

Abolition Of Jagirs And Land Reforms Act, 1952

11 of 1952

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SCHEDULE 1 :- THE SCHEDULE

Abolition Of Jagirs And Land Reforms Act, 1952

11 of 1952

An Act to provide for the resumption of all Jagir-lands in the State and for certain other measures of land reforms. It is settled policy of the Government of India to abolish the institution of intermediaries between the Government and the actual tilters of the soil and in pursuance of that policy some of the States have already enacted laws for the purpose. The Vindhya Pradesh Jagirdari Abolition Bill is designed to achieve the end already achieved elsewhere: Be it enacted as follows :

CHAPTER 1

PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called The Abolition of Jagirs and Land Reforms Act, 1952 (Vindhya Pradesh).

(2) It extends to the whole of 1[Vindhya Pradesh Region].

(3) It shall come into force on such date 2 as the State

Government may, by notification in the Official Gazette, appoint.

1. Substituted for the words "State of Vindhya Pradesh" by M.P.A.L.O., 1956 (w.e.f. 1-11-1956).
2. Came into force w.e.f. 30-6-1953 vide Revenue Depii. Not in. No. 221, dated 30-6-1953 and published in V.P. Gazette Extraordinary dated 30-6-1953.

2. Definitions :-

In this Act, unless the context otherwise requires-

- (a) agricultural year means the year beginning on the 1st day of July and ending on the 30th day of June next following;
 - (b) Land Reform Commissioner means a person appointed by the State Government to perform the functions of a Land Reform Commissioner under this Act;
 - (c) Jagirdar means any person recognized as a Jagirdar under any law, rules, regulations, or orders governing Jagirdar in force in any part of the State and includes an Illakedar, a Pawaidar, a Sub-Pawaidar (in direct relation with the Government or otherwise), an Ijaredar, an Ubaridar, a Zamindar, a Muafidar and a Grantee of Jagir-land from a Jagirdar;
 - (d) Jagir-land means any land in which or in relation to which any Jagirdar has rights as such in respect of land revenue or any other kind of revenue;
 - (e) Khudkasht means any land cultivated personally by a Jagirdar;
 - (f) land cultivated personally means land cultivated on ones own account-
 - (i) by ones own labour; or
 - (ii) by the labour of any member of ones family; or
 - (iii) by servants on wages payable in cash or kind (but not in a share of the crops) or by hired labour under ones personal supervision or under supervision of any member of ones family:Provided that in the case of a person who is a widow or a minor or is subject to any physical or mental disability or who is in service as a member of the armed forces of the Union, land shall be deemed to be cultivated personally even without such personal supervision;
 - (g) prescribed means prescribed by rules made under this Act;
 - (h) State means the 1[Vindhya Pradesh Region];
 - (i) 2[* * *]
- 3[(i-i) Tahsildar includes an Additional Tahsildar appointed under Section 4-A and a Naib-Tahsildar whether exercising the powers of a Tahsildar or not];

(j) tenant includes a sub-tenant and a crop sharer 4[but does not include a person who under any arrangement with a Jagirdar or tenure-holder is entitled to a right merely to a share in produce grown on the land in consideration of such person assisting or participating with the Jagirdar or tenure-holder in the actual performance of agricultural operation];

(k) village means any local area recorded as a village in the revenue records of the district in which it is situate;

(l) village rate means the rate fixed for a particular class of soil in the current settlement and in an area which has not been brought under settlement, the rate fixed by the 5[Collector], after taking into consideration the prevailing rate for similar class of soil in village or surrounding villages.

(2) Words and expressions used but not defined in this Act shall have the same meaning as is assigned to them in the Rewa Land Revenue and Tenancy Code, 1935; Ajaigarh State Land Revenue Act No. III of 1947; Maihar Raj Kanoon Mal; Kanoon Lagan and Malguzari Riyasat Chhatarpur; Model Land Revenue and Tenancy Code, 1947; Orchha Rajya Jagirdari Vidhan (Act No. IV of 1941); or Panna Land Revenue Manual, as the case may be.

1. Substituted for "State of Vindhya Pradesh" by M.P.A.L.O., 1956.

2. Clause (i) omitted by Act 1 of 1954 Section 2.

3. Inserted by MP Act 37 of 1965, with retrospective effect from commencement of the Act.

4. Inserted by Act 1 of 1954 Section 2.

5. Substituted for "Deputy Commissioner" by M.P.A.L.O. (Second) Order, 1956.

3. Interpretation :-

Unless the context otherwise requires, the General Clauses Act, 1897 (X of 1897) shall apply for the interpretation of this Act as it applies for the interpretation of an Act of Parliament.

