

**Madhya Pradesh Pariyojana Ke Karan Visthapit Vyakti
(Punhsthapan) Adhiniyam, 1985**

9 of 1985

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Madhya Pradesh Pariyojana Ke Karan Visthapit Vyakti (Punhsthapan) Adhiniyam, 1985

9 of 1985

An Act to provide for the resettlement of certain persons displaced from lands which are acquired for irrigation projects, power projects or public utility projects and for matters connected therewith or incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the Thirty-sixth Year of the Republic of India as follows : 1. Received the assent of the President on the 2nd May, 1985; assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 3rd May, 1985.

CHAPTER 1 PRELIMINARY

1. Short Title And Extent :-

- (1) This Act may be called the Madhya Pradesh Pariyojana Ke Karan

Visthapit Vyakti (Punhsthapan) Adhiniyam, 1985.

(2) It extends to the whole of the State of Madhya Pradesh.

2. Definitions :-

In this Act, unless the context otherwise requires,--

(1) "affected zone" in relation to a project, means the land declared under Section 16 as constituting the area of affected zone under the project;

(2) "agricultural land" includes,--

(i) land used or usable for the purpose of agriculture; and

(ii) land used for dairy farming, poultry farming, pisciculture, breeding of livestock and nursery growing medical herbs; and

(iii) land used for well and hut.

(3) "agricultural labourer" means a person normally resident in the affected zone for a period of not less than one year immediately before the declaration of the affected zone under Section 10 who does not hold any land in the affected zone but who earns his livelihood principally by manual labour on agricultural land therein immediately before such declaration and who has been deprived of earning his livelihood principally by manual labour on the land comprised in the affected zone;

(4) "benefited zone" in relation to a project, means the land declared under Section 16 as constituting the area of benefited zone under that project;

(5) "Code" means the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959);

(6) "Commissioner" means the Commissioner of the Revenue Division and includes an Additional Commissioner appointed under Section 15 of the Code in that division;

(7) "to cultivate" means to carry on any agricultural operation on agricultural land and the expression "cultivation" shall be construed accordingly;

(8) "displaced persons" means any tenure holder, tenant, Government lessee or owner of other property, who on account of acquisition of his land including plot in the abadi or other property in the affected zone for the purpose of the project, has been displaced from such land or other property;

(9) "family" in relation to displaced person means the family of displaced person consisting of such person and his or her spouse, minor son, unmarried daughter, minor brother or unmarried sister, father and mother and other members residing with him and

dependent on him for their livelihood;

(10) "holding" means the total land held by a person as tenure holder, tenant or Government lessee;

(11) "irrigation project" means the construction, extension or improvement of any work for the supply of water for the purpose of irrigation;

(12) "land pool" means the land referred to in sub-section (3) of Section 14 which may be available for resettlement of displaced persons;

(13) "project" means an irrigation project, a power project or a public utility project or any composite project of the above mentioned two or more projects in respect of which a declaration is made under Section 10;

(14) "Project Resettlement Officer" in relation to project means an officer not below the rank of Tahsildar appointed by the State Government by an order in writing for that project for the purpose of this Act;

(15) "power project" means construction, extension or improvement of any work for the production and supply of electricity or any work conducive to electrical development;

(16) "public utility project" means any work of public utility other than irrigation project and power project, the construction, extension, improvement or development of which results in displacing persons from lands which may be used for such work;

(17) "Resettlement Commissioner" means the Resettlement Commissioner appointed under Section 4;

(18) Words and expressions used in this Act but not defined, shall have the meaning respectively assigned to them in the Code.

CHAPTER 2

RESETTLEMENT OFFICER, THEIR POWERS AND DUTIES

3. Chief Controlling Authority In Resettlement Matters :-

The Chief Controlling Authority in all matters connected with the resettlement of displaced persons shall vest in the Resettlement Commissioner subject to the superintendence, direction and control of the State Government.

4. Resettlement Commissioner And Project Resettlement Officer And Assistant Project Resettlement Officer :-

(1) For carrying out the purposes of this Act, there shall be a Resettlement Commissioner for the whole State, who shall be either

Secretary or Additional Secretary to the State Government or an Officer of a rank not below that of Deputy Secretary to the State Government as the State Government may, by order in writing specify.

(2) The State Government may constitute an Advisory Board consisting of such number of persons not exceeding seven as it may deem fit to appoint to assist the Resettlement Commissioner in exercise of the powers and discharge of functions conferred or imposed upon him by or under this Act.

