (RECOVERY OF RECORDS) ACT, 1953 (BOM. ACT NO. L OF 1953)
8	THE BOMBAY MERGED TERRITORIES (JANJIRA AND BHOR) KHOTI TENURE ABOLITION ACT, 1953 (BOM. ACT NO. LXXI OF 1953)
9	THE BOMBAY MERGED TERRITORIES AND AREAS (JAGIRS ABOLITION) ACT, 1953 (BOM. ACT NO. XXXIX OF 1954)
10	THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955 (BOM. ACT NO. XXI OF 1955)
11	THE BOMBAY SHILOTRI RIGHTS (KOLABA) ABOLITION ACT, 1955 (BOM. ACT NO. XLVII OF 1955)
12	THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1956 (BOM. ACT NO. XL OF 1956)
13	THE BOMBAY SHETGI WATAN RIGHTS (RATNAGIRI) ABOLITION ACT, 1956 (BOM. ACT NO. II OF 1957)
14	THE BOMBAY LAND TENURE ABOLITION LAWS (AMENDMENT) ACT, 1956 (BOM. ACT NO. LVII OF 1958)
15	THE BOMBAY BANDHIJAMA, UDHAD AND UGADIA TENURES ABOLITION ACT, 1959 (BOM. ACT NO. XXXV OF 1959)
16	THE HYDERABAD ABOLITION OF INAM (AMENDMENT) ACT, 1959 (BOM. ACT NO. LXIV OF 1959)
17	THE WEST KHANDESH MEHWASSI ESTATES (PROPRIETORY RIGHTS ABOLITION, ETC.) REGULATION, 1961 (MAH. REGULATION NO. I OF 1962)
18	THE MAHARASHTRA MISCELLANEOUS ALIENATIONS (IN HYDERABAD THE HYDERABAD ABOLITION ACT, 1965 (MAHARASHTRA ACT NO. LVII OF 1965)



- 19 THE BOMBAY CITY (INAMI AND SPECIAL TENURES) ABOLITION AND MAHARASHTRA LAND REVENUE CODE AMENDMENT) ACT, 1969 (MAHARASHTRA ACT NO. XLIV OF 1969)
- 20 THE MAHARASHTRA ABOLITION OF SUBSISTING PROPRIETARY RIGHTS TO MINES AND MINERALS IN CERTAIN LANDS ACT, 1985 (MAHARASHTRA ACT NO. XVI OF 1985)
- 21 THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION), THE BOMBAY SERVICE INAMS (USEFUL TO COMMUNITY) ABOLITION, THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS ABOLITION, THE BOMBAY INFERIOR VILLAGE WATANS ABOLITION AND THE MAHARASHTRA REVENUE PATELS (ABOLITION OF OFFICE) (AMENDMENT) ACT, 2000 (MAHARASHTRA ACT NO. XXI OF 2002)
- 22 THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION) ACT, 1950 (BOM. ACT NO. LX OF 1950)
- 23 THE BOMBAY SERVICE INAMS (USEFUL TO COMMUNITY) ABOLITION ACT, 1953 (BOM. ACT NO. LXX OF 1953)
- 24 THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS ABOLITION ACT, 1955 (BOM. ACT NO. XXII OF 1955)
- 25 THE BOMBAY INFERIOR VILLAGE WATANS ABOLITION ACT, 1958 (BOM. ACT NO. I OF 1959)
- 26 THE MAHARASHTRA REVENUE PATELS (ABOLITION OF OFFICE) ACT, 1962 (MAH. ACT NO. XXXV OF 1962)

## MAHARASHTRA LAW COMMISSION

### ANNEXURE – II

NAMES OF THE INAMS AND WATANS ABOLITION ACTS CONTAINED IN DIFFERENT VOLUMES OF THE MAHARASHTRA CODE WHICH ARE REQUIRED TO BE REPEALED.

SR.NO.1

THE BOMBAY BHAGDARI AND NARWADARI TENURES  
ABOLITION ACT, 1949  
(BOM. ACT NO. XXXII OF 1949)

Section 2 of this Act says that –

- (1) the Bhagdari and Narwadari tenures shall, wherever they prevail, be deemed to have been abolished;
- (2) all the incidents of the said tenures attaching to any land held on such tenures shall be deemed to have been extinguished; and
- (3) any declaration made by the Provincial Government under section 6 of the Bhagdari and Narwadari Act, 1862, shall be deemed to have been cancelled.

Thus, under this section the abolition of tenures takes place.

