

Abolition Of Jagirs And Land Reforms Act, 1953

10 of 1953

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SCHEDULE 1 :- SCHEDULE I

Abolition Of Jagirs And Land Reforms Act, 1953

10 of 1953

An Act to provide for the resumption of all Jagir-lands in the State and for certain other measures of land reforms.

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called The Abolition of Jagirs and Land Reforms Act, 1953 (Bhopal).

(2) It extends to the whole of the 1[Bhopal region].

(3) It shall come into force on such date as the State Government may, by notification in the 1[Gazette] of Bhopal, appoint.

1. Substituted for "State of Bhopal" by M.P.A.L.O. 1956.

2. Definitions :-

(1) In this Act, unless the context otherwise requires:--

(i) "agriculture" includes horticulture;

(ii) "Collector" means a Nazim appointed under Section 8 of the Bhopal State Land Revenue Act (Bhopal Act No.IV of 1932) and includes a Naib Nazim or Deputy Collector specially empowered by the State Government to discharge all or any of the functions of a Collector " under this Act;

(iii) "homestead" means a dwelling house together with any courtyard, compound, attached garden or bari, and includes any outbuilding used for agricultural purposes and any tank or well appertaining to the dwelling house;

(iv) "Jagir" means an area of land in one or more villages in the State, the revenue of which has been assigned to a person or persons or any religious or charitable institution under a grant or a Sanad issued by the State Government or any former ruler of the State and includes a life grant and a perpetual grant;

(v) "Jagirdar" means any person recognised as a Jagirdar under any law, rules, regulations or orders governing Jagirs, in force in any part of the State and includes every assignee of land revenue;

(vi) "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;

(vii) "Jagir Commissioner" means a person appointed by the State Government to perform the function of a Jagir Commissioner under this Act;

(viii) "Khud-kasht" means any 1[parcel] of land 1[of a Jagirdar in which the rights of an occupant accrue to him];

(ix) "land cultivated personally" with its grammatical variations and cognate expressions means land cultivated on ones own account by-

(a) ones own labour; or

(b) by the labour of any member of ones family; or

(c) by servants on wages payable in cash or in kind (but not in a share of the produce); or

(d) by hired labour under ones personal supervision or the personal 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 a member of the Armed Forces of the Union, land shall be deemed to be cultivated personally even in the absence of such personal supervision;

- (x) "life grant" means a Jagir held on the tenure "hin hayati";
- (xi) "occupied land" means land held immediately before the commencement of this Act by an occupant and includes land held as Khud-kasht and land comprised in a homestead;
- (xii) "perpetual grant" means a Jagir held on the tenure naslan-bad- naslan;
- (xiii) "prescribed" means prescribed by rules made under this Act;
- (xiv) "previous agricultural year" means the agricultural year immediately preceding the year in which the date of resumption falls;
- (xv) "Revenue Commissioner" means an officer appointed by the State Government to perform the functions of a Revenue Commissioner under this Act;
- (xvi) "sanadi income" means the income of a Jagir mentioned in the Sanad or grant relating to the Jagir;
- (xvii) 2[x x x]
- (xviii) "State" means the 3[Bhopal region];
- (xix) "village rate" means the rate fixed for a particular class of soil in the current settlement.
- (2) All other words and expressions used but not defined in this Act and defined in the Bhopal State Land Revenue Act (Bhopal Act No. IV of 1932) shall have the meaning respectively assigned to them in that Act.
- (3) 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.
1. Substituted by Bhopal Act No. VI of 1955.
 2. Omitted by M.P.A.L.O. 1956.
 3. Substituted for "Gazette of Bhopal" by M.P.A.L.O., 1956.

3. Act To Override Other Laws :-

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

CHAPTER 2

RESUMPTION OF JAGRIS

4. Resumption Of Jagir By The State Government :-

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

(2) The State Government may, by notification published in the 1[Gazette], vary a date specified under sub-section (1) at any time before such date.