(3) In each project, there shall be a Project Resettlement Officer who shall be the principal Executive Officer of the Project. There shall be as many Assistant Project Resettlement Officers as the State Government may appoint to assist the Project Resettlement Officer. The Project Resettlement Officer and Assistant Project Resettlement Officer shall be appointed by the State Government.

5. Duties Of Resettlement Commissioner :-

Subject to the provisions of this Act, the Resettlement Commissioner shall be in overall charge of the resettlement programme of the State Government and shall implement the same within the frame work of the policy of the State Government relating to resettlement of displaced persons.

6. Duties Of Commissioner :-

Subject to the overall superintendence of the State Government and guidance of the Resettlement Commissioner, the Commissioner shall be in overall charge of the resettlement programmes, in his division and shall implement the same within the frame work of the policy of the State Government relating to resettlement of displaced persons.

7. Delegation Of Power And Duties To Subordinate Officers :-

(1) The Resettlement Commissioner may, subject to the control of the State Government by an order in writing delegate such of the powers and duties conferred and imposed on him by or under this Act to such officer of the State Government as may be specified in the order.

(2) The Project Resettlement Officer may, by an order in writing delegate such of the powers and duties conferred and imposed on

him by or under this Act to such officers of local authority as may be specified in the order with the approval of Resettlement Commissioner.

8. Subordination Of Officers And Servants :-

For the purposes of this Act, the Project Resettlement Officer and all other officers and servants appointed under this Act shall be subordinate to the Commissioner and Resettlement Commissioner.

9. Constitution Of Advisory Committee :-

The State Government may constitute one or more Advisory Committees each consisting of not more than five members to assist the Resettlement Commissioner, Project Resettlement Officer or any other officer appointed for any of the purposes of this Act on such matters regarding the speedy resettlement of the displaced persons as may be referred to him or them. The composition of an Advisory Committee, the regulation of business, the allowances or fees, if any, to be paid to its members and all matters incidental thereto shall be such as may be prescribed.

CHAPTER 3

DECLARATION OF PROJECT AND CONSEQUENCES TO ENSUE THEREFROM

10. Declaration Of Project :-

(1) If the State Government is of opinion that it is necessary or expedient in the public interest so to do for the resettlement of displaced persons, it may, by notification, declare any irrigation project, power project or public utility project or any composite project thereof to be a project to which the provisions of this Act shall apply and specify therein, the villages or areas which are likely to be in the affected zone and benefited zone.

(2) The declaration shall also be published in the villages or areas which are likely to be affected and benefited zones by beat of drums or otherwise, and by affixing a copy of the notification in some prominent place or places in the zones and in the office of the Gram Panchayat, if any, and also in the office of the Project Resettlement Officer.

11. Registration On Transfer, Sub-Division Or Partition Of Land In Benefited Zone :-

(1) After the publication of a notification under Section 10 and until

the Project Resettlement Officer makes a declaration to the effect all proceedings for the acquisition of land in the benefited zone are complete, no land in the village or areas specified in the notification aforesaid shall, notwithstanding anything contained in any law for the time being in force, be--

(a) transferred, whether by way of sale (including sale in execution of decree or order of Civil Court or of an award or order of any competent authority) or by way of gift, exchange, lease or otherwise;

(b) sub-divided (including sub-division by a decree or order of any Court or any other competent authority); or

(c) partitioned (including partition by a decree or order of any Court or any other competent authority), without previous permission of the State Government obtained in such manner as may be prescribed.

(2) The State Government may refuse to give permission if in its opinion the transfer, sub-division or partition of land is likely to defeat the object of this Act.

(3) Any transfer, sub-division or partition of land made in contravention of sub-section (1) shall be void and inoperative.

12. Assessment Of Extent Of Land From Which Persons Are Likely To Be Displaced And Census Of Displaced Persons :-

(1) On the publication of the notification under Section 10 the Project Resettlement Officer shall, according to the provisions of this section and with reference to the position as existing on the date of publication of the said notification :--

(a) assess the extent of land from which persons are likely to be displaced;

(b) take census in the villages or areas specified in the notification of persons who--

(i) ordinarily reside; or

(ii) hold agricultural land, abadi plot or other property; or

(iii) are agricultural labourers and who in each case are likely to be affected by any project which is subject-matter of declaration under Section 10.

(2) For the purpose of assessing the extent of land or taking census under sub-section (1), the Project Resettlement Officer may ask such questions to all persons concerned as he may deem necessary for the purpose, and record substance of information furnished by such persons.

(3) Every person to whom any question is asked under sub-section (2) shall be legally bound to answer such question to the best of his knowledge or belief. A document giving such information or substance thereof signed by the person would be a conclusive proof of the correct position at the time of the census.