4. Act To Override Other Laws :-

Save as otherwise expressly provided in this Act, the provisions of this Act, and of the rules and orders made there under shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or any instrument being in effect by virtue of any such law or usage, agreement, settlement, grant, Sanad or any decree or order of any Court or other authority.

4A. Appointment Of Additional Tahsildars :-

1[(1) The State Government may appoint as many Additional Tahsildars as it may deem necessary for carrying out the purposes of this Act.

(2) The Additional Tahsildars appointed under sub-section (1) shall have all the powers of a Tahsildar under the Rewa Land Revenue and Tenancy Code, 1935, or under this Act.]

1. Inserted by MP Act 37 of 1965, with retrospective effect from commencement of the Act.

CHAPTER 2

RESUMPTION OF JAGIR-LANDS

5. Resumption Of Jagir-Lands :-

(1) As soon as may be after commencement of this Act, the State Government may, by notification in the Official Gazette, appoint a date for the resumption of any class of Jagir-lands and different dates may be appointed for different classes of Jagir-lands.

(2) The State Government may, by notification in the Official Gazette, vary any date appointed under this section at any time before such date.

(3) The date finally appointed under this section in relation to the resumption of any Jagir-land is hereinafter referred to as the date of resumption of that Jagir-land.

6. Consequences Of Resumption Of Jagir-Lands :-

(1) As from the date of resumption notwithstanding anything contained in any contract, grant or document or in any other law, rule, regulation or order for the time being in force, but save as otherwise provided in this Act-

(a) the right, title and interest of every Jagirdar and of every other person claiming through him 1[* * *] in his Jagir-lands, including 2[rights in respect of any excise revenue and] forests, trees, fisheries, wells, tanks, ponds, water channels, ferries, pathways, village-sites, Hats, bazars and mela-grounds and mines and minerals whether being worked or not, shall stand resumed to the State Government free from all encumbrances;

(b) all rights, titles and interests created in or over the Jagir-land by the Jagirdar or his 3[predecessors-in-interest] shall, as against the State Government, cease and determine.

(c) all rents and cesses in respect of any holding (including any land leased by or on behalf of the Jagirdar for any purpose other than agriculture) in the Jagir-land for any period after the date of

resumption which, but for such resumption, would have been payable to the Jagirdar shall be payable to the State Government;

(d) all revenues, rents, cesses or other dues for the agricultural year in which the date of resumption falls recovered by the Jagirdar before the said date or by the State Government after the said date shall, after deducting there from the expenses of collection at the rate of 10 per cent be rate ably distributed between the Jagirdar and the State Government, the amount to be distributed bearing to the total amount recovered during the agricultural year the same proportion which the period before the date of resumption or 4[the] said date, bears to the whole of the agricultural year;

(e) all arrears of revenue, cesses or other dues in respect of any Jagir-land due from the Jagirdar for any period prior to the date of resumption including any sum due from him under clause (d) and all loans advanced by the State Government or the Court of Wards to the Jagirdar shall continue to be recoverable from such Jagirdar;

(f) the right, title and interest of the Jagirdar or any other person in the Jagir-land resumed under clause (a) shall not be liable to attachment to sale in execution of any decree or other process of any Court, civil or revenue, and any attachment existing on the date of resumption or any order for attachment passed before such date shall, subject to the provisions of Section 73 of the Transfer of Property Act, 1882 (Act IV of 1882) cease to be in force;

(g) (i) a mortgage in possession of the Jagir-land or any part thereof shall cease to have any right to possess such land or part thereof;

(ii) every such mortgage with possession, shall to the extent of the amount secured on the Jagir-land or part thereof, be deemed to have been substituted by a simple mortgage;

(iii) notwithstanding anything contained in the mortgage deed or any other agreement relating to such mortgage the rate of interest payable on such mortgage debt shall, as from the date of resumption, be such as may be prescribed;

(h) subject to any rule made in this behalf, all suits and proceedings relating to the Jagir-land pending in any Court and all proceedings consequent upon any decree or order passed in any such suit or proceeding before the date of resumption shall be stayed.

(2) Nothing contained in sub-section (1) shall :

(a) render the State Government liable for the payment of debts incurred by the Jagirdar before the date of resumption;

(b) operate as a bar to the recovery by the Jagirdar of any sum which becomes due to him by virtue of his rights in the Jagir-land in respect of any period prior to the commencement of the agricultural year in which the date of resumption falls.