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

1. Substituted for "Gazette of Bhopal" by M.P.A.L.O., 1956.

5. Consequences Of Resumption Of Jagir-Lands :-

(1) As from the date of resumption, notwithstanding anything contained in any Sanad, contract, grant or other document or in any 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 the Jagirdar and of every other person claiming through him in his Jagir lands, including grove land, forests, trees, fisheries, wells, tanks, ponds, water channels, ferries, quarries, path-ways, 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 predecessors-in-interest shall, as against the State Government, cease and determine;

(c) all revenues, rent 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 therefrom the expenses of collection at the rate of 10%, be ratably 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, as the case may be, the period after the said date, bears to the whole of the agricultural year;

(e) all arrears of revenue (including zar-i-chaharum and zar-i-panjum), 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 and may, without prejudice to any other mode of recovery, be realised by deducting the amount from the compensation payable to such Jagirdar under Chapter III;

(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 or 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 (IV of 1882), cease to be in force;

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

(2) Nothing contained in this section shall--

(a) render the State Government liable for the payment of debts incurred by the Jagirdar before the date of resumption and the Jagirdar shall be personally liable for the payment of all such debts;

(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:

Provided that no decree for arrears of revenue or rent or order for ejectment in default of payment of an arrear of revenue or rent shall be executed by ejectment of the judgment debtor from his holding;

(c) affect any contract entered into before the 6th day of May, 1952 between a Jagirdar and any other person in respect of any forest, fishery or quarry situated in any Jagir land, for the collection of forest produce or fish or stone from such forest, fishery or quarry, but the consideration in respect of the contract falling due

after the date of resumption shall be payable to the State Government.

6. Private Wells, Buildings, House Site, And Enclosures :-

(1) Notwithstanding anything contained in the last preceding section--

(a) the Jagirdar shall continue to remain in possession of land cultivated personally by him; to the extent and subject to the conditions and restrictions specified in Sections 21 and 22;

(b) (i) all open enclosures used for agricultural or domestic purposes and in continuous possession of the Jagirdar (which includes possession of any predecessor-in-interest) for twelve years immediately preceding the date of resumption;

(ii) all open house-sites purchased for valuable consideration; and

(iii) all private buildings, places of worship, and wells situated in, and trees standing on land included in such enclosures or house-sites, as are specified in clauses (i) and (ii) or land appertaining to such buildings or places of worship within the limits of a village site;

shall continue to belong to or be held by the Jagirdar.

(c) All groves and orchards wherever situate, planted by, belonging to or held by the Jagirdar or any other person, shall continue to belong to or be held by such Jagirdar or other person, as the case may be, and the land on which such groves and orchards are situate, together with any land appurtenant thereto, shall be settled on the Jagirdar or such other person, as the case may be, by the State Government in accordance with the provisions of the Bhopal State Land Revenue Act (Bhopal Act No. IV of 1932).

(d) All tanks, trees, private wells and buildings in or on occupied land belonging to or held by the Jagirdar or any other person shall continue to belong to, or be held by such Jagirdar or other person.

(2) If any question arises whether any property is of the nature referred to in sub-section (1), it shall be referred to the Jagir Commissioner, who after making such enquiry as he deems necessary, may make such order thereon as he deems fit.

7. Cancellation Of Certain Leases :-

Where a Jagirdar has, on or after the 6th day of May, 1952--

(a) granted a lease of his Jagir land or any part thereof for any non-agricultural purpose for a period of three years or more; or

(b) granted a lease or entered into a contract relating to any forest,

fishery, or quarry in his Jagir land for a period of three years or more;

and the Collector of the District is satisfied that such lease or contract was not made or entered into in the normal course of management but in anticipation of legislation for the abolition of Jagirs, the Collector may, subject to any rules made under this Act, by order in writing, cancel the lease or the contract, as the case may be.

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 occupant or resident of the Jagir or from any contractor, or lessee, or other person, any revenue, rent, cess or other dues, which he is not entitled to recover or receive under the provisions of this Act.

(2) Where any Jagirdar recovers any revenue, rent, cess or other dues in contravention of the provisions of sub-section (1), he shall be liable to pay to the State Government, as penalty, such sum not exceeding five hundred rupees, as the Collector may, after making an enquiry in the prescribed manner, direct, and the Collector may further direct the refund of such revenue, rent, cess or other dues.

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

CHAPTER 3 COMPENSATION

9. Liability To Pay Compensation :-

(1) Subject to the other provisions of this Act, there shall be paid to every Jagirdar, whose Jagir land has been resumed under Section 4, 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 2-1/2 per cent per annum from that date upto 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.