(4) The Project Resettlement Officer shall provisionally declare the result of the assessment and census in the manner provided by sub-section (2) of Section 10.

(5) The declaration under sub-section (4) shall invite objections to and suggestions for the matters included therein within a period of not less than thirty days from the date the declaration is first made under sub-section (4) as may be specified by the Project Resettlement Officer in this behalf.

(6) On expiration of the period specified for inviting objections and suggestions, the Project Resettlement Officer shall, by notification publish the result of assessment and the census finally in the manner provided by sub-section (2) of Section 10.

13. Appeal :-

(1) Any person aggrieved by the inclusion or non-inclusion of any land or any name in the finally published result of assessment and census under sub-section (6) of Section 12 may prefer an appeal in a manner prescribed to the Commissioner within thirty days of such final publication. The appeal memorandum shall be accompanied by such fees as may be prescribed.

(2) The decision of the Commissioner in appeal which shall be heard as per procedure as may be prescribed, shall, be final and shall not be called in question in any Court of law. The Commissioner shall state points arising for determination in appeal and give reasons in brief in support of his decision.

14. Assessment Of Land Available For Resettlement :-

(1) The Project Resettlement Officer shall also assess the extent of land which may be available for grant to displaced person. The Project Resettlement Officer shall also indicate in such assessment, the location of such lands and of the area of extension of any existing abadi where resettlement of displaced persons may be made.

(2) In selecting the site for abadi (hereinafter referred to as the new abadi) or, as the case may be, for extension of an abadi, the Project Resettlement Officer shall have regard to the following

factors, namely :--

(i) the proximity of alternative agricultural land (which may be earmarked for grant to the displaced persons) to the new abadi or as the case may be, to the extended part of the existing abadi (the distance between such agricultural lands and the new or the extended part of the existing abadi may ordinarily not exceed 8 km.);

(ii) the availability of water resources in or in the vicinity of the new abadi or extended part of the abadi or possibility of striking water, if well is constructed in or in the vicinity of such abadi;

(iii) access to road;

(iv) suitability of land construction of houses; and

(v) such other factors as the State Government may, by an order in writing, specify.

(3) The Project Resettlement Officer shall draw up a list of lands which may be available for resettlement of the displaced persons and in doing so, may indicate the area which may be included in the benefited zone or which may be specified under Section 10. Such lands shall consist of--

(a) Government waste lands, not reserved under Section 236 or Section 237 of the Code;

(b) Government lands on banks of reservoirs on which there is a forest growth and which are available or which may be available for cultivation after clearance of the forest growth;

(c) Government forest lands which are available or which may be available for cultivation after deforestation;

(d) lands which may be included in the benefited zone, or in any village or area to be specified under Section 10 or lands which are on the periphery of the affected benefited zone or the villages or areas so specified and which may be acquired under the Land Acquisition Act, 1894 (1 of 1894), in accordance with the provisions of Section 17;

(e) lands acquired under Section 17;

(f) any other lands vesting in the State Government and available for the resettlement of displaced persons.

(4) For the purpose of making assessment under this section, the Resettlement Commissioner shall--

(a) cause to be prepared an index map of submergence area which is likely to be submerged showing the villages at different reservoir levels i.e.,--

(i) for storage with gates; and

(ii) for storage without gates;

- (b) cause to be prepared the village maps indicating the submerged area, and the actual survey numbers which may be submerged;
- (c) cause to be collected information regarding--
 - (i) the extent of land required for the project;
 - (ii) the extent of land which is likely to be benefited by the project together with a list of survey numbers in each village.
- (5) The Project Resettlement Officer shall collect information regarding--
 - (a) Government land, land on the periphery of the submerged area and land in the benefited zone including area benefited by other projects in the vicinity available for resettlement and which may have to be acquired under the provisions of Section 17 for resettlement;
 - (b) details of persons affected by the project, such as the extent of the holding of the displaced persons, the extent or area therefrom to be acquired for the project, the number of structures to be acquired for the project and the number of members in the family of each displaced person;
 - (c) the location of the new abadi or extension of the existing abadi preferably in consultation with the persons who are likely to be displaced on account of undertaking works relating to the project.
- (6) The Project Resettlement Officer shall send a copy of his assessment made under Sections 12 and 41 to the State Government through the Commissioner.

