

Madhya Pradesh Bhumi Sudhar Yojana Adhiniyam, 1967

13 of 1967

[02 May 1967]

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Madhya Pradesh Bhumi Sudhar Yojana Adhiniyam, 1967

13 of 1967

[02 May 1967]

An Act to provide for the preparation and execution of Land Improvement Scheme including schemes for the conservation and improvement of soil resources, the prevention or mitigation of soil erosion, the protection of land against damage by floods and drought 2[the reclamation of waste land and consolidation of holdings] in Madhya Pradesh. Be it enacted by the Madhya Pradesh Legislature in the Eighteenth Year of the Republic of India as follows : 1. Received the assent of the President on the 2nd May, 1967; assent first published in the "Madhya Pradesh Gazette extraordinary" on the 3rd May, 1967. 2. Substituted by M.P. Act No. 26 of 1974 (w.e.f. 15-6-1974).

CHAPTER 1 PRELIMINARY

1. Short Title And Extent :-

- (1) This Act may be called The Madhya Pradesh Bhumi Sudhar Yojana Adhiniyam, 1967.
- (2) It extends to the whole of Madhya Pradesh.

2. Definitions :-

In this Act unless the context otherwise requires,--

- (1) "Board" means the Madhya Pradesh Land Improvement Board constituted under Section 3;
- (2) "Collector" means the Collector of a district and includes any other officer specially appointed by the State Government to perform the functions of a Collector under this Act;
- 1[(2-a) "Consolidation of holdings" means the redistribution of all or any of the land included in the scheme so as to allot to the owners contiguous plots of land for the convenience or cultivation;

(2-b) "Consolidation Officer" means a Revenue Officer not below the rank of Tahsildar, appointed by the State Government for any district or districts to exercise the powers and perform the duties of a Consolidation Officer under this Act.]

(3) "District Committee" means the District Committee constituted under Section 5;

(4) "Erosion" means the removal or displacement of earth, stones or other materials by the action of wind or water,

2[(5) "Executive Officer" means an officer appointed under Section 14 to execute scheme and shall include a firm, company or body-corporate deemed to be the Executive Officer;]

(6) "Inquiry Officer" means an officer appointed by the District Committee under Section 18;

(7) "Owner" in relation to any land, means the person who is, or who would, but for a grant, be liable to pay land revenue or rent in respect of such land to the State Government and includes a mortgagee with possession;

(8) "Reclamation" means the conversion of land from uncultivable to cultivable condition and includes afforestation or any other improvement of land brought about by physical or chemical process;

(9) "Scheme" means a land improvement scheme prepared under this Act;

(10) "Soil Conservation Officer" means an officer appointed for the time being to be the Soil Conservation Officer;

(11) "Waste land" means any land lying waste on account of water logging, salinity, accumulation of sand, growth of woods, soil erosion or any other cause or lying uncultivated for not less than two consecutive years;

(12) "Work" means any work of public utility constructed, erected or carried out under a scheme and includes a pasture or forest provided or raised under a scheme;

(13) The expression "cattle", "forest produce", "timber" and "tree" shall have the meanings respectively assigned to them in the Indian Forest Act, 1927 (XVI of 1927);

(14) The words and expressions used in this Act, but not defined shall have the meanings assigned to them in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

1. Inserted by M.P. Act No. 26 of 1974 (w.e.f. 15-6-1974).

2. Substituted by M.P. Act No. 1 of 1977 (w.e.f. 4-1-1977).

CHAPTER 2

CONSTITUTION OF THE BOARD AND THE DISTRICT COMMITTEES

3. Constitution Of The Board :-

(1) The State Government may, for the purpose of carrying out the provisions of this Act, constitute for the State of Madhya Pradesh a Board called the Madhya Pradesh Land Improvement Board.

(2) The Board shall consist of--

(a) the Minister in charge of Agriculture who shall also be the Chairman;

(b) four members to be elected by the members of the Madhya Pradesh Legislative Assembly, from amongst themselves;

(c) the Secretary to Government of Madhya Pradesh, Agriculture Department, or an officer not below the rank of a Deputy Secretary nominated by him;

(d) two persons having a special attitude for land improvement schemes, to be nominated by the State Government;

(e) the Chief Engineer, Public Works Department (Irrigation), Madhya Pradesh;

(f) the Chief Conservator of Forest, Madhya Pradesh; and

(g) the Director of Agriculture, Madhya Pradesh.

(3) The Secretary of the Board shall be such person as the State Government may, from time to time, appoint in this behalf.

(4) (a) The State Government, may, from time to time, on the recommendation of the Board, appoint not more than two persons whose assistance or advice the Board may desire in carrying out any of the provisions of this Act to associate themselves with the Board in such manner, for such purposes and for such period as the State Government may, by order specify.

(b) A person associated with the Board under clause (a) for any purpose shall have a right to take part in the discussions but shall not have a right to vote at a meeting of the Board and shall not be a member for any other purpose.

(5) The name of every person elected, nominated or appointed under sub-section (2) or sub-section (4) as the case may be, shall be notified in the Gazette.

(6) The members of the Board elected under clause (b) or nominated under clause (d) of sub-section (2) shall hold office for a term of five years from the date his election or nomination, as the case may be, is notified in the Gazette under sub-section (5) :

Provided that if the member, elected under clause (b) ceases to be a member of the Legislative Assembly, he shall cease to be member of the Board also.

(7) An elected, nominated or appointed member may at any time

resign his membership by tendering his resignation in writing under his hand to the Chairman, and his seat shall thereupon become vacant.