1. The words "in respect of any excise revenue or" omitted by Act 1 of 1954 Section 7.

2. Inserted by Ibid.

3. Substituted for the words "predecessor-in-interest" by Act 1 of 1954 Section 7.

4. Inserted by Act 1 of 1954 Section 7.

7. Private Wells, Trees And Buildings :-

Notwithstanding anything contained in Section 6-

(a) the Jagirdar shall continue to remain in possession of his sir and khudkasht to the extent and subject to the conditions and restrictions specified in Chapter IV;

(b) all private wells and trees in abadi and all buildings situated in the Jagir-land belonging to, or held by the Jagirdar or any tenant or other person, shall continue to belong or be held by such Jagirdar, tenant or other person, as the case may be, and the site of the wells or the buildings and any lands appurtenant thereto shall be settled upon such Jagirdar, tenant or other person on such terms and conditions as may be prescribed;

(c) the Jagirdar shall be entitled to retain possession of such groves but not including Mahua groves or orchards as have been planted in the Jagir-land 1[or purchased for valuable consideration by him or any of his predecessors-in-interest] and which are in his possession on the date immediately preceding the date of resumption, on such terms and conditions as may be prescribed.

1. Substituted for the words "by him or by any of his predecessors-in-interest" by Act 1 of 1954 Section 3.

8. Penalty For Recovering A Sum To Which A Jagirdar Is Not Entitled :-

(1) On and from the date of resumption, no Jagirdar shall recover or receive from any tenant or from any contractor or other person, any rent, cess, Jama or other dues, which he is not entitled to recover or receive under the provisions of this Act.

(2) Where any Jagirdar recovers any rent, cess or other dues in contravention of the provisions of sub-section (1), he shall be liable to pay the State Government as penalty such sum not exceeding

rupees five hundred as the Tahsildar having jurisdiction may, after making enquiry in the prescribed manner direct and the Tahsildar may further direct the refund of such rent, cess or other dues.

(3) All sums recoverable under sub-section (2) shall be realized as arrears of land revenue.

9. Contracts And Agreements Entered Into After The Enforcement Of This Act Not To Be Recognized For Certain Purposes :-

1[Any contract or agreement made between a Jagirdar and any person on or after the date of the commencement of this Act, which has the effect directly or indirectly of entitling any Jagirdar to receive, on account of compensation, an amount higher than what the transferor Jagirdar, but for the contract or agreement, be entitled to receive for the same property under this Act, shall not be recognized for the purposes of determining the amount of compensation at any such higher rate under this Act].

1. Substituted by Act 1 of 1954 Section 4.

CHAPTER 3 **COMPENSATION**

10. Duty To Pay Compensation :-

(1) Subject to the other provisions of this Act, the State Government shall be liable to pay to every Jagirdar whose Jagir-land has been resumed under Section 5, such compensation as shall be determined in accordance with the principles laid down in the Schedule.

(2) Compensation payable under this section shall be due as from the date of resumption and shall carry simple interest at the rate of 3-1/2 % per annum from that date up to the date of payment:

Provided that no interest shall be payable on any amount of compensation which remains unpaid for any default of the Jagirdar, his agent or his representative-in-interest.

11. Amount Of Maintenance :-

Any person, who, under any law or custom having the force of law is entitled to receive a maintenance allowance out of the income of any Jagir, shall be entitled to receive out of the compensation or its installments payable to the Jagirdar, such amount for maintenance, as the Land Reforms Commissioner may fix, after taking into

consideration-

- (i) the amount of maintenance allowance which, that person used to receive from the Jagirdar before the date of resumption;
- (ii) the net income of the Jagirdar from the Jagir at the time of fixing the said maintenance allowance;
- (iii) the net amount of compensation payable to the Jagirdar; and
- (iv) such other matters as may be prescribed.

12. Amount Payable To A Co-Sharer :-

Any co-sharer of a Jagirdar, who under any law or custom in force at the time of the commencement of this Act, is entitled to receive any share out of the income of the Jagir shall be entitled to receive such amount out of the compensation payable to the Jagirdar under Section 10 as bears to the total amount of compensation the same proportion which his share of the income bears to the total income from the Jagir.

13. Submission Of Statement Of Claim :-

(1) Every Jagirdar whose Jagir-land has been resumed under Section 5 shall, within two months from the date of resumption filed in the prescribed form, a statement of claim for compensation before the Land Reforms Commissioner.