15. Provisional Declaration Of Affected Zone And Benefited Zone :-

- (1) As soon as may be after the receipt of the copy of assessment under Section 14, the State Government shall, after such enquiry as it thinks fit, provisionally declare, by notification, and also in the manner provided by sub-section (2) of Section 10--
 - (a) the area which is required for the project and thereby would be adversely affected by to under the project;
 - (b) if the project is an irrigation project or is a composite project consisting of irrigation project and power project or any other project of public utility the area under the command of the project, which is likely to be benefited by the project;
 - (c) the area in which it is proposed to resettle displaced persons including the area benefited by other projects in the vicinity;
 - (d) the list of displaced persons.

(2) The declaration under sub-section (1) shall invite objections to and suggestions for, the inclusion of any land in the area referred to in clause (a), clause (b) or clause (c) and consequentially for the inclusion of certain persons in the list of displaced persons referred to in clause (d) of sub-section (1) within a period of not less than thirty days specified in the notification.

(3) A copy of the notification shall be sent to the Commissioner, Resettlement Commissioner and the Project Resettlement Officer who may make such suggestions relating to the notification as he thinks fit.

16. Declaration Of Affected Zone And Benefited Zone And Power To Make Changes In Such Zone :-

(1) The State Government shall after considering the objections and suggestions received within the period specified in the notification under Section 15, after giving reasonable opportunity to the persons affected by that notification to be heard, and after making such further enquiry as it may think fit, finally declare by notification and also in the manner provided in sub-section (2) of Section 10--

(a) the extent of area which shall constitute the area of affected zone under the project;

(b) if the project is a project falling under clause (b) of sub-section (1) of Section 15, the extent or area which shall constitute the area of benefited zone for the project;

(c) the extent of area in which the displaced persons shall be resettled.

(2) A copy of the notification shall be sent to the Commissioner and the Project Resettlement Officer.

(3) If at any time during the course of execution of a project, the Project Resettlement Officer is satisfied that any change in the affected zone or benefited zone and the area in which the displaced persons are to be resettled is necessary, he shall communicate such change to the State Government through the Commissioner and the Resettlement Commissioner and shall likewise forward to the State Government Project Plans and particulars relating to the change.

(4) On the receipt of the communication under sub-section (3), the State Government may after making such enquiries as it thinks fit, make provisional and final declaration in respect of such change in accordance with the provisions of Section 15 and this section.

17. Power To Acquire Land For Purpose Of This Act :-

(1) The State Government or any officer authorised by it in his behalf may enter into an agreement with any person for the purchase or exchange of any land required for carrying out the purpose of this Act.

(2) Subject to the provisions of this section, the State Government may also for carrying out the purpose of this Act compulsorily acquire land under the Land Acquisition Act, 1894 (1 of 1894) and,--

(i) the acquisition of any land for the said purpose shall be deemed to be public purpose within the meaning of the said Act;

(ii) notwithstanding anything contained in Section 23 of that Act, the market value of the land at the date of publication of declaration under sub-section (1) of Section 10 shall be deemed to be market value for the purpose of determining the amount of compensation to be awarded for the land acquired.

(3) Acquisition of land in an abadi site in the affected zone shall be subject in such restrictions as may be prescribed by the State Government.

(4) For the purpose of resettlement of displaced persons on land the State Government may, subject to any rule in this behalf, acquire land from holdings in the benefited zone or from any village or area specified under Section 10 as far as practicable according to the provisions of the First Schedule.

(5) All lands acquired under this section shall form part of the land pool.

18. Resettlement Of Displaced Persons :-

(1) The State Government shall, as far as practicable and in accordance with the guidelines specified in sub-section (2), resettle the displaced persons in the benefited zone or at the option of such persons along the periphery of submerged areas :

Provided that any displaced person who is not desirous of being resettled in the manner aforesaid in accordance with the provisions of this Act, but is desirous of retaining the compensation in whole receivable by him under the Land Acquisition Act, 1894 (1 of 1894) for the acquisition of his land or property in the affected zone may, by a declaration made to that effect in the manner and form prescribed, exercise his option to do so and thereafter he shall not be entitled to resettlement as aforesaid :

Provided further that option once exercised shall be final and shall, in no circumstances be changed or allowed to be changed :

Provided also that option exercised by a member of Scheduled Tribes shall not be effective unless it is endorsed by the Collector certifying that the option so exercised is in the interest of the member of the Scheduled Tribes.

