

Bombay Prevention of Fragmentation and

Consolidation of Holdings Act, 1947

[1947 : Bom .LXII

GOVERNMENT OF GUJARAT



LEGISLATIVE PARLIAMENTARY AFFAIRS DEPARTMENT

BOMBAY ACT NO. LXII OF 1947

The Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947

(As modified upto the 31st October, 2006)

Bombay Prevention of Fragmentation and
Consolidation of Holdings Act,1947

[1947 : Bom .LXII

BOMBAY PREVENTION OF FRAGMENTATION AND
CONSOLIDATION OF HOLDINGS ACT, 1947

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CONTENTS

PREAMBLE

PAGE

NO.



SECTIONS.

CHAPTER I

PRELIMINARY

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

CHAPTER II

DETERMINATION OF LOCAL AND STANDARD AREAS AND
TREATMENT OF FRAGMENTS.

- 3. Determination of local area.
- 4. Settlement of standard areas.
- 5. Determination and revision of standard areas.
- 6. Entry in the Record of Rights.
- 7. Transfer and lease of fragments.
- 8. Fragmentation prohibited.
- 8AA. Restriction on partition of land.
- 8A. Sections 7 and 8 not to apply to transfer for public purpose.
- 9. Penalty for transfer or partition contrary to provisions of Act.
- 10. Transfer of fragment to Government.
- 11. [Deleted.]
- 12. Determination of compensation for purpose of section 10.
- 13. Amendment of sections 117A and 117B of Bom. V of 1879.
- 14. Fragment not to be sold at Court sale or created by such sale.

Bombay Prevention of Fragmentation and
Consolidation of Holdings Act, 1947

[1947 : Bom .LXII

CHAPTER III

PROCEDURE FOR CONSOLIDATION

15. Government may of its own accord or on application declare its intention to make scheme for consolidation of holdings.
- 15A. Preparation of scheme and principles to be followed in its preparation.
16. Scheme to provide for compensation.
17. Amalgamation of public roads, etc., within scheme for consolidation of holdings.
18. Land reserved for public purpose.
19. Publication of draft scheme.
20. Confirmation of scheme.
21. Right to possession of new holdings.
22. Coming into force of scheme.
23. Certain laws no ban on transfer of holdings.
24. Certificate of transfer.
25. Loans to assist consolidation.



CHAPTER IV

EFFECT OF CONSOLIDATION PROCEEDINGS AND OF CONSOLIDATION OF HOLDINGS.

26. Exercise by Consolidation Officer of powers under certain Acts.
27. Stay of certain proceedings; ban on transfer of land during continuance of consolidation proceedings.
28. Rights in holdings.
29. Transfer of encumbrances.
- 29A. Consolidation officer to decide whether base should be transferred or not.
30. Appointment of compensation or net value in case of dispute.
31. Restrictions on alienation and sub division of consolidation holdings.
- 31A. Correction of clerical and arithmetical mistakes in scheme.
32. Power to vary scheme on ground of error, irregularity, informality.
33. Power to vary or revoke scheme.

Bombay Prevention of Fragmentation and
Consolidation of Holdings Act, 1947

[1947 : Bom .LXII]

CHAPTER V

GENERAL

- 34. Vesting of powers of Settlement Commissioner.
- 34A. Constitution of village committees.
- 35. Power of State Government to call for proceedings.
- 36. Appeal and revision.
- 36A. Bar of jurisdiction.
- 36B. Suits involving issues required to be decided under this Act.
- 36C. Indemnity.
- 37. Rules.
- 38. Repeal and Savings.



Bombay Prevention of Fragmentation and
Consolidation of Holdings Act,1947

[1947 : Bom .LXII

BOMBAY ACT No. LXII OF 1947.¹

[THE BOMBAY PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF
HOLDINGS ACT, 1947]⁺

[29th January 1948.]

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



Amended by Bom. 31 of 1951.

Amended by Bom. 69 of 1953.

Amended by Bom. 33 of 1956.

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

Amended by Bom. 8 of 1958.

Amended by Bom. 61 of 1958.

Amended by Bom. 63 of 1959.

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

Amended by Guj. 15 of 1964.

Amended by Guj. 9 of 1979.

Amended by Guj. 25 of 1982.

An Act to provide for the prevention of fragmentation
of agricultural holdings and for their consolidation.

WHEREAS it is expedient to prevent the fragmentation of agricultural holdings and
provide for the consolidation of agricultural holdings for the purpose of the better
cultivation thereof; It is hereby enacted as follows :-

CHAPTER I

PRELIMINARY

1.
- (1)

This Act may be called the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.
- ²[(2)

It extends to the whole of the ³[State of Gujarat].
- (3)

It shall come into force in such areas and such date as the ⁴[State] Government may by notification in the Official Gazette direct.

Short title, extent
and
commencement.

Definitions.

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

Bombay Prevention of Fragmentation and

Consolidation of Holdings Act, 1947

[1947 : Bom .LXII

- (1) “agricultural year” means the year commencing on the first day of April;
- (2) “Consolidation of holdings” means the amalgamation and where necessary the redistribution of holdings or portions of holdings in any village, mahal or taluka or any part thereof so as to reduce the number of plots in holdings ;
- (3) “Consolidation Officer” means an officer appointed as such under section 17 by the ⁵[State] Government and includes any person authorised by the ⁵[State] Government to perform all or any of the functions of the Consolidation Officer under this Act;
- ⁶[3A] “Co-operative Society” means a co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925 ; [⁷ * * * * * ;]
- (4) “fragment” means a plot of land of less extent than the appropriate standard area determined under this Act :



Bom.VII of 1925.

Provided that no plot of land shall be deemed to be a fragment by reason of any diminution in its, area by diluvion ;

- (5) “land” means agricultural land, whether alienated or unalienated ;
- (6) “local area” means any area notified as such in the Official Gazette under section 3 ;
- ⁸[* * * * *]
- (8) “Owner” means in the case of unalienated land the occupant ⁹[or tenure-holder] and when such land has been mortgaged owner means the mortgagor; in the case of alienated land owner means the superior holder ¹⁰[or Girasdar];

¹¹[* * * * *]

Explanation.- In this clause the expression “Girasdar” shall have the meaning assigned to it in the Saurashtra Land Reforms Act, 1951].

Sau. Act XXV of 1951.

- (9) “prescribed” means prescribed by rules made under this Act;

¹²[(9a) “relevant Code” means-

- ¹³[(a) in the Kutch area of the State of Gujarat, the Bombay Land Revenue Code, 1879 as applied to that area and in the rest of the State of Gujarat, the Bombay Land Revenue Code, 1879;]

Bom..V of 1879.

¹⁴[* * * * *]

- (9b) “relevant tenancy law” means-

Bombay Prevention of Fragmentation and
Consolidation of Holdings Act,1947

[1947 : Bom .LXII

¹⁵[(a) in the Bombay area of the State of Gujarat, the Bombay Tenancy and Agricultural Lands Act, 1948 and in the Kutch area of that State, the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch area) Act, 1958, in its application to the Kutch area of the State;]

¹⁶[* * * * *]

Sau.Act XXIII of
1953.

