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SCHEDULES.

SIXTH SCHEDULE

PROVISIONS AS TO FRANCHISE.

PART VIII

THE CENTRAL PROVINCES AND BERAR.

Interpretation, &c.

- 10 (1) In this Schedule, in relation to the Central Provinces and Berar—
- " building " means any structure or enclosure, whether used as a human dwelling or otherwise, and includes a part of a building;
 - " estate, " " mahal, " " malik makbuza, " " kamil jama, " " sir land " and " khudkasht " have the meanings respectively assigned to them in section two of the Central Provinces Land Revenue Act, 1917;
 - " estate or mahal " includes a part of an estate or a mahal:
 - " lambardar " means a lambardar appointed under the provisions of the Central Provinces Land Revenue Act, 1917;
 - " land revenue " means land revenue as defined in section fifty-six of the Central Provinces Land Revenue Act, 1917, and in section forty-nine of the Berar Land Revenue Code, 1928;
 - " proprietor " includes an inferior proprietor and a plot proprietor, but does not include a transferee of proprietary rights in possession, or a mortgagee with possession;
 - " raiyat " means the holder of a survey number as defined in subsection (18) of section two of the Central Provinces Land Revenue Act, 1917, and includes the holder of land recorded in the land records maintained by the Provincial Government as milkiyat sarkar;
 - " registered deshmukh or deshbandia " means a person, being a deshmukh or deshbandia, whose name is recorded in the registers of political pensions maintained by the Deputy Commissioners in Berar as the holder of a pension or share of a pension;
 - " rental value, " in relation to immovable property, means the amount for which the property, together with its appurtenances and furniture, if any, is actually let, or may reasonably be expected to be let, from year to year;
 - " tenant, " in relation to agricultural land, means a tenant as defined in subsection (11) of section two of the Central Provinces Tenancy Act, 1920, but does not include a sub-tenant, and in relation to a house not situate in military or police lines includes any person occupying the house rent free by virtue of any office, service or employment;
 - " thekadar " includes a gaontia and a protected headman;

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" hold " in relation to land or an estate or mahal, means to be recorded in the records maintained under Chapter V of the Central Provinces Land Revenue Act, 1917, or Chapter X of the Berar Land Revenue Code, 1928, or, in the case of the Melghat Taluq of the Amraoti District, in the land records prescribed by the Provincial Government, as the person in possession of the land, estate or mahal;

" urban area " means a municipality, notified area or cantonment, and includes the Government gun carriage factory estate at Jubbulpore and any prescribed railway settlements;

" watandar patel " and " watandar patwari " mean respectively a patel and a patwari appointed under section five of the Berar Patels and Patwaris Law, 1900.

- (2) For the purposes of this Part of this Schedule ante-alienation tenants as defined in section seventy-two of the Berar Land Revenue Code, 1928, and section forty of the Berar Alienated Villages Tenancy Law, 1921, permanent tenants as defined in section forty-seven of the Berar Alienated Villages Tenancy Law, 1921, and tenants of antiquity as defined in section seventy-three of the Berar Land Revenue Code, 1928, shall be deemed to hold agricultural land in other than tenancy right.
- (3) Subject to the provisions of the next succeeding sub-paragraph, the provisions of this Part of this Schedule shall have effect in relation to any persons who are co-sharers in, or in a tenancy or lease of, land or other immovable property as if the respective shares of those persons in the land, property, tenancy or lease were held separately.
- (4) Where property is held or payments are made jointly by the members of a joint family or a tax is assessed jointly on the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists, and if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves.
- (5) Any reference in this Part of this Schedule to a retired, pensioned or discharged officer or man of the Hyderabad State Police shall be deemed not to include a reference to any person who has been dismissed or discharged from the police for disciplinary reasons.