(2) The State Government shall, in resettlement of the displaced persons in accordance with sub-section (1) be guided by the following principles, namely :--

(i) persons displaced on account of acquisition of his agricultural land in the affected zone other than those who exercise option for retaining compensation under the first proviso to sub-section (1) shall be resettled by allotment of irrigated land in the command area in the benefited zone or at the option of such person along the periphery of submerged areas;

(ii) new land for abadi shall be given to a displaced person in the following order of priority, namely :--

I. abadi plots to all displaced persons;

II. allotment of land to small and marginal farmers;

III. allotment of land to tribal and backward farmers.

(iii) persons displaced on account of acquisition of their agricultural land who opt for retaining the compensation and who do not desire to have land as in (i) above shall be resettled by payment of rehabilitation grant.

(iv) persons displaced on account of compulsory acquisition of his land or of any right therein shall be paid unless otherwise expressly provided by or under this Act, compensation calculated as nearly as may be, in accordance with the provisions contained in the Land Acquisition Act, 1894 (No. 1 of 1894).

(v) the compensation payable under clause (iv) shall be adjusted towards the market value of site or land or both as the case may be, which is allotted or is ordered to be allotted to the displaced person for his resettlement.

(3) The State Government shall grant to displaced persons rehabilitation grant, grant-in-aid and land to the extent and in accordance with the provisions of the Second Schedule.

Explanation.--

"Rehabilitation grant" means rehabilitation grant payable to displaced persons according to the provisions of the Second Schedule.

19. Appropriation Of Compensation Payable To Displaced

Persons Under Act No. 1 Of 1894 :-

Notwithstanding anything contained in the Land Acquisition Act, 1894 (1 of 1894), compensation for acquisition of the land to a displaced person shall not be payable to him except where he opts for retaining the compensation under the first proviso to sub-section (1) of Section 18 :

Provided that where a displaced person does not opt for retaining compensation, the compensation payable to him shall be appropriated by the Project Resettlement Officer in such manner, as may be prescribed towards the cost of site or land granted to the displaced person under Section 24.

CHAPTER 4

RESETTLEMENT OF DISPLACED PERSONS

20. Public Notice Calling Upon Displaced Persons To State If They Want Land For Resettlement :-

(1) The Project Resettlement Officer shall, as soon as may be after the assessment is made under Section 15, publish a public notice in the Official Gazette and also as provided by sub-section (2) of Section 10 calling upon the displaced persons in the affected zone to intimate to him in writing before the date specified in the notice (not being earlier than 60 days from the date of publication of notice in the Official Gazette) whether they require land for resettlement and if so, to submit to him in duplicate before the said date a statement containing the following particulars, namely :--

- (a) the area of land and the right in which it is held by each displaced person in the affected zone separately;
- (b) the area of land held by each displaced person, if any, in the benefited zone or outside that zone in any village or area specified under Section 10 as tenure holder, tenant or Government lessee;
- (c) the place of residence in the old abadi and whether the displaced person holds that place in any right;
- (d) choice of land for purpose of grant or for working thereon as agricultural labourer in the benefited zone, or in the village or area specified under Section 10 and choice of the land in new abadi or, as the case may be, in the extended part of the existing abadi.

(2) The Project Resettlement Officer shall take particular care to ensure that the notice published under sub-section (1) is given as wide publicity as is possible and for that purpose he may render or cause to be rendered such assistance to the displaced persons to

understand the contents of the notice as he thinks fit in the circumstances of each case.

(3) A copy of the statement, received under sub-section (1) shall be sent to the Resettlement Commissioner.

21. Project Resettlement Officers To Prepare Draft Scheme Of Resettlement :-

(1) For enabling the State Government to resettle displaced persons as required by Section 18, the Project Resettlement Officer shall, as soon as may be, on the basis of the statement received under Section 20 and on the basis of the assessment of land made under Section 12, prepare one or more draft schemes for the resettlement of the displaced persons. The scheme shall, contain the following particulars, namely :--

(a) the extent of area included in the project indicating therein the area of the affected zone and the number of villages affected by the project; a plan indicating the area and villages therein shall be appended to the draft scheme;

(b) date of submergence of the holding under the water of the project;

(c) a list of displaced persons (not being agricultural labourers or other persons carrying on any occupation in the affected zone or labourers or persons sustaining on forest near or around the affected zone) and the extent of land in their holding indicating the survey numbers thereof held by each person in the affected zone, and a list of agricultural labourers in such zone, and the extent of land held by them, if any, in that zone and the names of such persons on whose lands they have been earning their livelihood principally by manual labour;

(d) a list of displaced persons (not being holders of land or agricultural labourers) being other persons carrying on any occupation in the affected zone of persons sustaining on forest near or around the affected zone;

(e) the area of abadi in the affected zone and the names of the persons owning land therein and the extent of such land;

(f) the number of facilities in the affected zone and the number of members in each family;

