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(17)

Bombay Tenancy and Agricultural  
Lands Act, 1948  
Implementation of --

GOVERNMENT OF MAHARASHTRA.  
Revenue and Forests Department.  
Resolution No. TNC. 6763/30066-M(Spl).  
Sachivalaya, Bombay, 22nd July, 1965.

R E S O L U T I O N

According to the provisions of Sections 32-K and 32-M of the Bombay Tenancy and Agricultural Lands Act, 1948, it is left to the tenant to deposit with the tribunal the purchase price of land which is deemed to have been purchased by him under section 32 of the Act. If he fails to deposit the purchase price in lump sum or in instalments, the purchase becomes ineffective; and under Section 32-P, the tenant can be summarily evicted from the land. It was, however, brought to the notice of Government that in the case of quite a large number of tenants especially belonging to Scheduled Castes and Scheduled Tribes, the purchase was in danger of becoming ineffective for failure to deposit the purchase price on the due dates. It was noticed that these tenants being illiterate and socially backward, have failed to deposit the amount more out of ignorance than wilful default. Unless, therefore, immediate steps were taken to provide for recovery of purchase price through Government agency, a large number of tenants were likely to be evicted from their lands due to purchase becoming ineffective and thereby defeating the object of the tenancy legislation. In order to avoid this situation, Government has amended the Bombay Tenancy Act by the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1964 (Copy enclosed). By this Amending Act, the tenants have been given some concessions in the payment of purchase price and the Agricultural Lands Tribunals have also been empowered to recover the purchase price from the tenants as arrears of land revenue. Now, it is only after the tribunal fails to recover the purchase price as arrears of land revenue, the purchase would become ineffective. The benefit of these provisions is also to be given to the tenants whose purchase has already become ineffective, but who have not yet been evicted from their lands under Section 32-P. The following concessions are given to the tenants by the amending Act of 1964:-

I. Concessions to the tenants who have agreed to pay the purchase price in one lump-sum.

The tenants who had formerly agreed to pay the purchase price in one lump sum were required to pay the purchase price within a period of one year from the date fixed by the Agricultural Lands Tribunal. If he failed to pay the purchase price within the prescribed period of one year, the purchase used to be ineffective. According to the amendment Act, such tenants are now given the following two concessions:-

(i) If a tenant fails to pay the purchase price in lumpsum within the prescribed period of one year, he can apply to the Tribunal within a period of six months from the date of default

P.T.O.

OFFICE OF THE COLLECTOR,

RATNAGIRI.

Date  
Branch

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or within a period of six months from the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1964 (i.e. before 7th November 1965), whichever is later, to condone the default. On receipt of such application the Tribunal, if it is satisfied that for sufficient reasons the tenant could not pay the purchase price in lump-sum within the prescribed period of one year, it may grant him further time of one year for payment of the purchase price.

(ii) If a tenant purchaser is unable to deposit with the Tribunal the entire amount of the purchase price in lump-sum within a prescribed period of one year, he can now apply to the Tribunal for allowing him to pay the purchase price in instalments. For this, he is required to deposit with the Tribunal within a period of three months from the date of default or within a period of six months from the commencement of the amending Act of 1964, whichever is later, an amount equal to one twelfth of the purchase price together with interest at the rate of  $4\frac{1}{2}$  percent per annum on the balance. On receipt of such deposit the Tribunal will allow the tenant to pay the balance of the purchase price in instalments not exceeding eleven annual instalments.

II. Concessions to tenants who have agreed to pay the purchase price in instalments.

The tenants who were required to pay the purchase price in instalments were already given one concession which is that if a tenant purchaser is in arrears of four annual instalments of purchase price he can apply to the Tribunal within a period of three months from the date of payment of last instalment for extension of the period of payment. On receipt of such application, if the Tribunal is satisfied that the tenant could not pay the instalments for sufficient reasons it gives him further time for payment of the purchase price and for that purpose the number of annual instalments is increased from twelve to sixteen. According to the amending Act of 1964, the time limit for applying to the Tribunal for getting this concession is now extended. Now, the tenant can apply to the Tribunal for getting this concession within a period of six months from the date of payment of last instalment or within a period of six months from the commencement of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1964, whichever is later.

