

Madhya Bharat Abolition Of Jagirs Act, Samvat 2008

28 of 1951

[27 November 1951]

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Madhya Bharat Abolition Of Jagirs Act, Samvat 2008

28 of 1951

[27 November 1951]

An Act to provide for the resumption of all Jagir-lands in the State and for certain other measures of land reforms in Jagir areas. Be it enacted as follows :

CHAPTER 1

PRELIMINARY

1. Title, Extent And Commencement :-

- (1) This Act may be called The Madhya Bharat Abolition of Jagirs

Act, Samvat 2008.

(2) It extends to the whole of 1[Madhya Bharat (Region)].

(3) It shall come into force on such date² as the Government may, by notification in the 3[Gazette], appoint in this behalf.

1. Substituted by M.P.A.L.O. 1956 vide Section 4, Table for the words "Madhya Bharat".

2. w.e.f. 7.12.1951.

3. Substituted by M.P.A.L.O. 1956 vide Section 4, Table for the words "Government Gazette".

2. Definitions :-

(1) In this act unless the context otherwise requires--

(i) "agricultural year" means the year beginning on the first day of July and ending on the 30th June;

(ii) "agriculture" includes horticulture;

(iii) "excise compensation" means the amount of compensation payable annually, by the Government of a Jagirdar in lieu of his former excise income;

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

(v) "Jagirdar" means any person recognised as Jagirdar under any law, rules, regulations or order governing Jagirs in force in any part of the State;

(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 other earnings;

(vii) "land cultivated personally" means land cultivated on ones own account--

(a) by ones own labour; or

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

(c) 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 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 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;

(ix) "occupied land" means land held immediately before the

commencement of this Act on any of the following tenures, namely:-

- (a) Ex-proprietary;
- (b) Pukhta Maurusi;
- (c) Mamuli Maurusi;
- (d) Gair Maurusi;

and includes, land held as Khud-Kasht and land comprised in a homestead;

(x) "prescribed" means prescribed by the rules made under this Act;

(xi) "schedule" means a schedule attached to this Act;

(xii) "State" means the State of Madhya Bharat;

(xiii) "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 Collector, after taking into consideration the prevailing rates for similar class of soil in the surrounding village or villages;

(xiv) "Zamindar" means a person on whom a village or part of a village is settled by a Jagirdar on Zamindari system and includes his heirs and successors-in-interest.

(2) Words and expressions used in this Act but not defined in this Act shall have the same meaning as is assigned to them in Quanoon Mal, Gwalior State, Samvat 1983, or in the Madhya Bharat Revenue Administration and Roytwari Land Revenue and Tenancy Act, Samvat 2007, or in Qawaid Jagirdaran, Gwalior State, Samvat 1970, or in the Manual for Jagirdars, of the Holkar State, 1928, as the case may be.

CHAPTER 2

RESUMPTION OF JAGIR-LANDS

3. Resumption Of Jagir-Lands By The Government :-

(1) As soon as may be after the commencement of this Act, the Government shall by notification in the 1[Gazette], appoint a date for the resumption of all Jagir-lands in the State.

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

(3) The date finally appointed under this section as the date for the resumption of Jagir-lands is hereinafter referred to as "the date of resumption".

1. Substituted by M.P.A.L.O. 1956 for the words "Government

Gazette".

4. Consequences Of The 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 (including a Zamindar) in his Jagir-lands, including 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 free from all encumbrances;

(b) all rights, titles and interests created in or over the Jagir-land by the Jagirdar or his predecessor-in-interest shall, as against the 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 Government;

(d) revenue, 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 Government after the said date, shall, after deducting therefrom the expenses of collection at the rate of 7 per cent be ratably distributed between the Jagirdar and the 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 maybe, the period after 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 Government or the Court of Wards to the Jagirdar 1[and all arrears of Nemnuks and maintenance allowance payable to a Nemnukdar or maintenance holder under the orders of a competent authority out of the income of any Jagir] shall continue to be recoverable from such Jagirdar;

(f) the Government shall cease to be liable to pay to the Jagirdar any excise compensation, or excise income or both, as the case

may be, Giras-Tanka or any other case payment in respect of his rights as such Jagirdar;

(g) 2[* * *]

(h) 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, cease to be in force.