(g) a list of persons benefited or likely to be benefited on the completion of the project, and the extent of land held by each person in the benefited zone;

(h) the extent of land available from the benefited zones that

would be irrigated by the time the displaced persons are required to leave their lands, and from the villages and areas specified under Section 10 for resettlement of the displaced persons;

(i) the names of the displaced person, the number of members in each family and the extent of land (with particulars of location) proposed to be granted to each displaced persons from the land pool;

(j) the site of the abadi in the benefited zone, or the area of extension thereof or, as the case may be, the area where it is proposed to locate the new abadi thereon. A plan indicating the layout of the new abadi or extension of the existing abadi as aforesaid shall be appended to the draft scheme. The layout shall explain the public utilities, amenities and services and provision for nistar proposed to be provided or made, as the case may be, in new abadi or, as the case may be, in the extension of existing abadi.

Explanation.--

For the purpose of this clause, the expression "public utilities and amenities" includes provision for reservation of such extent of land for threshing ground and for cremation and burial ground in the resettled village as the rules may provide in that behalf, regard being had to the nature and type of threshing ground existing in the submerged village, the extent of land existing for cremation and burial purpose in the submerged village, the population of different communities and the availability of land for resettlement;

(k) the names of displaced persons and the extent of land to be granted to each family for resettling in the new abadi or, as the case may be, in the proposed extension of the existing abadi;

(l) the time-schedule for shifting the displaced persons in the affected zone to the new abadi or to the extended part of the existing abadi according to the submergence scheme of the project;

(m) such other particulars as the Project Resettlement Officer may think fit to include for the information of the displaced person.

(2) The draft scheme drawn up by the Project Resettlement Officer shall be submitted by him to the Resettlement Commissioner who may send it to the Advisory Board and the Project Resettlement Officer shall amend it according to the recommendations, if any, made by the Board.

(3) The draft scheme shall state that Resettlement Commissioner shall afford facilities to the displaced persons to see for themselves, the agricultural lands proposed to be granted to them and the location of the new abadi or, as the case may be, the extended part

of the existing abadi.

(4) A copy of the draft scheme prepared under sub-section (1) shall be submitted to the Resettlement Commissioner and to the Commissioner by the Project Resettlement Officer.

22. Publication Of Scheme And Sanctioning Of Scheme :-

(1) As soon as may be, after a copy of the draft scheme for resettlement is received under Section 21, the Resettlement Commissioner after considering the recommendations of the Advisory Board and after making such enquiries as he thinks fit, shall publish the draft scheme in the Official Gazette and also in the manner provided by sub-section (2) of Section 10.

(2) The draft scheme shall call upon each of the displaced persons to send his objections and suggestions in writing to the draft scheme within 45 days from the date the draft scheme is published in the Official Gazette.

(3) The Resettlement Commissioner may, after considering any objections or suggestions, duly received under sub-section (2) and after making such enquiries as he thinks fit, sanction the draft scheme with or without any modification and publish it in the Official Gazette and also in the manner provided by sub-section (2) of Section 10 :

Provided that the draft schemes shall not be sanctioned with any modifications unless the parties affected by the modification are given a reasonable opportunity of being heard.

(4) A plan or map forming part of any scheme may not be published alongwith the scheme as required by this Act but a copy of the plan shall be kept open for inspection in the office of the Project Resettlement Officer.

(5) Any person aggrieved by any of the provisions of the sanctioned scheme may, within 30 days of the date of publication of such scheme in the Official Gazette, file an appeal in such manner and accompanied by such fees as may be prescribed to the Resettlement Commissioner who may after giving such person a reasonable opportunity to be heard pass an order in writing and thereby either amend the sanctioned scheme or decline to do so. The appellate order shall state reasons in brief for the decision.

23. Entrustment Of Execution Of Layout To Collector :-

(1) The execution of every layout of a new abadi or the extension of an existing ahadi, as the case may be, in so far as it relates to

public utilities, amenities and services and maintenance thereof shall be entrusted by the State Government, by an order in writing to the Collector having jurisdiction over the area included in the layout or to any other officer of such rank as the State Government may decide, and the Collector or such officer, as the case may be, shall ensure the abadi to be included in the Record of Rights of the village and also in the annual papers.

(2) For ensuring speedy execution of works relating to public utilities, amenities and services and for their proper maintenance the State Government shall arrange for release of the necessary funds to the Collector or to the officer referred to in sub-section (1) and for that purpose the State Government may make such orders as it thinks fit, regard being had to the circumstances of each case.