(d) in the Saurashtra area of the ¹⁷[State of Gujarat], the Saurashtra Prohibition of Leases of Agricultural Lands Act, 1953 and the Saurashtra Gharkhed Tenancy Settlement and Agricultural Lands Ordinance, 1949 ;



Sau. Ord LVi of
1949.

(9c) “Settlement Commissioner” includes a Commissioner of Survey Settlement;]

(10) “Standard area” in respect of any class of land means the area which the ¹⁸[State] Government may from time to time determine under section 5 as the minimum area necessary for profitable cultivation in any particular local area, and includes a standard area revised under the said section;

¹⁹[(10a) “village committee” means a village committee constituted under section 34A;]

(11) words and expressions used in this Act, but not defined have the meaning assigned to them in the ²¹[relevant Code];

Bom. V of 1879.

²⁰[(12) any reference in this Act to the Bombay Land Revenue Code, 1879, shall, where the context so requires, be construed as reference to that Code as applied to the ²²[Kutch area of the State of Gujarat.]

CHAPTER II

DETERMINATION OF LOCAL AND STANDARD AREAS AND TREATMENT OF FRAGMENTS

Determination of
local area.

3. The ²³[State] Government may, after such inquiry as it deems fit, by notification in the *Official Gazette*, specify a village, mahal or taluka ²⁴[or tahsil] or any part thereof as a local area for the purposes of this Act.

Settlement of
standard areas.

4. (1) The ²³[State] Government may, after such inquiry as it deems fit and after consultation with the District Advisory Committee ²⁵[any other body,] appointed by it, provisionally settle for any class of land in any local area the minimum area that can be cultivated profitably as a separate plot.

(2) The ²³[State] Government shall by notification in the Official Gazette, and in such other manner as may be prescribed publish the minimum areas provisionally settled by it under sub-section (1) and invite objections thereto.

5. (1) The ²³[State] Government shall, after considering the objections, if any, received within three months of the date of publication of the

Determination
and revision of
standard areas.

Bombay Prevention of Fragmentation and
Consolidation of Holdings Act,1947

[1947 : Bom .LXII

notification under sub-section (2) of section 4 of the village concerned and making such further inquiry as it may deem fit, determine the standard area for each class of land in such local area.

- (2) The ²³[State] Government may, at any time, if it deems fit expedient so to do, revise a standard area determined under sub-section (1). Such revision shall be made in the manner laid down in section 4 and sub-section (1).
- (3) The ²⁶[State] Government shall, by notification in the *Official Gazette*, and in such other manner as may be prescribed, give public notice of any standard area determined under sub-section (1) or revised under sub-section (2).



Entry the Record
of Rights.

6. (1) On notification of a standard area under sub-section (3) of section 5 for a local area all fragments in the local area shall be entered as such in the Record of Rights or where there is no Record of Rights in such village record as the ²⁶[State] Government may prescribed.
- (2) Notice of every entry made under sub-section (1) shall be given in the manner prescribed for the giving of notice ²⁷[* * * under the relevant Code,] of an entry in the register of mutations.

Transfer and lease
of fragments.

7. (1) No person shall transfer any fragment in respect of which a notice has been given under sub-section (2) of section 6 ²⁸[except to the owner of] a contiguous survey number or recognised sub-division of a survey number :
- ²⁹[Provided that the holder of such fragment may mortgage or transfer it to the State Government or a land mortgage bank or any other co-operative society as security for any loan advanced to him by the State Government or such bank or society, as the case may be.]
- (2) Notwithstanding anything contained in ³⁰[any law for the time being in force or in any instrument or agreement], no such fragment shall be leased to any person other than a person cultivating any land which is contiguous to the fragment.

Fragmentation
prohibited.

8. No land in any local area shall be transferred or partitioned so as to create a fragment.

- ³¹BAA (1) Where, by transfer, decree, succession or otherwise, two or more persons are entitled to shares in an undivided agricultural and in any local area for which standard area have been fixed, and the land has to be partitioned among them, such partition shall be effected so as not to create a fragment.
- (2) Where such partition is made by the Court or the Collector, the following procedure shall be adopted-
- (a) If, in effecting a partition among several co-shares, it is found that a co-sharer is entitled to a specific share in the land and cannot be given that share without creating a fragment, he shall

Restriction on
partition of land.

[1947 : Bom .LXII

be compensated in money for that share. The amount of compensation shall be determined so far as practicable in accordance with the provisions of section 23 of the Land Acquisition Act, 1894 ³²[or, as the case may be, of that section) in its application to the Saurashtra area of the State of Bombay under the Land Acquisition Act, 1894 [Adaptation and Application) Ordinance 1948. ³³[* * *]

I of 1894. Sau. Ord
Xxi of 1948.

- (b) If, in effecting a partition, it is found that there is not enough land to provide for the shares of all the co-shares in accordance with the provisions of sub-section (1), the co-sharers may agree among themselves as to the particular co-sharer or co-sharers who should get the share of land and which of them should be compensated in money. In the absence of any such agreement, the co-sharers to whom a share of land can be provided and those to whom money compensation should be given shall be chosen by lot in the manner prescribed.
- (c) The compensation shall be payable by each co-sharer in proportion to the excess value of land he gets over the share of land legally due to him, and such co-sharer shall deposit the proportionate amount of compensation in the manner prescribed before taking possession of the share allotted to him. On his failure to do so, his share shall be allotted to any other co-sharer to whom land has not been previously allotted and who is chosen in the manner provided in clause (b) subject to the payment of similar compensation to the co-sharers not getting shares of land.
- (d) If none of the co-sharers to whom land has been allotted under clause (c) pays the compensation and takes the share, the share shall be sold in auction to the highest bidder, and the purchase money shall be paid to the co-sharers not getting land in proportion to their respective shares.
- (e) Where the parties agree upon any other method of partition which will not result in the creation of a fragment, that method shall be followed in effecting partition.

- (3) Where a partition is effected in execution of a decree all questions relating to the partition of the land and apportionment of compensation shall be decided by the Court executing the decree or by the Collector effecting the partition, as the case may be, in accordance with the provisions of sub-section (2).]

³⁴[8A. Nothing in sections 7, ³⁵[8 and 8AA] shall apply to a transfer of any land for such public purpose as may be specified in this behalf by the State Government by notification in the *Official Gazette*].

Sections 7 and 8
not to apply to
transfer for public
purpose.

- 9. (1) The transfer or partition of any land contrary to the provisions of this Act shall be void.
- (2) The owner of any land so transferred or partitioned shall be liable to pay such fine not exceeding Rs. 250 at the Collector may, subject to the general orders of the ³⁶[State] Government, direct ³⁷[Such fine shall be recoverable as an arrear of land revenue.]

Penalty for
transfer or
partition contrary
to provision of
Act.

Bombay Prevention of Fragmentation and
Consolidation of Holdings Act,1947

[1947 : Bom .LXII

³⁸[(3) Any person unauthorizedly occupying or wrongfully in possession of, any land, the transfer or partition of which either by the Act of parties or by the operation of law, is void under the provisions of this Act, may be summarily evicted by the Collector.]