(2) Nothing contained in this section shall--

(a) render the Government liable for the payment of debts incurred by the Jagirdar whether by way of special debt (karza-khas) as defined in Schedule (ch) to Qawaid Jagirdaran, Gwalior State, Samvat 1970, or otherwise, and the Jagirdar shall be personally liable for the payment of all 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.

1. Inserted by M.B. Act 20 of 1955; Published in M.B. Gazette Extra-ordinary dated 17-7-1955 and is deemed to have come into force from 5-4-1955.

2. Omitted by M.P. Act 20 of 1955, Section 2(2).

5. Private Wells, Trees, Buildings, House-Sites And Enclosures :-

Notwithstanding anything contained in the last preceding section.

(a) The Jagirdar shall continue to remain in possession of land cultivated personally by him;

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

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

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

(iv) all groves wherever situate; 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 thereof with the areas appertinent thereto shall be settled on him by the Government according to the provisions of the Madhya Bharat Revenue Administration and Roytwari Land Revenue and Tenancy Act, Samvat 2007;

(v) 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.

1[If before the 17th July, 1955 any amount is realised by the Government in excess of the rent provided by Sections 3 and 5 after 1st January, 1954, it shall be adjusted in the next instalment of the rent payable to Government].

1. Inserted by MB Act 20 of 1955, dated 17-7-1955.

6. Cancellation Of Leases :-

Where a Jagirdar has, on or after the 29th January, 1949--

(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 of or entered into a contract relating to, any forest in his Jagir-land for a period of three years or more;

and the Jagir Commissioner 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 Jagir Commissioner may, according to the Rules made by the Government in this behalf, by order in writing, cancel the lease or the contract, as the case may be.

7. 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 resident of the Jagir, or from any contractor, or other person, any 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 rent, cess or other dues in contravention of the provisions of sub-section (1) he shall be liable to pay to the Government as penalty such sum not exceeding Rs. 500 as the Collector may, after making an enquiry in the prescribed manner direct, and the Collector may further direct the refund of such rent, cess or other dues.

(3) All sums recoverable under sub-section (2) shall be realised as

arrears of land-revenue.

CHAPTER 3
COMPENSATION

8. Duty To Pay Compensation :-

(1) Subject to other provisions of this Act the Government shall be liable to pay to every Jagirdar whose Jagir-land has been resumed under Section 3, such compensation as shall be determined in accordance with the principles laid down in Schedule I.

(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- per cent 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.

9. Amount For Maintenance :-

Any person who, under any law, or other provision having the force of law or any custom, 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.

10. Portion Of Compensation Which A Zamindar Is Entitled To Receive :-

(1) Where any Jagir-land is settled on zamindari system by a Jagirdar, every Zamindar shall be entitled to receive out of the compensation payable to the Jagirdar such amount as may be determined in accordance with the manner specified in Schedule II. 1[This amount shall be payable in maximum ten annual instalments].

(2) Interest at the rate and in the manner specified in sub-section (2) of Section 8 shall be payable to the Zamindar on the amount

referred to in sub-section (1) out of the amount of interest payable to the Jagirdar under the said sub-section.

1. Substituted by M.B. Act 28 of 1956, Published in M.B. Gazette dated 30-10-1956 and came into force on the same day.

11. 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 annual income of the Jagir shall be entitled to receive such annual amount out of the compensation payable to a Jagirdar under Section 8 as is proportionate to the amount of his share in the annual income of the Jagir.

12. Submission Of Statement Of Claim :-

(1) Every Jagirdar whose Jagir-land has been resumed under Section 3 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) name of the Jagirdar;

(ii) the number and names of villages comprised in his Jagir-lands together with the particulars of area, and the income of each village;

(iii) the amount of gross income of the Jagir-lands with details of income from various sources specified in Schedule I;

(iv) the tanka and other cesses and dues which the Jagirdar pays to the Government;

(v) the amount of dues and debts recoverable from him under clause (e) of sub-section (1) of Section 4;

(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 the particulars of the share of each such co-sharer;

(viii) the names of the Zamindars, if any, in the Jagir-land, together with the amount of land revenue which each of them pays to the Jagirdar; and

(ix) 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 complaints in

the Code of Civil Procedure, 1908.