CHAPTER 5

GRANT OF LAND

24. Grant Of Land :-

After the publication of the sanctioned scheme in the Official Gazette under Section 22, the Project Resettlement Officers shall, subject to the provisions of Section 18, grant land subject to such conditions as may be prescribed to the displaced persons in accordance with the provisions of the sanctioned scheme and to the extent specified in the Second Schedule and thereupon except as expressly provided by this Act, the provisions of the Code and rules made thereunder which provide for disposal of Government land shall apply to such grants as they apply in relation to Government land granted under the Code.

25. Transfer Of Encumbrances :-

(1) Where any land held by a displaced person in an affected zone is burdened with a mortgage, debt or any other encumbrances such mortgage, debt or other encumbrance shall be deemed to be transferred therefrom and attach to the land granted to such displaced persons under Section 24 and the mortgagee, creditor or, as the case may be, other encumbrancer shall exercise his right accordingly.

(2) If the land to which a mortgage, debt or other incumbrance is transferred under sub-section (1) is of lesser market value than the original land from which it is transferred, the mortgage, creditor as the case may be, other encumbrancer shall be entitled to payment of such compensation by the displaced persons owning the land as

may be determined by the Project Resettlement Officer.

CHAPTER 6

MISCELLANEOUS

26. Penalty For False Declaration :-

If any person knowingly makes a false declaration or statement under this Act he shall without prejudice to any legal proceeding under any law for the time being in force on conviction, be punished with fine which may extend to one thousand rupees :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court such fine shall not be less than one hundred rupees.

27. Power Of Officers Of Government And Other Local Authorities To Assist :-

(1) Every officer of Government in any Department and every officer or servant of a local authority shall be bound to assist the Resettlement Commissioner, any Project Resettlement Officer or any officer duly authorised for the purpose of carrying out the provisions of this Act.

28. Officers And Servants Appointed Under This Act To Be Public Servants :-

All officers and servants appointed under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).

29. Bar Of Jurisdiction :-

(1) No Civil Court shall have jurisdiction to entertain, hear or decide any question which is by or under this Act required to be heard or disposed of by the Commissioner, Resettlement Commissioner, Project Resettlement Officer or the State Government.

(2) No injunction in any form shall be granted by any Court or other authority in respect of any lawful action taken or that may be taken in pursuance of any power conferred by or under this Act.

30. Revision :-

The Board may at any time on its own motion or on an application made by any party for the purpose of satisfying itself as to the

legality or propriety of any order passed by or as to the regularity of the proceeding of any officer performing functions under this Act call for and examine the record of any case pending before, or disposed of, by such officer, and may pass such order in reference thereto as it thinks fit :

Provided that--

- (i) no application for revision shall be entertained against an order appealable under this Act;
- (ii) no such application shall be entertained unless presented within ninety days to the Board from the date of the order sought to be revised and in computing the period aforesaid, time requisite for obtaining a copy of the said order shall be excluded;
- (iii) no application for revision shall be entertained unless it is accompanied by such fees as may be prescribed;
- (iv) no order shall be varied or reversed in revision unless notice has been served on the parties interested and opportunity given to them of being heard.

31. Rectification Of Mistakes :-

The Resettlement Commissioner, the Commissioner, Project Resettlement Officer or the State Government at any time within two years from the date of any order passed by him or it, on his or its own motion, rectify any mistake apparent from the record, and shall within a like period, rectify any such mistake which has been brought to his or its notice by any person affected by such order :

Provided that no such rectification other than rectification of clerical or arithmetical mistakes arising from any accidental slip or omission shall be made, unless the Resettlement Commissioner, the Commissioner, the Project Resettlement Officer or the State Government, as the case may be, has given notice in writing to the person likely to be affected by the order of his or its intention to do so and has allowed such person a reasonable opportunity of being heard.

32. Protection Of Action Taken Under This Act :-

No suit, prosecution or other legal proceeding shall lie against the State Government, local authority or any public servant for anything which is in good faith done or purported to be done or anything omitted to be done likewise under this Act.

33. Power To Make Rules :-

(1) The State Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

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

(a) the composition of Advisory Committee, regulation of its business, allowance or fees to be paid to members and matters incidental thereto under Section 9;

(b) the manner of obtaining previous permission under sub-section (1) of Section 11;

(c) the fees which shall be paid on memorandum of appeal under sub-section (1) of Section 13 and sub-section (5) of Section 22 and an application for revision under Section 30, and the nature and description of stamps for payment of such fees;

(d) restrictions subject to which land in an abadi site in affected zone shall be acquired under sub-section (3) of Section 17;

(e) acquisition of land from holdings in a benefited zone or any village or area under sub-section (4) of Section 17;

(f) manner and form in which declaration be made under sub-section (1) of Section 18;

(g) manner in which compensation payable shall be apportioned under Section 19;

(h) public utilities, amenities and services to be provided to new abadi or in the extension of existing abadi under clause (1) of sub-section (1) of Section 21;

(i) the conditions subject to which land shall be granted to displaced person under Section 24;

(j) any other matter which is required to be or may be prescribed.