(8) A casual vacancy occurring in the office of a member by reason of his death, resignation or otherwise shall be filled by election, nomination or appointment, as the case may be, and the person elected, nominated or appointed to fill the vacancy shall hold office for the unexpired term of his predecessor.

(9) If there is a difference of opinion amongst the members of the Board regarding any question under this Act, decision of the majority of the members present shall prevail :

Provided that when the opinion is equally divided, the Chairman shall have a casting vote.

(10) All communications and orders of the Board shall be issued by the Secretary or by such officer subordinate to him as may be authorised by the Board in this behalf.

4. Functions Of The Board :-

The functions of the Board shall be--

(a) to direct either at its own instance or on the orders of the State Government, the preparation of a scheme by a District Committee, within their respective jurisdiction;

(b) to consider and approve the schemes so prepared;

(c) to suggest ways and means for the execution of the schemes approved by it; and

(d) to perform such other functions as are or may be entrusted to it by or under this Act.

5. Constitution Of District Committees :-

(1) The State Government shall constitute in each district a District Committee consisting of--

(i) the Collector,

1[(ii) an officer of the Agriculture Department at the district level not below the rank of Deputy Director of Agriculture],

(iii) soil Conservation Officer,

(iv) an officer of the Forest Department at the district level,

(v) one officer of the Public Works Department (Irrigation) at the district level,

(vi) two non-official members as may be appointed by the State Government.

(2) The Collector shall preside over the meeting of the District

Committee and if the Collector be not present in any meeting, such one of their number as the members present may elect, shall preside over the meeting.

1[(3) The Soil Conservation Officer shall be the Secretary of the District Committee].

(4) The members appointed under clause (vi) of sub-section (1) shall hold office for a term of five years from the date of their appointment.

(5) A non-official member may, at any time, resign his membership by tendering his resignation in writing under his hand to the Collector, and his seat shall thereupon become vacant.

(6) If there is difference of opinion among the members of the District Committee regarding any question under the provisions of this Act, the decision of the majority of the members present shall prevail :

Provided that when their opinion is equally divided the Chairman shall have a casting vote.

1. Substituted by M.P. Act No. 26 of 1974 (w.e.f. 15-6-1974).

6. Functions Of The District Committees :-

The functions of the District Committee shall be--

- (a) to prepare scheme for areas in the districts;
- (b) to execute scheme in the district;
- (c) to perform such other functions pertaining to land improvement as are entrusted to the District Committee by or under this Act;
- (d) to carry out the instructions issued by the State Government or the Board from time to time under the provisions of this Act.

CHAPTER 3

PREPARATION OF LAND IMPROVEMENT SCHEME

7. Matters Which The Scheme May Provide :-

The District Committee may on its own motion, and shall on receipt of a direction from the State Government or the Board, prepare land improvement schemes for any area within its jurisdiction. A scheme may make provision for any of the following matters, namely :

- (i) prevention of erosion of soil;
- (ii) preservation and improvement of soil;
- (iii) introduction of dry farming methods;
- (iv) improvement in the methods of cultivation and extension of cultivation;

- (v) provision and improvement of water supply and training of streams;
 - (vi) control and maintenance of tree growth;
 - (vii) prohibition or control of grazing or reservation of land for pasture;
 - (viii) regulation or prohibition of firing of vegetation;
 - (ix) cultivation of waste or fallow land;
 - (x) reclamation of waste, saline or water-logged land;
 - (xi) eradication of kans or any other kind of weed or vegetation which is likely to adversely affect or interfere with cultivation;
 - (xii) soil and water use management;
 - 1[(xii-a) consolidation of holdings;]
 - (xiii) any other matter which may be prescribed.
1. Substituted by M.P. Act No. 26 of 1974 (w.e.f. 15-6-1974).

8. Draft Scheme :-

When a District Committee decides to prepare a scheme under Section 7, it shall appoint an officer to prepare, in accordance with such instructions as it may issue, a draft scheme setting out--

- (a) the object of the scheme;
- (b) the boundaries and approximate area of the lands to be included in the scheme;
- (c) the work or kind of work to be carried out under the scheme;
- (d) the agency or agencies through which the work shall be carried out;
- (e) the persons, including the State Government, who will be affected by the scheme;
- (f) estimated cost of the scheme and the benefits accruing therefrom;
- (g) such other particulars as may be prescribed.

9. Publication Of Draft Scheme :-

(1) The draft scheme prepared under Section 8 shall be submitted to the District Committee, which shall either approve the scheme with or without modifications or may reject it and prepare or cause to be prepared another draft scheme.

(2) Whenever the District Committee approves any draft scheme, it shall appoint an officer called the Inquiry Officer for the purpose hereinafter specified.

(3) The scheme approved by the District Committee under subsection (1) shall be published by the Inquiry Officer by affixing a

copy thereof on the notice boards of the Office of the Collector, Tahsildar and in the office of the Gram Panchayat. The scheme shall also be published at conspicuous places in villages or towns in which the lands proposed to be included in the scheme are situate.

(4) The Inquiry Officer shall simultaneously with the publication of the scheme under sub-section (3), issue a notice requiring all persons affected by the scheme who wish to make any objections to the scheme or any part thereof to submit their objections in writing to him, or appear before him and state their objections within twenty-one days of the publication of the notice at such place as may be specified in the notice.

10. Inquiry Officer To Consider Objections And Submit Report To District Committee :-

(1) The Inquiry Officer shall enquire into the objections received or recorded by him and submit his report together with the objections to the District Committee.