Transfer of
fragment to
⁴²[Government.]

10. (1) Any owner of a fragment may transfer it to the ³⁹[State Government] on ⁴⁰[payment by the State Government] of such compensation to persons possessing interest therein as the Collector may determine and thereupon the fragment shall vest absolutely in the ³⁹[State Government] free from all encumbrances ⁴¹[but no such fragment shall be transferred to the State Government unless it is first offered to the owner of a contiguous survey number or recognised sub-division of a survey number on payment of the compensation determined by the Collector as aforesaid and such owner has refused to purchase the fragment on payment of such compensation].



(2) Any such fragment may be disposed of in accordance with the provisions of section 117-B of the Bombay Land Revenue Code, 1879 ⁴³[* * *].

Bom V of 1879.

11. [Partition of estate assessed to payment of revenue to Government or separation of share thereof]. Deleted by Bom. LXI of 1958, s. 3 (10).

1 of 1894.
Sau. Ord.
Xxi of
1948.

12. In determining the compensation for the purposes of section 10 the Collector shall have regard to the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894 ⁴⁴[⁴⁵[or, as the case may be, of sub-section (1)] of that section in it's a application to the Saurashtra area of the State of Bombay under the Land Acquisition Act, 1894 (Adaptation and Application) Ordinance, 1948,] ⁴⁶[* * *]

Determination of
compensation for
purpose of section
10.

Bom. V of 1879.

13. ⁴⁷[(1)] In sections 117A and 117B of the Bombay Land Revenue Code, 1879, the following shall be inserted at the commencement of the said sections, namely :-

Amendment of
section 117A and
117B of Bom. V of
1879.

“Subject to the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.”

Bom. LXII of 1947.

⁴⁸[* * *]

⁴⁹[* * *]

⁵⁰[14. Notwithstanding anything contained in any law for the time being in fore, no fragment, in respect of which a notice has been given under sub-section (2) of section 6, shall be sold at any sale held under the orders of any Court except to the owner of a contiguous survey number or recognized sub-division of a survey number and no land shall be sold at such sale so as to leave a fragment.]

Fragment not to
be sold at Court
sale or created by
such sale.

CHAPTER III

PROCEDURE FOR CONSOLIDATION

Bombay Prevention of Fragmentation and
Consolidation of Holdings Act,1947

[1947 : Bom .LXII

Government may
of its own accord
or on application
declare its
intention to make
scheme for
consolidation of
holdings.

15. With the object of consolidating holdings in any village, mahal, ⁵¹[taluka or tahsil] or any part thereof for the purpose of better cultivation of lands therein, the ⁵²[State] Government may ⁵³[of its own motion or on an application made in that behalf] declare by a notification in the Official Gazette and by publication in the prescribed manner in the village or villages concerned its intention to make a scheme for the consolidation of holdings in such village or villages or part thereof as may be specified. On such publication in the village concerned the ⁵²[State] Government may appoint a Consolidation Officer who shall proceed to prepare ⁵⁴* * * a scheme for the consolidation of holdings in such village or villages or part thereof, as the case may be ⁵⁵[in the manner hereinafter provided.]



⁵⁶[15A. (1) The Consolidation Officer shall, after giving due notice to the land owners concerned and the village committee, visit each of the concerned villages and shall, in consultation with the village committee, proceed to prepare a scheme for the consolidation of holdings which shall include such statements, records and maps as may be prescribed.

Preparation of
scheme and
principles to be
followed in its
preparation

(2) In preparing the scheme, the Consolidation Officer shall have regard to the procedure which the State Government may from time to time prescribed in regard to the number of blocks in which the village lands are to be grouped, the manner of allotting new plots to each owner, the recommendations of the village committee and such other matters as may be prescribed.]

16. (1) The scheme prepared by the Consolidation Officer shall provide for the payment of compensation to any owner who is allotted a holding of less market value than that of his original holding and for the recovery of compensation from any owner who is allotted a holding of greater market value than that of this original holding.

Scheme to
provide for
compensation.

(2) The amount of compensation shall be determined, so far as practicable, in accordance with the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894 ⁵⁷[or, as the case may be of sub-section (1)] of that section in its application to the Saurashtra area of the State of Bombay under the Land Acquisition Act, 1894 [Adaptation and Application) Ordinance, 1948 ⁵⁸[* *].

I of 1894
Sau. Ord.
XXI of 1948.

17. (1) Whenever in preparing a scheme for the consolidation of holdings, it appears to the Consolidation Officer that it is necessary to amalgamate any road, street, lane or path with any holding in the scheme, he shall make a declaration no that effect stating in such declaration that it is proposed that the right of the public as well as of all individuals in or over the said road, street, lane or path shall be extinguished or, as the case may be, transferred to a new road, street, lane or path laid out in the scheme of consolidation.

Amalgamation of
public roads
etc,with in
scheme for
consolidation of
holdings.

(2) The declaration in sub-section (1) shall be published in the village concerned in the prescribed manner along with the draft scheme referred to in section 19.

[1947 : Bom .LXII]

- (3) Any member of the public or any person having any interest or right, in addition to the right of public highway, in or over the said road, street lane or path or having any other interest or right which is likely to be adversely affected by the proposal may, within thirty days after the publication of the declaration under sub-section (1) state to the Consolidation Officer in writing his objection to the proposal, the nature of such interest or right and manner in which it is likely to be adversely affected and the amount and the particulars of his claim to compensation for such interest or right :

Provided that no claim for compensation on account of the extinction or diminution of the right of public highway over such road, street, lane or path shall be entertained.



- (4) The Consolidation Officer shall, after considering the objections, if any, made to the proposal, submit it with such amendments, if any, as he may consider necessary, to the Settlement Commissioner, together with the objections received, his recommendations thereon and a statement of the amounts of compensation, if any, which in his opinion are payable, and of the persons by whom and the persons to whom such compensation is payable. The decision of the Settlement Commissioner on the proposal and regarding the amount of compensation and the persons by whom such compensation, if any, is payable, shall, subject to any modification made by the 59[State] Government, be final.

⁶⁰[18. (1) Notwithstanding anything contained in any law for the time being in force, it shall be lawful for the Consolidation Officer, in consultation with the village committee,-

Land reserved for public purpose.

- (a) to direct that any land specifically assigned for any public purpose shall cease to be so assigned and to assign any other land in its place;
- (b) if in any area under consolidation no land is reserved for any public purpose including extension of the village sites, or if the land so reserved is inadequate, to assign other land for such requirements and for that purpose to effect a proportionate cut in all the holdings of the village.

- (2) Where a proportionate cut in all the holdings of a village has been effected under sub-section (1), the State Government shall pay to every person affected thereby compensation in respect of the land recovered by such cut at the market value of the land at the date of the publication of the notification under section 15.

- (3) Save as provided in sub-section (2), the amount of such compensation shall be determined by the Consolidation Officer, so far as practicable in accordance with the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894].

19. (1) When the scheme of consolidation is ready for publication, the Consolidation Officer shall publish it in the prescribed manner in the village or villages concerned. Any person likely to be affected by such

Publication of draft scheme.