(2) Every such statement of claim shall contain the following particulars, namely :-

- (i) the name of the Jagirdar;
- (ii) the number and name of villages comprised in his Jagir-lands together with the particulars of area, and the income of each such village;
- (iii) the amount of gross income of the Jagir-lands with details of income from the various sources specified in the Schedule;
- (iv) the den, barbast, the cesses and other dues which the Jagirdar pays to the State Government;
- (v) the amount of dues and debts recoverable from the Jagirdar under clause (e) of sub-section (1) of Section 6;
- (vi) the names of persons, if any, entitled to a maintenance allowance, together with the amount of maintenance allowance payable to each such person;
- (vii) the names of co-sharers, if any, in the Jagir-land, together with particulars of the share of each such co-sharer;
- (viii) such other particulars as may be prescribed.

(3) Every such statement of claim shall be signed and verified in

the manner provided for the signing and verification of plaints in the Code of Civil Procedure, 1908 (Act V of 1908).

14. Determination Of Compensation And Dues And Other Deductions :-

(1) On receipt of a statement of claim under Section 13, or if no such statement is received within the period specified in that section on the expiry of that period, the Land Reforms Commissioner shall determine :-

(a) the amount of compensation payable to the Jagirdar under Section 10;

(b) the amount recoverable from the Jagirdar under clause (e) of sub-section (1) of Section 6;

(c) the amount of annual maintenance allowance, if any, payable under Section 11;

(d) the amounts payable to the co-sharers of the Jagirdar, if any, under Section 12.

(2) The Land Reforms Commissioner shall serve as soon as may be, a copy of his decision under sub-section (1) upon the State Government, the Jagirdar, the person entitled to maintenance allowance, if any, and the co-sharers, if any.

15. Deduction From The Compensation Amount Of Debts Due From The Jagirdar :-

The amount recoverable from a Jagirdar under clause (e) of sub-section (1) of Section 6, as determined under clause (b) of Section 14 shall be deducted from the compensation payable to the Jagirdar under Section 10.

16. Payment Of Compensation Money :-

(1) After the amount of compensation payable to a Jagirdar under Section 10 is determined under clause (a) of sub-section (1) of Section 14 and the amount specified under Section 15 is deducted from it the balance shall be divided into such installments not exceeding ten as may be prescribed.

(2) The amounts determined under clauses (c) and (d) of sub-section (1) of Section 14 shall be deducted and paid annually to the persons entitled thereto out of the annual installment referred to in sub-section (1) and the remaining amount of the installment shall be paid to the Jagirdar in such manner as may be prescribed.

(3) Where compensation under this Act is payable to-

(a) a minor or a person suffering from a legal disability who is under the superintendence of the Court of Wards, the compensation money shall be paid to the Court of Wards;

(b) a minor or a person suffering from a legal disability who is 1[x x x] under the superintendence of the Court of Wards, the compensation money shall be deposited in the Court of District Judge having jurisdiction and shall be disposed of in accordance with the directions of that Court.

(4) The payment of compensation money, under this Act, to a Jagirdar and co-sharer, 2[,] if any, 3[and to] persons entitled to maintenance allowance shall be a full discharge of the State Government from the liability to pay compensation in lieu of the resumption of his Jagir-land but shall not prejudice the rights to which any other person may be entitled, by due process of law to enforce against the person to whom any amount has been so paid.

1. The words "not" omitted by M.P. Act 1 of 1954 Section 7.

2. The sign comma was inserted, *ibid*.

3. Inserted by *Ibid*.

17. Interim Compensation :-

(1) Where within the period of nine months from the date of resumption the compensation payable to a Jagirdar is not determined, the State Government shall, subject to such conditions (including conditions relating to the obtaining of a security or indemnity bond) as may be prescribed, direct the payment to such Jagirdar which shall-

(a) if no deductions are to be made under Sections 14 and 15, be equal to one-tenth of the estimated amount of compensation;

(b) if deductions are to be made as aforesaid, be such amount as may be prescribed.

(2) An interim compensation payable under this section shall be paid within eighteen months from the date of resumption and any compensation so paid shall be adjusted against the amount of compensation finally determined under this Act.

18. Determination Of Questions Of Title :-

If, during the course of an enquiry by the Land Reforms Commissioner, any question arises in respect of a title to or right or interest in the Jagir-lands -resumed under Section 5, the Land Reforms Commissioner shall after holding such enquiry as he may

deem fit decide such 1[question].

1. Substituted for the word "questions" by Act 1 of 1954 Section 7.

19. Payment Of Compensation In Case Of Death Of Jagirdar :-

Where any person entitled to receive compensation under this Act, dies before such compensation is paid to him, it shall be paid to his 1[heirs, successors-in-interest or] legal representatives.

