

Chhattisgarh Land Revenue (Amendment) Act, 2013

32 of 2013

[19 August 2013]

CONTENTS

1. Short title, and commencement
2. Amendment of Section 2
3. Amendment of Section 30
4. Amendment of Section 34
5. Amendment of Section 35
6. Amendment of Section 36
7. Amendment of Section 46
8. Amendment of Section 52
9. Amendment of Section 53
10. Amendment of Section 54
11. Amendment of Section 57
12. Amendment of Section 59
13. Amendment of Section 78
14. Amendment of Section 81
15. Amendment of Section 97
16. Amendment Section 98
17. Amendment of Section 99
18. Amendment of Section 100
19. Amendment of Section 119
20. Amendment of Section 128
21. Amendment of Section 130
22. Amendment of Section 132
23. Substitution of Section 133
24. Amendment of Section 143
25. Amendment of Section 165
26. Amendment of Section 172
27. Amendment of Section 200
28. Amendment of Section 227
29. Amendment of Section 234
30. Amendment of Section 257

Chhattisgarh Land Revenue (Amendment) Act, 2013

32 of 2013

[19 August 2013]

PREAMBLE

An Act further to amend the Chhattisgarh Land Revenue Code, 1959.

Be it enacted by the Chhattisgarh Legislature in the Sixty-fourth Year of the Republic of India, as follows:--

* Published in the Chhattisgarh Rajpatra (Asadharan) dated 19-8-2013 Pages 724(5-8).

1. Short title, and commencement :-

(1) This Act may be called the Chhattisgarh Land Revenue (Amendment) Act, 2013.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. Amendment of Section 2 :-

After clause (o) of sub-section (1) of Section 2 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) (here-in-after referred to as the Principal Act), the following shall be inserted, namely:--

"(o-a) "Market Value" means the value of land assessed according to the guidelines issued by the Collector under the Chhattisgarh Bajar Mulya Margdarshak Siddhanton Ka Banaya Jana Tatha Unka Punrikshan Niyam, 2000 made under the Indian Stamp Act, 1899 (No. 2 of 1899);".

3. Amendment of Section 30 :-

In sub-section (1) of Section 30 of the Principal Act, the words "a Tahsildar" shall be omitted.

4. Amendment of Section 34 :-

In clause (c) of Section 34 of the Principal Act for the word "fifty" the words "one thousand" shall be substituted

5. Amendment of Section 35 :-

In sub-section (3) of Section 35 of the Principal Act, for the word "apply", the words "apply along with affidavit" shall be substituted.

6. Amendment of Section 36 :-

In sub-section (1) of Section 36 of the Principal Act, for punctuation full stop ".", the punctuation colon ":" shall be substituted.

(2) In sub-section (1) of Section 36 of the Principal Act, the following shall be inserted, namely:--

"Provided that during the proceedings, maximum four adjournments may be granted to each party and each adjournment shall be granted only with costs."

7. Amendment of Section 46 :-

In clause (a) of Section 46 of the Principal Act, for the words, figures and symbols "the Indian Limitation Act, 1908 (IX of 1908)", the words, figures and symbols "the Limitation Act, 1963 (36 of 1963)" shall be substituted.

8. Amendment of Section 52 :-

In sub-section (2) of Section 52 of the Principal Act, for the punctuation full stop ".", the punctuation colon ":" shall be substituted.

(2) In sub-section (2) of Section 52 of the Principal Act, the following shall be inserted, namely:--

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

(3) In sub-section (3) of Section 52 of the Principal Act for the punctuation full stop ".", the punctuation colon ":", shall be substituted.

(4) In sub-section (3) of Section 52 of the Principal Act the following shall be inserted, namely:--

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

9. Amendment of Section 53 :-

In Section 53 of the Principal Act, for the words, figures and symbols "the Indian Limitation Act, 1908 (IX of 1908)" and "review", the words, figures and symbols "the Limitation Act, 1963 (36 of 1963)" and "review and revision" shall be substituted respectively.

10. Amendment of Section 54 :-

For Section 54 of the Principal Act, the following shall be substituted, namely:--

"54. Pending revision.--

Notwithstanding anything contained in this chapter, all revisions pending before any Revenue Officer, immediately before the coming into force of the Chhattisgarh Land Revenue (Amendment) Act, 2013, shall be heard and decided by such Revenue Officer as if this Act had not been enacted."

11. Amendment of Section 57 :-

(1) In sub-section (2) of Section 57 of the Principal Act, for the words "Sub-Divisional Officer" the word "Collector" shall be substituted.

(2) Sub-section (3) and (4) of Section 57 of the Principal Act, shall be deleted.

12. Amendment of Section 59 :-

In sub-section (2-a) of Section 59 of the Principal Act, for the words "Sub-Divisional Officer", the words "Competent Authority" shall be substituted.

13. Amendment of Section 78 :-

Section 78 of the Principal Act, shall be deleted.

14. Amendment of Section 81 :-

(1) For sub-section (4) of Section 81 of the Principal Act, the following shall be substituted, namely:--

"(4) The fair assessment on the land used for non-agricultural purposes shall be fixed in accordance with the rules made under Section 59."

