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मध्यप्रदेश राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 536]

भोपाल, बुधवार, दिनांक 30 नवम्बर 2011—अग्रहायण 9 शक 1933

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 30 नवम्बर, 2011

क्र. 7026-405-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) विधायक, 2011 (क्रमांक 31 सन् 2011) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH BILL
No. 31 of 2011.

THE MADHYA PRADESH LAND REVENUE CODE
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MADHYA PRADESH BILL
No. 31 OF 2011.

THE MADHYA PRADESH LAND REVENUE CODE
(AMENDMENT) BILL, 2011

A Bill further to amend the Madhya Pradesh Land Revenue Code, 1959.

Be it enacted by the Madhya Pradesh Legislature in the Sixty-second year of the Republic of India as follows :—

1. This Act may be called the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011. **Short title.**
2. In sub-section (1) of Section 2 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the principal Act), after clause (o), the following clause shall be inserted, namely :—

“(oa) “Market Value” means the value of land assessed according to guidelines issued by the Collector under the Madhya Pradesh Bajar Mulya Margdarshak Siddhanton ka Banaya Jana Tatha Unka Punrikshan Niyam, 2000 made under the Indian Stamp Act, 1899 (No. 2 of 1899);”.

Amendment of Section 2.
3. In sub-section (1) of Section 30 of the Principal Act, for the words “A Collector, a Sub-Divisional Officer, or a Tahsildar”, the words “A Collector or a Sub-Divisional Officer” shall be substituted. **Amendment of Section 30.**
4. In section 34 of the Principal Act, in clause (c), for the word “fifty”, the words “one thousand” shall be substituted. **Amendment of Section 34.**
5. In sub-section (3) of Section 35 of the Principal Act, for the word “apply”, the words “apply along with his affidavit” shall be substituted. **Amendment of Section 35.**
6. In sub-section (1) of Section 36 of the Principal Act, for full stop, the colon shall be substituted and thereafter the following proviso shall be added, namely :—

“Provided that each party may be granted not more than three adjournments during the entire hearing of the case and each such adjournment should be granted only with cost.”.

Amendment of Section 36.
7. In clause (a) of Section 46 of the Principal Act, for the words, figures and bracket “the Indian Limitation Act, 1908 (IX of 1908)”, the words, figures and bracket “the Limitation Act, 1963 (36 of 1963)” shall be substituted. **Amendment of Section 46.**
8. In Section 47 of the Principal Act,—
 - (i) in clause (a), for the words “forty-five days”, the words “thirty days” shall be substituted;
 - (ii) in clause (b), for the words “sixty days”, the words “forty-five days” shall be substituted;
 - (iii) in clause (c), for the words “ninety days”, the words “sixty days” shall be substituted;**Amendment of Section 47.**

(iv) for the first proviso, the following proviso shall be substituted, namely :—

“Provided that where the order, against which the appeal is being preferred, made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011, in such case appeal shall be entertained within the time limit provided in the Code prior to this said Amendment Act.”.

Amendment of Section 49.

9. In Section 49 of the Principal Act, for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) After hearing the parties, the appellate authority may confirm, vary or reverse the order appealed against, or may take such additional evidence as it may consider necessary for passing its order :

Provided that the appellate authority shall not remand the case for disposal by any Revenue Officer subordinate to it:

Provided further that all such cases which have been remanded to the sub-ordinate Revenue Officers by the Appellate or Revisional Authorities before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011 shall be heard and decided by such Revenue Officer.”

Substitution of Section 50.

10. For section 50 of the Principal Act, the following section shall be substituted, namely :—

Revision.

“50. (1) The Board may, at any time on its motion or on the application made by any party or the Collector or the Settlement Officer may, at any time on his motion, call for the record of any case which has been decided or proceeding in which an order has been passed by any Revenue Officer subordinate to it or him and in which no appeal lies thereto, and if it appears that such subordinate Revenue Officer.—

(a) has exercised a jurisdiction not vested in him by this Code, or

(b) has failed to exercise a jurisdiction so vested, or

(c) has acted in the exercise of his jurisdiction illegally or with material irregularity,

the Board or the Collector or the Settlement Officer may make such order in the case as it or him thinks fit:

Provided that the Board or the Collector or the Settlement Officer shall not, under this section, vary or reverse any order made, or any order deciding an issue, in the course of the proceeding, except where,—

(a) the order, if it had been made in favour of the party applying for revision to the Board, would have finally disposed of the proceedings, or

(b) the order, if allowed to stand, would occasion a failure of justice or cause irreparable injury to the party against whom it was made.

(2) The Board or Collector or the Settlement Officer shall not, under this section vary or reverse any order against which an appeal lies either to the Board or to any Revenue Officer subordinate thereto.