1. Inserted by Ibid.

CHAPTER 4

SIR OR KHUDKASHT LAND

20. Application By Jagirdar For Allotment Of Land For Personal Cultivation :-

(1) Any Jagirdar whose Jagir-land has been resumed under this Act may, within ninety days from the date of resumption, apply to the Tahsildar within whose jurisdiction such land is situated for the allotment to him of land for personal cultivation.

(2) An application under sub-section (1) shall be in such form as may be prescribed and shall contain the following particulars :-

- (a) the description of the Jagir-land;
- (b) the date of resumption of the Jagir-land;
- (c) the names of the co-sharers, if any, in the Jagir-land and the extent of their shares;
- (d) the area of sir and Khudkasht land, if any, under the personal cultivation of the Jagirdar for a continuous period of three years immediately preceding the date of resumption;
- (e) the area of cultivable waste land;
- (f) such other particulars as may be prescribed.

21. Enquiry By Tahsildar :-

(1) On receipt of an application under Section 20, the Tahsildar shall issue notice to the applicant and other interested persons, if any, and after giving the parties an opportunity of being heard, shall make an enquiry in the prescribed manner.

(2) After making the enquiry referred to in sub-section (1), the Tahsildar may, having due regard to the provisions hereinafter contained in this Chapter, pass an order making an allotment to the Jagirdar of such land for personal cultivation as may be specified in the order.

(3) Where any land is allotted to a Jagirdar for personal cultivation under sub-section (2) the Tahsildar shall issue a patta to the Jagirs in such form as may be prescribed in respect of the land so allotted.

22. Allotment Of Sir Or Khudkasht Land :-

(1) A Jagirdar shall be allotted all sir or khudkasht land which he was cultivating personally for a continuous period of three years immediately preceding the date of resumption.

(2) A Jagirdar whose Jagir-lands have been resumed under this Act-

(a) who is not allotted any sir or khudkasht land under sub-section (1), or

(b) who had been allotted any such land which is less than the minimum area,

may if he applies in this behalf, be allotted any other sir or khudkasht land in his personal cultivation at the date of resumption or where there is no such land or sufficient area of such land any unoccupied cultivable waste land in the Jagir-land subject to availability of such land, so that-

(i) in a case falling under clause (a), the total area allotted to him under this sub-section is equal to the minimum area, and

(ii) in a case falling under clause (b), the area allotted to him under this sub-section, together with the area allotted under sub-section (1) is equal to the minimum area.

Explanation.-In this sub-section, the expression "minimum" means ten per cent of the total cultivated land in the Jagir-land at the date of resumption, or 30 acres whichever is greater :

Provided that in no case the minimum area shall exceed 250 acres.

23. Terms And Conditions Of Land Allotted To Jagirdar :-

Any land allotted to a Jagirdar under Section 22 shall-

(a) in the case of sir or khudkasht land on which a bandh has been constructed by the Jagirdar at any time at his own cost, or on which a bandh has been purchased by him for valuable consideration after the last settlement, be settled upon him as a pachpan-paintalis tenant;

(b) in the case of any other land, be settled upon him as a pattedar tenant at the village rate.

24. Sir Or Khudkasht Land In Lieu Of Maintenance

Allowance :-

Any sir or khudkasht land granted by a Jagirdar to a person in lieu of maintenance allowance payable from the Jagir-lands which is under the personal cultivation of such person on the date immediately preceding the date of resumption shall be deemed to be settled on such person as a pattedar tenant.

25. Demarcation Of Sir Or Khudkasht In Joint Estates :-

(1) Where on the date immediately preceding the date of resumption of any Jagir-land a Jagirdar was cultivating personally any sir or khudkasht land jointly with any other person, the Land Reforms Commissioner shall demarcate 1[and separate the] share of the Jagirdar from the share of such other person.

(2) The share of the Jagirdar so demarcated and separated shall, for the purposes of Section 22, be deemed to be his sir or khudkasht as the case may be.

1. Inserted by Act 1 of 1954 Section 7.

CHAPTER 5

RIGHTS OF TENANTS, GROVE HOLDERS AND OCCUPANTS IN JAGIR-LAND

26. Rights And Liabilities Of Tenants And Sub-Tenants In Sir Land :-

Notwithstanding anything in Chapter IV, every person who immediately before the date of resumption of any Jagir-land holds or occupies any land as a tenant of sir land 1[allotted to Jagirdar] shall continue to occupy or hold such land as a sub-tenant of the Jagirdar 2[and shall be liable to pay such rent] as may, subject to any law or custom having the force of law or any decree or order of any Court, be agreed upon by the Jagirdar and such person.