(2) Sub-section (6) of Section 81, of the Principal Act, shall be deleted.

15. Amendment of Section 97 :-

Section 97 of the Principal Act, shall be deleted.

16. Amendment Section 98 :-

For Section 98 of the Principal Act, the following shall be substituted, namely:--

"98. Fair assessment.--

The fair assessment of land used for agricultural purposes shall be

calculated and fixed in accordance with the principles and restrictions set-forth in Section 81 and land used for non-agricultural purposes shall be fixed in accordance with the rules made under Section 59."

17. Amendment of Section 99 :-

Section 99 of the Principal Act, shall be deleted.

18. Amendment of Section 100 :-

For Section 100 of the Principal Act the following shall be substituted, namely:--

"100. Fixation of fair assessment at the time of revision.--

In case 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 case of agricultural land one and 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:

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."

19. Amendment of Section 119 :-

In sub-section (1) of Section 119 of the Principal Act, for the word "twenty-five", the words "one thousand rupees" shall be substituted.

(2) After sub-section (1) of Section 119 of the Principal, Act, the following shall be inserted, namely:--

"(1-A) As required under Section 112, if Registering Officer does not provide the information prescribed under rules made under Section 110 within one month then Tahsildar may impose fine not exceeding five thousand rupees, which shall be recoverable as arrears of land revenue."

20. Amendment of Section 128 :-

In sub-section (2) of Section 128 of the Principal Act, for the words

"one rupee", the words "one hundred rupees" shall be substituted.

21. Amendment of Section 130 :-

In section 130 of the Principal Act, for the word "fifty", the words "five thousand" shall be substituted.

22. Amendment of Section 132 :-

In Section 132 of the Principal Act, for the words "one thousand", the words "ten thousand" shall be substituted.

23. Substitution of Section 133 :-

For Section 133 of the Principal Act, the following shall be substituted, namely:--

"133. Removal of obstruction.--

If a Tahsildar finds that any obstacle impedes the free use of a recognized road, path or common land of a village or impedes the road 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, he 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 Tahsildar stating the facts and circumstances of the case, to a penalty which may extend to ten thousand rupees."

24. Amendment of Section 143 :-

In Section 143 of the Principal Act, the word "ten percent" shall be omitted.

25. Amendment of Section 165 :-

After sub-section (4) of Section 165 of the Principal Act, the following shall be inserted, namely:--

"(4-A) (i) Notwithstanding anything contained in sub-section (1), Bhumiswami shall not transfer his land held for agriculture to any person who is not a bonafide agriculturist.

Explanation.--For the purpose of this sub-section, the expression "transfer" shall not include the following, namely:--

(a) transfer by way of inheritance;

(b) transfer to legal heirs by way of will;

- (c) land acquisition in public interest;
 - (d) transfer to or for any religious or charitable purpose, for trust, health, culture purpose, educational institutions;
 - (e) transfer to department of State Government and Central Government, Units Corporations and Companies, which are undertaking of the Government;
 - (f) land purchased by such person, who became landless due to land acquisition in public interest; or
 - (g) with the permission of the collector, for any person and to the extent as may be prescribed by the Government in this behalf.
- (ii) The State Government may, by notification, make rules for carrying out the provisions of this sub-section."

26. Amendment of Section 172 :-

(1) For second proviso to sub-section (1) of Section 172 of the Principal Act, the following shall be substituted, namely:--

"Provided further that if a Bhumiswami of a land, which is reserved for a purpose other than agriculture in the development plan but is used for agriculture, wishes to divert his land or any part thereof to the purpose for which it is reserved in the development plan, or land, or any part thereof which is assessed for agricultural purpose and situated in any area other than an area covered by development plan to the purpose of industry, a written information of his intention given by Bhumiswami to the Competent Authority shall be sufficient and no permission is required for such diversion."

(2) Sub-section (6-a) of Section 172 of the Principal Act shall be deleted.

27. Amendment of Section 200 :-

In Section 200 of the Principal Act, for the words "two hundred" the words "two thousand" shall be substituted.

28. Amendment of Section 227 :-

In section 227 of the Principal Act, for the words "twenty" the words "one thousand" shall be substituted.

29. Amendment of Section 234 :-

(1) For sub-section (2) of Section 234 of the Principal Act, the following 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, as prescribed, it shall be finalised by the Sub-Divisional Officer."

(2) For sub-section (3) of Section 234 of the Principal Act, the following shall be substituted, namely---

"(3) A copy of the Nistar Patrak so finalised shall be kept in the office of the Gram Panchayat."

(3) After sub-section (3) of Section 234 of the Principal Act, the following shall be added, namely:--

"(4) On a resolution passed by the Gram Sabha by a majority of not less than two third of members present and voting, the Sub-Divisional Officer with the prior sanction of the Collector and after making such enquiry, may amend the Nistar Patrak."

30. Amendment of Section 257 :-

(1) In Section 257 of the Principal Act, clause (a) shall be read as clause (a-1).

(2) In Section 257 of the Principal Act, before clause (a-1), the following new clause shall inserted, namely:--

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