(3) A revision shall not operate as a stay of proceeding before the Revenue Officer except where such proceeding is stayed by the Board or the Collector or the Settlement Officer, as the case may be.

(4) No application for revision shall be entertained.—

- (a) against an order appealable under this Code;
- (b) against an order to the Settlement Commissioner under section 210;
- (c) unless presented within sixty days to the Board:

Provided that where the order, against which the application for revision is being presented, made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011, in such case revision shall be entertained within ninety days from the date of order.

(5) No order shall be varied or reversed in revision unless notice has been served on the parties interested and opportunity given to them of being heard.

(6) Notwithstanding anything contained in sub-section (1),—

- (i) where proceedings in respect of any case have been commenced by the Board under sub-section (1), no action shall be taken by the Collector or the Settlement Officer in respect thereof;
- (ii) where proceeding in respect of any such case have been commenced by the Collector or the Settlement Officer under sub-section (1), the Board may either refrain from taking any action under this section in respect of such case until the final disposal of such proceedings by the Collector or the Settlement Officer, as the case may be, or may withdraw such proceedings and pass such order as it may deem fit.

Explanation.—For the purpose of this section all Revenue Officers shall be deemed to be subordinate to the Board.”.

11. In clause (iii) of the proviso to sub-section (1) of Section 51 of the principal Act, for the words “ninety days”, the words “sixty days” shall be substituted and for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely :—

Amendment of Section 51.

“Provided that where the order, against which the application for review is being presented, made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011, in such case review shall be entertained within ninety days from the date of order.

12. In Section 52 of the Principal Act,—

Amendment of Section 52.

(i) in sub-section (2), for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely :—

“Provided that the execution of order shall not be stayed for more than three months at a time or until the date of next hearing, whichever is earlier.”;

(ii) in sub-section (3), for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely :—

“Provided that the execution of order shall not be stayed for more than three months at a time or until the date of next hearing, whichever is earlier.”;

Amendment of Section 53.

13. In Section 53 of the principal Act for the words, figures and bracket “Indian Limitation Act, 1908 (IX of 1908)”, the words, figures and bracket “ Limitation Act, 1963 (36 of 1963)” shall be substituted and for the word “review”, the words “review and revision” shall be substituted.

Substitution of Section 54.

14. For Section 54 of the principal Act, the following section shall be substituted, namely :—

Pending revisions

“54. Notwithstanding anything contained in this chapter, all proceedings pending in revision before any Revenue Officer immediately before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2011 shall be heard and decided by such Revenue Officer as if this amendment Act had not been passed.”.

Amendment of Section 57.

15. In Section 57 of the principal Act,—

(i) in sub-section (2), for the words “Sub-divisional Officer” the words “State Government” shall be substituted;

(ii) sub-sections (3) and (4) shall be deleted.

Insertion of Section 58-B.

16. After Section 58-A of the principal Act, the following section shall be inserted, namely :—

Half of the assessed land revenue shall be payable for holding used exclusively for the purpose of a project of micro and small enterprise.

“58-B. (1) Notwithstanding anything contained in this Code, only half of the assessed land revenue shall be payable in respect of a holding upto two hectares used exclusively for the purpose of a project of micro and small enterprise.

(2) For the purpose of sub-section (1), the Collector shall, after affording reasonable opportunity of being heard to the persons interested and after making such enquiry as he may deem necessary, decide that the concerning holding is of project of micro and small enterprise.

Explanation.—For the purpose of this Section, the micro enterprise and small enterprise shall have the same meaning as assigned to them in sub-clause (i) and (ii) of clause (a) of sub-section (1) of Section 7 of the Micro, Small and Medium Enterprises Development Act, 2006 (No. 27 of 2006).”.

Amendment of Section 59.

17. In sub-section (1) of Section 59 of the principal Act, for clause (a) to (e), the following clauses shall be substituted, namely :—

“(a) for the purpose of agriculture of such farm house which is situated on holding of one acre or more;

(b) as sites for dwelling houses;

(c) for educational purpose;

(d) for industrial purpose;

(e) for commercial purpose

(f) for the purpose of mining under a mining lease within the meaning of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1959);

(g) for purpose other than those specified in items (a) to (f) above.”.

Deletion of Section 78.