[1947 : Bom .LXII

scheme, shall, within thirty days of the date of such publication, communicate in writing to the Consolidation Officer any objections relating to the scheme. The Consolidation Officer shall, after considering the objections, if any received, submit the scheme with such amendments as he considers to be necessary, together with his remarks on the objections, to the Settlement Commissioner.

- (2) The Consolidation Officer shall also publish the scheme as amended by him.

Confirmation of
scheme.

- ⁶¹[20. (1) If within thirty days of its publication, no objections are received to the draft scheme published under sub-section (1) or as the case may be, the amended draft scheme published under sub-section (2), of section 19, the Settlement Commissioner shall confirm the scheme.

- (2) If any objections are received to such draft scheme or amended draft scheme, and

(a) the Settlement Commissioner after considering the objections approves of the draft scheme or the amended scheme, he shall submit the draft scheme, or as the case may be, the amended scheme to the State Government together with the objections received thereto, or

(b) the Settlement Commissioner, after considering the objections, further amends the scheme, the Settlement Commissioner shall publish the further amended scheme in the prescribed manner.

- (3) If within fifteen days of the publication of a further amended scheme under clause (b) of sub-section (2),-

(a) no objections are received thereto, the Settlement Commissioner shall confirm the scheme; and

(b) if any objections are received, then the Settlement Commissioner shall submit such further amended scheme to the State Government together with the objections received thereto.

- (4) Upon submission of a scheme under clause (a) of sub-section (2) or clause (b) of sub-section (3), the State Government may, after taking into consideration the objections either confirm the scheme, with or without amendments or may refuse to confirm it].

Right to
possession of new
holdings.

21. ⁶²[(1) Upon the confirmation of the scheme under sub-section (1), ⁶³[(3) or (4)] of section 20, a notification stating that the scheme has been confirmed shall be published in the *Official Gazette* and the scheme as confirmed shall be published in the prescribed manner in the village or villages concerned. If two-thirds or more of the owners affected by such scheme agree to enter into possession of the holdings allotted to them thereunder, the Consolidation Officer may allow all the owners to enter into such possession forthwith or from such date as may be specified by him.



[1947 : Bom .LXII

- (2) If two thirds or more of such owners do not agree to enter into possession under sub-section (1), all the owners shall be entitled possession of the holdings allotted to them under the scheme from the commencement of the agricultural year next following the date of publication of the notification in the *Official Gazette* under sub-section (1).
- (2A) In enforcing the provisions of sub-section (1) or (2) the Consolidation Officer shall, if necessary, put the owners in possession of the holdings to which they are entitled under the scheme and for doing so may, in the prescribed manner, evict any person from any land.]
- (3) Notwithstanding anything contained in sub-section (2) no owner shall be entitled to possession of any holding allotted to him under the scheme unless he deposits in the prescribed manner within fifteen days of the commencement of the said agricultural year such compensation as is recoverable from his under the scheme.
- (4) Where an owner fails to comply with the provisions of sub-section (3) his right in such holding may be allotted in the prescribed manner by the Consolidation Officer to any other person who pays that value of the holding, and in such case the value realized after deducting the expense (hereinafter called the next value) shall be paid to the owner and any other person having an interest in the holding.
- ⁶⁴[(5) If no person is forthcoming to pay the value of the holding, the State Government may recover from the owner the compensation recoverable from him under the scheme as an arrear of land revenue or the State Government may itself purchase the holding after paying the net value of the holding to the owner and any other person having interest in the holding.]



22. As soon as the persons entitled to possession of holdings under this Act have entered into possession of the holdings respectively allotted to them, the scheme shall be deemed to have come into force.

Coming into force of scheme.

23. Notwithstanding anything contained in any law for the time being in force, the rights of owners, or other persons having interest, shall for the purpose of giving effect to any scheme of consolidation affecting them be transferable by exchange or otherwise.

Certain laws no ban on transfer of holdings.

24. (1) The Consolidation Officer shall grant to every owner to whom a holding has been allotted in pursuance of a scheme of consolidation and to every person to whom a right is allotted under sub-section (4) of section 21, a certificate in the prescribed form duly registered under the Indian Registration Act, 1908, to the effect that the holding has been transferred to him in pursuance of the scheme.

Certificates of transfer.

⁶⁵[The Consolidation Officer may, thereupon, cause to be prepared a now record of rights in respect of the holdings so transferred and the record of rights so prepared shall be deemed to have been prepared ⁶⁶[* * *] under the relevant Code.]

(2) Notwithstanding anything contained in any law for the time being in force no stamp or registration fee shall be payable in respect of such certificate.

Bombay Prevention of Fragmentation and
Consolidation of Holdings Act,1947

[1947 : Bom .LXII

XIX of
1883.
XII of
1884.

25. For carrying out any of the purposes of this Act, a loan may be granted to an owner and recovered from him as a loan under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884.

Loans to assist
consolidation.

CHAPTER IV

EFFECT OF CONSOLIDATION PROCEEDINGS AND OF CONSOLIDATION OF HOLDINGS

Exercise by
Consolidation
officer of powers
under certain
Acts.

26. (1) During the continuance of the consolidation proceedings the Consolidation Officer shall exercise and discharge the functions of a revenue officer under Chapter IX of the Bombay Land Revenue Code, 1879.



⁶⁷[* * * * *].

Bom. V of
1879.
Bomm. II of
1906

the Mamlatdar's Courts Act, 1906, and the ⁶⁸[relevant tenancy law]; and no revenue officer other than the Consolidation Officer shall take any proceedings under any of the said Acts in respect of any holding or land for the consolidation of which a notification has been issued under section 15.

(2) Where in respect of any holding the Consolidation Officer proceeds to prepare a scheme under section 15-

Bom. II of
1906.

(a) all applications and proceedings including execution proceedings pending before any revenue officer under Chapter IX of the Bombay Land Revenue Code, 1879, ⁶⁷[* * * * *], the Mamlatdar's Courts Act, 1906, and the ⁶⁸[relevant tenancy law], in respect of any holding or land for the consolidation of which a notification has been issued under section 15 shall be transferred to the Consolidation Officer; and

Bom. V of
1906.
Bomm. II of
1906.

(b) the Consolidations Officer shall, by proclamation, call upon all persons who claim to be entitled to possession under any of the said Acts of any holding for the consolidation or which a notification has been issued under section 15 to make within the prescribed period an application to be put in possession of such holdings; and any person who fails to so within the prescribed period shall thereafter be debarred from making it :

Provided that nothing in this clause shall debar any persons from making, after the coming into force of a scheme of consolidation under section 22, any application in respect of any holding included in the scheme, if such application could lie under the provisions of any law for the time being in force.

(3) The Consolidation Officer shall submit any order passed by him under any of the said Acts to the Collector for confirmation if an application in that behalf is made to him by any party to a proceeding under this section within fifteen days from the date of the order.

Bombay Prevention of Fragmentation and
Consolidation of Holdings Act,1947

[1947 : Bom .LXII

27. When a Consolidation Officer proceeds to prepare a scheme under section 15, during the continuance of the consolidation proceedings-

Stay of 69[Certain proceedings];ban on transfer of land during continuance of consolidation proceedings.