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

34. Power To Remove Difficulty :-

(1) Where any difficulty arises in giving effect to the provisions of this Act or of the rules made thereunder, the State Government may, by order in writing, not inconsistent with the provisions of this Act and the rules made thereunder remove such difficulty.

(2) Every order passed under sub-section (1) shall be laid on the table of the Legislative Assembly and provisions of Section 24-A of the Madhya Pradesh General Clauses Act, 1957 (No. 3 of 1958), shall apply to the laying of such order as they apply to rules.

35. Power To Delegate :-

The State Government may by order in writing delegate any of its powers or functions under this Act or rules, other than power to remove difficulty under Section 34 to any of its officers, and subject to such conditions if any as it may deem fit, and may at any time modify or revoke any such delegation.

36. Repeal :-

The Madhya Pradesh Pariyojana Ke Karan Visthapit Vyakti (Punhsthapan) Adhyadesh, 1985 (No. 3 of 1985) is hereby repealed.

SCHEDULE 1

THE FIRST SCHEDULE

[See Section 17 (4)]

ACQUISITION OF LAND FROM MOLDINGS FOR ALLOTMENT TO DISPLACED PERSONS

Size of holding Area to be acquired in hectare

- (a) Not more than 4 hectares Nil.
- (b) Between 4 to 6 hectares The area in excess of 4 hectares but not more than one hectare.
- (c) Between 6 to 8 hectares The area in excess of 6 hectares but not more than three hectares.
- (d) Between 8 to 10 hectares The area in excess of 6 hectares but not more than three hectares.
- (e) Between 10 to 12 hectares The area in excess of 7 hectares but not more than four hectares.
- (i) More than 12 hectares All the area above 8 hectares.

SCHEDULE 2

THE SECOND SCHEDULE

[See Sections 18 (3), 21 (1), (4) and 24]

While details for each project would be worked out as provided in the rules the minimum provisions to be made for the resettlement of displaced persons shall be as under :--

(I) Rehabilitation grant.--

Rs. 150 per month per family for--

- (i) 18 months where no land or uncultivated land is made available;
- (ii) 6 months if cultivated land is made available. This grant will be paid in three equal instalments.

Note.--The date for the purpose of giving rehabilitation grant would be the date of dispossession of land of the displaced person.

(II) Grant-in-aid.--

The grant in aid shall cover the following, namely :--

- (i) difference between the compensation which the displaced family gets for the agricultural land and the price it has to pay for the agricultural land that will be allotted to the family;
- (ii) cost of transportation, minimum Rs. 200 or as may be considered reasonable

by the Project Resettlement Officer.

(III) Plot for building house (free of cost) (100 sq. metres in the case of persons having 5 acres or less and 150 sq. metres in the case of persons having more than 5 acres).

(IV) Agricultural land as per table, below :--

TABLE

ALLOTMENT OF IRRIGATED AGRICULTURAL LAND TO THE DISPLACED PERSONS

Area of land in hectares lost by displaced persons for a project Area of land in hectares to be granted to the displaced persons from the benefited zone

(1) (2)

1. Not more than 80.94 Ares (2 Acres). Not less than 40.47 Ares(1 acre) but no more than 80.94 Ares (2 Acres).

2. More than 80.94 Ares (2 acres) but not more than 2 hectares and 02.34 acres (5 acres). Not less than 40.47 Ares (1 acre) but not more than 1 hectare and 21.42 Ares (3 acres).

3. More than 2 hectares and 02.34 Ares (4 acres). Not less than 40.47 Ares (1 acre) but not more than 1 hectare and 61.87 Ares (4 acres).

Note.--(1) All land in the command area of the benefited zone shall be presumed to be irrigated land.

Explanation.--(1) Expression "Command area" means area comprising land which is irrigable being commanded by a canal.

(2) Expression "command" and "irrigable" shall have the meanings assigned to those expressions in Sections 8 to 10 respectively of the Madhya Pradesh Irrigation Act, 1931 (III of 1931).

Note.--(2) Where non-irrigated area is allotted to the displaced person the extent of area to be allotted will be double that shown above.