

Maharashtra Inferior Village Watans Abolition Act, 1958

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Act 1 of 1959

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Maharashtra Inferior Village Watans Abolition Act, 1959 Act No. 1 of 1959 [20th January, 1959] For Statement of Objects and Reasons see Bombay Government Gazette, 1958, part-IV, pp. 425-426. An Act to abolish the inferior village watans prevailing in certain parts of the State of Bombay. Whereas it is expedient in the public interest to abolish the hereditary village offices of lower degree than that of a revenue or police patel or village accountant and the watans appertaining thereto prevailing in the pre-Reorganisation State of Bombay, excluding the transferred territories and in the Hyderabad area of the State of Bombay and to provide for matters consequential and incidental thereto; It is hereby enacted in the Ninth Year of the Republic of India as follows:

1. Short title, extent and commencement.

(1) This Act may be called [the Maharashtra Inferior Village Watans Abolition Act] [This short title was substituted for the short title 'the Bombay Inferior Village Watans Abolition Act, 1958' by Maharashtra 24 of 2012, Schedule entry No. 73 (w.r.e.f. 1.5.1960)]. (2) It extends to the pre-Reorganisation State of Bombay, excluding the transferred territories and to the Hyderabad area of the State of Bombay. (3) This section shall come into force at once. (4) The State Government may, by notification in the Official Gazette, direct that the remaining provisions of this Act shall come into force in such local area and on such date as may be specified in the notification.

2. Definitions.

(1) In this Act, unless the context otherwise requires (i) "appointed date" in relation to any local area means the date on which the remaining provisions of this Act come into force in such local area under sub-section (4) of section 1; (ii) "authorised holder" means a person in whom vests the ownership of a watan land which has been validly alienated permanently by the watandar whether by sale or gift or otherwise, under the existing watan law; (iii) "Code" means in relation to the

pre-Reorganisation State of Bombay, excluding the transferred territories, the Bombay Land Revenue Code, 1879, and in relation to the Hyderabad area of the State of Bombay, the Hyderabad Land Revenue Act, 1317 F.:(iv)"Collector" includes an Officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;(v)"existing watan law" includes any enactment, ordinance, rule, by-law, regulation, order, notification, Vat-Hukum or any other instrument having the force of law, relating to inferior village watans which may be in force immediately before the appointed date in the local area in which the remaining provisions of this Act come into force under sub-section (4) of section 1;(vi)"inferior village hereditary office" means every village office of lower degree than that of a revenue or police patel or village accountant held hereditarily under the existing watan law for the performance of duties connected with the administration or collection of the public revenue of a village or with the village police or with the settlement of boundaries or other matters of civil administration of a village and includes such office even where the services originally appertaining to it have ceased to be demanded;(vii)"inferior village watan" means the inferior village hereditary office together with the tenure of watan property, if any, and the rights, privileges and liabilities attached thereto;(viii)"prescribed" means prescribed by rules made under this Act;(ix)"tenancy law" means-(a)in the pre-Reorganisation State of Bombay, excluding the transferred territories, the Bombay Tenancy and Agricultural Lands Act, 1948; and(b)in the Hyderabad area of the State of Bombay, the Hyderabad Tenancy and Agricultural Lands Act, 1950;(x)"unauthorised holder" means a person in possession of a watan land without any right or under a lease, mortgage, sale, gift or any other kind of alienation thereof which is null and void under the existing watan law;(xi)"watandar" means a person having a hereditary interest in an inferior village watan under the existing watan law:Provided that where any watan has been entered in a register or record under the existing watan law as held by the whole body of watandars, the whole of such body shall be deemed to be a watandar.(xii)"watan land" means the land forming part of the watan property;(xiii)"watan property" means the moveable or immoveable property held acquired or assigned under the existing watan law for providing remuneration for the performance of the duty appertaining to an inferior village hereditary office and includes a right under the existing watan law to levy customary fees or perquisites in money or in kind whether at fixed times or otherwise and also includes cash payments in addition to the original watan property made voluntarily by the State Government and subject periodically to modification or withdrawal;(2)The other words or expressions used but not defined in this Act shall have the meaning assigned to them in the Code.(3)References in this Act to the incidents of watans shall, notwithstanding the abolition of the watans by this Act. be construed as references to the incidents as they were in force immediately before the appointed date

3. Powers of Collector to decide certain questions and appeal.

- (1) If any question arises,-(a)whether any land is watan land,(b)whether any person is a watandar,(c)whether any person is an unauthorised holder,the Collector shall, after giving the party affected an opportunity to be heard and after holding an inquiry, decide the question.(2)Any person aggrieved by such decision may file an appeal to the State Government within ninety days of such decision.(3)The decision of the Collector, subject to an appeal under sub-section (2) and the decision of the State Government in appeal under sub-section (2) shall be final.