(2) The Inquiry Officer may while submitting his report under sub-section (1) recommended any modifications which in his opinion are required in any of the particulars contained in the scheme approved by the District Committee under sub-section (1) of Section 9.

11. Power Of Board And District Committee To Sanction Scheme With Or Without Modifications :-

(1) After consideration of the objections and the report submitted under Section 10 and of any further report which the District Committee may require, the Inquiry Officer to submit the District Committee may sanction the scheme with or without modification, or reject it, or direct that in lieu thereof a fresh scheme be prepared and submitted for its sanction :

Provided that if not less than 1[20 per cent] of the total number of the owners of the land included in the scheme other than the Government, or owners other than the Government owning in the aggregate not less than 1[20 per cent] of the land included in the scheme have made objections to the scheme or part thereof, the District Committee shall submit the scheme to the Board for its orders. The Board may thereupon sanction the scheme with or without modifications or reject it :

Provided further that before ejecting any scheme prepared on the direction of the State Government or the Board, the Committee shall submit the scheme together with its recommendations thereon

to the State Government or the Board, as the case may be, who may either sanction the scheme with or without modifications or reject it.

(2) The Scheme as sanctioned under sub-section (1) shall be published in the same manner as the draft scheme was published and shall on such publication be final.

1. Substituted by M.P. Act No. 2 of 1992, Section 2 (w.e.f. 3-1-1992) for "33 percent"

12. Effect Of Scheme :-

The scheme shall come into force on the date on which it is published under Section 11 and shall have effect as if it were enacted in the Act.

13. Power Of State Government Or Of Board To Make Regulations :-

For the purpose of carrying out the objections of scheme, which has come into force under Section 12, the State Government or with the approval of the Board, the District Committee may make regulations requiring any person or persons or the public generally to take certain action or to refrain from doing certain acts in respect of any matters supplementary and incidental to the scheme.

CHAPTER 4

EXECUTION OF THE SCHEME

14. Agency For Execution Of Scheme :-

1[When the schemes come into force the District Committee may,-
-

(i) appoint an officer of the State Government or an Officer of any body corporate subordinate to the State Government to be the Executive Officer to execute it; or

(ii) with the previous approval of the State Government entrust the execution of the scheme in accordance with the provisions of this Act to a firm, company or any other body corporate registered, established or constituted, as the case may be, under any law for the time being in force at the cost of such firm, company or body corporate shall be deemed to be an Executive Officer appointed under clause (i) for the purposes of this Act.]

1. Substituted by M.P. Act No. 1 of 1977 (w.e.f. 4-1-1977).

15. Power To Enforce Scheme :-

(1) Every owner of land included in the scheme shall pay the cost or part of the cost, as the case may be, of the works which under the scheme are carried out by the District Committee in his land at the cost or part of the cost of the owner.

(2) If any owner of the land included in the scheme desires to carry out himself under technical guidance provided free by the District Committee, any works which under the scheme are to be carried out in his land by the District Committee at the cost or part of the cost of the owner he shall give notice in writing to that effect to the District Committee, or the Executive Officer within twenty-one days of the final publication of the scheme under Section 12.

(3) On receipt of such notice, the Executive Officer shall inform the owner of the works which are to be carried out in his land and fix a date before which the owner shall carry out the works.

(4) If such owner fails to carry out any such work to the satisfaction of the Executive Officer before the date fixed, or at any time expresses in writing to the Executive Officer his inability to do so, the Executive Officer may himself get the work carried out and the expenses incurred by the Executive Officer for the purpose shall be recovered from the owner.

(5) Where the owner of any land included in the scheme is the Government, the Department of Government which has the control or management of such land, or the Executive Officer, if so directed in this behalf by the District Committee or the State Government, as the case may be, shall carry out the work which the Government as owner of the land is liable to carry out under the scheme.

15A. Executive Officer To Forward Proposal For Consolidation Of Holdings To Consolidation Officer :-

1[If in consequence of any work carried out under a scheme, the Executive Officer is of the opinion that it is necessary to change the boundaries of holdings or to redistribute all or any of the lands in the area included in the Scheme for securing greater convenience in cultivation, the Executive Officer shall forward the proposal together with all relevant field maps, documents and other data to the Consolidation Officer for purpose of initiating action in accordance with the provisions of Chapter VI-A.

Explanation.--

In this Section "holding" shall have the meaning assigned to that expression in Section 27-A].

1. Inserted by M.P. Act No. 26 of 1974 (w.e.f. 15-6-1974).

16. Liability Of Persons Other Than Owner Benefited By The Scheme :-

(1) If in consequence of any work carried out under the scheme in any land--

(i) any person holding the subsidiary interest in such land under the owner thereof; or

(ii) any person holding interest in any other land is or is likely to be benefited by that work, such person shall pay such amount as contribution as the District Committee may determine to the owner of the land, if the work is carried out by him or to the State Government, if the work is carried out by the Executive Officer :

Provided that before any person is required to pay any such contribution, he shall be given a reasonable opportunity of making his representation, if any, in regard to the matter :

Provided further that the Board may waive the payment of such contribution in whole or in part in respect of any work carried out by it in (and belonging to the Government.

(2) The amount shall be paid within such time as may be specified by the District Committee. If default is made in the payment of such contribution within the time specified by the District Committee, the Collector or any Officer authorised by him in this behalf shall recover from the defaulter and pay the same to the owner of the land in such manner, as may be prescribed.

