

Divisional Commissioners :

Confernment of powers and duties on —,

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. LAQ. 2558/V.

Sachivalaya, Bombay, 5th September 1958.

RESOLUTION OF GOVERNMENT.

In furtherance of its policy of decentralization and acceleration of land acquisition proceedings, Government has decided to delegate its powers in respect of acquisition of lands for a public purpose except in the case of acquisition of land for companies and societies, and is, accordingly, pleased to confer on the Commissioners concerned the powers and the functions under the following Sections of the Act specified against each :—

Serial No.	Section No.	Name of the enactment.	Summary of power/duty.	Areas in which the power/duty is conferred on the Commissioner concerned.
1	2	3	4	5
1	Section 3 A	The Land Acquisition Act, 1894 (I of 1894) in its application to the pre-Reorganisation State of Bombay excluding the transferred territories.	Power to appoint an officer to carry out preliminary Survey.	Pre Reorganisation State of Bombay.
2	Section 4	Do. do.	Discretion to decide whether a land is likely to be needed for a public purpose.	Do.
3	Section 5-A	Do. do.	Power to decide validity of objections	Do.
4	Section 6	Do. do.	Power to decide finally whether a land is needed for a public purpose, power to sign declaration in that behalf and power to proceed further with the acquisition.	Do.
5	Section 7	Do. do.	Power to direct Collector to take further proceedings.	Do.
6	Section 17	Do. do.	Power to apply urgency clause	Do.
7	Section 4	The Land Acquisition Act, 1894 (I of 1894) as adapted and applied to the Saurashtra area of the State of Bombay.	Discretion to decide whether a land is likely to be needed for a public purpose.	Saashtra area.
8	Section 5 A	Do. do.	Power to decide validity of objections	Do.
9	Section 6	Do. do.	Power to decide finally whether a land is needed for a public purpose, power to sign declaration in that behalf and power to proceed further with acquisition.	Do.
10	Section 7	Do. do.	Power to direct Collector to take further proceedings.	Do.
11	Section 17	Do. do.	Power to apply urgency clause	Do.
12	Section 4	The Land Acquisition Act, 1894 (I of 1894) in its application to the Kutch area of the State of Bombay.	Discretion to decide whether a land is likely to be needed for a public purpose.	Kutch area.
13	Section 5-A	Do. do.	Power to decide validity of objections	Do.
14	Section 6	Do. do.	Power to decide finally whether a land is needed for a public purpose, power to sign declaration in that behalf and power to proceed further with acquisition.	Do.
15	Section 7	Do. do.	Power to direct Collector to take further proceedings.	Do.
16	Section 17	Do. do.	Power to apply urgency clause	Do.
17	Section 4	The Land Acquisition Act, 1894 (I of 1894, in its application to the Vidarbha region of the State of Bombay.	Discretion to decide whether a land is likely to be needed for a public purpose.	Vidarbha area.
18	Section 5-A	Do. do.	Power to decide validity of objections	Do.

Serial No.	Section No.	Name of the enactment.	Summary of power/duty.	Areas in which the power/duty is conferred on the Commissioner concerned.
1	2	3	4	5
19	Section 6	.. The Land Acquisition Act, 1894 (I of 1894), in its Application to the Vidarbha Region of the State of Bombay.	Power to decide finally whether a land is needed for a public purpose, power to sign declaration in that behalf and power to proceed further with acquisition.	Vidarbha area.
20	Section 7	.. Do. do.	.. Power to direct Collector to take further proceedings.	Do.
21	Section 17	.. Do. do.	.. Power to apply urgency clause .. ..	Do.
22	Section 2-A	.. The Land Acquisition Act, 1309-F (Hyderabad Act IX of 1309-F).	Power to appoint an officer to carry out preliminary Survey.	Marathwada area.
23	Section 3	.. Do. do.	.. Discretion to decide whether a land is likely to be needed for a public purpose.	Do.
24	Section 4	.. Do. do.	.. Power to decide validity of objections ..	Do.
25	Section 5	.. Do. do.	.. Power to decide finally whether a land is needed for a public purpose, power to sign declarations in that behalf and power to proceed further with acquisition.	Do.
26	Section 12	.. Do. do.	.. Power to apply urgency clause .. ..	Do.

2. The requisite notification\* should be published in the *Bombay Government Gazette*.

3. The Land Acquisition Officers should forward the proposals under the above sections to Government upto such date as would reach Government on or before 30th September 1958 and thereafter directly to their respective Divisional Commissioners.