4. Abolition of inferior village watans together with incidents thereof.

- Notwithstanding anything in any usage, custom, settlement, grant, agreement, sanad, or in any decree or order of a court or in the existing watan law, with effect on and from the appointed date;-(1)all inferior village watans shall be and are hereby abolished;(2)all incidents (including the right to hold office and watan property, the right to levy customary fees or perquisites in money or in kind, and the liability to render service) appertaining to the said watans shall be and are hereby extinguished;(3)subject to the provisions of sections 5, 6 and 9 all watan land shall be and is hereby resumed and shall be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder as if it were an unalienated land:Provided that such resumption shall not affect the validity of any alienation of such watan land made in accordance with the provisions of the existing watan law or the rights of an alienee thereof or any person claiming under or through him.

5. Regrant of watan land to holders of watan.

(1)A watan land resumed under section 4 shall, in cases not falling under sections 6 and 9 be regranted to the watandar of the watan to which it appertained on payment by or on behalf of the watandar to the State Government of the occupancy price equal to three times the amount of the full assessment of such and within the prescribed period and in the prescribed manner and the watandar shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder; and all the provisions of the Code and rules relating to unalienated land shall, subject to the provisions of this Act, apply to the said land.Provided that in respect of the watan land which was not assigned under the existing watan law as the remuneration of the inferior village hereditary office, an occupancy price equal to the amount of the full assessment of such land shall be paid by or on behalf of the watandar for the regrant of such land.(2)If there is failure to pay the occupancy price under sub-section (1) within the prescribed period and in the prescribed manner, the watandar shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily evicted therefrom by the Collector in accordance with the provisions of the Code.(3)[(a) On or after the commencement of 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 PateIs (Abolition of Office) (Amendment) Act, 2000 (hereinafter, in this section, referred to as "the commencement date"), the occupancy of the land regranted under sub-section (1) may be transferred by the occupant for agricultural purpose, and no previous sanction or no objection certificate from the collector or any other authority shall be necessary for such transfer. After such transfer, the land shall be continued to be held by such transferee occupant on new and impartiable tenure (Occupant Class-II), in accordance with the provisions of the Code:] [[Sub-section (3) was substituted by Maharashtra 21 of 2002, Section 6, (w.e.f. 6.5.2002). Substituted sub-section (3) read as follows-(3)The occupancy of the land regranted under sub-section (1) shall not be 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 by general or special order determine.]](b)[Before the commencement date, if any such occupancy has already, without previous sanction or no objection certificate from the Collector

or any other authority, been transferred by the occupant, for agricultural purpose, such transfer may be regularised on the production of registered instruments such as sale deed, gift deed, etc., as a proof thereof, for such transfer. After such regularisation, the occupancy of such land shall be held by such transferee occupant on new and impartible tenure (Occupant Class-II), in accordance with the provisions of the Code:] [Sub-section (3) numbered as (a) and inserted clause (b) after clause (a) by Maharashtra 19 of 2008, Section 6, (w.e.f. 9.5.2008).]. Provided that, any such occupancy held on new and impartible tenure (Occupant Class-II) may, after the commencement date, be converted into old tenure (Occupant Class-I) by the occupant by making payment of fifty per cent. of the amount of the current market value of such land to the Government, and after such conversion, such land shall be held by the occupant as Occupant Class-I, in accordance with the provisions of the Code: Provided further that, if on the commencement date, any such occupancy has already, with the prior permission of the Collector or any other competent authority on payment of the appropriate amount as Nazarana, been transferred for non-agricultural use, such transfer of occupancy shall be deemed to have been made under the first proviso and the land shall be deemed to be held by the occupant as an Occupant Class-I, in accordance with the provisions of the Code, with effect from the date of such transfer: Provided also that, if on the commencement date, any such occupancy has already, without prior permission of the Collector or any other competent authority and without payment of the amount equal to fifty per cent. of the current market value of such land, as Nazarana, been transferred for non-agricultural use, such transfer may be regularised on payment of an amount equal to fifty per cent. of the current market value of such land for non-agricultural use as Nazarana, and an amount equal to fifty per cent. of such Nazarana as a fine, and on such payment, the occupant shall hold the land as an Occupant Class-I, in accordance with the provisions of the Code. (4) Notwithstanding anything contained in sub-section (3), the occupancy of the Mahar watan land re-granted under sub-section (1), shall not be transferable or partible by meets and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may, by general or special order determine.

