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## The History & Purpose of Occupancy Class-2 lands (New or Restricted tenure) and the Mess of land tenures in Maharashtra.

🕒 05/02/2018 🗨 Chatter Box 📁 Housing 💬 0

### LIST OF TENURES

Kind of Tenures	Abbreviations used
1. Revenue free by Custom	'A'
2. Privately owned by vacant plot in Gaothan Area.	'A-1'
3. Pardi land within Gaothan	'A-2'
4. Paying rent under lease from Govt.	'B'
5. Land granted by Govt. under ruled 42 & 43	'B-1'
6. Paying (altered) assessment to Govt. Under the land Revenue Code	'C'
7. Land liable for non-agricultural assessment	'C-1'
8. Lands sold out right by the Municipality (but liable to pay land revenue).	'D'



### Federation of Grantees of Govt. Lands – FGGL

Greetings, The Federation of Grantees of Govt. Lands (FGGL) is an Association of People (AOP). This Federation is formed with an objective to pursue with the State Government of Maharashtra for conversion of its lands ...  
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## Understanding class-2 lands or new tenure lands (restricted tenure)

Very few people understand the complexities of land tenures in Maharashtra. It is necessary to understand how land tenures of various types have come into the system and what problems we are facing and the mess Maharashtra Govt. has created of its land tenures.

Before Maharashtra Land Revenue Code (MLRC)- 1966 came into being, the law to regulate lands was under the Bombay Land Revenue Code (BLRC)- 1879 for rest of Maharashtra and Gujarat. For the city of Bombay (Mumbai) there was a separate law called Bombay Land Revenue Act – 1876. The island city has most of the govt. lands grants on lease basis from the time British took over in the year 1665.

The lands given to rest of Maharashtra and Gujarat under BLRC on Occupancy /Lease basis were freely transferable lands. The concept of restricted tenures came in the year 1901. It is best described in a manual sanctioned by the Govt. in the year 1914 called the Bombay Land Revenue manual written by R.G.Gordon.

It says under the subtitle –

### It's (restricted tenures) employment as a measure of economic reform

Owing however, to peculiar circumstances, the introduction of the Bill at this particular time assumed an aspect of great importance. The years 1900-1901 covered the period of perhaps the worst famine that the Presidency has experienced in modern times. The arrears of Land Revenue in Gujarat averaged about 50 percent of the total demand, while in Poona, Bijapur, Sholapur, Satara and Nasik they ranged from 20 to 40 percent. Under the provisions of the Land Revenue Code, the lands for which assessment could not be paid were liable to forfeiture on account of the arrears, upon which they would become the property and at the disposal of Government. Such lands would, of course, at the close of the famine period be leased out again to occupants for the purpose of cultivation. But, under the existing law, such leases could only be granted on the old Survey tenure which comprised as one of its conditions the power of unrestricted alienation (freely transferable). Government, therefore, determined to seize the opportunity afforded by the amendment of the law at this particular time “of taking an important step towards the solution of that momentous problem of a remedy for agricultural



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indebtedness”.

(page 211 of Bombay Land settlement manual – Volume -1)

It was clear that the freehold (freely transferable) lands acquired for nonpayment of agricultural assessments were re-granted to the farmers under a restricted tenure which did not allow the farmers to transfer/sale the lands without the permission of the Government/Crown, so that the lands do not become an “desirable object of acquisition to the savkar” page – 212

After the amendment to BLRC, the lands so granted with the restriction were called New Tenure or Restricted Tenures and the lands granted, which were freely transferable, were called Old Tenure lands. Even now in Gujarat, which still continues with BLRC, continue to call these tenures as New tenure and Old tenure lands.

Now coming to the lands granted to Co-operative housing societies before and after independence, they were given under Old and New tenures. In the Maharashtra Land Revenue code 1966, the classification given were Class- 1 lands (freely transferable ) and Class-2 lands ( lands having restrictions).

The restrictions on the lands given for the housing under class-2, were for a noble purpose and best depicted in the Bombay High Court judgement –

**Dr. Bharadwaj vs State of Maharashtra.** It says –

“The terms and conditions set out by Government Resolution are with an object of ensuring that Government lands are used for the purpose of housing and only by those occupants who fulfill certain conditions. The anxiety of the State Government was to ensure that the few available Government lands should be put to the best use for the benefit of persons who genuinely need accommodation at a reasonable price. While allotting Government lands, the Resolution demands that the allotment should be only to Co-operative Housing Societies and not to individuals with a view to prevent exploitation of the land and buildings to be erected thereon. The Government was also desirous of ensuring that members to be enrolled in such Housing Societies should be the genuine members and who fulfill the terms and conditions annexed to the resolution. The Government lands are not allotted unless the Society is duly registered under the Cooperative Societies Act.”

