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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31st March, 2010, is hereby published for general information.

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 2010.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 31st March, 2010).

AN ACT

further to amend the Bombay Land Revenue Code, 1879.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

1. This Act may be called the Bombay Land Revenue (Gujarat Amendment) Act, 2010.

Short title and
commencement.

(2) This section shall come into force at once; and all or any of the remaining provisions of this Act shall come into force in such different areas of the State on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 3 of
Bom. V of
1879.

2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in section 3, after clause (27A), the following new clauses shall be added, namely :-

Bom. V of
1879.

"(28) "designated officer" means any revenue officer appointed by the State Government from time to time for carrying out the functions as specified in Chapter X-A;

(29) "prescribed" means prescribed by rules made under this Act."

Substitution
of section
135B of Bom.
V of 1879.

3. In the principal Act, for section 135B, the following section shall be substituted, namely :-

Record of
rights.

"135B. A record of rights shall be maintained in the format, either manually or electronically or in both formats, as may be prescribed for the village or City Survey Area and shall include the following particulars :-

- (a) the names of all persons other than tenants who are holders, occupants, owners or mortgagees of the land or assignees of rent thereof;
- (b) the nature and extent of the respective interests of such persons and the conditions or liabilities if any, attaching thereto;
- (c) the rent or revenue, if any, payable by such person;
- (d) such other particulars as may be prescribed in this behalf.

(2) The said particulars shall be entered in the record of rights with respect to perpetual tenancies, and also with respect to tenancies of any other classes to which the State Government may, by notification in the *Official Gazette*, direct that the provisions of this section shall apply in any local area or generally."

Substitution
of section
135C of Bom.
V of 1879.

4. In the principal Act, for section 135C, the following section shall be substituted, namely :-

Acquisition
of rights to
be reported.

"135C. Any person acquiring the right on any land by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise any right as holder, occupant, owner, mortgagee, assignee of the rent thereof, shall make a report of such acquisition of such right, either manually or electronically, to the designated officer within the period of three months from the date of such acquisition, and the said designated officer shall at once, give a written acknowledgement of the receipt of such report to the person making it :

Provided that where the person acquiring the right is a minor, or otherwise disqualified, his guardian or other person, having charge of his property, shall make the report to the designated officer :

Provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the designated officer.

Explanation I.- The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

Explanation II.- A person in whose favour a mortgage is discharged or extinguished, or lease determines, acquires a right within the meaning of this section.”

5. In the principal Act, for section 135D, the following section shall be substituted, namely :-

Substitution
of section
135D of Bom.
V of 1879.

Register of
mutations and
register of
disputed cases.

“135D. (1) (a) The designated officer shall enter, manually or electronically by the automated process, in a register of mutations, every report made to him under section 135C or any intimation of acquisition or transfer of any right on land made to him, either manually or electronically under section 135C from the Mamlatdar, or a court of law.

(b) (i) When a claim or document of rights is produced before the designated officer, he shall, through bio-metric ID or any other mode as may be prescribed, verify the identity and the lawful rights of the transferor and the transferee.

(ii) Upon completion of verification, the necessary entries shall be made in the register of mutations in the manner as may be prescribed and the notice of the transaction under section 135D shall be served to the persons interested therein.

(2) Whenever a designated officer makes an entry, either manually or electronically in the register of mutations, he shall at the same time intimate to all persons appearing from the record of rights or register of mutations to be interested in the mutation and to any other person whom he has reason to believe to be interested therein in the manner as may be prescribed.

(3) It shall be the duty of the designated officer to enter the particulars of the objection if any received from any person either manually or electronically, in a register of disputed cases and to give written acknowledgement of the receipt of such objection to the person making it in the same manner.

(4) Orders disposing of objections entered in the register of disputed cases shall be recorded, either manually or electronically, in the register of mutations, after disposing it within the period as may be prescribed for this purpose and the same may be intimated to the concerned person having interest in the said mutation.

(5) Where no objection is raised by any person having interest in the transaction, either manually or electronically, within a period of thirty days, the mutation entry shall be certified electronically through an automated process or manually, as the case may be.

(6) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the State Government in this behalf :

Provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

(7) In the event, where the automated process of certification of entries has not been initiated, the entries in the register of mutations shall be verified and if found correct or after correction shall be certified in the Mutation Register, within a period as may be prescribed, by a Revenue Officer not below the rank of a Deputy Mamlatdar, and the same may be intimated to the concerned person having interest therein.

(8) Where the certifying officer has a reason to believe that such mutation entry violates or contravenes any of the provisions of the Act or any other Act, he shall not certify such entry and shall intimate the same with reasons in writing to the person concerned.

(9) The provisions of this section shall apply in respect of perpetual tenancies and also in respect of any tenancies mentioned in a notification under sub-section (2) of section 135B but the provisions of this section shall not apply in respect of other tenancies, which shall be entered in a register of tenancies, in such manner and under such procedure as may be prescribed.”.

Substitution
of section
135E of Bom.
V of 1879.

6. In the principal Act, for section 135E, the following section shall be substituted, namely :-

Obligation to
furnish
information.

“135E. (1) Any person, whose rights, interests or liabilities are required to be, or have been entered in any record of register under this Chapter, shall be bound, on the requisition by any designated officer, engaged in compiling or revising the record of register, to furnish or produce, either manually or electronically, for his inspection, within the period as may be prescribed, all such information or documents needed for the correct compilation or revision thereof, as the case may be, within his knowledge or in his possession or power.

(2) Any designated officer, to whom any information is furnished, or before whom, any document is produced, either electronically or manually, in accordance with the requisition under sub-section (1), shall at once, give written acknowledgement thereof, in the same manner to the person furnishing or producing the same, and shall endorse, on any such document, a note under his signature stating the fact of its production and the date thereof, where the automated process has not been initiated.”.

Amendment
of section
135F of Bom.
V of 1879.

7. In the principal Act, in section 135F, for the words “twenty-five”, the words “one thousand” shall be substituted.

Deletion of
section 135I
of Bom. V of
1879.

8. In the principal Act, section 135I shall be deleted.

Amendment
of section
135K of Bom.
V of 1879.

9. In the principal Act, in section 135K, for the words “the village accountant, Mahalkari”, the words “the designated officer” shall be substituted.