4. For disposals of the Land Acquisition work in the offices of the Divisional Commissioners sanction should be accorded to the creation with effect from 1st October 1958 to 28th February 1959 of the post of 1 Aval Karkun in the grade of Rs. 100—8—140—10—170 and 1 clerk in the grade of Rs. 46—3—85—E.B.—4—125—5—130 in each of the offices of the six Divisional Commissioners. The incumbents of the said posts should be allowed to draw Dearness Allowance and/or other allowances, if any, admissible to them as per orders of Government issued from time to time. All these posts should be treated as temporary addition to their respective permanent cadres.

5. The expenditure on this account should be debited to the budget head, "25, General Administration—F-Commissioners—F-I-Commissioners" and met from the sanctioned grants placed at the disposal of the Divisional Commissioners during the current financial year.

6. The Settlement Commissioner and Director of Land Records should be requested to issue necessary correction slip to the Land Acquisition Manual.

By order and in the name of the Governor of Bombay,

V. SHANKAR,  
Secretary to Government.

## REVENUE DEPARTMENT.

Sachivalaya, Bombay, 5th September 1958.

### BOMBAY COMMISSIONERS OF DIVISIONS ACT, 1957.

No. LAQ. 2558/V.—In exercise of the powers conferred by sub-section (4) of section 3 of the Bombay Commissioners of Divisions Act, 1957 (Bom. VIII of 1958), the Government of Bombay hereby confers and imposes on the Commissioner concerned the powers\* and duties under the enactments hereinafter specified and for that purpose adds to and specifies in the Schedule to the said Act the following adaptations and modifications in those enactments by way of amendment, as follows, namely :—

In the Schedule appended to the said Act, the following entries shall be added at the end, namely :—

The Land Acquisition Act, 1894 (I of 1894) in its application to the pre-Reorganisation State of Bombay excluding the transferred territories.

#### I. In section 3-A—

(i) after the words "State Government", where they occur for the first time, the words "or the Commissioner" shall be inserted;

(ii) after the words "by the State Government in this behalf" the words "or, as the case may be, any officer authorised by the Commissioner" shall be inserted.

2. In section 4—
  - (i) in sub-section (1) after the words “appropriate Government” the words “or the Commissioner” shall be inserted;
  - (ii) in sub-section (2), after the words “such Government” the word “or, as the case may be, by the Commissioner” shall be inserted.
3. In section 5-A, in sub-section (2) after the words “appropriate Government”, where they occur at two places the words “or, as the case may be, of the Commissioner” shall be inserted.
4. In section 6—
  - (i) in sub-section (1)—
    - (a) after the words “appropriate Government” the words “or, as the case may be, the Commissioner” shall be inserted;
    - (b) after the words “its orders” the words “or, as the case may be, under the signature of the Commissioner” shall be inserted;
  - (ii) in sub-section (3), after the words “appropriate Government” the words “or, as the case may be, the Commissioner” shall be inserted.
5. In section 7, after the words “in this behalf” the words “or, as the case may be, the Commissioner” shall be inserted.
6. In section 17—
  - (i) in sub-section (1), after the words “appropriate Government” the words “or the Commissioner” shall be inserted;
  - (ii) in sub-section (2)—
    - (a) after the words “the State Government” the words “or the Commissioner” shall be inserted;
    - (b) after the words “appropriate Government” the words “or, as the case may be, of the Commissioner” shall be inserted;

(iii) in sub-section (4)–

(a) after the words “appropriate Government” where they occur at two places, the words “or, as the case may be, of the Commissioner” shall be inserted;

(b) for the words “it does so direct” the words “it or he does so direct” shall be substituted.

The Land Acquisition Act, 1894 (I of 1894), in its application to the Vidarbha region of the State of Bombay.

1. In section 4–

(i) in sub-section (1), after the words “appropriate Government” the words “or the Commissioner” shall be inserted;

(ii) in sub-section (2), after the words “such Government” the words “or, as the case may be, by the Commissioner” shall be inserted.

2. In section 5-A, in sub-section (2) after the words “appropriate Government”, where they occur at two places the words “or, as the case may be, of the Commissioner” shall be inserted.

3. In section 6–

(i) in sub-section (1)–

(a) after the words “appropriate Government” the words “or, as the case may be, the Commissioner” shall be inserted;

(b) after the words “its orders” the words “or, as the case may be, under the signature of the Commissioner” shall be inserted;

(ii) In sub-section (3), after the words “appropriate Government” the words “or, as the case may be, the Commissioner” shall be inserted.

4. In section 7, after the words “in this behalf” the words “or, as the case may be, the Commissioner” shall be inserted.

5. In section 17–

(i) in sub-section (1), after the words “appropriate Government” the words “or the Commissioner” shall be inserted;

(ii) in sub-section (2),—

(a) after the words “the State Government” the words “or the Commissioner” shall be inserted;

(b) after the words “appropriate Government” the words “or, as the case may be, of the Commissioner” shall be inserted;

(iii) in sub-section (4)—

(a) after the words “appropriate Government” where they occur at two places, the words “or, as the case may be, of the Commissioner” shall be inserted;

(b) for the words “it does so direct” the words “it or he does so direct” shall be substituted.