6. Regrant of watan land to authorised holders.

- Where any watan land resumed under section 4 is held by an authorised holder, it shall be regranted to the authorised holder on the payment by him to the State Government of the occupancy price mentioned in section 5 and subject to the like conditions and consequences; and all the provisions of section 5 shall apply mutatis mutandis in relation to the regrant of the land under this section to the authorised holder as if he were the watandar.

7. Special rule of succession to be void.

- Any provision of law, usage or practice relating to the succession to any inferior village watan whereby contrary to the personal law governing the parties the rule of primogeniture was followed and the female heirs were postponed in favour of male heirs, shall, on and from the appointed date, be void and cease to be in force.

8. Application of tenancy law.

- If any watan land has been lawfully leased and such lease is subsisting on the appointed date, the provisions of the tenancy law shall apply to the said lease and the rights and liabilities of the holder of such land, and his tenant or tenants shall, subject to the provisions of this Act, be governed by the provisions of the said law. Explanation.- For the purposes of this section the expression "land" shall have the same meaning as assigned to it in the tenancy law.

9. Eviction of unauthorised holder and regrant of watan land to him in certain circumstances and disposal of land not regranted.

(1) Where any watan land resumed under section 4 is in the possession of an unauthorised holder, such unauthorised holder shall be summarily evicted therefrom by the Collector in accordance with provisions of the Code: Provided that where in the case of any unauthorised holder, the State Government is of opinion that in view of the investment made by such holder in the development of the land or in the non-agricultural use of the land or otherwise, the eviction of such holder from the land will involve undue hardship to him, it may direct the Collector to regrant the land to such holder on payment of such amount and subject to such terms and conditions as the State Government may determine and the Collector shall regrant the land to such holder accordingly. (2) Watan land which is not regranted under sub-section (1) shall be disposed of in accordance with the provisions of the Code and the rules made thereunder applicable to the disposal of unoccupied unalienated land.

10. Compensation to watandar.

- A watandar shall, for the abolition of all his rights in the watan be entitled to compensation, equal to the aggregate of the amounts calculated in the manner provided in the following clauses (a), (b) and (c):-(a) where the full or a portion of the assessment of the watan land was assigned towards the emoluments of the watandar, seven times the amount equal to the difference between the amount of such assessment or portion and the amount of quit-rent (Judi), if any, payable to the State Government by the watandar; (b) seven times the amount equal to the annual cash allowance or other annual payment of money (not being the rent of land resumed under clause (b) of section 12 of the Bombay Hereditary Offices Act, 1874, or a like provision under any existing watan law), made by the State Government to the watandar under the existing watan law; (c) three times the cash value of the average of the customary fees or perquisites, in money or in kind levied or leviable by the watandar under the existing watan law during the three years immediately preceding the appointed date; such cash value shall be determined in the prescribed manner.

11. Method of awarding compensation.

(1) If any watandar is entitled to compensation under section 10 or any other person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been

provided for in the provisions of this Act, such watandar or person may make an application to the Collector for compensation in the prescribed form within the prescribed period.(2)The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894.(3)(i)Where the officer making an award under sub section (2) is a Collector under this Act but not a Collector appointed under the Code and the amount of such award exceeds five thousand rupees, then the award shall not be made without the previous approval of the Collector appointed under the Code.(ii)Every award under sub-section (2) shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894.(4)Nothing in this section shall entitle a person to compensation on the ground that any watan land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

12. Appeal against Collector's award.

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

13. Procedure before Revenue Tribunal.

(1)The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.(2)In deciding an appeal under this Act the Bombay Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

14. Limitations.

- Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

15. Court-fees.

- Notwithstanding anything contained in the Court-fees Act, 1870, or the Hyderabad Court Fees Act, 1324 F, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

16. Finality of award and decision of Revenue Tribunal.

- The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be

questioned in any suit or proceeding in any Court.

17. Inquiries and proceedings to be judicial proceedings.

- All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

18. Delegation of powers.

- The State Government may, subject to such restrictions and conditions as it may impose, by notification in the Official Gazette, delegate to any of its officers not below the rank of a Collector, all or any of the powers conferred on it by this Act.

19. Rules.

- The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the Official Gazette.

20. Savings.

- Nothing contained in this Act shall affect-(1)any obligation or liability already incurred under an incident of an inferior village watan before the appointed date, or(2)any proceeding or remedy in respect of such obligation or liability, and any such proceeding may be continued or any such remedy may be enforced as if this Act had not been passed.