17. Power Of Board To Carry Out Works In Scheme :-

Where by the reason of the nature or magnitude of any work to be carried out under the scheme which has come into force under Section 12, the Board is satisfied that such work is not likely to be carried out satisfactorily by the owners of land included in the scheme then, notwithstanding anything contained in this Act, the Board may, by notification direct that such work shall be carried out by the District Committee and that the cost of such work shall be recovered in whole or in part from the owners of the lands included in the scheme in such proportion as the District Committee may fix, having regard to the area or assessment or both, of the lands included in the scheme.

Chapter : IVA - REQUISITIONING OF LAND FOR EXECUTION OF SCHEME

17A. Requisitioning Of Land For Execution Of Scheme :-

(1) If the District Committee is satisfied that for the purpose of executing any scheme it is necessary that temporary possession of any land should be taken, it may by order, in writing, direct the Executive Officer to take temporary possession

of such land on such date and for such period not exceeding one crop season as may be specified in that order.

(2) The order shall be made in such form, and brought to the notice of the owner or owners of land in such manner and within such period preceding the date specified in the order for taking temporary possession, as may be prescribed.

(3) On the date specified in the order, the Executive Officer or any Officer authorised by the Executive Officer with prior approval of the District Committee shall enter upon and take possession of the land.

1. Chapter IV-A, Sections 17-A to 17-G inserted by M.P. Act No. 30 of 1975 (w.e.f. 7-9-1975).

17B. Claim Of Arrears Of Rent Not To Be Enforced Against Board Etc. :-

No claim of the owner to any arrears of rent accrued or due in respect of the land for the period prior to the date of taking possession shall thereafter be enforced by any Court whether in execution of a decree or otherwise, against the State Government or the Board or the District Committee or against any person holding the land under the District Committee or against the land during the period such land is in the possession of the District Committee :

Provided that in computing the period of limitation for a suit, or any application for the execution of decree the time during which the enforcement of such claims is barred under this Section, shall be executed.

17C. Release From Requisition :-

(1) When the execution of the scheme, is, in the opinion of the District Committee, complete and in any case before the expiry of the period of requisition specified in the order under sub-section (1) of Section 17-A, the Executive Officer shall after land shaping and its development restore the possession of land, as far as possible in as good a condition as it was when possession thereof was taken subject only to the changes caused by reasonable wear and tear and irresistible force to the owner who on the date of taking possession, was in lawful possession of the land or was untitled for such possession or if he is dead, to his successor-in-interest.

(2) On the date of handing over of possession, the possession of land shall be deemed to have been delivered by the District Committee to the person entitled to such possession under sub-section (1).

(3) The delivery of possession of the land to the person concerned shall be final and full discharge of the District Committee from all liability in respect of such delivery, but shall not prejudice any right in respect of the land to which any other person may be entitled by due process of law to enforce against the person to whom possession of land has been so delivered.

17D. Fixation Of Rate For Payment Of Amount :-

(1) For every area under a scheme wherein the District Committee proposes to requisition land under Section 17-A, there shall be constituted a Rate Fixation Committee consisting of--

(i) the Commissioner of the revenue division in which concerned area is situate
Chairman

(ii) the Collector of the concerned district Member

(iii) the Joint Director of Agriculture within whose jurisdiction concerned area is situate Member

(iv) member or members of the Legislative Assembly returned from the concerned area in the State Legislative Assembly Members

(v) two cultivators owning land in the concerned area nominated by the Collector

Members

(2) The Rate Fixation Committee shall fix the rate for any crop season per hectare at which amount shall be payable for requisitioning of land under sub-section (1) of Section 17-A having due regard to--

- (a) estimated annual income from the lands for the previous year;
- (b) estimated annual expenditure on the lands for the previous year;
- (c) estimated expenditure on account of land revenue, cess and other taxes on the lands for the previous year;
- (d) profit of agriculture on the lands for the previous year;
- (e) such other matters as may be prescribed.

(3) The Commissioner shall preside over the meetings of the Rate Fixation Committee and if the Commissioner be not present, the Collector shall preside over the meeting.

(4) The members nominated under clause (v) of sub-section (1) shall hold office for a period of one year from the date of their nomination.

(5) In the transaction of its business, the Rate Fixation Committee shall follow such procedure as it may lay down by a resolution passed by a majority of two-thirds of its members;

17E. Determination And Payment Of Amount :-

There shall be payable by the Executive Officer immediately on the expiration of the period of requisition specified in the order under sub-section (1) of Section 17-A, an amount calculated at the rate fixed under Section 17-D, in the following manner,--

(a) where on the date of taking possession, the land was in actual occupation of a Bhumiswami, the whole amount so calculated shall be payable to the Bhumiswami; and

(b) where on the date of taking possession, the land was in actual possession of an occupancy tenant or a tenant, out of the amount so calculated so much amount as is equal to the maximum rent payable to the Bhumiswami by the occupancy tenant, or by tenant, if he were an occupancy tenant for such land in accordance with Section 186 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) shall be payable to the Bhumiswami and the balance shall be payable to the occupancy tenant or the tenant, as the case may be.

17F. Bar Of Jurisdiction Of Civil Court :-

The rate fixed by the Rate Fixation Committee under Section 17-D shall be final and binding on the owner of land and no Civil Court shall have jurisdiction to deal with any question with respect to fixation of rate under Section 17-D or amount payable under Section 17-E.