10. Amount Of Maintenance :-

Any person who, under any law, rules or any 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 payable to the Jagirdar, such amount for maintenance annually, as the Jagir 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.

11. Amount Payable To A Co-Sharer :-

Any co-sharer of a Jagirdar who under any law, rules or custom having the force of law, is at the commencement of this Act, entitled to a share out of the annual income of the Jagir land, shall be entitled to receive such amount annually out of the annual instalment of compensation payable to the Jagirdar under Section 15, as bears to that instalment the same proportion which his share of the income of the Jagir land bears to the total income of the Jagir.

12. Submission Of Statement Of Claim :-

(1) Every Jagirdar whose Jagir land has been resumed under Section 4 shall, within two months from the date of resumption, file in the prescribed form, a statement of claim for compensation before the Jagir Commissioner.

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

- (i) the description of the Jagir and the full name of the Jagirdar, his age and place of residence;
- (ii) the date and year of the last Sanad or grant;
- (iii) tenure of the Jagir whether hereditary (naslan-bad-nas-lan) or for life time only (hin hayati);
- (iv) the Sanadi income of the Jagir;
- (v) the number and names of villages comprised in his Jagir land together with the particulars of area and the income of each such village;
- (vi) the amount of the gross income of the Jagir land with details of

income from the various sources specified in the Schedule;

(vii) the cess (abwab) and other dues such as zar-i-chaharum and zar-i-panjum, if any, which the Jagirdar pays to the State Government;

(viii) the amount of dues and debts recoverable from him under clause (e) of sub-section (1) of Section 5;

(ix) the names of persons, if any, entitled to a maintenance allowance, together with the amount of maintenance allowance payable to each such person;

(x) the names of co-sharers, if any, in the Jagir land together with the particulars of the share of each such co-sharer;

(xi) 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).

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

(1) On receipt of a statement of claim under Section 12, or if no such statement is received within the period specified in that section, on the expiry of that period, the Jagir Commissioner shall, after making such enquiry as he deems fit, determine--

(a) the total amount of compensation payable to a Jagirdar in accordance with the principles specified in the Schedule;

(b) the amount recoverable from a Jagirdar under clause (e) of sub-section (1) of Section 5;

(c) the amount of annual maintenance allowance, if any, payable under Section 10;

(d) the amount payable to the co-sharers of the Jagirdar, if any, under Section 11.

(2) The Jagir 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.

14. 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 5 as determined under clause (b) of Section 13 shall be deducted from the total compensation payable to the Jagirdar under Section 9.

15. Payment Of Compensation Money :-

(1) After the amount of compensation payable to a Jagirdar under Section 9 is determined and the amount specified in Section 14 is deducted therefrom, the balance of the compensation shall be divided into such number of annual instalments not exceeding fifteen as may be prescribed.

(2) The amounts determined under clauses (c) and (d) of sub-section (1) of Section 13 shall be deducted and paid annually to the persons entitled thereto, out of the annual instalment referred to in sub-section (1) and the remaining amount of the instalment shall be paid to the Jagirdar.

(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 a 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 not under the superintendence of a Court of Wards, the compensation money shall be deposited in the Court of the District Judge having jurisdiction and shall be disposed of in accordance with the directions of that Court;

(c) a waqf, trust, endowment for the benefit of a religious or charitable institution, the compensation money shall, subject to any directions of the State Government, be deposited for and on behalf of the waqf, trust or endowment, as the case may be, with such authority or bank as may be prescribed.

(4) The payment of compensation money to a Jagirdar and to persons entitled to a maintenance allowance and to co-sharers, if any, shall be a full discharge of the State Government from the liability to pay compensation in lieu of the resumption of his Jagir lands; 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.

16. Interim Compensation :-

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

(i) if no deductions are to be made under Sections 13, 14 and 15, be equal to one-tenth of the estimated amount of compensation;
(ii) 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.

17. Determination Of Question Of Title :-

If, during the course of an enquiry by the Jagir Commissioner, any question arises in respect of a title to or right or interest in the Jagir lands resumed under Section 4, the Jagir Commissioner shall, after holding such inquiry as he may deem fit decide such questions.