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

On the receipt of a statement of claim under Section 12 or if no statement is received within the period specified in that section on the expiry of that period, the Jagir Commissioner shall determine--

(a) the amount of compensation payable to the Jagirdar under Section 8;

(b) the amount recoverable from him under clause (e) of sub-section (1) of Section 4;

(c) the amounts of the annual maintenance allowances payable to maintenance holders, if any, under Section 9;

(d) the amounts payable annually to the Zamindars of the Jagirdar, if any, under Section 10; and

(e) the amount payable to the Co-sharers of a Jagirdar, if any, under Section 11; and

shall communicate his decision to the Government, the Jagirdar, the maintenance holders, the co-sharers and the Zamindars, if any, as soon as may be practicable.

14. Dues And Debts How To Be Realised :-

The amount recoverable from a Jagirdar under clause (e) of sub-section (1) of Section 4 as determined under clause (b) of Section 13 shall be deducted from the compensation payable to him under Section 8.

15. Payment Of Compensation Money :-

(1) After the amount of compensation payable to a Jagirdar under Section 8 is determined under clause (a) of Section 13 and the amount deducted from it under Section 14, the balance 1[shall be payable in maximum ten annual instalments].

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

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

(a) a Waqf trust, endowment or Devasthan Jagirdar the compensation money shall be deposited with such authority or

Bank as may be prescribed and shall be disposed of according to the provisions contained in any law for the time being in force relating to Waqfs, trusts, endowments, or Devasthani Jagirdars;

Explanation.--For the purposes of this section and Schedule I, Devasthani Jagirdar shall mean a Devasthan or place of worship to which a Jagir has been assigned for the purpose of its worship or maintenance.

(b) 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;

(c) a minor or a person suffering from a legal disability who is not under the superintendence of the 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 direction of that Court.

(4) The payment of compensation money, under this Act, to a Jagirdar, and to his Zamindars and co-sharers and to persons entitled to a maintenance allowance, if any, shall be a full discharge of the Government from the liability to pay compensation in lieu of the resumption of his Jagir-lands by the Government 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. Substituted by M.B. Act 28 of 1956 Published in M.B. Gazette dated 30-10-1956 and came into force on the same day.

16. Interim Payment :-

(1) Where within a period of one year from the date of resumption the compensation payable to a Jagirdar is not determined, the Government shall subject to such conditions (including conditions relating to the obtaining of a security of an Indemnity Bond) as may be prescribed, direct the payment to each such Jagirdar of interim payment 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 18 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. Question Of Title :-

If, during the course of an inquiry by the Jagir Commissioner, any question is raised, in respect of a Jagirdari title to, or right in, Jagir-lands resumed under Section 3 and such question has not already been determined by the Government, the Jagir Commissioner shall proceed to enquire into the merits of such question and refer the matter for decision to the Government whose orders shall be final.

18. To Whom Compensation Shall Be Payable After The Death Of A Jagirdar :-

If any Jagirdar to whom compensation money is payable under this Act dies before the full payment of such compensation money to him, such compensation money as may remain payable to him under this Act, shall be payable to such of his heirs or successors as may be declared by a competent Court entitled to receive the same, according to the personal law by which the Jagirdar is governed.

CHAPTER 4

MANAGEMENT AND TENURE OF LAND

19. Land Cultivated Personally To Be Held On Pacca Tenure :-

As from the date of resumption all Khud-Kasht land cultivated personally by a Jagirdar or Zamindar shall be deemed to be held by the Jagirdar or the Zamindar, as the case may be, as the Pacca tenant thereof and shall be assessed at village rate.

20. Conferral Of Pacca Tenancy Right On Tenants And Shikmis :-

(1) Subject to other provisions of this Act, every tenant of a Jagirdar, or Zamindar including the Shikmi shall as from the date of resumption be deemed to be a Pacca tenant of the land cultivated personally by him.

Explanation.--For the purposes of this section and Section 22, Shikmi shall mean any person holding the Khud-Kasht land of the Jagirdar or the Zamindar, as the case may be.

1[(2) Rent at the village rate assessed in the current settlement shall be charged from every tenant or Shikmi deemed to be Pacca tenant under this section :

Provided that the rent charged from such of them including the Sakitulkimiyat tenant who had been fully assessed in the current settlement shall continue to be the same as assessed in the said settlement till their reassessment in the next settlement].