1. Inserted by Act 1 of 1954 Section 5.

2. Inserted by Ibid.

27. Rights Of Other Tenants And Grove Holders :-

(1) Every tenant in a Jagir-land, who at the date of resumption, is entered in the revenue records as a pachpan-paintalis tenant, an occupancy tenant, a pattedar tenant, or a hereditary tenant, shall continue to have rights as such tenant.

(2) Every person, who at the date of resumption holds any Jagir-land as a rent free grantee or non-occupancy or gairhaqdar tenant,

or holds any grove in such land, shall continue to hold such land or grove, as the case may be, subject to such terms and conditions as may be prescribed.

28. Certain Occupants Of Lands To Be Pattedar Tenants :-

(1) Subject to the provisions of sub-section (2) every person who is entered in the revenue records 1[for a continuous period of three years] as an occupant of any Jagir-land at the date of resumption, shall be deemed to be pattedar tenant in respect of such land which shall be assessed at the village rate.

(2) Nothing in sub-section (1) shall apply to any sir or khudkasht land, which is allotted to the Jagirdar under Section 22 or any grove land possession of which the Jagirdar is entitled to retain under clause (c) of Section 7.

1. Inserted by Act 1 of 1954 Section 6.

CHAPTER 6

MISCELLANEOUS

29. Officers Holding Inquiries To Have Powers Of Civil Courts :-

Any officer or authority holding an inquiry or hearing an appeal under this Act shall have the power of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908) relating to-

- (a) proof of facts by affidavits;
- (b) enforcing attendance of any person and his examination on oath,
- (c) production of documents,
- (d) issuing of commissions,

and every such officer or authority shall be deemed to be a Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1889).¹

1. See now Cr. P.C. 1973(2 of 1974).

30. Powers To Enter Upon Land, And To Make Survey :-

Subject to any rules made in this behalf, any officer or authority holding an inquiry under this Act may, for the purpose of carrying out the provisions of this Act,-

- (a) enter at any time upon any Jagir-land along with such public servants as he may consider necessary;
- (b) make a survey or take measurement of, or do any other act on,

any Jagir-land.

31. Appeals Against The Orders Of Tahsildar :-

(1) Any person aggrieved by an order of the Tahsildar under 1[sub-section (2)] of Section 21 or Section 8 may within thirty days from the date of communication of such order to him appeal to the 2[Collector], whose decision thereon shall be final.

(2) The court-fee payable on a memorandum of appeal under sub-section (1) shall be one rupee.

1. Substituted for the word and figure "sub-section 3" by Act 1 of 1954 Section 7.

2. Substituted for "Deputy Commissioner" by M.P.A.L.O., 1957.

32. Appeals From The Orders Of Land Reform Commissioner :-

(1) The State Government or any person aggrieved by the decision of the Land Reform Commissioner under Section 14 or 18 or 25 may within ninety days from the date of communication of such decision appeal to the Board of Revenue and the decision of the Board of Revenue shall be final.

(2) The court-fee payable on a memorandum of appeal under sub-section (1) shall be five rupees.

(3) An appeal under sub section (1) shall be heard and decided by a bench of the Board of Revenue consisting of two members.

33. Proceedings Under This Act To Be Judicial Proceedings :-

A proceeding before any officer or authority under this Act shall be deemed to be judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code.

34. Procedure :-

The Land Reform Commissioner, or any other officer holding an enquiry under this Act, and the Board of Revenue and the 1[Collector] hearing appeals from the orders of the Land Reform Commissioner or the Tahsildar, as the case may be, shall so far as may be, follow the procedure applicable to the proceedings under the Rewa Land Revenue and Tenancy Code, 1935 and shall have the same powers, in relation to proceedings before them as a Revenue Officer has in relation to original or appellate proceedings,

as the case may be, under 2[the said [Code].

1. Substituted for "Deputy Commissioner" by M:P.A.L.O., 1957.

2. Substituted for the word "Act" by Act 1 of 1954 Section 7.

35. Court-Fees And Process-Fees :-

Save as otherwise, expressly provided in this Act, there shall be paid such court-fees on every application filed in a proceeding under this Act and such fees for the issue or execution of any process, as may be prescribed.

36. Delegation Of Powers :-

The Land Reform Commissioner may, with the previous sanction of the State Government, by notification in the Official Gazette, direct that any power conferred or any duty imposed on him by or under this Act shall, under such conditions and restrictions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers not below the rank of Tahsildar as may be specified.

37. Bar Of Jurisdiction Of Civil Courts :-

(1) No civil Court shall have jurisdiction to settle, decide or deal with any question which is, by or under this Act required to be settled, decided or dealt with by the Tahsildar, the 1[Collector], the Land Reform Commissioner, or the Board of Revenue.