Section 3 is important as it says that –

- (i) Every holder of any land forming part of a bhag, narwa or share in a bhagdari or narwadari village etc; and
- (ii) Every person lawfully in possession of any land forming part of a gamor pati majmun in a bhagdari or narwadari village,

immediately before the coming into force of this Act, shall be deemed to be an occupant within the meaning of the Bombay Land Revenue Code, 1879, in respect of such land in his possession and shall be primarily liable to the Provincial Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the said Code or any other law for the time being in force.

Thus, it will be seen that the person in lawful possession of the land is made Occupant Class – I and is made liable to the Government for payment of land revenue. In this case, the land is not resumed and therefore, there is no question of regranteeing it. Merely tenure is changed. The person in possession of the land is recognised as occupant and is made liable to pay land revenue and the provisions of the Land Revenue Code are made applicable.

Further provisions of this Act are not much relevant. The procedures under this Act are to be completed in a prescribed time-frame. Thus, it will be seen that there is no point in continuing this Act on the statute book. Therefore, there is no harm to repeal this Act.



This Act abolishes the khoti tenure prevailing in the districts of Ratnagiri and Kolaba in the Bombay area of the State of Maharashtra. By its Section 3 the khoti tenure is abolished and by Section 4 the Khot and others, who were in possession of these lands, are made occupants and are further made liable for payment of land revenue and are entitled to all rights and liabilities in respect of such lands as occupants under the Land Revenue Code. In their case also the land in their possession is neither resumed nor regranted to them. They are merely made occupants under the Code. A compensation is required to be paid to them for the abolition of their rights. But, all these proceedings were required to be taken in a prescribed time. Thus, once the object of the Act is achieved there is no necessity to continue this Act on the statute book. The provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. Act No. LXVII of 1948), which shall be applicable to these lands, are kept unaffected. For all these reasons, this Act may be repealed.

This Act has been enacted to abolish exemption from the payment of land revenue enjoyed by the holders of certain estates in the Island of Salsette in the Bombay Suburban and Thana Districts in the State of Bombay. By Section 3 of this Act all these lands are made liable to payment of land revenue in accordance with the provisions of the Land Revenue Code and the persons in occupation of these lands are made primarily liable to the State Government for payment of land revenue. They are also made entitled to all the rights and liabilities in respect of these lands under the Land Revenue Code or the rules. In this case also, the land in their possession is not resumed and therefore, there is no question of its regrant to them. A compensation is required to be paid to them for extinguishment of their rights. But, it was a time bound programme. The provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. Act No. LXVII of 1948) are kept unaffected. It therefore, appears that this Act has achieved its purpose and therefore, it may be repealed.

By this Act an amendment is made to certain tenures abolition Acts as mentioned in the 1<sup>st</sup> and 2<sup>nd</sup> Schedules. These amendments are carried out in those Acts. Therefore, this amending Act may be repealed.

By this Act the personal inams in the State of Bombay are abolished. Its Section 4 abolishes all personal inams and all rights legally subsisted in respect of such personal inams are extinguished. Further, personal inams consisting of exemption from the payment of land revenue are also extinguished. By Section 5 all inam villages or inam lands are made liable to the payment of land revenue in accordance with the provisions of the Land Revenue Code and the rules relating to unalienated land are made applicable to such lands. The inamdar or



an inferior holder is made primarily liable to the State Government for the payment of land revenue and is made entitled to all the rights and liabilities in respect of such lands as an occupant under the Code. Under Section 6 compensation for abolition of rights is provided for. Thus, in this Act there is no resumption or regrant. Compensation is to be paid within a time frame. Provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. Act No. LXVII of 1948) are kept unaffected. Thus, once the object of this Act is achieved, there is no purpose for keeping this Act on the statute book and therefore, it may be repealed.

**SR.NO.6**

**THE BOMBAY KAULI AND KATUBAN TENURES  
(ABOLITION) ACT, 1953  
(BOM. ACT NO. XLIV OF 1953)**

This Act has been enacted to abolish kauli and katuban tenures in the Kolaba, Kolhapur and Ratnagiri Districts of the State of Bombay. By its Section 3 all kauli and katuban leases are cancelled. All terms and conditions under the said leases are deemed to be extinguished. The tax known as a tree tax in respect of any kauli or katuban land is abolished. By its Section 4 all kauli and katuban lands are made liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules and the kauli-holder and permanent holder are made primarily liable to the State Government for the payment of land revenue and they are made entitled to all rights and liabilities in respect of such lands under the Code. Thus, there is no resumption and regrant of the lands to them. A compensation is to be paid to them for abolition of their rights within a time frame. Thus, the object of this Act is achieved and there is no reason to continue this Act on the statute book and therefore, it should be repealed.

