

# **Bombay Irrigation (Gujarat Extension and Amendment) Act, 1961**

GUJARAT

India

## **Bombay Irrigation (Gujarat Extension and Amendment) Act, 1961**

### **Act 1 of 1962**

- Published on 16 January 1962
- Not commenced
- [This is the version of this document from 16 January 1962.]
- [Note: The original publication document is not available and this content could not be verified.]

An Act to extend the Bombay Irrigation Act, 1879) to the Saurashtra and Kutch areas of the State of Gujarat, to repeal corresponding laws and to further amend that Act for certain purposes. It is hereby enacted in the Twelfth Year of the Republic of India as follows:-\* (Received the assent of the President on 16th January, 1962 and published in the "Gujarat Government Gazette" on the 29th January 1962)

#### **1. Short title and commencement.- (1) This Act may be called the Bombay Irrigation (Gujarat Extension and Amendment) Act, 1961.**

(2) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

#### **2. Amendment of section of Bom. VII of 1879.- To section 1 of the Bombay Irrigation Act, 1879 (VII of 1879) the following proviso shall be added, namely:-**

"Provided that on and from the commencement of the Bombay Irrigation (Gujarat Extension and Amendment) Act, 1961, this Act shall extend to the whole of the State of Gujarat."

#### **3. Amendment of section 3 of Bom. VII of 1879.- In section 3 of the Bombay Irrigation Act, 1879 as extended to the whole of the State of Gujarat (hereinafter referred to as "the principal Act"), after clause (7) the following new clauses shall be added, namely:-**

"(8) "the Land Acquisition Act" means-(a)in the Bombay area and the Kutch area of the State of Gujarat, the Land Acquisition Act, 1894 (I of 1894) as in force in those areas;(b)in the Saurashtra area of the State of Gujarat, the Land Acquisition Act, 1894 (I of 1894) as adapted and applied to that area;(9)"the Land Revenue Code" means-(a)in the Bombay area and the Saurashtra area of the State of Gujarat, the Bombay Land Revenue Code, 1879 (Bom. V of 1879) and(b)in the Kutch area of the State of Gujarat, the Bombay Land Revenue Code, 1879 (Bom. V of 1879) as applied to that area."

**4. Amendment of section 7 of Bom. VII of 1879.- In section 7 of the principal Act, for the words and figures "Land Acquisition Act, 1870" the words "Land Acquisition Act" shall be substituted.**

**5. Amendment of section 19 of Bom. VII of 1879.- In section 19 of the principal Act, for the words and figures "Land Acquisition Act, 1870" the words "Land Acquisition Act" shall be substituted.**

**6. Substitution of section 39 of Bom. VII of 1879.- For section 39 of the principal Act, the following shall be substituted, namely:-**

"39 Collector to be guided by the provisions of the Land Acquisition Act.- (1) The Collector shall inquire into every such claim and determine the amount of compensation, if any, which should, in his opinion be given to the claimant and shall make an award.(2)Every award made under sub-section (1) shall be in the form prescribed in section 26 of the Land Acquisition Act and the provisions of the said Act shall so far as may be, apply to the inquiry and the making of an award under sub-section (1)".

**7. Amendment of sections, 51, 53 and 57 of Bom. VII of 1879.- In sections 51, 53 and 57 of the principal Act, for the words and figures "the Bombay Land Revenue Code, 1879" the words "the Land Revenue Code" shall be substituted.**

**8. Amendment of section 56E of Bom. VII of 1879.- In section 56E of the principal Act, after sub-section (2) the following sub-sections shall be inserted, namely:-**

"(3) All notifications issued under sub-section (1) shall be laid before the State Legislature as soon as may be after they are issued and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.(4)Any modifications made by the State Legislature shall be notified in the Official Gazette, and shall thereupon take effect."

**9. Amendment of section 70 of Bom. VII of 1879.- Section 70 of the principal Act, shall be renumbered as sub-section (1) of that section and after that sub-section (1) as so renumbered the following new sub-sections shall be inserted, namely:-**

"(2) All rules made under this section shall be laid for not less than thirty days before the House of the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid are the session immediately following.(3)Any modifications made by the State Legislature shall be notified in the Official Gazette and shall thereupon take effect.".

**10. Amendment of section 85 of Bom. VII of 1879.- In section 85 of the principal Act, for the words and figures "the Bombay Land Revenue Code, 1870" the words "the Land Revenue Code" shall be substituted.**

**11. Amendment of section 89 of Bom. VII of 1879.- Section 89 of the principal Act shall be renumbered as sub-section (1) of that section and after that sub-section (1) as so renumbered the following new sub-sections shall be inserted, namely:-**

"(2) All rules made under this section shall be laid for not less than thirty days before the House of the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.(3)Any modifications made by the State Legislature shall be notified in the Official Gazette and shall thereupon take effect.".

**12. Insertion of section 90 in Bom. VII of 1879.- After section 89 of the principal Act, the following section shall be inserted, namely:-**

"90. Repeal and savings.- (1) On the date of the commencement of the Bombay Irrigation (Gujarat Extension and Amendment) Act, 1961, (Guj. I of 1962) the Saurashtra Irrigation Act, 1951 (Sau. Act XV of 1951) shall stand repealed.(2)Nothing in sub-section (1) shall affect-(a)the previous operation of the enactment so repealed or anything duly done or suffered thereunder; or(b)any right, privilege, obligation or liability acquired, accrued or incurred under the enactment so repealed; or(c)any penalty, forfeiture or punishment incurred in respect of any offence under the enactment so repealed; or(d)any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the Bombay Irrigation (Gujarat Extension and Amendment) Act, 1961 (Guj. I of 1962) had not been passed:Provided that, anything done or any action taken under the enactment so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly Unless and until it is superseded

by anything done or any action taken under this Act.".