(2) Except otherwise provided in this Act, no order of a Tahsildar, a Collector; the Land Reform Commissioner, or the Board of Revenue under this Act; shall be called in question in any Court.

1. Substituted for "Deputy Commissioner" by M.P.A.L.O., 1957.

38. Protection Of Action Taken Under This Act :-

(1) No suit, prosecution, other legal proceeding shall lie against any person for anything which is in good faith done, or intended to be done in pursuance of this Act, or any rules made there under.

(2) No suit; prosecution or other legal proceeding shall lie against the Government of any damage caused or likely to be caused, or any injury suffered or likely to be suffered by virtue of any provisions of this Act, or by anything in good faith done or intended to be done, in pursuance of this Act, or any rules made there under.

39. Punishment For False Statement :-

Any person who makes any statement in application signed and verified by him under this Act, which is false or which he either knows or has reason to believe to be false or does not believe to be true shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

40. Mode Of Service Of Notice :-

Any notice or other document required to be served by or under this Act may be served-

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at the usual or last known place of abode of that person; or
- (c) by sending it in a registered letter addressed to that person at his usual or last known place of abode; or
- (d) if it is not practicable after due diligence to ascertain the address of the person on whom it should be served, by addressing it to him and by delivering it to some person on the premises, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises; or
- (e) in such other manner as may be prescribed.

41. Jagirs Held For Religious Or Charitable Institutions :-

Notwithstanding anything contained in Chapter III of this Act, the 1[State] Government may in the case of any Jagir held for the maintenance of any religious or charitable institution pay such perpetual annuity and in such installments as may be prescribed, instead of the compensation payable under the provisions of this Act:

Provided that the amount of such annuity shall not be less than the income which will accrue to such institution if the amount of compensation as determined under the provisions of this Act for such Jagir were invested in some Government security bearing interest at 3-1 /2 % per annum.

1. Inserted by Act 1 of 1954 Section 7.

42. Power To Make Rules :-

(1) The State Government may, by notification in the Official

Gazette, make rules for the purpose of carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, the State Government may make rules to provide for-

(a) the interest which may be payable on a mortgage debt from the date of resumption;

(b) the disposal of suits and proceedings relating to Jagir-land resumed under this Act pending in any Court and stayed under this Act;

(c) the terms and conditions subject to which a Jagirdar shall be entitled to retain possession of his private wells, trees in abadi, buildings groves and orchards;

(d) the form in which a statement of claim may be filed under Section 13;

(e) the condition subject to which interim compensation may be given;

(f) the installments in which and the manner in which the compensation may be paid under this Act;

(g) the manner in which the Land Reform Commissioner or the Tahsildar may hold an inquiry under this Act;

(h) the terms and conditions subject to which any rent free grantee, non-occupancy or gairhaqdar tenant may hold any Jagir-land or any other person may hold groves in such land under this Act;

(i) the mode of service of any notice or document to be served under this Act;

(j) the court-fees and process fees payable under this Act;

(k) the manner in which the gross income from mines and minerals worked by the Jagirdar himself may be calculated;

(l) any other matter which is to be or may be prescribed under this Act.

(3) All rules made under this Act shall be laid before the 1[Madhya Pradesh Legislative Assembly] as soon as may be after they are made, and, if a resolution is passed within the next subsequent 14 days on which the Legislative Assembly has sat next after any such rule is laid before it that the rule be 2[annulled] or modified it shall thenceforth be void or operative only subject to the modification made, as the case may be, but without prejudice to the validity of anything previously done there under, or to the making of new rule.

1. Substituted for the words "Vindhya Pradesh Legislative Assembly" by M.P.A.L.O., 1959 (w.e.f. 1-11-1956).

2. Substituted for the words "amended" by Act 1 of 1954 Section 7.
3. Substituted for the words and figures "Last October, 1949" by Act 1 of 1954 Section 8.

SCHEDULE 1

THE SCHEDULE

(See Section 10)

1. Every Jagirdar to be treated as a separate unit.-For purposes of assessment of compensation under this Act, every Jagirdar shall be treated as a separate unit :
Provided that, in the case of a joint Hindu family,-

(a) a father with his male lineal descendants in the male line of descent shall be deemed to be one unit where the father was alive on the date of resumption;

(b) except as provided under clause (a) every other member of a joint Hindu family shall be treated as a separate unit.

Explanation.-Notwithstanding any partition made on or after the 1[date of the commencement of this Act] a family shall be deemed to be joint.

2. Basic year.-The expression "basic year" means the agricultural year immediately preceding the agricultural year in which the date of resumption falls.