**SR.NO.7**

**THE BOMBAY LAND TENURES ABOLITION (RECOVERY  
OF RECORDS) ACT, 1953  
(BOM. ACT NO. L OF 1953)**

By this Act every holder, as defined in Section 2 of the Act, is required to deliver land records to the State Government within a prescribed time. By its Section 5 one who fails to deliver the records is made liable to punishment. The record was required to be delivered within 2 months from the date declared by the State Government in the Official Gazette. Thus, the object of this Act must have been achieved long back and the purpose of this Act being over it may be repealed.

**SR.NO.8**

**THE BOMBAY MERGED TERRITORIES (JANJIRA AND  
BHOR) KHOTI TENURE ABOLITION ACT, 1953  
(BOM. ACT NO. LXXI OF 1953)**

This Act has been enacted to abolish khoti tenure prevailing in the merged territories of the former States of Janjira and Bhore. By its Section 3 the khoti tenure wherever it prevailed in the merged territories of Janjira and Bhore including the District of Kolaba is abolished. All sanads granted in respect of a khoti village merged in the territories of Janjira are cancelled, all incidents of the said tenure are extinguished. By Section 3A khoti tenure in Karle village in the merged territories of Janjira in Kolaba district is also abolished. Section 4 makes provision as to who shall be the occupants in respect of these lands in territories of Janjira and by Section 4 these occupants are made primarily liable to the State Government for the payment of land revenue and they are made entitled to all the rights and liabilities of an occupant under the Land Revenue Code. Section 7 abolishes the liability to pay khoti's dues and the rights of khoti. By Section 9 the occupancy price or commuted value is made recoverable as arrear of land revenue and by Section 10 the khoti is made to hand over the accounts etc. to



the authorised officers. By Section 14 the method of compensation for extinguishment or modification of any rights and interests therein is given. By Section 19 the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. Act No. LXVII of 1948) are kept unaffected. Thus, the purpose of this Act is over and therefore, it may be repealed.

**SR.NO.9**

**THE BOMBAY MERGED TERRITORIES AND AREAS  
(JAGIRS ABOLITION) ACT, 1953  
(BOM. ACT NO. XXXIX OF 1954)**

By this Act Jagirs in the merged territories and merged areas in the State of Bombay are abolished. Its Section 3 abolishes all Jagirs in the merged territories and merged areas. All the rights of the jagirdars to recover rent or assessment of land etc. are abolished and by Section 4 they are made liable to payment of land revenue in accordance with the provisions of the Code. Section 5 provides for as to what persons are to be made occupants and these occupants are made primarily liable to the State Government to pay land revenue. Section 6 likewise makes provision for Jiwai jagir village. By Section 11 a provision for compensation to jagirdar is made. Section 12 makes likewise provision for Jiwai jagirdars. Section 24 makes the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. Act No. LXVII of 1948) unaffected. It therefore, appears that as the purpose of the Act is achieved there is no reason to keep this Act on the statute book and therefore, it may be repealed.

**SR.NO.10**

**THE BOMBAY SHILOTRI RIGHTS (KOLABA) ABOLITION  
ACT, 1955  
(BOM. ACT NO. XLVII OF 1955)**

This Act has been passed to abolish the Shilotri Rights prevailing in the district of Kolaba in the State of Bombay. Section 3 states that notwithstanding any custom or usage or anything contained in any grant, sanad or decree or order of a court or any other instrument, with effect from and on the appointed date –

- a) all shilotri rights with all their incidents shall be deemed to have been abolished, and
- b) the right of a shilotridar to levy or collect a shilotri maund shall be deemed to have been extinguished.

Section 4 provides for compensation to shilotridar within a time frame. Thus, it will be seen that the purpose of this Act having been achieved, there is no necessity to keep this Act on the statute book. It may therefore, be repealed.

**SR.NO.11**

**THE BOMBAY SHETGI WATAN RIGHTS (RATNAGIRI)  
ABOLITION ACT, 1956  
(BOM. ACT NO. II OF 1957)**

This Act has been passed to abolish shetgi watans in the Ratnagiri District of the State of Bombay. By Section 3 of this Act all shetgi watans including all incidents thereof or relating thereto are abolished and all rights of shetye watandars to any shetgi watan emoluments are extinguished. Section 4 makes provision for compensation to be paid to shetye watandar and thereafter the method of providing compensation etc. is provided. The actions to be taken contemplated by this Act have been completed long back and therefore, this Act may be repealed.