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

Where the Jagirdar who is entitled to receive any compensation under this Act dies before the full amount of compensation is paid to him, such amount of compensation as remains outstanding shall be paid to his legal representatives in the same manner and subject to the same conditions as are applicable to the Jagirdar.

CHAPTER 4

KHUD-KASHT LAND

19. Application For Allotment Of Land For Personal Cultivation :-

(1) Any Jagirdar whose Jagir land has been resumed under this Act and every shikmi under a Jagirdar who has been in possession of Khud-kasht land of the Jagirdar for more than one agricultural year, immediately preceding the agricultural year in which the date of resumption falls, may, 1[within such time as may be prescribed], apply to the Tahsildar, within whose jurisdiction such land or the major portion of such land is situate 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 total area of the Jagir land under cultivation at the date of resumption;
 - (d) the names of the co-sharers if any, in the Jagir land and the extent of their shares (in the case of a Jagirdar only);
 - (e) the area of Khud-kasht land, if any, under the personal cultivation of--
 - (i) the Jagirdar at the date of resumption, or
 - (ii) a shikmi for more than one year immediately preceding the date of resumption;
 - (f) the area of cultivable waste land (in the case of a Jagirdar only);
 - (g) such other particulars as may be prescribed.
1. Substituted by Bhopal Act No. XI of 1954.

20. Enquiry By Tahsildar :-

- (1) On receipt of an application under Section 19, 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 allotment to the Jagirdar or the shikmi, as the case may be, of such land for personal cultivation as may be specified in the order.
- (3) Where any land is allotted to a Jagirdar or shikmi, as the case may be, for personal cultivation under sub-section (2), the Tahsildar shall issue a patta to the Jagirdar or shikmi, as the case may be, in such form as may be prescribed in respect of the land so allotted.

21. Allotment Of Land For Personal Cultivation :-

- (1) A Jagirdar shall be allotted all Khud-kasht land which he was cultivating personally for a continuous period of five agricultural years immediately preceding the agricultural year in which the date of resumption falls and also such other land as he has reclaimed from waste land during the period of three years immediately preceding the 6th day of May, 1952 and which is in his personal cultivation on the date of resumption.
- (2) A shikmi under the Jagirdar shall be allotted all Khud-kasht land which has been in his possession for more than one year on the date of resumption.
- (3) A Jagirdar whose Jagir land has been resumed under this Act

and who, at the date of resumption:--

(a) does not hold any land for personal cultivation; or

(b) holds land for personal cultivation whether as Khud-kasht or as occupants holding, anywhere in the State, and the two together being less than the minimum area;

shall be allotted out of the available cultivable land in the Jagir or elsewhere so much area of land for personal cultivation as--

(i) in a case falling under clause (a) is equal to the minimum area; and

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

Provided that if any Jagirdar has, on or after the 6th day of May, 1952, transferred any area of land held by him as occupant outside his Jagir, the area so transferred shall be taken into account in determining the minimum area to be allotted to a jagirdar under this sub-section :

Provided further that if any land allotted to a Jagirdar under this sub-section is not cultivated personally by him within three years of the date of allotment, or ceases to be cultivated personally by him at any time thereafter, the Collector may after holding the prescribed enquiry and after giving the Jagirdar a reasonable opportunity of being heard direct that the land shall be deemed to have reverted to the State Government and on any such direction being issued the Jagirdar shall handover possession of the land to the Collector or to such person as the Collector may direct.

"Explanation".--In this sub-section the expression "minimum area" means 10 per cent of the total cultivated land in the Jagir on the date of resumption (subject to a maximum of 50 acres), whichever is greater.

22. Terms And Conditions Of Land Allotted For Personal Cultivation :-

(1) Any land allotted to a Jagirdar for personal cultivation under Section 21 shall be deemed to be held by the Jagirdar as an occupant thereof and shall be assessed at the village rate in accordance with the provisions of the Bhopal State Land Revenue Act, 1932 (Bhopal Act IV of 1932).

(2) Any land allotted to shikmi for personal cultivation under Section 21 shall be deemed to be held by him as an occupant :

Provided that if the rent of such land exceeds the amount of the rent payable at the village rate, the Collector shall, on the

application of shikmi, fix the rent at the village rate.