17G. Interpretation :-

In this chapter, unless the context otherwise requires, the expression "owner" means Bhumiswami of land and includes an occupancy tenant and ordinary tenant, if any of such land, within the meaning of Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

CHAPTER 5

MAINTENANCE, REPAIRS AND USE OF WORKS CARRIED OUT UNDER THE SCHEME

18. Executive Officer To Prepare Recovery Statements And Entries To Be Made In Record Of Rights, Etc. :-

(1) The Executive Officer shall within thirty days after the close of each financial year, prepare in respect of any scheme where under part of the work has been carried out during such year, an interim statement specifying therein--

- (i) the part of the work carried out;
- (ii) the cost of such part as calculated on the basis of the works cost, as recorded in the works register maintained by the Executive Officer;
- (iii) the interim amount to be recovered from the owners in respect of works so carried out;
- (iv) the period within which such amount is to be recovered;
- (v) the general rate per acre or per rupee of assessment per annum at which such amount is to be recovered from the owner;
- (vi) if in the case of any survey numbers or sub-divisions of survey number, the amount to be recovered under clause (iii) is to be recovered at a rate other than the general rate, such rate;
- (vii) the names of persons from whom such amount is recoverable;
- (viii) such other particulars as may be prescribed.

(2) After the whole of the work under the scheme is carried out, the Executive Officer shall prepare--

(a) the final statement specifying therein--

- (i) the work carried out;
- (ii) the total cost of the whole work;
- (iii) the balance after deducting from the total cost the interim amount set out in the interim statement;
- (iv) in relation to such balance the amount to be recovered from the owners as cost or part cost;
- (v) the period within which such amount is to be recovered;
- (vi) the names of persons whom such amount is recoverable;
- (vii) the general rate per acre or per rupee of assessment per annum at which the amount specified under clause (iv) should be recovered;
- (viii) if in the case of any survey number or subdivision of a survey number the amount recoverable from the owner thereof is to be recovered at a rate other than the general rate, such rate and a list of all such survey numbers or sub-divisions;
- (ix) the work which, in his opinion, shall be maintained and repaired individually or jointly and the names of such persons;
- (x) such other particulars as may be prescribed;

(b) a map showing the work carried out in the village.

(3) When a final statement is prepared under this Section, the

Executive Officer shall send a duly authenticated copy thereof to the Collector who shall cause any rights and liabilities shown therein to be entered in the record of rights or where there is no record of rights, in such village record and in such manner as may be prescribed and it shall thereupon form part of such record of rights or such village record.

19. Recovery Of Cost :-

The cost directed to be recoverable under Section 18 together with such interest as the State Government may determine, shall be recoverable by the Collector or any officer authorised by him from the persons concerned in such number of annual instalments and in such manner as may be prescribed.

19A. Effect Of Transfer Of Rights And Liabilities Of State Government To Sahakari Bhumi Vikas Bank :-

1[Where rights and liabilities of the State Government in relation to the recovery of costs or part costs of the works carried out under any scheme for any owner of land included in such a scheme stand transferred to a development bank under Section 13-A of the Madhya Pradesh Sahakari Bhumi Vikas Bank Adhiniyam, 1966 (No. 28 of 1966), then notwithstanding anything contained in this Act, every such owner of land shall pay the amount recoverable from him under this Act to such bank, the amount of such cost or part cost, shall be paid by, and recovered from such owner of lands in accordance with the provisions of the said Section 13-A, and the rights and liabilities transferred to the bank shall be entered in the final statement referred to in sub-section (2) of Section 18.]

1. Inserted by M.P. Act No. 14 of 1972 (w.e.f. 4-5-1972).

19B. Transfer Of Rights And Liabilities Of The Schemes Sanctioned And Effect Thereof :-

1[(1) Where any works included in the land improvement scheme, which has come into force under this Act, are carried out at the cost of the State Government and such cost is to be recovered from the owner of the land, included in the scheme as shown in statement prepared under clause (a) of sub-section (2) of Section 18, then notwithstanding anything contained in this Act, all the rights and liabilities of the State Government for the recovery of the costs or part cost from the owner of the land shall stand transferred to the Bank, as defined in the Madhya Pradesh Krishi Udhart Pravarthan and Prakarn Upbandh (Bank) Adhiniyam, 1972 (No. 32 of 1973) (hereinafter referred to as the Financing Bank), which has agreed to such transfer in relation to such owner of the land and subject to such terms and conditions as may be agreed upon between the State Government and such Bank and for arriving at such agreement every owner of land shall produce before the concerned Bank all such documents and other evidence relating to his land included in such scheme as the concerned Financing Bank may require.

(2) On such transfer of rights and liabilities of the State Government, the Financing Bank concerned shall pay to the State Government, an amount equal to the extent of liability accepted by it under such agreement, and the State Government shall inform the owner of the land concerned of such transfer, and thereupon the rules

and procedure of the concerned Financing Bank regarding advancing of loans, including the provision of mortgage of property, and recovery thereof shall apply in relation to the amount of cost to be recovered from each owner of land, as they apply in relation to advancing of loans and recovery thereof, including interest, as if such owner was a borrower of such Bank. The transfer of the rights and liabilities and payments made in accordance therewith shall discharge the owner of land his liability to make payment to the State Government under this Act, but to the extent only of his liability accepted by the concerned Financing Bank.

(3) Where rights and liabilities of the State Government in relation to the recovery of costs or part cost of the works carried out under any scheme from any owner of land included in such scheme stand transferred to a concerned Financing Bank under sub-section (1) then, notwithstanding anything contained in this Act, every such owner of land shall pay the amount recoverable from him under this Act to the concerned Financing Bank and the amount of such costs or part cost, shall be paid by and recovered from such owner of land in accordance with the provisions of sub-Section (2) and the rights and liabilities transferred to the Bank shall be entered in the final statement referred to in sub-section (2) of Section 18.]