SR.NO.12

THE BOMBAY BANDHIJAMA, UDHAD AND UGADIA  
TENURES ABOLITION ACT, 1959  
(BOM. ACT NO.XXXV OF 1959)

This Act has been passed to abolish certain special land tenures prevailing in the Kaira, Broach, Surat and Thana Districts of the State of Bombay. Section 3 of this Act abolishes the Bandhijama tenure, the Udhad tenure and the Ugadia tenure and the other rights appertaining are also extinguished. Nothing more is provided by this Act. The object of this Act is achieved. There is no necessity to keep the same on statute book and therefore, it may be repealed.

SR.NO.13

THE HYDERABAD ABOLITION OF INAM (AMENDMENT)  
ACT, 1959  
(BOM. ACT NO.LXIV OF 1959)

This Act has been passed to provide for the abolition of certain inams and cash grants prevailing in the Hyderabad area of the State of Bombay and to amend for that purpose and for certain other purposes the Hyderabad Abolition of Inams Act, 1954 (Hyd. Act No. VIII of 1955). In fact, as aforesaid, this Act amends the Hyderabad Abolition of Inams Act, 1954 and therefore, there is no reason to keep this Act on the statute book. Hence, this Act may be repealed.

SR.NO.14

THE MAHARASHTRA ABOLITION OF SUBSISTING  
PROPRIETARY RIGHTS TO MINES AND MINERALS IN  
CERTAIN LANDS ACT, 1985  
(MAHARASHTRA ACT NO. XVI OF 1985)

This Act has been enacted to abolish subsisting proprietary rights to mines and minerals in any lands under the Land Tenure Abolition Laws or such other laws for the time being in force by acquisition thereof and to provide for matters connected therewith. By its Section 4 all subsisting rights to mines and minerals vesting in any alienee in any land shall pass from such person to and vest in the State Government, free of any encumbrances. By its Section 5 payment of compensation for abolition of rights is provided. Section 6 and 7 and further sections are procedural. Thus, once the rights to mines and minerals are taken away from these alienees and are vested in the Government, the purpose of this Act is over. Therefore, this Act may be repealed.



MAHARASHTRA LAW COMMISSIONANNEXURE - III

NAMES OF THE INAMS AND WATANS ABOLITION ACTS CONTAINED IN DIFFERENT VOLUMES OF THE MAHARASHTRA CODE WHICH ARE REQUIRED TO BE RETAINED.

SR.NO.1                      THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955  
(BOM. ACT NO.XXI OF 1955)

This Act has been enacted to abolish Bhil Naik Inams prevailing in the districts of West Khandesh and Nasik in the State of Bombay. Its Section 4 abolishes all Bhil Naik Inams and further extinguishes liability to render service and other incidents appertaining to such inams. All inam villages and inam lands are resumed and they are made subject to the payment of land revenue under the provisions of the Code. Section 5 makes inamdar or the inferior holder, as the case may be, primarily liable to the State Government for payment of land revenue and is made entitled to all rights and liabilities of the occupants under the Code on payment to the State Government an occupancy price. This occupancy is made not transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may determine.

Because of the condition of non-transferability and non-partibility this Act is required to be retained on the statute book. Therefore, it appears that this Act may be retained.

SR.NO.2                      THE BOMBAY LAND TENURES ABOLITION  
(AMENDMENT) ACT, 1956  
(BOM. ACT NO. XL OF 1956)

This Act has been passed further to amend certain Bombay Land Tenures Abolition Acts. The provision made by Section 3 of this Act is an additional provision to the principal Acts and therefore, it is to be read alongwith the principal Acts. Hence, this Act will have to be retained for reading it alongwith the principal Acts.

SR.NO.3                      THE BOMBAY LAND TENURE ABOLITION LAWS  
(AMENDMENT) ACT, 1956  
(BOM. ACT NO.LVII OF 1958)

This Act has been passed further to define permanent tenants, inferior holders and permanent holders for the purposes of certain Land Tenure Abolition laws and to provide for certain other matters. Eventhough, this is an amending Act, which amends the principal Acts, this appears to be the supplementary provision to those Acts and we are not proposing to repeal all those Land Tenure Abolition laws. In view of this, this Act will have to be retained to read alongwith the principal Acts which we propose to retain.