The Land Acquisition Act, 1894 (I of 1894), in its application to the Kutch area of the State of Bombay.

In section 4—

(i) in sub-section (1), after the words “appropriate Government” the words “or the Commissioner” shall be inserted;

(ii) in sub-section (2), after the words “such Government” the words “or, as the case may be, by the Commissioner” shall be inserted.

2. In section 5-A, in sub-section (2) after the words “appropriate Government”, where they occur at two places, the words “or, as the case may be, of the Commissioner” shall be inserted.

3. In section 6—

(i) in sub-section (1)—

(a) after the words “appropriate Government” the words “or, as the case may be, the Commissioner” shall be inserted;

(b) after the words “its orders” the words “or, as the case may be, under the signature of the Commissioner” shall be inserted;

(ii) in sub-section (3), after the words “appropriate Government” the words “or, as the case may be, the Commissioner” shall be inserted.

4. In section 7, after the words "in this behalf" the words, "or, as the case may be the Commissioner" shall be inserted.

5. In section 17—

(i) in sub-section (1), after the words "appropriate Government" the words "or the Commissioner" shall be inserted;

(ii) in sub-section (2), after the words "appropriate Government" the words "or, as the case may be, of the Commissioner" shall be inserted;

(iii) in sub-section (4)—

(a) after the words "appropriate Government" where they occur at two places, the words "or, as the case may be, the Commissioner" shall be inserted;

(b) for the words "it does so direct" the words "it or he does so direct" shall be substituted.

The Land Acquisition Act, 1894 (I of 1894), as adapted and applied to the Saurashtra area of the State of Bombay.

1. In section 4—

(i) in sub-section (1), after the words "appropriate Government" the words "or the Commissioner" shall be inserted;

(ii) in sub-section (2), after the words "such Government" the words "or, as the case may be, by the Commissioner" shall be inserted.

2. In section 5-A, in sub-section (2) after the words "appropriate Government", where they occur at two places, the words "or, as the case may be, of the Commissioner" shall be inserted.

3. In section 6—

(i) in sub-section (1)—

(a) after the words "appropriate Government" the words "or, as the case may be, the Commissioner" shall be inserted;

(b) after the words "its orders" the words "or, as the case may be, under the signature of the Commissioner" shall be inserted;

(ii) in sub-section (3), after the words "appropriate Government" the words "or, as the case may be, the Commissioner" shall be inserted.

4. In section 7, after the words "in this behalf" the words "or, as the case may be, the Commissioner" shall be inserted.

5. In section 17—

(i) in sub-section (1), after the words "appropriate Government" the words "or the Commissioner" shall be inserted;

(ii) in sub-section (2)—

(a) after the words "the Government" the words "or the Commissioner" shall be inserted;

(b) after the words "appropriate Government" the words "or, as the case may be, of the Commissioner" shall be inserted;

(iii) in sub-section (4)—

(a) after the words "appropriate Government" where they occur at two places, the words "or, as the case may be, of the Commissioner" shall be inserted;

(b) for the words "it does so direct" the words "it or he does so direct" shall be substituted.

The Land Acquisition Act, 1309F (Hyderabad Act IX of 1309 F.)

1. In section 2-A—

(i) for the word "Government", where it occurs for the first time the words "or the Commissioner" shall be inserted;

(ii) for the words "the Government may direct any officer, generally or specially authorised by the Government in this behalf" the words "the Government or the Commissioner may direct any officer, generally or specially authorised by the Government or, as the case may be, by the Commissioner in this behalf" shall be substituted.

2. In section 3—

(i) in sub-section (1), after the word "Government" the words "or the Commissioner" shall be inserted;

- (ii) in sub-section (2), after the word "Government" the words "or, as the case may be, by the Commissioner" shall be inserted.
3. In section 4-A, in sub-section (2), after the word "Government" where it occurs at two places, the words "or, as the case may be, of the Commissioner" shall be inserted.
4. In section 5, in sub-section (1)—
- (i) after the word "Government", where it occurs for the first time, the words "or the Commissioner" shall be inserted;
- (ii) after the words, "in this behalf" the words "or, as the case may be, under the signature of the Commissioner" shall be inserted.
5. In section 12—
- (i) in sub-section (1), after the word "Government" the words "or the Commissioner" shall be inserted;
- (ii) in sub-section (3),
- (a) after the words "Government", where they occur at two places, the words "or, as the case may be, the Commissioner" shall be inserted;
- (b) for the words "it does so direct" the words "it or he does so direct" shall be substituted.

By order and in the name of the Governor of Bombay,

V. SHANKAR,  
Secretary to Government.