23. Khud-Kasht Allotted In Lieu Of Maintenance Allowance :-

Any Khud-kasht land granted by a Jagridar 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 an occupant on payment of land revenue at the village rate.

24. Certain Occupants Of Lands To Be Tenants :-

Every person including the shikmi of more than one year, who is entered in the revenue records as an occupant of any Jagir land at the date of resumption, shall be deemed to be an occupant in respect of such land which shall be assessed at the village rate.

CHAPTER 5
MISCELLANEOUS

25. Appeals Against The Orders Of The Tahsildar :-

(1) Any person aggrieved by an order of the Tahsildar under sub-section (2) of Section 20 may within thirty days from the date of communication of such order to him appeal to the Collector, whose decision thereon shall be final.

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

26. Appeals Against The Orders Of Collector :-

(1) Any person aggrieved by an order of the Collector under Section 7, sub-section (2) of Section 8 or under the proviso to sub-section (3) of Section 21 or the proviso to sub-section (2) of Section 22 or under Section 37, may, within thirty days from the date of communication of such order to him, appeal to the Revenue Commissioner whose decision thereon shall be final

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

27. Appeal From The Orders Of Jagir Commissioner :-

(1) The State Government or any person aggrieved by the decision

of the Jagir Commissioner under sub-section (2) of Section 6, Section 13 or Section 17 may, within ninety days from the date of communication of such decision, appeal to the Revenue Commissioner whose decision thereon shall be final.

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

28. Delegation Of Power :-

The State Government or the Jagir Commissioner may by notification in the 1[Gazette], direct that any power conferred or any duty imposed on it or him 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 as may be specified in such direction.

1. Substituted for "Gazette of Bhopal" by M.P.A.L.O., 1956.

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

Any officer or authority holding an inquiry or hearing an appeal under this Act shall have the powers 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 (V of 1898)¹

1. Now See Code of Criminal Procedure, 1973 (2 of 1974).

30. Compensation Money To Be Placed At The Disposal Of The Court Or Authority :-

Notwithstanding anything hereinbefore contained in this Act, where any suit or proceeding is pending before any Court or other authority, which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the compensation payable under Section 9, the Court or authority may require the Jagir Commissioner to place at its disposal the amount so payable and thereupon the same shall be disposed of in

accordance with the orders of such Court or Authority.

31. Power To Enter Upon Land And To Make Survey :-

Subject to any rules made under this Act in this behalf, any officer or authority holding an enquiry 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 or do any other act on any Jagir land.

32. Proceedings Under The Act To Be Judicial Proceedings :-

A proceeding before any officer or authority under this Act shall be deemed to be a judicial proceeding within the meaning of Secs. 193 and 228 of the Indian Penal Code (XLV of 1860).

33. Persons Acting Under The Act To Be Public Servants :-

All officers and persons acting under or in pursuance of the provisions of this Act or the rules made thereunder shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (XLV of 1860).

34. Costs :-

Any order for the payment of costs made by any officer or authority under this Act may be enforced in the same manner as if it were a decree for the payment of money passed by a competent revenue Court.

35. 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 or tendering it to the person on whom it is to be served; or
- (b) by sending it in a registered letter addressed to that person at his usual or last known place of abode; or
- (c) by delivering it to any male member of the family of such person or by affixing it, or a copy of it, to some conspicuous part of the premises, where such person is known to have last resided or carried on business or personally worked for gain; or

(d) in such other manner as may be prescribed.

36. Right To Inspection And Copies Of Documents, Statements And Registers :-

All documents, statements and registers maintained under this Act or the rules made thereunder shall be open to inspection during such hours and subject to such conditions and payment of fees, if any, as may be prescribed and any person shall, on payment of such fees as may be prescribed be entitled to be furnished with a copy of the whole or any portion of such document, statement or register subject to such exceptions or restrictions as may be prescribed.

37. Decision On Questions Regarding Forests :-

If any question arises whether any Jagir land is a forest or is situated in a forest, or as to the limits of a forest, it shall be determined by the Collector of the district in which such land is situate in such manner as may be prescribed.