⁷⁰[(a) no proceedings,-

Bom. V of
1979.

(i) under section 153 or 155 of the Bombay Land Revenue Code, 1879;

⁷¹[* * *]

Bom. VII
of 1925.

⁷²[(ii) for execution of any award made or deemed to be made under the Bombay Co-operative Societies Act, 1925];



Bom.
XXVII of
1947.

(iii) for execution of any award made under the Bombay Agricultural Debtors' Relief Act, 1947; ⁷³[or under the Saurashtra Agricultural Debtor's Relief Act, 1954];

⁷⁴[* * * * *]

Sau. Act.
XXI of
1954.

(iv) for execution of any decree passed by a Civil Courts in respect of any land in respect of which a notification has been issued under section 15 shall be commenced, and all such proceedings if commenced shall be stayed];

⁷⁵[(v) for partitioning or sub-dividing in any manner;]

⁷⁶[(b) no person shall transfer any land in respect of which a notice has been given under sub-section (1) of section 15A to the land owner concerned, except with the previous permission in writing given by the Consolidation Officer in such circumstances and subject to such conditions as may be prescribed.]

28. Every owner to whom a holding is allotted in pursuance of a scheme of consolidation shall ⁷⁷[save as otherwise provided in section 29A], have the same rights in such holding as he had in his original holding :

Rights in
holdings.

Provided that nothing in this section shall apply to any person to whom a holding has been allotted under the provisions of sub-section (4) of section 21.

29. (1) If the holding of a owner included in a scheme of consolidation which has come into force under section 22 is burdened with a ⁷⁸[* * *] mortgage, debt or other encumbrance ⁷⁹[other than a lease] such [* * *] mortgage, debt or other encumbrance shall be transferred therefrom and attach itself to the holding allotted to him under the scheme or to such part of it as the Consolidation Officer may, subject to any rules made under section 37, appoint; and the ⁸⁰[* * *] mortgagee, creditor or other encumbrancer, as the case may be, shall exercise his rights accordingly.

Transfer
of
encumbrances.

(2) If the holding to which a ⁸¹ [* * *] mortgage, debt or other encumbrance is transferred under sub-section (1) is of less market value than the original holding from which it is transferred the ⁸² [* * *] mortgagee, creditor or other encumbrancer, as the case may be, shall subject to the provisions of section 30 be entitled to the payment of

[1947 : Bom .LXII

such compensation by the owner of the holding, as the case may require, as the Consolidation Officer may determine.

- (3) Notwithstanding anything contained in section 21, the Consolidation Officer shall, in the prescribed manner, put any ⁸² [* * *] mortgagee or other encumbrancer entitled to possession into possession of the holding to which his ⁸¹ [* * * *] mortgage or other encumbrance has been transferred under sub-section (1).

Consolidati
on Officer
to decide
whether
lease
should be
transferred
or not.

- ⁸³[29A. (1) If the holding of an owner included in a scheme of consolidation which has come into force under section 22 is burdened with a lease, the Consolidation Officer shall by an order in writing determine whether such lease shall or shall not be transferred therefrom. A copy of the order passed by the Consolidation Officer under this sub-section shall be affixed to a place near the holding and shall also be published in the prescribed manner.



- (2) If the Consolidation Officer determines that such lease shall be transferred from the original holding it shall attach itself to the holding allotted to the owner under the scheme or such part of it as the Consolidation Officer may, subject to any rules made under section 37, appoint and the lessee shall exercise his rights accordingly. The provisions of sub-sections (2) and (3) of section 29 shall apply to such lease as if the lease were a mortgage or other encumbrance.
- (3) If the Consolidation Officer determines that such lease shall not be transferred from the original holding it shall remain attached thereto, and the owner to whom such holding is allotted under the scheme shall hold it subject to such lease; and the provisions of the ⁸⁴[relevant tenancy law], shall, so far as may be, notwithstanding the change in the ownership, apply to such lease; and the rights and liabilities of such owner and the lessee shall be governed by the provisions of the ⁸⁵[said law] as between the landlord and his tenant :

Provided that such owners shall not be entitled to arrears of rent due under such lease immediately before the allotment of the holding as aforesaid.

- (4) An appeal against the decision of the Consolidation Officer under this section shall lie to the Settlement Commissioner within the prescribed time.]

30. Where there is a dispute in respect of the apportionment of-

- (a) the amount of compensation determined under sub-section (2) of section 16 or sub-section (4) of section 17;
- ⁸⁶(aa) the amount of compensation determined under section 18;]
- ⁸⁷(b) the net value realized or payable under sub-section (4) or (5) of section 21;]
- (b) the total amount of compensation determined under sub-section (2) of section 29,

Apportionment
of
compensation
or net value in
case of dispute.

[1947 : Bom .LXII

the Consolidation Officer shall refer the dispute to the decision of the District Court and deposit the amount of the compensation or net value, as the case may be, in the Court and thereupon the provisions of sections 33, 53 and 54 of the Land Acquisition Act, 1894, ⁸⁸[⁸⁹or, as the case may be,] the said provisions of that Act as applied to the Saurashtra area by the Land Acquisition Act, 1894 (Adaptation and Application) Ordinance, 1948 ⁹⁰[* * * *] shall, so far as may, apply.;

⁹¹[31. ⁹²[(1)] Notwithstanding anything contained in any law for the time being in force, no holding allotted under this Act, nor any part thereof, shall be-

- (a) transferred, whether by way of sale (including sale in execution of a decree of a Civil Court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue) or by way of gift, exchange, or lease, or otherwise, except in accordance with such conditions as may be prescribed ;
- (b) sub-divided (including sub-division by a decree or order of a Civil Court or any other competent authority) except with the permission in writing of the ⁹⁹[collector].

⁹³(2) Nothing in sub-section (1)-

- (a) shall apply to a transfer of a holding allotted under this Act where the transfer is of the entire holding, not involving any sub-division thereof, or to a sub-division of a holding allotted under this Act where such sub-division is made to provide for the shares of persons entitled thereto on the death of the owner, and does not create any fragment ; or
- (b) shall be deemed over to have applied to a transfer of a holding allotted under this Act, made after the 19th February, 1969, but before the date of the commencement of the Bombay Prevention of Fragmentation and Consolidation of Holdings, (Gujarat Amendment) Act, 1978 (hereinafter referred to as “the said date”, where such transfer was of an entire holding not involving any sub-division thereof and the transferee or his successor-in-interest was occupying or was in possession of the holding so transferred immediately before the said date and had not been evicted from such holding before the said date in pursuance of an order of eviction passed by the Collector under sub-section (3) of section 9, and such transfer shall not be, and shall be deemed never to have been, void on the ground that it was contrary to the provisions of this section.

(3) Where in respect of any holding to which clause (b) of sub-section (2) applies an order for payment of fine by the owner transferring such holding was made by the Collector under sub-section (2) of section 9, or an order for eviction was made under sub-section (3) of section 9 but such order was not given effect to, such order shall be deemed to have become ineffective on the said date and the fine, if paid by the owner, shall be refunded to him. Any revision proceedings pending against any such order which becomes ineffective under this sub-section shall abate.]