III. Recovery of arrears of purchase price as arrears of Land Revenue.

According to the Amending Act, if a tenant fails to pay the purchase price in lump-sum within the time limit of one year or within the extended time limit or fails to pay the instalments within the previously fixed period or within the extended period, the Tribunal will recover the purchase price in lump-sum or the arrears of instalments as the case may be, as an arrear of land revenue. It is only after the recovery of the purchase price or the instalments thereof as arrears of land revenue fails that the purchase will become ineffective.



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2. A pamphlet in Marathi explaining in brief the provisions of the Amending Act has been published by the Directorate of Publicity (copy enclosed). The copies of the pamphlet are being distributed by the Directorate of Publicity to the following persons and bodies in the Western Maharashtra:-

- 1) All M.L.As., M.L.Cs. and M.Ps.,
- 2) All members of Zilla Parishads,
- 3) All Village Panchayats,
- 4) All Co-operative Societies,
- 5) All Public Libraries,
- 6) All Social Organisations,
- 7) All Social workers.

3. Though according to the provisions of the Amending Act, the Tribunal is required to recover the purchase price or the arrears of instalments of the purchase price as arrears of land revenue after the tenant commits default in payment as stated in the Act, Government considers that as the ultimate responsibility of recovering the purchase price is now cast on the Tribunals, they will have to take steps for ensuring regular payment of the instalments of purchase price through the Assistant Gram Sevaks by sending to them every year regularly a demand statement showing the names of tenants and the amounts due from each of them so that occasions for recovery as arrears of land revenue would be reduced to the minimum and the tenants would be saved from the hardships resulting from such recovery. After the actual default, they can start taking action to recover the amounts due as arrears of land revenue. For this purpose, the Tribunal should prepare every year in good time before the first instalment of Land Revenue is due a villagewise "Recovery Statement of purchase price" in the \*appended form 'A' and send it to the Assistant Gram Sevaks. The Tribunal should sign the statement in token of its correctness. On receipt of the Statement the Assistant Gram Sevak should immediately inform each such tenant what is the amount of purchase price payable by him in that year and then collect it along with the land revenue or thereafter whenever the tenant pays the amount to him. But if the amount is recoverable as arrears of land revenue, the Assistant Gram Sevak should take steps to recover the amount accordingly. On receipt of the amount, the Assistant Gram Sevak should issue a receipt in the \*appended form 'B'. The amount so received by the Assistant Gram Sevak should be sent by him to the Treasury or the State Bank of India as the case may be, along with a Chalan in triplicate in the \*appended form 'C'. The Treasury or the Bank should retain one copy of the Chalan with it; one copy should be sent to the Tribunal and the third copy should be sent back to the Assistant Gram Sevak for his record. The recovery statements (Form A) and the receipted challans should be kept in a file chronologically arranged and the Mamlatdar, Agricultural Land Tribunal and other touring Revenue Officers should make it a point to check the recoveries and credits from time to time during the course of their inspections or visits to the village. (The stock of receipt books (Form B) should be kept in safe custody by the Agricultural Land Tribunal and he should keep a clear account of the Receipt books received by him and issued to the Assistant Gram Sevak from time to time on the same lines on which account of V.F.IX is kept in the Taluka. Not more than one Receipt book should be issued

\*Printed as accompaniments to this Resolution.

to the Assistant Gram Sevak and he should also be asked to maintain an account of the Receipt Books received and returned etc. by him.

4. In the case of tenants whose purchase has already become ineffective on account of their failure to pay the purchase price in lump-sum or in instalments but who continued in possession of the lands in question on the 7th May 1965, the tribunals should immediately send to the Assistant Gram Sevak concerned, villagewise lists in Form A of such tenants together with the amount due to be recovered from each of them for taking necessary action to recover the purchase price as arrears of land revenue.

5. As the work of recovery of the purchase price is an important one the Collectors, the Prant Officers and the Additional Land Reforms Implementation Officer, Revenue and Forests Department, Bombay, should keep a watch over its progress.