1. Substituted by M.B. Act 20 of 1955, Section 3.

21. Acquisition Of Pacca Tenancy Rights By A Sub-Tenant Or A Tenant Of A Sub-Tenant :-

(1) A sub-tenant or a tenant of a sub-tenant who is in possession of any land in a resumed Jagir-land, may, within the relevant period, apply to the Tahsildar within whose jurisdiction that Jagir-land is situated (hereinafter referred to as "the Tahsildar") for acquiring the rights of a Pacca tenant in his holding.

Explanation.--For the purposes of this section, the expression "relevant period" shall mean--

(a) if the holding be in the possession of a tenant of a sub-tenant, a period of 1[eight years] from the date of resumption, in case of the tenant and if the tenant fails to apply within the said period, a further period of six months, in case of the sub-tenant;

(b) if the holding be in the possession of a sub-tenant a period of 2[eight years] from the date of resumption.

(2) An application under sub-section (1) shall be in such form as may be prescribed and shall be accompanied by a receipted Challan showing the payment into the treasury of the amount specified in Section 22 :

Provided that a sub-tenant or a tenant of a sub-tenant shall have no right to make an application under this section if the original tenant or the sub-tenant, as the case may be, is under a disability specified in Section 74 of the Madhya Bharat Revenue Administration and Ryotwari Land Revenue and Tenancy Act, Samvat 2007:

Provided further that if the holding be in possession of a tenant of a sub-tenant the right of applying for the acquisition of Pacca tenancy rights under this section shall firstly be that of the tenant of the sub-tenant and the sub-tenant may exercise his said right only after the failure of his tenant to exercise the right within the period prescribed in clause (a) of the above explanation.

1. Substituted by M.P. Act 26 of 1958 for "four years" and shall be deemed to have been substituted as soon as M.P. Act 20 of 1955 came into force (i.e. from 5-4-1955).

2. Substituted by M.P. Act 26 of 1958 for "four years" and shall be

deemed to have been substituted as soon as M.P. Act 20 of 1955 came into force (i.e. from 5-4-1955).

22. Amount Of Money To Be Deposited With The Application Under Section 21 :-

The amount to be deposited with the application under Section 21 shall be as follows, namely :

(a) In the case of a sub-tenant of a Gair Maurusi tenant.--An amount equal to double of the net annual income of the Gair Maurusi tenant from that land.

(b) In the case of a sub-tenant of a Maurusi tenant.--An amount equal to six times the net annual income of the Maurusi tenant from that land.

(c) In the case of a tenant of a sub-tenant.--(i) If he is a tenant of a Shikmi of Khud-Kasht land of the Jagirdar or the Zamindar.--An amount equal to six times the net annual income of the Shikmi from that land.

(ii) In the case of any other tenant of a sub-tenant.--An amount equal to eight times the net annual income of that land, out of which 85% shall be given to the original tenant and 15% to the subtenant.

(d) In the case of a sub-tenant or tenant of a sub-tenant of either description mentioned in (a), (b) and (c) if the well situated on his holding is a private one of the Jagirdar, the Zamindar, the tenant or the sub-tenant, as the case may be, and no land of the Jagirdar or the Zamindar, or the tenant or the sub-tenant, other than the land of that holding is watered from that well. By way of compensation of the well such amount as the Collector may assess after considering the matters mentioned in Schedule III.

Explanation I.--In the case of clauses (a), (b) and (c) (i) the net annual income shall be the difference between the rent which the Gair Maurusi or the Maurusi tenant or the Shikmi, as the case may be, receives from his sub-tenant or tenant and the rent which he pays to the Jagirdar or the Zamindar.

Explanation II.--In the case of clause (c) (ii) the net annual income shall be the difference between the rent which the sub-tenant receives from his tenant and the rent which the original tenant pays to the Jagirdar or the Zamindar :

Provided that where any of the rents referred to in the Explanations (1) and (2) above is payable in kind, it shall be calculated at double the village rate.

23. Issue Of Certificate Of Pacca Tenancy :-

(1) Where the Tahsildar is satisfied that an application made under Section 21 is not in the proper form, or is not accompanied by the receipted Challan referred to in sub-section (2) of that section, he shall reject the application.