I of 1894.
Sau Ord.
XXI of
1948.

Restrictions
on alienation
and
subdivision of
consolidated
holdings.



Bombay Prevention of Fragmentation and
Consolidation of Holdings Act,1947

[1947 : Bom .LXII

Correction of clerical and arithmetical mistakes in scheme.

⁹⁵[31A. If, after a scheme has come into force, it appears to the Settlement Commissioner that the scheme is defective on account of any clerical or arithmetical mistake or error arising therein from any accidental slip or omission and he is satisfied that the correction of such mistake or error would not vary the scheme in any material particular, he may by order in writing correct such mistake or error and publish his order in his prescribed manner.]

Power to vary sceme on ground of error,irregul arity informality.

32. (1) If after a scheme has come into force it appears to the ⁹⁶[State] Government that the scheme is defective on account [of any error ⁹⁷[other than that referred to in section 31A], irregularity or informality the ⁹⁶[State] Government shall publish a draft of such variation in the prescribed manner. The draft variation shall state every amendment proposed to be made in the scheme.
- (2) Within one month of the date of publication of the draft variation any person affected thereby may communicate in writing any objection to such variation to the ⁹⁶[State] Government through the Settlement Commissioner.
- (3) After receiving the objections under sub-sections (2) the ⁹⁶[State] Government may, after making such enquiry as it may think fit, ⁹⁸[* * *] make the variation with without modification or may not make any variation.
- ⁹⁹[(3A) If the scheme is varied under sub-section (3), a notification stating that the scheme has been varied shall be published in the *Official Gazette* and the scheme so varied shall be published in the prescribed manner in the village or villages concerned.]
- (4) From the date of the notification ¹⁰⁰[stating that the scheme has been varied] the variation shall take effect as if it were incorporated in the scheme.



33. A scheme for the consolidation of holdings confirmed under this Act may at any time be varied or revoked by a subsequent scheme prepared, published and confirmed in accordance with this Act.

Power to vary or revoke scheme.

CHAPTER V

GENERAL

34. The ⁹⁶[State] Government may, by notification in the Official Gazette investing the Collector with all or any of the powers of the Settlement Commissioner under this Act.
- ¹¹[34A (1) The village committee shall be constituted by the Consolidation Officer in the prescribed manner and it shall discharge and perform, in addition to the duties and functions imposed or assigned by this Act, such other duties and functions as may be prescribed for the purposes of this Act.
- (2) Where at any time the Collector is satisfied that the village committee has refused or failed without reasonable cause or excuse to discharge the duties or perform the functions imposed or assigned by or under this Act or circumstances have so arisen that the committee has been rendered unable to discharge the duties or perform the functions aforesaid or its is otherwise expedient or necessary to do so he may by

Vesting of Power of Settlement Commissioner

Constitution of Village Commitees

Bombay Prevention of Fragmentation and

Consolidation of Holdings Act,1947

[1947 : Bom .LXII

notification in the *Official Gazette* either reconstitute, for the purposes of this Act, the village committee in accordance with the provisions of sub-section (1), or appoint some other authority to perform the functions or discharge the duties of the village committee under this Act, and thereupon all references to the village committee under this Act shall be deemed to include references to the village committee so reconstituted or the authority so appointed, as the case may be.]

Power of

¹⁰²[State
Government]
¹⁰³[*
]
to call for
proceedings.

35. The ¹⁰²[State] Government ¹⁰³[* *] may at any time for the purpose of satisfying itself ¹⁰³[* *] as to the legality or propriety of any order passed by any officer under this Act call for and examine the record of any case pending before or disposed of by such officer and may pass such order in reference thereto as it ¹⁰³[* *] think fit :



¹⁰⁴[Provided that no order shall be varied or revised until the parties interested have been given a reasonable opportunity of showing cause against the proposed variation of revision of the order.]

Appeal of
revision.

36. Except as provided in this Act, no appeal or revision application shall lie from any order passed under Chapter II, III or IV of this Act.

Bar of
jurisdiction.

~~36A~~ (1) No Civil Court or Mamlatdar's Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the State Government or any officer or authority.

(2) No order of the State Government or any such officer or authority made under this Act shall be questioned in any Civil Criminal or Mamlatdar's Court.

Suits
involving
issues
required to
be decided
under this
Act.

36B. (1) If any suit instituted in any Civil Court or Mamlatdar's Court involves any issues which are required to be settled, decided or dealt with by any authority competent to settle, decide or deal with such issues under this Act (hereinafter referred to as the 'competent authority') the Civil Court or Mamlatdar's Court shall stay the suit and refer such issues to such competent authority for determination.

(2) On receipt of such reference from the Civil Court or Mamlatdar's Court, the competent shall deal with and decide such issues in accordance with the provisions of this Act, and shall communicate its decision to the Civil Court or Mamlatdar's Court and such Court shall thereupon dispose of the suit in accordance with the procedure applicable thereto.

Indemnity.

36C. No suit or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.]

Rules.

37. (1) The ¹⁰⁶[State] Government may by notification in the *Official Gazette* make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the forgoing power the ¹⁰⁶[State] Government may make rules, providing for,-

(a) the manner of publication under sub-section (2) of section 4;

(b) the manner of giving public notice under sub-section (3) of section 5;

Bombay Prevention of Fragmentation and

Consolidation of Holdings Act, 1947

[1947 : Bom .LXII

- (c) village records in which fragments shall be entered under sub-section (1) of section 6;
- ~~¶~~(cc) The manner of choosing by lot under clause (b) of sub-section (2) of section 8AA;]
- (d) the manner in which the intention to make a scheme shall be published ¹⁰⁸ [* * *] under section 15;
- ~~¶~~(dd) the statement, records and maps to be included in the scheme of consolidation and the procedure and other matters to be observed in the preparation of the scheme under section 15 A;]
- (e) the manner of publication under sub-section (2) of section 17 of a declaration made under sub-section (1) of the said section ;
- (f) the manner in which a draft scheme of consolidation shall be published under sub-section (1) of section 19 in the village or villages concerned ;
- ¹¹⁰[(ff) the manner of publication of further amended scheme under clause (b) of sub-section (2) of section 20 ;]
- (g) the manner of publication of a scheme under sub-section (1) of section 21, on its being confirmed ;
- (h) the manner in which a person may be evicted under sub-section ¹¹¹[(2A)] of section 21 ;
- (i) the manner in which compensation recoverable from an owner shall be deposited by him under sub-section (3) of section 21 ;
- (j) the manner in which right of holding may be allotted under sub-section (4) of section 21 ;
- (k) the form to which a certificate shall be granted under section 24 ;
- (l) the period within which an application shall be made under clause(b) of sub-section (2) of section 26 ;
- (m) the guidance of the Consolidation Officer and other officers and persons in respect of the transfer of a ¹¹²[*] mortgage, debt or other encumbrance under sub-section (1) of section 29;
- (n) the conditions in accordance with which holdings may be transferred under clause (a) of section 31 ;
- ~~¶~~(nn) the manner of publication of an order under section 31 A];
- (o) the manner of publication of a draft variation under sub-section (1) of section 32 ¹¹⁴[or of a varied scheme under sub-section (3A) thereof];
- ~~¶~~(oo) the manner in which village committees shall be constituted, and the duties and functions to be discharged by them, under section 34 A];

Bombay Prevention of Fragmentation and

Consolidation of Holdings Act, 1947

[1947 : Bom .LXII

- (p) the manner in which the area and assessment (including water rate, if any) of each reconstituted holding or part of such holding shall be determined ;
- (q) the manner in which corrections shall be made in the Record of Rights in accordance with a scheme of consolidation ;
- (r) generally, for the guidance of the Consolidation Officer and other officers and persons in all proceedings under this Act;
- (s) any other matter which is to be or may be prescribed.