SR.NO.4                      THE WEST KHANDESH MEHWASSI ESTATES  
(PROPRIETORY RIGHTS ABOLITION, ETC.)  
REGULATION, 1961  
(MAH. REGULATION NO. I OF 1962)

This Regulation has been passed to provide for the conferment of



in the Dhulia District, for the abolition of certain proprietary rights of such holders in those estates; and for purposes connected with the matters aforesaid. Section 8 of this Regulation states that any tenancy of land to be created gives rights to the tenant of this tenancy to purchase the land within one year from the commencement of such tenancy. This provision is to apply in future. However, Section 22 of this Regulation keeps the provision of the Bombay Tenancy and Agricultural Lands Act, 1948 (Mah. Act No. LXXII of 1948) unaffected. It appears that some actions under the Act may be permissible even now and it is doubtful if the purpose is fully achieved and therefore, this Act may be retained.

**SR.NO.5**

**THE MAHARASHTRA MISCELLANEOUS ALIENATIONS  
(IN HYDERABAD ENCLAVES) ABOLITION ACT, 1965  
(MAHARASHTRA ACT NO. LVI OF 1965)**

This Act has been passed to abolish certain alienations prevailing in the enclaves of the former Hyderabad State included in the former Province of Bombay by the India and Hyderabad (Exchange of Enclaves) Order, 1950. Chapter 2 of this Act makes provision of abolition of alienations and conferment of occupancy rights. The occupancy rights are to be governed by the provisions of Land Revenue Code. Sub-section (3) of Section 7 makes occupancy for the regrant non-transferable and impartible. Therefore, this Act will have to be retained.

**SR.NO.6**

**THE BOMBAY CITY (INAMI AND SPECIAL  
TENURES) ABOLITION AND MAHARASHTRA LAND  
REVENUE CODE AMENDMENT) ACT, 1969  
(MAHARASHTRA ACT NO. XLIV OF 1969)**

This Act has been passed to abolish inami tenure and certain special tenures in the City of Bombay, and to amend the Maharashtra Land Revenue Code, 1966 (Mah. Act No. XLI of 1966). This Act will have to be retained because the provisions of the same are to take effect till 2020 and even thereafter.

**SR.NO.7**

**THE BOMBAY PARAGANA AND KULKARNI WATANS  
(ABOLITION), THE BOMBAY SERVICE INAMS (USEFUL  
TO COMMUNITY) ABOLITION, THE BOMBAY MERGED  
TERRITORIES MISCELLANEOUS ALIENATIONS  
ABOLITION, THE BOMBAY INFERIOR VILLAGE  
WATANS ABOLITION AND THE MAHARASHTRA  
REVENUE PATELS (ABOLITION OF OFFICE)  
(AMENDMENT) ACT, 2000  
(MAHARASHTRA ACT NO. XXI OF 2002)**

This is a recent Act which amends 5 enactments mentioned in its title. It gives certain concessions to the 1<sup>st</sup> Occupant but puts restrictions on the purchasers. It also gives the procedure in detail as to how these occupancies could be transferred from Occupancy Class II to Occupancy Class I. It further deals with unauthorised transfers. Therefore, this Act will have to be retained.

**SR.NO.8**

**THE BOMBAY PARAGANA AND KULKARNI WATANS  
(ABOLITION) ACT, 1950  
(BOM. ACT NO. LX OF 1950)**

**SR.NO.9**

**THE BOMBAY SERVICE INAMS (USEFUL TO  
COMMUNITY) ABOLITION ACT, 1953  
(BOM. ACT NO. LXX OF 1953)**



- SR.NO.10                      THE BOMBAY MERGED TERRITORIES  
MISCELLANEOUS ALIENATIONS ABOLITION  
ACT, 1955  
(BOM. ACT NO.XXII OF 1955)
- SR.NO.11                      THE BOMBAY INFERIOR VILLAGE WATANS ABOLITION  
ACT, 1958  
(BOM. ACT NO. I OF 1959)
- SR.NO.12                      THE MAHARASHTRA REVENUE PATELS (ABOLITION  
OF OFFICE) ACT, 1962  
(MAH. ACT NO. XXXV OF 1962)

All these 5 enactments have been recently amended by Maharashtra Act No. XXI of 2002. The lands regranted under them are of the category of Occupancy Class II. A right is given to the holders to get their occupancy transferred from Occupancy Class II to Occupancy Class I, but no time-limit is given to exercise the rights. Therefore, these Acts will have to be retained.