1. Inserted by M.P. Act No. 13 of 1975 (w.e.f. 5-6-1975).

20. Obligation Of Persons To Maintain And Repair Works :-

(1) Every person shown in the statement prepared under Section 18 liable to maintain and repair any work shall to the satisfaction to the Soil Conservation Officer and within such time as that officer may fix, maintain and repair the work and his own land and in other lands in respect of which he is shown as liable in the statement.

(2) If any person fails to maintain or repair the work within the time prescribed by the Soil Conservation Officer under sub-section (1), the said officer shall himself get the work executed or repaired and recover the cost thereof from such persons.

(3) If the Soil Conservation Officer is of the opinion that an emergency has arisen and that immediate repair of any work, referred to in sub-section (1) is necessary in general interest, he shall carry out such repairs and the cost of such repairs shall be paid by persons whose liability has been shown in the statement.

(4) The Soil Conservation Officer, shall as soon as practicable, make report to the District Committee regarding such repairs.

(5) Any dispute as to the amount of expenses shall be decided by the Collector and his decision shall be final.

CHAPTER 6

RECLAMATION OF WASTE LAND

21. Order Of Taking Possession Of Waste Land :-

(1) If the Board is satisfied that for the purpose of executing any scheme of reclamation of waste land sanctioned under this Act it is necessary that temporary possession of any waste land should be

taken, it may by order in writing direct the District Committee to take temporary possession of such land on such date as may be specified in that order.

(2) The order shall be made in such form, and brought to the notice of the owner or owners of the land, in such manner, as may be prescribed.

(3) On the date specified in the order, the officer authorised by the District Committee shall enter upon and take possession of the land.

22. Arrangement For Reclamation :-

When the land has been taken possession of, the officer appointed by the District Committee for the purpose may arrange for its reclamation--

(a) by retaining it under his management for such period as he thinks fit; or

(b) by setting it for such period and on such terms as may be fixed by the District Committee with the person or persons who on the date of taking possession of the land were in lawful possession of the land or were entitled to such possession or, if any such person is dead, with his successor-in-interest; or

(c) by combination of the methods aforesaid :

Provided that the total period for which the land is retained or settled under this Section shall not exceed ten years.

23. Claim For Arrears Of Rent Not To Be Enforced Against Board Etc. :-

No claim of the owner to any arrears of rent accrued or due in respect of the land for the period prior to the date of taking possession shall thereafter be enforced by any Court whether in execution of a decree or otherwise, against the State Government or the Board or the District Committee or against any person holding the land under the District Committee or against the land during the period such land is in the possession of the District Committee under sub-section (3) of Section 21 :

Provided that in computing the period of limitation for a suit, or an application for the execution of decree, the time during which the enforcement of such claims is barred under this Section shall be excluded.

24. Termination Of Possession On Completion Of

Reclamation :-

(1) When the reclamation of the land is in the opinion of the Collector, complete and in any case before the expiry of the period of ten years from the date of taking possession, the Collector shall after making an enquiry in the prescribed manner, by order in writing--

(a) declare that possession of the land shall be restored on such date as may be specified in the order, to the owner who on the date of taking possession was in lawful possession of the land or was entitled to such possession, or if he is dead, to his successors-in-interest;

(b) determine the person to whom possession is to be so restored;

(c) where such person is a tenant, determine the rent payable on account of the use or occupation of the land; and

(d) where the land or any part thereof has been afforested, regulate the cutting of trees in such land according to a working plan.

(2) On the date specified in the said order, possession of the land shall be deemed to have been delivered by the District Committee to the person determined under clause (b) of sub-section (1).

(3) The delivery of possession of the land to the person determined under clause (b) of sub-section (1) shall be a final and full discharge of the District Committee from all liability in respect of such delivery, but shall not prejudice any right in respect of the land to which any other person may be entitled, by due process of law, to enforce against the person to whom possession of the land has been so delivered.

25. Compensation For Period Of Possession :-

(1) As soon as may be, after the date of taking possession of the land, the Collector shall make an enquiry in the prescribed manner and determine--

(a) in respect of any land which on the said date was in the occupation of a tenant--

(i) the annual rent payable by him; and

(ii) the average net annual income, if any, after deducting the rent, derived by him during the three years immediately preceding the said date;

(b) in respect of any other land, the average net annual income, if any, after deducting land revenue, cesses and rates, if any payable

derived by the owners during the three years immediately preceding the said date.

(2) There shall be payable by the Collector as compensation on each anniversary of the date of taking possession until the date referred to in sub-section (2) of Section 24--

(a) in respect of such land as is referred to in clause (a) of sub-section (1), the amount determined under sub-clause (i) thereof to the landlord and the amount determined under sub-clause (ii) to the tenant; and

(b) in respect of any other land, the amount determined under clause (b) of sub-section (1) to the owner.

(3) For the purpose of this Section "landlord" means the person under whom the tenant holds land and to whom the tenant is, or but for special contract would be liable to pay rent for that land and any reference to an owner, landlord or tenant shall be deemed to include reference to the predecessors and successors in interest of the owner, landlord or tenant.

26. Accounts :-

The Collector shall maintain in such form and in accordance with such rules, as may be prescribed an account of all receipts and payments by the Collector in respect of the land, and the owner of the land or any other person having an interest therein, may, on payment of a fee of 50 paise inspect the account.

27. Recovery Of Net Expenditure :-

(1) The net expenditure incurred on the reclamation of the land under the provisions of this Chapter or such part of that expenditure as the District Committee may, by general or special order, direct together with interest calculated at the prescribed rate and in the prescribed manner, shall be recovered as arrear of land revenue from the person to whom possession of the land is delivered by the District Committee under sub-section (2) of Section 24.