38. Jagirs Or Tenures Under The Management Of The Court Of Wards :-

Notwithstanding anything to the contrary in any law the provisions of this Act shall apply to any Jagir land or part thereof which is under the management of the Court of Wards or the State Government under any law for the time being in force, in the same manner as they would apply to any Jagir land not under such management.

39. Bar Of Jurisdiction Of Civil Courts :-

(1) Save as otherwise provided in this Act, no Civil or Revenue 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 State Government, the Tahsildar, the Collector, the Jagir Commissioner or the Revenue Commissioner.

(2) Except as otherwise provided in this Act, no order of the State Government, a Tahsildar, a Collector, the Jagir Commissioner or the Revenue Commissioner under this Act shall be called in question in any Court.

40. Protection Of Action Taken Under The Act :-

(1) No suit, prosecution or 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 thereunder.

(2) No suit, or other legal proceeding shall lie against the State Government, for 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, under or in pursuance of this Act, or any rules made thereunder.

41. Punishment For False Statements :-

Any person who makes any statement in an 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 which may extend to one thousand rupees or with both.

42. Review :-

The Revenue Commissioner, the Jagir Commissioner, the Collector and the Tahsildar may, either on his own motion or on application made, within such time as may be prescribed, by any interested party, review an order passed by himself or his predecessor in office and pass such order in relation thereto as he thinks fit.

43. Procedure :-

The Jagir Commissioner, or any other officer holding an enquiry under this Act, and the Revenue Commissioner and the Collector hearing appeals from the order of the Jagir Commissioner or the Collector or the Tahsildar, as the case may be, shall, so far as may be, follow the procedure applicable to proceedings under the Bhopal State Land Revenue Act (Bhopal Act IV of 1932) and shall have the same powers, in relation to proceedings before them, as a Revenue Officer or a Revenue Commissioner has in relation to original or appellate proceedings, as the case may be, under the said Act.

44. 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.

45. Sums To Be Payable Out Of The Consolidated Fund Of State :-

Compensation payable under this Act shall be a charge on and be payable out of the consolidated fund of the State.

45A. Application Of Certain Provisions To Jagirdars Whose Jagir-Lands Have Been Converted Into Mansab :-

1[The provisions of this Act (other than Sections 4, 5, 9, 12 to 18, 30 and 45 and the Schedule) shall apply to Jagirdars whose Jagir lands have, before the commencement of this Act, been converted into mansab and shall in such application have effect as if--

(a) for the reference to "the date of resumption of Jagir or Jagir lands", wherever it occurs, the reference to "the date of conversion of Jagir or Jagir lands into mansab" had been substituted;

(b) for the words "resumed" and "resumption" the words "converted into mansab" and "conversion into mansab" had respectively been substituted;

(c) in Section 8, in sub-section (1), for the words "On and from the date of resumption, no Jagirdar", the words "No Jagirdar whose Jagir lands have been converted into mansab" had been substituted;

(d) in Section 10, for the word "compensation" wherever it occurs, the word "mansab" had been substituted;

(e) in Section 11, for the words and figures "compensation payable to the Jagirdar under Section 15", the words "mansab payable to the Jagirdar" had been substituted;

(f) in Section 19, in sub-section (1), for the words "has been resumed under this Act," the words "has been converted into mansab" had been substituted;

(g) in Section 21, in sub-section (3), for the words "has been resumed under this Act," the words "has been converted into mansab" had been substituted;

(h) in Section 27, in sub-section (1), the words and figures "Section 13 or Section 17" had been omitted.]

1. Inserted by Bhopal Act No. II of 1954.

46. Powers To Make Rules :-

(1) The State Government may make rules for the purpose of carrying out the provisions of this Act.

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

(a) the disposal of suits and proceedings relating to Jagir lands resumed under this Act pending in any Courts and stayed under the Act;

(b) the procedure for the cancellation of leases and contracts under Section 7;

(c) the form and the manner in which the statement of claim shall be filed by a Jagirdar under Section 12, and the particulars it

should contain;

(d) the number of instalments and the manner in which the compensation shall be paid under this Act;

(e) the grant of assistance to Jagirdars for purchasing annuity from an insurance company out of the compensation payable to them under this Act;

(f) the procedure to be followed in depositing the amount of compensation money with a bank or other authority under this Act;

(g) the procedure to be followed in placing the amount of compensation money at the disposal of the Court or Authority under this Act;

(h) the conditions subject to which interim compensation may be given;

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

(j) the procedure for deciding questions regarding forests under this Act;

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

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

SCHEDULE 1

SCHEDULE I

SCHEDULE

(See Section 9)

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 separated unit.