To summarise, New tenure or Class-2 lands were granted with the purpose of imposing restrictions by a sovereign state to ensure that

rankle him as “where to invest”.

People are attracted to various financial instruments – Fixed deposits, Gold, Insurance, Real Estate, Equities, Mutual funds, trading and speculating in the Stock market with or without doing technical analysis and so on and so forth. A review of the various instruments is required before coming to any conclusion that this is best method of Investment. Then there are Gurus in the field of Investment viz. – Benjamin Graham and Warren Buffet, who have made a philosophy of investment but which has to be understood in Indian context. People do earn money but many times do not invest properly. The return that every financial instrument gives, are not understood properly and not weighed comparatively. Wealth or Investment management is a very important task for everyone but neglected by many. This book will give a basic learning to the people uninitiated in the field of finance and investment. For people who are more familiar with finance and investment, this book can give some good insights and advises some good investment avenues. The second version of the book had Technical analysis of the stock market with a long term view, was added, as a new chapter. [This is the third version of the book, with a chapter added on the implications of the new tax introduced in the Budget of 2018, the Dividend](#)

the lands were properly utilized and not to create a superior holder State, who wanted to harass its citizens for revenue. ( See – **Collector lands should be freed from the Zamindari system with conversion to Freehold lands** )

### Mess of land tenures in Maharashtra

After the enactment of MLRC in 1966, the old tenure and new tenure lands should have become class-1 and class-2 lands respectively. Since Gujarat continued with BLRC, the old and new tenures continued without any problems. But Maharashtra came out with its own classification which did not recognize the old tenures as class-1 and almost all lands became class-2 lands. The below classification was issued in 1963 which has no sanction of law and has created much confusion. This notification is being used even today to classify land tenures. Revenue officials claim that lands classified as B1 lands are class-2 lands and lands classified as C are class-1 lands. Whereas B1 lands only mean that they are lands granted under the act – Land Revenue Rules -1921, which could be either old tenure lands or new tenure lands based on the conveyance terms. Many Old tenure lands suffered from this incorrect classification of class-2 tenure. As per the notification C- classification means lands having altered assessment. Now altered assessment comes into being if the land use is changed (Section 44 of MLRC) from one purpose to another, say for example agricultural to non-agricultural. Many took benefit of this loophole, changed their tenures to C and claimed that their lands are freehold.

Some of the **Occupancy lands** given under restrictions have been wrongfully classified as G meaning Govt. lands. Even now there is no clear abbreviations for class-1 or class-2 lands.

It is for this reason that in the Functional Review of Revenue Department prepared for YASHADA by Shri Sudhakarrao Joshi, IAS (Retired) in 2006 says

1. page x –

“Forty years down the line, the Maharashtra Land Revenue Code (1966) is now ripe for a thorough overhaul. Much water has flown down the Ganges and unless the structure of the law is designed to meets all the challenges while it misses no opportunity, a vibrant and responsive revenue administration cannot be built on a shaky moth-eaten foundation.”

For more on Functional Review of Revenue Department prepared for

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8. Lands sold out right by the Municipality (but liable to pay land revenue).	'D'
9. Land leased by the Municipality.	'E'
10. Land held by the Municipality for public and non-profitable purpose.	'F'
11. Land held by the Municipality for profitable purpose	'F-1'
12. Government Land.	'G'
13. Central Govt. land	'G-a'
14. Land granted Revenue free religious charitable or public purpose.	'H'
15. Lands held by the Maharashtra Housing Board.	'H-a'
16. Lands leased by the Maharashtra Hsg. Board.	'H-2'
17. Lands held by the other Corporations (such as L.I.C., B.E.S.T. etc.).	'H-4'
18. Private lands belonging to schemes, individuals or Housing Boards and not taken over by the Municipality.	'I'

Approved as per Collector of Bombay Suburban Districts Order no. S/CTS-SR, dated 29.10.1963.



#### ARCHIVES

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June 2018

May 2018

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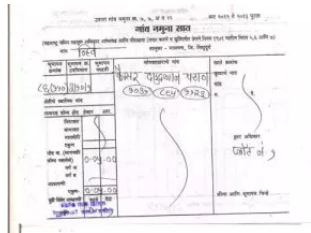
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# Property card, 7/12 Utara (extracts) – Issues & Problems



Property card or 7/12 extract is a record with the Govt., of a property particularly land, managed by the Land Records dept in the State Govt. The difference between Property card and 7/12 extracts is ... Continue reading



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