(2) The amount to be recovered under sub-section (1) from any person shall be decided by the District Committee.

Chapter : VIA - CONSOLIDATION OF HOLDINGS

27A. Definition Of "Holding" And Powers Of Consolidation Officer :-

For the purposes of this Chapter--

(a) "holding" includes parcel of land held by a Government lessee under one lease or set of conditions;

(b) Consolidation Officer shall have the powers conferred upon a Tahsildar under the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

1. Chapter VI, Ss. 27-A to 27-M inserted by M.P. Act No. 26 of 1974(w.e.f. 15-6-1974).

27B. Initiation Of Proceedings For Consolidation Of Holdings :-

On receipt of the proposal under Section 15-A for consolidation of holdings included in a scheme, the Consolidation Officer shall proceed to deal with the same in accordance with the procedure laid down by or under this Act.

27C. Preparation Of Scheme For Consolidation Of Holdings :-

(1) The Consolidation Officer shall prepare a scheme for the consolidation of holding in the manner laid down by rules made under Section 27-M.

(2) If the Consolidation Officer is of opinion that the redistribution of land in accordance with scheme of consolidation of holdings will have the result of allotting to any owner, of holding or land of a less market or productive value than, that of his original holding or land, the scheme may provide for the payment of compensation to such owner by such person or persons as the Consolidation Officer may direct.

(3) When the scheme of consolidation is complete, the Consolidation Officer, after considering and as far as possible removing the objections, if any, made to the scheme, shall submit it for confirmation to the District Committee.

(4) When the scheme of consolidation is complete and if all the owners affected by such scheme, agree to enter into possession of the holdings allotted to them thereunder the Consolidation Officer may allow them to enter into such possession from a date to be mentioned in the scheme.

Explanation.--

For the purpose of this Section owner shall include the State Government in respect of unoccupied land.

27D. Confirmation Of Scheme :-

The District Committee may confirm the scheme with or without modification after considering the objection or objections, if any, to the scheme of consolidation and the recommendation of the Consolidation Officer. The decision of the District Committee subject to any order that may be passed in appeal by the Commissioner under Section 28, shall be final.

27E. Procedure On Confirmation :-

(1) Upon confirmation of the scheme of consolidation, the Consolidation Officer shall, if necessary demarcate the boundaries of the holdings and shall proceed to announce the decisions finally made and cause to be prepared in accordance with the scheme, a new field map, record-of-rights, other records as prescribed under Section 114 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

(2) The new records prepared under sub-section (1) shall be deemed to have been prepared under Chapter IX of the Madhya Pradesh Land Revenue Code, 1959 (No.

20 of 1959).

27F. Right Of Owners To Possession Of Holdings :-

The owners affected by the scheme of consolidation, if they have not entered into possession under sub-section (4) of Section 27-C, shall be entitled to possession of the holdings allotted to them under the scheme, from the commencement of the agricultural year next following confirmation; and the Consolidation Officer shall, if necessary, put them by warrant in possession of the holdings to which they are entitled :

Provided that if all the owners they may, after confirmation, be put into possession of their holdings by the Consolidation Officer from any earlier date.

27G. Transfer Of Rights Of Owners In Holdings :-

(1) Notwithstanding anything contained in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the rights of owners in their holding shall for the purpose of giving effect to any scheme of consolidation affecting them, be transferable by exchange or otherwise and no person shall be entitled to object to or interfere with any transfer made for the said purpose.

(2) The Consolidation Officer may also transfer by exchange or otherwise any land belonging to the State Government where such transfer is necessary for the purpose of giving effect to any scheme of consolidation.

27H. No Instrument Necessary To Effect Transfer :-

Notwithstanding anything contained in any law for the time being in force--

(a) no instrument in writing shall be necessary in order to give effect to a transfer involved in carrying out any scheme of consolidation of holdings; and

(b) no such instrument, if executed, shall require registration.

27I. Suspension Of Partition Proceedings During Currency Of Consolidation Proceedings :-

No proceedings for partition of the holdings which will affect the scheme of consolidation shall be commenced and all such proceedings pending shall remain in abeyance during the continuation of the consolidation proceedings.

27J. Transfer Of Property During Proceedings :-

No owner shall have power, during the continuance of the consolidation proceedings, to transfer or otherwise deal with any part of his original holding or land so as to affect the rights of any other owner thereto under the scheme of consolidation.

27K. Rights Of Owners After Consolidation As Before :-

An owner shall have the same rights in the holdings or land allotted to him in pursuance of a scheme of consolidation as he had in his original holding.

27L. Encumbrances Of Owners :-

(1) If the holding of any owner brought under the scheme of consolidation is validity burdened with any lease, mortgage or other encumbrance, such lease, mortgage or other encumbrance shall be transferred and shall attach to the holding allotted to him under the scheme or to such part of it as the Consolidation Officer, subject to any rules that may be made under Section 27-M may have appointed in preparing the scheme; and thereupon, the lessee, mortgagee, or other encumbrances as the case may be, shall cease to have any right in or against the land from which the lease, mortgage or other encumbrances has been transferred.

(2) Notwithstanding anything contained in sub-section (1) or any other enactment for the time being in force the Consolidation Officer shall, if necessary, put any lessee or any mortgagee or other encumbrances entitled to possession by warrant, into possession of the holding or part of a holding to which his lease, mortgage or other encumbrance has been transferred under sub-section (1).