Explanation.--Notwithstanding any partition made on or after the 6th day of May, 1952, 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 gross income.--

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

(a) revenue or rents, including cesses and local rates payable for the basic year by or on behalf of the occupants, grantees at a concessional rate or shikmis or grove holders--

(i) in cash;

(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 revenue or rent payable has not been determined, the revenue or rent determined at current settlement rates.

(b) the valuation of land rents at the settlement rates--

(i) of Khud-kasht of the Jagirdar; and

(ii) of any groves held by the Jagirdar;

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

(d) income from forests and grazing fees calculated on the basis of an average of twenty agricultural years immediately preceding the date of resumption.

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 including zar-i-chaharum and zar-i-panjum, abwab, cesses or local rates;

(b) a sum equal to the Agricultural Income-tax which, but for the resumption of the Jagir, would have been paid or payable by the Jagirdar for the agricultural year in which the date of resumption falls;

(c) the cost of management and an amount in lieu of irrecoverable arrears of rent, equal to 20 per cent of the gross income.

5. Amount of compensation.--

(1) The amount payable as compensation to a perpetual or naslan-bad-naslan Jagirdar shall be--

(a) where the net annual income does not exceed Rs. 1,000/-, 15 times of such net annual income;

(b) where the net annual income exceeds Rs. 1,000/- but does not exceed Rs. 3,000/-, the total amount equal to 15 times of the first Rs. 1,000/- and 12 times to the remaining net annual income in excess of Rs. 1,000/-;

(c) where the net annual income exceeds Rs. 3,000/- but does not exceed Rs. 10,000/-, the total amount equal to 15 times of the first Rs. 1,000/- plus 12 times of the next Rs. 2,000/- and plus 9 times of the remaining net annual income in excess of Rs. 3,000/-;

(d) where the net annual income exceeds Rs. 10,000/- but does not exceed Rs. 20,000/-, the total amount equal to 15 times of the first Rs. 1,000/- plus 12 times of the next Rs. 2,000/- plus 9 times of the next Rs. 7,000/- and plus 6 times of the remaining net annual income in excess of Rs. 10,000/-;

(e) where the net annual income exceeds Rs. 20,000/-, total amount equal to 15 times of the first Rs. 1,000/- plus 12 times of the next Rs. 2,000/- plus 9 times of the next Rs. 7,000/- plus 6 times of the next Rs. 10,000/- and plus 3 times of the remaining net annual income in excess of Rs. 20,000/-.

(2) The amount payable as compensation to a Jagirdar holding a Jagir for his life-time only, on the date of resumption, shall be in accordance with the following scale, namely--

(a) where the net annual income does not exceed Rs. 1,000/-, 10 times of such net annual income;

(b) where the net annual income exceeds Rs. 1,000/- but does not exceed Rs. 3,000/-, the total amount equal to 10 times of the first Rs. 1,000/- and 8 times of the remaining net annual income in excess of Rs. 1,000/-;

(c) where the net annual income exceeds Rs. 3,000/- but does not exceed Rs. 10,000/-, the total amount equal to 10 times of the first Rs. 1,000/- plus 8 times of the next Rs. 2,000/- and plus 6 times of the remaining net annual income in excess of Rs. 3,000/-;

(d) where the net annual income exceeds Rs. 10,000/- but does not exceed Rs. 20,000/-, the total amount equal to 10 times of the first Rs. 1,000/- plus 8 times of the next Rs. 2,000/- plus 6 times of the next Rs. 7,000/- and plus 4 times of the remaining net annual income in excess of Rs. 10,000/-;

(e) where the annual income exceeds Rs. 20,000/-; the total amount equal to 10 times of the first Rs. 1,000/-, plus 8 times of the next Rs. 2,000/-, plus 6 times of the next Rs. 7,000/-, plus 4 times of the next Rs. 10,000/- and plus twice the remaining net annual income in excess of Rs. 20,000/-.