(2) Where the Tahsildar is satisfied that an application made under Section 21, is in the proper form and is accompanied by the receipted Challan referred to in sub-section (2) of that section, he shall proceed to take an enquiry according to the rules prescribed by the Government in this behalf and pass orders accordingly.

(3) If after enquiry the amount deposited by the applicant is found to be less than the amount determined to be due from the applicant under Section 22, the Tahsildar shall by order in writing direct him to deposit within a reasonable time the further amount in the treasury and if he fails to deposit the said sum accordingly, his application shall be rejected.

(4) If the applicant deposits the sum as directed under sub-section (3) the Tahsildar shall issue a certificate of Pacca tenancy in favour of the applicant, in the prescribed form. 1[And the amount deposited in accordance with Section 22 shall be given to the concerned Gair Maurusi tenant, Maurusi tenant, sub-tenant, Jagirdar or Zamindar, as the case may be.]

2[(5) Rent at the village rate assessed in the current settlement shall be charged from every sub-tenant or tenant of a sub-tenant to whom a certificate is granted under sub-section (4) :

Provided that the rent charged from such of them including the Sakitulkimiyat tenant who had been fully assessed in the current settlement shall continue to be the same as assessed in the said settlement till their re-assessment in the next settlement.]

(6) Till the expiry of the period allowed for submitting an application under Section 21 or till the final decision of such application under this section, whichever may be earlier, the former status of the tenant or the sub-tenant, as the case may be, shall continue.

1. Added by M.B. Act 28 of 1956, Published in M.B. Gazette dated 30-10-1956 and came into force on the same day.

2. Substituted by *ibid*.

24. Eviction Of A Sub-Tenant Or Tenant Of A Sub-Tenant On His Failure To Obtain A Certificate Of Pacca Tenancy :-

Notwithstanding anything contained in his lease or contract where a sub-tenant or tenant of a sub-tenant fails to obtain a certificate of Pacca tenancy in regard to his holding under Section 23 it shall be deemed that all his rights in that holding have ceased to exist and that he is a trespasser on that holding and the original tenant or the sub-tenant, as the case may be, may get him ejected in the manner laid down in Section 96 of the Madhya Bharat Revenue Administration and Ryotwari Land Revenue and Tenancy Act, Samvat 2007.

25. Rights In Trees :-

Any person acquiring the status of a Pacca tenant by virtue of the provisions of this Chapter in respect of any Jagir-land which has been resumed who does not possess the same rights in the trees standing thereon as he possesses in such land may make an application in the prescribed form and within the prescribed period to the Tahsildar for the purchase of full rights in the trees in such manner and subject to such terms and conditions as may be prescribed.

26. Grant Of Lease Of Land For Non-Agricultural Purposes To The Jagirdar :-

If the Jagirdar has in his possession any land other than that specified in Section 7 for any non-agricultural purpose he shall apply within six months from the date of resumption to obtain from the Government a lease under Section 101 (1) of the Madhya Bharat Revenue Administration and Ryotwari Land Revenue and Tenancy Act, Samvat 2007, and the Government may grant him a lease subject to such terms and conditions as it may deem proper and if he does not so apply or the lease is not granted, he shall be liable to ejectment under the said Act.

CHAPTER 5

MISCELLANEOUS

27. Grant Of Land On Lease To Jagirdar Who Has Got No Land Cultivated Personally :-

If a Jagirdar whose Jagir-land is resumed under Section 3 does not cultivate any land personally in which he may acquire the rights of a Pacca tenant under Section 19, he may be granted suitable land on lease in any neighbouring village according to the rules made by

the Government in this behalf.

28. Appeals From The Orders Of The Tahsildar :-

(1) Any person aggrieved by an order of the Tahsildar under Section 23, may, within thirty days from the date of such order, appeal to the Collector, whose decision shall be final.

(2) The Court-fee payable on a memorandum of appeal under subsection (1) shall be Re. 1.

29. Appeals From The Order Of The Jagir Commissioner :-

(1) The Government or any person aggrieved by the decision of the Jagir Commissioner under Sections 4, 10, 11, 13 or 14 may within ninety days from the date of the communication of such decision to it or him 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 subsection (1) shall be Rs. 5/-.