6. Government is also pleased to direct that the three forms (viz. Form A, Form B and Form C) accompanying this Government Resolution should be printed in Marathi for being supplied to the officers concerned in accordance with the instructions which will be issued by the Revenue and Forests Department in due course. Detailed instructions for printing of the forms will be issued to the press authorities separately.

7. The Director of Languages is requested to immediately arrange for translating the three forms accompanying the Government Resolution into Marathi and forward the translations to the Revenue and Forests Department.

8. The Collectors are requested to intimate their requirements of the copies of the three forms within a fortnight from the receipt of this Resolution.

9. The cost of the printing should be debited to the head "9-Land Revenue-A-Charges of Administration-A-General Establishment" for the purpose of the proforma accounts.

10. These orders issue with the concurrence of the Finance Department vide its unofficial reference No.29178/448/III, dated the 5th July 1965.

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

W.G.RANADIVE,  
Under Secretary to Government.



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To

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The Commissioners of Bombay and Poona Divisions,  
The Settlement Commissioner and Director of Land Records,  
The Collectors in Western Maharashtra,  
The Director of Government Printing and Stationery, Bombay,  
The Director of Languages, Maharashtra State, Bombay,  
The Director of Publicity, Maharashtra State, Bombay,  
The Manager, Government Central Press, Bombay,  
The Accountant General, Bombay,  
The Resident Audit Officer, Bombay,  
The Finance Department,  
The Industries and Labour Department,  
The Agricultural Land Tribunals(Through the Collectors),  
The Additional Land Reforms Implementation Officer,  
The M Branch, Revenue and Forests Department.

No.

of 1965.

Copy forwarded for information and guidance to -

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ACCOMPANIMENTS TO GOVERNMENT RESOLUTION, REVENUE AND FORESTS DEPARTMENT No. TNC. 6763/30066-M(Spl), DATED THE 22nd JULY, 1965.

FORM - A.

Recovery Statement of Purchase price.

Village:-

Personal Ledger Account to which amount to be credited after recovery:-

Sr. No.	Order of payment No. and date.	Name and address of the tenant purchaser.	Ledger Folio No.	Amount due for collection.			Whether it is to be recovered as arrear of land revenue.
				Pur-chase price.	Int-erest:	Total.	
1	2	3	4	5	6	6	

Collected Date	Amount.	Challan No. and date under which amount credited.	Remarks.
7	8	9	10

Date \_\_\_\_\_

Agricultural Lands Tribunal.



F O R M - 'B'

H-489(1, 150+2)-4.

Purchase price Receipt No. \_\_\_\_\_ Date \_\_\_\_\_

Purchase price Receipt No. \_\_\_\_\_

Order of Payment No. \_\_\_\_\_ dated \_\_\_\_\_

Order of payment No. \_\_\_\_\_ dated \_\_\_\_\_

.....

Name of tenant purchaser and of actual payee.	Amount paid.	Daily Chalan-wise total.
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Received from Shri \_\_\_\_\_  
 \_\_\_\_\_ by hand of \_\_\_\_\_

\_\_\_\_\_ Rs. (in words)  
 \_\_\_\_\_ towards purchase price payable by him under Order of Payment mentioned above.

Date. \_\_\_\_\_ Assistant Gram Sevak. \_\_\_\_\_

Date \_\_\_\_\_ Assistant Gram Sevak. \_\_\_\_\_

To be retained with Assistant Gram Sevak.

To be given to payee.

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F O R M - 'C'

FORM OF CHALLAN

Village \_\_\_\_\_

Challan No. \_\_\_\_\_

H-489(1,150+2)-4a.

Order of Payment No. and date.	Name of the tenant.	Ledger Folio No.	Date of receipt.	Amount received.	Details of amount received. Purchase Price.    Inter-est.		Particulars of Personal Ledger Account to which amount to be credited.
1	2	3	4	5	6	7	8

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Received on \_\_\_\_\_ Rs. \_\_\_\_\_

Assistant Gram Sevak.

and credited to the P.L.A. of Agricultural Land Tribunal \_\_\_\_\_

Accountant.

Sub-Treasury Officer  
or  
Bank.