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

¹¹⁶[(4) Rules made under this section, shall be laid before ¹¹⁷[the Legislature of the State] at the session thereof a next following and shall be liable to be modified or rescinded by a resolution ¹¹⁸[passed by the Legislature] and such rules shall after notification in the *Official Gazette*, be deemed to have been modified or rescinded accordingly.]

Repeals and savings.

¹¹⁹[38. On the commencement of this Act in that part of the ¹²⁰[State of Bombay] to which it is extended by the Bombay Prevention of Fragmentation and Consolidation of Holdings (Extension and Amendment), Act, 1958, the following provisions shall be repealed, namely :-

Bom. LXI of 1958.

(i) the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956 ;

Hyd. Act Xi of 1956.

(ii) Chapter II of the Saurashtra Fragmentation and Regulation of Holdings Act, 1954 ;

Sau. Act. XII of 1954.

(iii) Chapter XVI of the Madhya Pradesh Land Revenue Code, 1954 :

M.P. Act II of 1955.

Provided that such repeal shall not affect,-

- (a) the previous operation of any law so repealed, or anything duly one or suffered thereunder ; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed ; or
- (c) any penalty incurred in respect of anything done against any law so repealed ;

and any investigation, proceedings or remedy in respect of any such right, privilege, obligation, liability or penalty as aforesaid may be instituted, continued or enforced, and any such penalty may be imposed as if the Bombay Prevention of Fragmentation and Consolidation of Holdings, (Extension and Amendment) Act, 1958, had not been passed :

Bom. LXI of 1958.

Provided that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order or notices, issued, rule, regulation or form framed, scheme framed or confirmed, standard areas laid down,

[1947 : Bom .LXII

fixed or revised, transfer, or lease of fragment, valuation thereof, partition of an undivided estate, or entry in the record of rights, made, amount of compensation determined, certificate granted, consolidated holdings duly transferred, alienated or sub-divided) under any such repealed law shall be deemed to have been done or taken under the corresponding provision of this Act, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.]



- +. The Act was extended to the part of the State of Bombay to which immediately before the commencement of Bom. 61 of 1958 it did not extend (vide Bom. 61 of 1958, s. 2.)
- 1. For Statement of Objects and Reasons, see Bombay (*Government Gazette*, 1946, Part V, page 139; for Report of the Select Committee, see Bombay (*Government Gazette*, 1946, Part V, page 139; 1947, Part V, page 195; for proceedings in Assembly see Bombay Legislative Assembly Debates 1947, Vol. X and Vol. XI, and for Proceedings in Council see Bombay Legislative Council Debates, 1947, Vol. XIII.
- 2. This sub-section was substituted for the origin by Bom. 61 of 1958. s. 3(1).
- 3. These words were substituted for the words “State of Bombay” by the Gujarat Adaptation of Laws Order, 1960.
- 4. This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
- 5. This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
- 6. This clause was inserted by Bom. 69 of 1953, s. 2.
- 7. The words from “ or that Act ” to “ region of the State ” were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
- 8. Clause (7) was deleted by Bom. 61 of 1958, s. 3 (2) (b).
- 9. These words were inserted by Bom. 61 of 1958, s. 3 (2) (c).
- 10. These words were added, by Bom. 61 of 1958, s. 3 (2) (b).
- 11. This proviso was omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
- 12. Clauses (9a) to (9c) were inserted by Bom. 61 of 1958, s. 3(2) (d).
- 13. Clause (a) was substituted for original by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
- 14. Clause (b) and (c) were omitted, *ibid*.
- 15. Clauses (a) was substituted for original, *ibid*.
- 16. Clauses (b) and (c) were omitted, *ibid*.

Bombay Prevention of Fragmentation and
Consolidation of Holdings Act, 1947

[1947 : Bom .LXII

17. These words were substituted for the words "State of Bombay." *ibid*.
18. This words was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
19. This clause was inserted by Bom. 61 of 1958, s. 3 (2) (e) and (g).
20. These words were substituted for the words and figures "Bombay Land Revenue Code 1879" by Bom. 61 of 1985, s. 3 (2) (f).
21. This clause was inserted, by Bom. 61 of 1985, s. 3 (2) (g).
22. These words were substituted for the words "Kutch and Saurashtra areas of the State of Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
23. This word was substituted for the word "Provincial" by the Adaptation of Laws Ordr, 1950.
24. These words were inserted, by Bom. 61 of 1958, s. 3 (4).
25. These words were insder by Bom. 61 of 1958, s. 3 (4).
26. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
27. The words and figures "in the Hyderabad area of the State under the Hyderabad Record of Rights in Land Regulation, 1358, Fasli and elsewhere" were Omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
28. These words were substituted for the words "unless" thereby the fragment becomes merged in" by Bom. 69 of 1953, s. 3 (1).
29. This proviso was added, by Bom. 69 of 1953, s. 3 (2).
30. These words was substituted for the words and figures "the Bombay Tenancy Act, 1939." by Bom. 61 of 1958, s. 3 (6).
31. Section 8AA was inserted, by Bom. 61 of 1958, s. 3 (7).
32. These words were substituted for the words " or of that section " by the Gujarat Adaptation of Laws (State and Concurrent Subjects), Order, 1960.
33. The words and figures " or as the case may be, section 18 of the "Hyderabad Land Acquisition Act, 1309 Fasli." were omitted, by the Gujarat Adaptation of Laws (State and Concurrent Subjects), Order, 1960.
34. Section 8A was inserted by Bom. 69 of 1953, s. 4.
35. The figures, word and letter were substituted for the word and figure "and 8" by Bom. 61 of 1958, s 3 (8).
36. The word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
37. These words were added by Bom. 69 of 1953, s. 5 (1).