CHAPTER 7

MISCELLANEOUS

28. Appeals :-

(1) Any person aggrieved by any order passed under Sections 21, 24, 1[25, sub-section (1) of Section 27 or Section 27-D] may before the expiry of sixty days from the date of the order, appeal to the Commissioner, in such manner, as may be prescribed :

Provided that the Commissioner may entertain an appeal after the expiry of such period if he is satisfied that the appellant was prevented by sufficient cause from filing it in time.

(2) The Commissioner may, after giving the person or persons concerned an opportunity of being heard, confirm, vary or reverse the order and pass such order in relation thereto, as he may deem fit.

(3) The order of the Commissioner on such appeal and where no appeal is preferred, the order which has not been appealed against, shall be final and shall not be called in question in any Court.

1. Substituted by M.P. Act No. 26 of 1974 (w.e.f. 15-6-1974).

29. Penalties :-

(1) If any person contravenes any of the provisions of the scheme which has come into force under Section 12 or does any act which causes damage to any of the works carried out under the scheme or fails to fulfil any liability imposed upon him under Section 20, he shall be punishable with imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

(2) If any person contravenes any rule or regulation made under this Act, or any order or direction made or given under such rule or regulation or resists or obstructs any person in the exercise or

performance of any power, function or duty conferred or imposed upon him by or under this Act, he shall be punishable with fine which may extend to five hundred rupees.

30. Amount To Be Recovered :-

All amounts due to the State Government, the Board or the District Committee under this Act shall be recoverable as an arrear of land revenue.

31. Procedure And Power Of Enquiries :-

Any officer or authority empowered to make an enquiry under this Act, shall for the purposes of such enquiry be deemed to be a Revenue Court under Section 31 of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959) and shall, for the purpose of such enquiry, have the same powers as any Revenue Officers acting as a Revenue Court has under the said Code.

32. Right Of Entry :-

For the purpose of surveying, preparing, sanctioning or executing any scheme, repairing or maintaining any works under any scheme any person authorised by the Board, District Committee 1[the Collector, the Soil Conservation Officer or the Consolidation Officer] may after giving such notice as may be prescribed to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purposes.

1. Substituted by M.P. Act No. 26 of 1974 (w.e.f. 15-6-1974).

33. Registration Of Documents Or Map In Connection With Scheme Not Required :-

(1) Notwithstanding in the Indian Registration Act, 1908 (XVI of 1908) shall be deemed to require the registration of any document or map prepared, made or sanctioned in pursuance of this Act in connection with any scheme which has come into force.

(2) All such documents, plans and maps shall, for the purpose of Sections 48 and 49 of the Indian Registration Act, 1908 (XVI of 1908), be deemed to be registered in accordance with the provisions of that Act :

Provided that documents and maps relating to such scheme shall be accessible to the public in the manner prescribed.

34. Delegation Of Power, Etc. :-

The State Government and subject to the control so State Government, the Board or the District Committee, or the Collector or the Soil Conservation Officer may delegate to any officer or authority subordinate to it or to him any of the powers, functions and duties conferred and imposed on it or on him by of under this Act.

35. Power To Prepare Scheme In Famine And Scarcity Area :-

(1) Notwithstanding anything contained in this Act, the State Government may direct the preparation of a scheme providing for any of the matters specified in Section 7 in any area in which the State Government declares that a state of famine or scarcity prevail or in which, in the opinion of the State Government, a state of famine or scarcity is likely to prevail.

(2) On such directions, the District Committee shall prepare in accordance with such instructions as the State Government may issue, a draft scheme containing the particulars specified in Section 8 and submit it to the State Government for its approval.

(3) After the scheme is submitted to the State Government for approval under sub-section (2), the provisions of this Act and the rules made thereunder shall, so far as may be, apply in respect of such scheme.

36. Power To Make Rules :-

(1) The State Government may by notification, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for the following matters, namely :

(a) all matters allowed or required by this Act to be prescribed;

(b) the manner in which the right or liabilities shown in the statements prepared under Section 18 shall be entered in the record-of-rights of village record;

(c) the number of annual instalments payable under Section 19;

(d) the manner of giving notices under this Act.

(3) The power to make rules conferred by this Section shall, except on the first occasion of the exercise thereof, be subject to the condition of previous publication.

(4) All rules made under this Act shall be laid on the Table of the Legislative Assembly.

37. Expenditure Incurred In Implementation Of The Act To Be Charged On Consolidated Fund Of State :-

The expenditure incurred in pursuance of anything done under this Act shall be charged on the Consolidated Fund of the State.

38. Protection Of Action Taken Under This Act :-

No suit, prosecution or other proceeding shall lie against any person for anything in good faith done in pursuance of this Act or any rule made thereunder.

39. Power To Revoke Scheme :-

If upon an application made by the District Committee or the Board, the State Government is satisfied that it is necessary to do so, the State Government at any time may, by notification, revoke any scheme after it has come into force and upon such revocation the provisions of this Act shall cease to apply to such schemes. Such notification shall be published by affixing a copy thereof on the Notice Board of the office of the Collector, Tahsildar, Janapada and Gram Panchayat and also by exhibiting it at conspicuous places in the village or the towns, where the lands included in such schemes are situate. Notwithstanding the revocation of the scheme, the recovery of instalment, interest or any other amount accruing against a person shall not be effected.

40. Power To Remove Difficulty :-

If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, by order make such provisions, not inconsistent with the purposes of this Act, as appear to them to be necessary or expedient for removing the doubt or difficulty.

41. Repeal :-

The Madhya Pradesh Bhumisudhar Yojana Adhyadesh, 1966 (No. 17 of 1966) is hereby repealed.