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

30. Procedure :-

The Jagir Commissioner, or any other officer conducting an enquiry under this Act, and the Board of Revenue and the Collector hearing appeals from the orders of the Jagir Commissioner or the Tahsildar, as the case may be, shall follow the procedure applicable to proceedings under the Revenue Administration and Ryotwari Land Revenue and Tenancy Act, Samvat 2007, so far as may be and shall have the same powers, in relation to proceeding before them as a revenue officer has in relation to original or appellate proceedings, as the case may be, under the said Act.

31. 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.

32. Protection Of Action Taken Under This Act :-

(1) No suit, prosecution or other legal process, 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 proceedings shall lie against the 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 in pursuance of this Act, or any rules made thereunder.

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

All persons acting in pursuance of the provisions of this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

34. 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 Collector, the Jagir Commissioner, the Board of Revenue or the Government.

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

35. Effect Of Provisions Of Act And Rules Inconsistent With Other Enactments :-

The provisions of this Act and any rules made thereunder shall have effect, notwithstanding anything inconsistent thereto, contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

36. Punishment For False Application :-

Any person who states in an application or statement signed, verified and submitted by him under this Act, anything which is false or which he knows to be false or has reason to believe it to be false or does not believe it to be true, shall be punishable with imprisonment of either description for 3 years or with fine or with both.

37. Delegation Of Powers :-

The Jagir Commissioner may, with the previous sanction of the Government by notification in the 1[Gazette] direct that any power conferred or any duty imposed on him by 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 a Deputy or Assistant Collector, as may be specified.

1. Substituted by M.P.A.L.O. 1956, Published in M.P. Gazette (Ext.), dated 1-1-1956.

38. Sums To Be Payable Out Of The Consolidated Fund Of The State Power To Make Rules :-

All sums payable by the Government under this Act shall be a charge on and payable out of the Consolidated Fund of the State.

39. Power To Make Rules :-

The Government may from time to time make Rules to carry out the purposes of this Act.

40. Application Of Act No. 66 Of 1950 To Jagir-Land Settled On Zamindari System :-

On and from the date of resumption Quanoon Mal, Gwalior, Samvat 1983, shall cease to operate in such Jagir-land as are settled on Zamindari system and the provisions of the Madhya Bharat Revenue Administration and Ryotwari Land Revenue and Tenancy Act, Samvat 2007, shall subject to the provisions of this Act apply : Provided that all cases pending before any Authority or Revenue Court at the commencement of this Act, shall be decided to the provisions of the Act and laws here to force in force.

SCHEDULE 1

SCHEDULE I

[See Section 8]

1. Basic year.--The expression "Basic Year" means the Agricultural Year immediately preceding the Agricultural Year in which the date of resumption falls.

2. Calculation of Gross Income.--The "Gross Income" of a Jagirdar shall be the total income of his Jagir-land under the following heads :--

(a) (i) In the case of lands settled on the Ryotwari System-rent payable in cash, either by tenants, or by Shikmi holding Khud-Kasht land, as recorded in village papers for the basic year; and

(ii) In the case of lands settled on the Zamindari System-rent payable in cash, to the Zamindars either by the tenants or by Shikmis holding Khud-Kasht lands and

recorded in village papers for the basic year.

(b)(1) In the case of lands settled on the Ryotwari System the amount of rent for the basic year computed at the settlement rates for--

- (i) the Khud-kasht of the Jagirdar which is cultivated by him personally;
- (ii) the land held by tenants for which rent is payable in kind or which is held rent-free; and

(2) In the case of lands settled on the Zamindari System, the amount of rent for the basic year computed at the settlement rate for--

- (i) the Khud-kasht of Zamindars which is cultivated by them personally;
- (ii) the land held by tenants of Zamindars for which rent is payable in kind or which is held rent-free.

(c) Forest Revenue, including grazing fee, calculated on the basis of data regarding average yield for 20 years preceding the basic year.

(d) Income from quarries, calculated on the basis of data regarding average yield for 10 years preceding the basic year.

(e) Excise compensation or excise income or both, as the case may be, for the basic year.

(f) Giras-Tanka, Dami and other amounts payable by the Government for the basic year.

(g) Sewai-Jama income, as recorded in village papers for the basic year excluding income from Quarries and Forests.