18. Section 78 of the principal Act shall be deleted.

19. In Section 81 of the principal Act,—	Amendment of Section 81.
(i) for sub-section (4), the following sub-section shall be substituted, namely :—	
“(4) the fair assessment on land used for non-agricultural purpose shall be fixed in accordance with the rules made under section 59.”;	
(ii) sub-section (6) shall be deleted.	
20. Section 97 of the principal Act shall be deleted.	Deletion of Section 97.
21. For Section 98 of the principal Act, the following section shall be substituted, namely :—	Substitution of Section 98.
“98. The fair assessment of lands used for agricultural purpose shall be calculated and fixed in accordance with the principles and restrictions set forth in Section 81 and lands used for non-agricultural purpose shall be fixed in accordance with the rules made under section 59.”.	Fair assessment.
22. Section 99 of the principal Act shall be deleted.	Deletion of Section 99.
23. For Section 100 of the principal Act, the following section shall be substituted, namely:—	Substitution of Section 100.
“100. In the case of lands which are being assessed for a purpose with reference to which they were assessed immediately before the revision, the assessment so arrived at exceeds, in the case of agricultural land one and a half times the land revenue or rent and in the case of other lands six times the land revenue or rent payable immediately before the revision the assessment shall be fixed at one and a half times such land revenue or rent in the case of agricultural land and at six times such land revenue or rent in the case of other lands:	Fixation of fair assessment at the time of revision.
Provided that where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the assessment of such holding shall be fixed as if the improvement had not been made.”.	
24. In sub-section (1) of Section 119 of the principal Act, for the word “twenty-five”, the words “one thousand” shall be substituted.	Amendment of Section 119.
25. In sub-section (2) of Section 128 of the principal Act, for the words “one rupee”, the words “one thousand rupees” shall be substituted.	Amendment of Section 128.
26. In Section 130 of the principal Act, for the word “fifty”, the words “one thousand” shall be substituted.	Amendment of Section 130.
27. In Section 132 of the principal Act, for the word “one thousand”, the words “ten thousand” shall be substituted.	Amendment of Section 132.
28. For Section 133 of the principal Act, the following Section shall be substituted, namely :—	Substitution of Section 133.
“133. If a Tahsildar finds that any obstacle impedes the free use of a recognised road, path or common land of a village or impedes the road or water course or source of water which has been the subject of a decision under section 131, he may order the person responsible for such obstacle to remove it and if such person fails to comply with the order, may cause the obstacle to be removed and may recover from such person the cost of removal thereof and such person shall be liable, under the written order of a Tahsildar stating the facts and circumstances of the case, to a penalty which may extend to ten thousand rupees.”.	Removal of obstruction.

- Amendment of Section 143.** 29. In section 143 of the Principal Act, for the word “ten”, the word “hundred” shall be substituted.
- Amendment of Section 172.** 30. In Section 172 of the Principal Act,—
- (i) in sub-section (4), for the words “two thousand rupees”, the words “twenty per centum of the market value of such diverted land” shall be substituted;
- (ii) in sub-section (5), for the words “two thousand rupees”, the words “twenty per centum of the market value of such diverted land” and for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.
- Amendment of Section 200.** 31. In section 200 of the Principal Act, for the words “two hundred”, the words “two thousand” shall be substituted.
- Amendment of Section 227.** 32. In Section 227 of the Principal Act, for the word “twenty”, the words “one thousand” shall be substituted.
- Amendment of Section 234.** 33. In section 234 of the Principal Act,
- (i) for sub-section (2), the following sub-section shall be substituted, namely :—
- “(2) A draft of the Nistar Patrak shall be published in the village and after ascertaining the wishes of the Gram Sabha, it shall be finalised by Sub-Divisional Officer.”;
- (ii) for sub-section (3), the following sub-section shall be substituted, namely :—
- “(3) A copy of the Nistar Patrak so finalised shall be kept in the office of the Gram Panchayat.”;
- (iii) after sub-section (3), the following sub-section shall be inserted, namely :—
- “(4) On a resolution passed by the Gram Sabha by a majority of not less than two thirds of the members present and voting, the Sub-Divisional Officer with the prior sanction of the Collector and also after making any such inquiry as he deems fit, may,—
- (a) inter se change the entries in the Nistar Patrak;
- (b) record additional unoccupied land under any entry in the Nistar Patrak for fulfillment of further Nistar rights of villagers.”.
- Amendment of Section 237.** 34. In section 237 of the Principal Act,—
- (i) sub-section (2) shall be deleted;
- (ii) for sub-section (3), the following sub-section shall be substituted, namely :—
- “(3) Subject to the rules made under this Code, the Collector after securing the land mentioned in clause (b) of sub-section (1) to minimum two percent of the total agriculture land of that village, may divert such unoccupied land as mentioned in sub-section (1) into abadi or for construction of roads, state highways, national highways, canals, tanks, hospitals, schools, colleges, Goshalas and any other public utility projects as may be determined by the State Government:

Provided that the land set apart for the purposes mentioned in sub-section (1) shall not be diverted and allotted to any person for agriculture purpose.;

(iii) after sub-section (3), the following sub-section shall be inserted, namely :—

“(4) When it becomes indispensable to divert the land set apart for the purposes mentioned in sub-section (1) for such development and infrastructural projects which are owned or approved by the State Government but not covered under sub-section (3), the Collector, after satisfying himself on alternatives available and also on obtaining land of equivalent area for fulfilling the same Nistar rights from the concerned project, may divert the land for such purposes by passing a reasoned order to this effect.”.

