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Bombay Prevention of Fragmentation & Consolidation of Holdings Act 1947. (34)

Liberlisation of conditions regarding transfers and sub-division of Gats in consolidated villages.

Government of Maharashtra,
Revenue and Forests Department,
Circular No. CON.1977/36965/771-LI.
Mastralaya, Bombay-32 Dtd. 30th July 1977.

CIRCULAR.

According to section 31 of the Bombay Prevention Fragmentation and Consolidation of Holdings Act, 1947, no land (Gat or any part thereof shall be transferred without permission of the Collector (Sub-division Officer) or sub-divided without permission of the Divisional Commissioner. It has been brought to the notice of Government that in a large number of cases it takes considerable time to grant such permission to the agriculturists, who intend to transfer or sub-divide their Gats. This causes undue hardships and inconveniences to the agriculturists. In order to redress the grievances of the agriculturists, Govt. has introduced a Bill No. XXX of 1977 in the current session of the Mah. Legislature for suitably amending the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947. According to new section 31(3) no permission is necessary for transfer of Gat or part thereof in cases of following seven categories of transfers, if such transfer does not create a fragment.

If the land is to be transferred :-

- i) to the tenant of the holding or his heir; or
- ii) to the owner of the adjoining holding, who cultivates his land personally; or
- iii) to an agriculturist or agricultural labourer, in its entirety; or
- iv) to a person who is rendered landless by reason of acquisition of his land for a public purpose; or
- v) to a co-operative society; or
- vi) by way of gift (whether by way of trust or otherwise) ~~bonafide~~ bonafide made by the owner in favour of a member of his family or;
- vii) by way of exchange, where such land is cultivated personally by the holder, for any other land allotted under this Act, which is also likewise cultivated personally by its holder;

2. In regard to sub-division according to new section 31(1) (b), prior permission is not necessary to sub-divide a Gat, if the area of subject is not less than the standard area.

3. All Commissioners, Collectors and Sub-Divisional Officers are, requested to scrutinize the applications pending with them for grant of permission, in light of the position mentioned in paras 1 and 2 above. If the proposed transfer or sub-division is covered by any of the above categories, the applicants should be informed within a month after the new Act comes into force, that no permission for the transfer or sub-division is needed. Government have given assurance on the floor of the House that this action will be completed within one month from the coming into force of the amending Act. The Commissioners and the Collectors are, therefore, requested to submit ~~the~~ to Government in due course compliance reports of having done so.

(P. T. O.)

4. Further, according to new section 31 AB(1), transfer or subdivision made in contravention of existing Section 31, during the period from 15th November 1965 to the date of this amendment, shall be deemed to valid, if such transfer or sub-division is covered by any of the aforesaid categories. This validity is automatic. According to standing orders, in cases of transfers/sub-Divisions made in contravention of the law, the village officers have generally recorded a note in the 'other rights' column of Record of Rights to the effect that 'transaction is in contravention of Consolidation Act'. Therefore, immediately after the Bill becomes an Act, the Revenue Officers, concerned should take action to delete the said entries, ' (i.e. transaction is in contravention of the Consolidation Act.) ' appearing in 'other rights' column of Record of Rights (7-12), by effecting necessary mutation, in respect of transfers and sub-divisions covered by the above categories. All Commissioners and Collectors are requested to see that this work is also completed and compliance report submitted to government within a period of three months after enforcement of the Act.

5. Pending enactment of the Bill into an Act and its enforcement, the Commissioner, Collectors or Sub-Divisional Officers should see that by way of preliminary arrangement, information pertaining to items at para 3 and 4 above, is kept ready so that once the Act comes into force, further necessary action could be taken without loss of time.

By order and in the name of the Governor of Maharashtra.

Sd/- ~~XXXXXX~~

(S. D. Patil)

Under Secretary to the Government
of Maharashtra, Revenue and Forests
Department.