[1947 : Bom .LXII

38. This sub-section was added, by bom. 69 of 1953, s. 5 (2).
39. These words were substituted for the words "Crown for the purposes of the Province" by the Adaptation of Laws Order, 1950.
40. These words were substituted for the words "payment by the Crown," by the Adaptation of Laws Order, 1950.
41. This Portion was added by Bom. 61 of 1958, s. 3 (9) (a).
42. This word was substituted for word "Crown" by the Adaptation of Laws Order, 1950.
43. The portion beginning with the words and figures "or section 158" and ending with the figures and words "1317 Fasli." were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
44. These words were added, by Bom. 6 of 1958, 3 (11).
45. These words, brackets and figure were substituted for the words, brackets and figure "or of sub-section (1)" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
46. The portion beginning with the words " or, as the case may be " the ending with the figures and word "1309 Fasli," was omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
47. Section 13 was renumbered as sub-section (1) and sub-sections (2) and (3) were added, by Bom. 61 of 1958 s. 3(12).
48. Sub-section (2) was omitted by the Gujarat Adaptation of Laws (State and Concurrent subjects) Order, 1960.
49. Sub-section (3) was omitted, by the Gujarat Adaptation of Laws (State and Concurrent subjects) Order, 1960.
50. This section was sub-stituted for the original by Bom. 69 of 1953., s. 6.
51. These words were substituted for the words " or taluka " by Bom. 61 of 1958, s. 3(13).
52. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
53. These words were inserted by Bom. 61 of 1958, s. 3 (13).
54. The words "in the prescribed manner" were deleted, by Bom. 61 of 1958, s. 3 (13).
55. These words were added, by *ibid*.
56. Section 15-A was inserted, by *ibid*.
57. These words, brackets and figure were substituted for the words, brackets and figure, "or of sub-section (1)" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.



[1947 : Bom .LXII

58. The portion beginning with the words “ or as the case may be ” and ending with the figures and word “1309 Fasli” was omitted, by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
59. This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order 1950.
60. Section 18 was substituted for the original by Bom. 61 of 1958, s. 3 (15).
61. This section was substituted for the original by Bom. 33 of 1959, s. 2.
62. Sub-section (1), (2) and (2A) were substituted for the original sub-section (1) and (2) by Bom. 69 of 1953, s. 7 (1).
63. These brackets, figures and word were substituted for the word, brackets and figure “on (3) ” by Bom. 33 of 1956, s. 3.
64. Sub-section (5) was added by Bom. 69 of 1953, s. 7 (2).
65. This portion was added by Bom. 61 of 1958, s. 3 (16).
66. The portion beginning with the words “in the Hyderabad area of the State ” and ending with the words “and elsewhere” was omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
67. The words and figures “or under Chapter X by the Madhya Pradesh Land Revenue Code, 1954 or as the case may be under Chapter VIII of the Hyderabad Land Revenue Act, 131 Fasli” were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
68. These words were substituted for the words and figures “Bombay Tenancy Act, 1939”, by Bom. 61 of 1958, s. 3(17).
69. These words were substituted for the words and figures “proceedings under sections 153 and 155 of Bom. V of 1879”, by Bom. 69 of 1953, s. 8(2).
70. This clause was substituted for the original, by Bom. 69 of 1953, s. 8 (1).
71. Clauses (ia) and (ib) were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
72. Clause (ii) was substituted, by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
73. The words and figures “or under the Hyderabad Agricultural Debtors Relief Act, 1956” were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
74. Clause (iiia) was omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
75. Clause (v) was inserted by Bom. 61 of 1958, s. 3(18).
76. Clause (b) was substituted by Guj. 25 of 1982, s. 2.
77. These words, figures and letter was inserted by Bom. 69 of 1953, s. 9.



Bombay Prevention of Fragmentation and
Consolidation of Holdings Act, 1947

[1947 : Bom .LXII]

78. The word “lease” was deleted, by Bom. 69 of 1953, s. 10 (1).
79. These words were inserted, by Bom. 69 of 1953, s. 10 (2).
80. The word “lessee” was deleted by Bom. 69 of 1953, s. 10 (1).
81. The word “lease” was deleted by Bom. 69 of 1953, s. 10 (1).
82. The word “lessee” was deleted by Bom. 69 of 1953, s. 10 (1).
83. Section 29A was inserted, by Bom. 69 of 1953, s. 11.
84. These words were substituted for the words and figures “Bombay Tenancy and Agricultural Lands Act, 1948” by Bom. 61 of 1958, s. 3 (19).
85. These words were substituted for the words “said Act” by Bom. 61 of 1958.
86. This clause was inserted by Bom. 61 of 1958, s. 3 (20).
87. This clause was substituted for the original by Bom. 69 of 1953, s. 12.
88. This portion was inserted by Bom. 61 of 1958, s. 3 (20).
89. These words were substituted for the words “ or the said provisions ” by the Gujarat Adaptation of Laws (State and Concurrent Subjects), Order, 1860.
90. The words and figures “ or as the case may be, of section 28 or section 43 of the Hyderabad Land Acquisition Act, 1309 Faslī” were omitted, by the Gujarat Adaptation of Laws (State and Concurrent Subjects), Order, 1860.
91. This section was substituted for the original by Bom. 33 of 1956, s. 4.
92. Section 31 was renumbered as sub-section (1) by Guj. 9 of 1979, s. 2.
93. This word was substituted for the words “ State Government ” by Guj. 9 of 1979, s. 2 (i).
94. Sub-section (2) was inserted, by Guj. 9 of 1979, s. 2 (ii).
95. This section was inserted by Bom. 33 of 1956, s. 5.
96. This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
97. These brackets, words, figures and letter were inserted by Bom. 33 of 1956, s. 6 (1).
98. The words “by notification in the *Official Gazette*” were deleted, by Bom. 33 of 1956, s. 6 (2).
99. This sub-section was inserted, by Bom. 33 of 1956, s. 6 (3).
100. These words were substituted for the words “making the variation”, by Bom. 33 of 1956, s. 6 (4).
101. Section 34A was inserted by Bom. 61 of 1958, s. 3 (21).



[1947 : Bom .LXII

102. This word was substituted for the word, "Provincial" by the Adaptation of Laws Order 1950.
103. The words (a) "or the Commissioners in respect of such matters as the State Government may be general or special order specify in this behalf" (b) "or himself as the case may be" and (c) "or as the case may be" were deleted by Guj. 15 of 1964, s. 4 Sch.
104. This proviso was added by Bom. 61 of 1958, s. 3 (22).
105. Section 36A, 36B and 36C were inserted, by Bom. 61 of 1958, s. 3 (23).
106. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
107. Clause (cc) was inserted by Bom. 61 of 1958, s. 3 (24).
108. The words "and the manner of preparation of the scheme" were deleted, by Bom. 61 of 1958, s. 3 (24).
109. Clause (dd) was inserted, by Bom. 61 of 1958.
110. This clause was inserted by Bom. 33 of 1956, s. 7 (1).
111. These brackets, figure and letter were substituted for the brackets and figure "(2)" by Bom. 69 of 1953, s. 13 (1).
112. The word "lease" was deleted by Bom. 69 of 1953, s. 13 (2).
113. This clause was inserted by Bom. 33 of 1956, s. 7 (2).
114. This portion was added, by Bom. 33 of 1956, s. 7 (3).
115. Clause (oo) was inserted by Bom. 61 of 1958, s. 3 (24).
116. Sub-section (4) was added, by Bom. 61 of 1958.
117. These words were substituted for the words "each of the Houses of the State Legislature" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
118. These words were substituted for the words "in which both Houses Concur, by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
119. Section 38 was added by Bom. 61 of 1958, s. 3 (25).
120. These words were substituted for the word "State" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