35. In sub-section (4) of Section 241 of the Principal Act, for the words “five thousand”, the words “fifty thousand” shall be substituted. **Amendment of Section 241.**

36. In Section 247 of the Principal Act,—

Amendment of Section 247.

(i) in sub-section (7), for the word “double”, the words “four times” shall be substituted;

(ii) proviso to sub-section (7) shall be omitted.

37. In Section 248 of the Principal Act,—

Amendment of Section 248.

(i) in sub-section (1), for the words “five thousand rupees”, the words “twenty per centum of the market value of such encroached land” and for the words “twenty rupees”, the words “five hundred rupees in non urban area and two thousand rupees in urban area” shall be substituted;

(ii) sub-section (2) shall be omitted;

(iii) in sub-section (2-A), for the words “three months”, the words “six months” shall be substituted.

38. In section 250 of the Principal Act,—

Amendment of Section 250.

(i) in sub-section (6), for the words “two hundred and fifty”, the words “two thousand” shall be substituted;

(ii) in sub-section (9), for the words “five thousand rupees”, the words “twenty per centum of the market value of such land” shall be substituted;

(iii) proviso to sub-section (9) shall be omitted.

39. In section 253 of the Principal Act, for the words “five thousand”, the words “fifty thousand” shall be substituted. **Amendment of Section 253.**

40. In section 257 of the Principal Act, clause (a) shall be renumbered as clause (a-1) and before clause (a-1) as so renumbered, the following new clause shall be inserted, namely :— **Amendment of Section 257.**

“(a) any decision regarding any right under sub-section (1) of section 57 between the State Government and any person;”.

STATEMENT OF OBJECTS AND REASONS

With a view to adjudicate revenue cases expeditiously, to provide for adjudication of disputes regarding rights in land at the level of the State Government, to check wrongful alienation of government land, to promote micro and small enterprises by giving them concession in reassessed land revenue and to revise and enhance the existing provisions of fines, certain amendments are proposed in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959). Also to restructure to existing provisions regarding preparation of the Nistar Patrak and diversion of Charnoi and other land as recorded under any head of the Nistar Patrak to facilitate the establishment of industrial and public utility projects, suitable amendments are also proposed in the said Act.

2. The salient features of the Bill are as follows :—

- (1) Clause 2-Market value of the land to be determined as per the guide lines issued by the Collector.
- (2) Clause 3-Tehsildar not to transfer revenue cases to sub-ordinates.
- (3) Clause 6-Only three adjournments each with cost may be granted to each party during the hearing of the revenue cases.
- (4) Revision applications can be heard only by the Revenue Board and Collector.
- (5) Clause 9-Time limit for appeal, review and revision to be reduced to forty five days, sixty days and sixty days respectively.
- (6) Clause 10-No case shall be remanded.
- (7) Clause 13-Execution of orders shall not be stayed for more than three months at a time.
- (8) Clause 16-and 42-To authorize the State Government to adjudicate the disputes regarding rights in land between the State and private persons. The jurisdictions of the Civil court to be barred in such cases.
- (9) Clause 17-Half of the assessed land revenue to be payable for land holdings upto 2 hectares used exclusively for micro and small enterprises.
- (10) Clause 18-Diversion of agricultural land to be reclassified into dwelling purpose, educational purpose, industrial purpose, commercial purpose, mining purpose and other purposes for assessment of land revenue.
- (11) Clause 24-Provisions for assessment of land revenue based on the market value of the land to be incorporated.
- (12) Clauses 25, 26, 27,28, 29, 30, 32, 33, 34, 37, 38, 39, 40 and 41-To revise and enhance the existing provisions of fines in the Code and also to link the quantum of fines in cases of encroachment and illegal diversion to the market value of the land.
- (13) Clause 35-Sub Divisional Officer to be authorized for bringing about inter-se changes in the entries of the village Nistar Patrak as well as to enter additional unoccupied land in the same with the consent of the Gram Sabha and with the prior sanction of the Collector.
- (14) Clause 36-Collector to be authorized to divert the charnoi land in excess of 2% and also other land recorded in the Nistar Patrak for public utility projects only.

- (15) Clause 36-Collector to be authorized to divert the land recorded in the Nistar Patrak for such development and infrastructure projects that are not public utility projects by obtaining land of equivalent area for fulfillment of the same Nistar rights.
- (16) Other amendments are consequential and minor in nature which call for no explanation.

3. Hence this Bill.

Bhopal :

Dated the 19th November, 2011.

KARAN SINGH VERMA
Member-in-Charge