(h) Sewai-Jama income of the Zamindars, if any, as specified in Sch. II.

3. Basic Income.--The "Basic Income" of a Jagirdar shall be calculated by deducting from the gross income of the Jagirdar Tanka due from the Jagirdar to the Government for the basic year.

4. Calculation of Net Income.--The "Net Income" of a Jagirdar shall be calculated by deducting from the gross income of the Jagirdar--

- (i) the Tanka due from the Jagirdar to the Government for the basic year.
- (ii) on account of expenses of collection of rents (including irrecoverable arrears), an amount equal to 10% of the gross income where it exceeds Rs. 2,000/- or an amount equal to 7% of the gross income in other cases;
- (iii) on account of land Records and Chowkidar establishment, an amount equal to 12% of the gross income;
- (iv) 1[xxx]
- (v) 1[xxx]
- (vi) any sums due from the Jagirdar to the Government for the basic year on any other account:

Provided that the total amount to be deducted under sub-clauses (ii),

(iii), 1[x x x] and (vi) shall not exceed--

(a) where the basic income of the Jagirdar does not exceed Rs. 2,000- 5% of such income;

(b) where the basic income of the Jagirdar exceeds Rs. 2,000 but does not exceed Rs. 5,000-10% of such income;

(c) where the basic income of the Jagirdar exceeds Rs. 5,000 but does not exceed Rs. 10,000- 20% of such income;

(d) where the basic income of the Jagirdar exceeds Rs. 10,000 but does not exceed Rs. 25,000- 30% of such income;

(e) where the basic income of the Jagirdar exceeds Rs. 25,000 but does not exceed Rs. 40,000-40% of such income;

(f) where the basic income of the Jagirdar exceeds Rs. 40,000-50% of such income :

Provided further that the Government may, by order published in the 2[Gazette]

direct that in the case of all Devasthani Jagirs, or any class of such Jagirs, no deductions from the gross income shall be made under any of the sub-clauses (ii), (iii), (iv), (v) and (vi) or deductions shall be made at such reduced rates as may be specified in the order.

5. Amount of compensation money.--

The compensation payable under Section 8 to a Jagirdar shall be seven times his net income calculated in accordance with the provisions hereinbefore contained.

1. Sub-clauses (iv) & (v) deleted by M.B. Act 20 of 1955 Section 7--Published in the M.B. Gazette dated 17-7-1955.

2. Substituted by M.P.A.L.O. 1956, Published in M.P. Gazette Extraordinary dated 1-11-1956.

SCHEDULE 2

SCHEDULE II

[See Section 14]

1. Basic Year.--

The expression "Basic Year" shall have the same meaning as is assigned to it in Schedule I.

2. Calculation of gross income of a Zamindar.--

The gross income of a Zamindar shall be the total income of the Zamindar under the following heads, namely :

(a) Rent payable to him in cash either by tenants or by Shikmis holding Khud-kasht lands as recorded in village papers for the basic year.

(b) The amount of rent for the basic year computed at the Settlement rates for--

(i) the Khud-kasht of Zamindar which is cultivated by him personally;

(ii) the land held by his tenants for which rent is payable in kind or which is held rent-free.

(c) Sewai-Jama income of the Zamindar for the basic year.

3. Calculation of net income of a Zamindar.--

(1) The net income of a Zamindar shall be calculated by deducting from his gross income the sums under the following heads, namely :

(a) the land revenue, i.e., the amount payable to the Jagirdar for the basic year by the Zamindar for the Zamindari land together with Chowkidari, if any;

(b) on account of expenses of collection of rents (including irrecoverable arrears) an amount equal to 10% of the gross income where it exceeds Rs. 2,000 or an amount equal to 7% of the gross income in other cases.

(2) Notwithstanding anything contained in sub-clause (i) the net income shall in no case be less than 5 per cent of the gross income.

4. Amount payable to the Zamindar.--

The amount payable to the Zamindar under Section 10 shall be seven times his net income determined in accordance with the provision hereinbefore contained.

SCHEDULE 3

SCHEDULE III

[See Section 22]

The matters to be considered while determining the amount of compensation with regard to wells :

(1) Utility of the well for the holding.

(2) The amount spent over the construction of the well.

(3) Present condition of the well.

(4) The time expired since the construction of the well.