3. Calculation of the gross income.-

The gross income of a Jagirdar shall be the total income from his Jagir-land under the following heads-

(a) Rents, including cesses and local rates payable for the basic year by or on behalf of the tenants (other than tenants of sir), sub-pawaidars, grantees at a concessional rate of rent and grove-holders-

(i) in cash,

2[(ii) where the rent is payable in kind or partly in cash and partly in kind, the valuation at the appropriate rent rates fixed at the settlement immediately preceding the date of resumption.]

(iii) where the rent payable has not been determined, the rent determined in accordance with the current settlement rates.

(b) The valuation of rents of the settlement rates-

(i) of khudkasht or sir of the Jagirdar

(ii) of any groves held by the Jagirdar,

3[(bb) Excise Revenue, if any].

(c) Sayar including income from hats, bazars and fisheries calculated on the basis of an average of twelve agricultural years immediately preceding the date of resumption.

(d) In the case of a Jagirdar in receipt of income from forests such income calculated on the basis of an average of twenty agricultural years immediately preceding the date of resumption.

(e) In the case of a Jagirdar in receipt of royalties on account of mines and minerals comprised in his Jagir-lands, the average income on account of royalties calculated on the basis of the annual returns filed by the Jagirdar during the period of twelve years immediately preceding the agricultural year in which the date of resumption falls or of any shorter period for which such returns have been filed.

(f) In the case of a Jagirdar who is himself working any mines or minerals comprised in his Jagir-lands, the average annual gross income from such mines or minerals calculated in the prescribed manner.

4. Calculation of net income.--

The net income of a Jagirdar shall be calculated by deducting from the gross income of the Jagirdar-

(a) any sum which was payable by him in the basic year to the State Government

or a superior landholder on account of land revenue or rent including cesses or local rates;

(b) the agricultural income-tax, if any, paid or payable for the basic year by the Jagirdar;

(c) an amount equal to 2 per cent of the gross income in lieu of the services known as sewa or zabta, if the Jagirdar is liable to render any such service;

(d) the cost of management and an amount in lieu of the irrecoverable arrears of rent, equal to 15 per cent of the gross income;

(e) where the Jagirdar is allotted any sir or khudkasht or other land or any grove under this Act an amount equal to the valuation of rent for such land or grove from the basic year at the current settlement rates (less the land revenue paid by him in respect of such land and grove in the basic year to be ascertained in such manner as may be prescribed);

(f) fifty per cent of the gross income determined under clause (f) of Item 3.

5. Compensation to sub-pawaidar.--

In the case of a sub-pawaidar, the gross and net income of Jagir-lands under paragraphs 3 and 4 respectively, shall be calculated subject to such modification as may be incidental or necessary for the determination of the gross and net income of the sub-pawai.

6. Amount of compensation.--

The compensation payable to a Jagirdar shall be-

(a) where the net income of the Jagir-lands does not exceed Rs. 1,000, fifteen times the net income calculated in accordance with the provisions hereinbefore contained;

(b) where the net income from the Jagir-lands exceeds Rs. 1,000 but does not exceed Rs. 5,000, twelve times the net income calculated in accordance with the provisions hereinbefore contained, but so as not to be less than the maximum compensation payable under clause (a);

(c) where the net income from the Jagir-land exceeds Rs. 5,000, ten times the net income calculated in accordance with the provisions hereinbefore contained, but so as not to be less than the maximum compensation payable under clause (b):

Provided that if the sir or khudkasht land allotted to a Jagirdar-

(a) exceeds 10 per cent of the cultivated area of the Jagir-lands, the multiple of the net income for calculating the amount of compensation shall be reduced by one; and

(b) exceeds 20 per cent of the cultivated area of the Jagir-lands, the multiple of net income for calculating the amount of compensation shall be reduced by two.

7. Compensation payable to a thekedar.--

Where the interests of a Jagirdar in the Jagir-land is held by a thekedar, the amount of compensation payable in respect of the Jagir-lands calculated in accordance with the provisions hereinbefore contained shall be apportioned between the Jagirdar and the thekedar having regard to the following matters :

(a) the premium, if any, paid at the commencement of the theka or the lease;

(b) the loss, if any, caused to the thekedar as a result of determination of the theka;

(c) the gross income and the net income of the Jagir-lands under the theka;

(d) the amount payable by the thekedar annually; and

(e) such other matter as may be prescribed.

1. Substituted for the words and figures "Last October, 1949" by Act 1 of 1954 Section 8.

2. Substituted by MP. Act 37 of 1965 Section 4 with retrospective effect from the beginning of the Act.

3. Inserted by Act 1 of 1954 Section 8.