

Madhya Pradesh Swatwadharik Adhikar Sampati (Vindhya Pradesh Kshetra) Adhiniyam, 1965

41 of 1965

[08 November 1965]

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An Act to provide for vesting of certain proprietary rights in Vindhya Pradesh region and for matters ancillary thereto. Be it enacted by the Madhya Pradesh Legislature in the sixteenth year of the Republic of India as follows :- 1 Received the assent of the President on the 8th November, 1965; assent first published in the Madhya Pradesh Gazette (Extra-ordinary) on the 18th November, 1965.

1. Short Title And Extent :-

- (1) This Act may be called the Madhya Pradesh Swatwadharik Adhikar Sampati (Vindhya Pradesh Kshetra) Adhiniyam, 1965.
- (2) It extends to the whole of Vindhya Pradesh region.

2. Definitions :-

In this Act, unless the context otherwise requires,-

- (a) "date of vesting" in relation to a village or part thereof means

the date specified in the notification under sub-section (1) of Section 3 in respect of such village or part thereof;

(b) "proprietor" means,-

(i) a ruler who holds any village as his private property;

(ii) any person who hold village or part thereof under a lambardari lease or any other kind of lease granted by a Ruler whereunder he has a right-

(a) to collect the land revenue on payment of fixed amount of lease money and appropriate the surplus income to his own use;

(b) to cultivate the land and make improvements thereon and on the expiry of the term of lease to sell or mortgage the said improvement;

(c) to sell, mortgage or transfer any immovable property;

(iii) any person who-

(a) holds thika of the Parti Sarkari Khata land in a village along with mahua and mango trees and is entitled to let out lands and to recover rent thereof;

(b) is liable to pay a fixed sum of money annually in lieu of the thika to the Government:

Provided that where the land situate in the Parti Sarkari Khata is allotted by the Tahsildar for purpose of cultivation on payment of land revenue by the allottee to the State Government, such fixed sum shall be the amount left after deducting therefrom the land revenue so payable by such allottees;

(c) the expression "Rules" shall have the meaning assigned to it in clause (22) of Article 366 of the Constitution of India;

(d) "Vindhya Pradesh Act" means the Vindhya Pradesh Abolition of Jagirs and Land Reforms Act, 1952 (XI of 1952).

3. Vesting Of Proprietary Rights In The State :-

(1) On and from a date to be specified by a notification by the State Government in this behalf, all proprietary rights in village or part thereof specified in the notification vesting in the proprietor of such village or part thereof or in a person having interest, if any, in such proprietary rights through the proprietor, shall pass from such proprietor or such other person to and vest in the State free of all encumbrances.

(2) After the issue of a notification under sub-section (1), no right shall be acquired in or over the land to which the said notification relates, except by succession or under a grant or contract in writing made or entered into by or on behalf of the State; and no fresh

clearings of cultivation or for any other purpose shall be made in the land except in accordance with such rules as may be made by the State Government in this behalf.

(3) Different dates may be specified under sub-section (1), for different areas.

(4) The State Government may vary the date specified under subsection (1) at any time before such date.

4. Application Of Vindhya Pradesh Abolition Of Jagirs And Land Reforms Act, 1952 :-

The provisions of Vindhya Pradesh Act and the rules made thereunder shall, so far as may be, apply to the abolition of proprietary rights under this Act as they apply to the abolition of jagirs under the Vindhya Pradesh Act and for that purpose the expressions "proprietor" and "land held by him" and "date of vesting" occurring in this Act shall be construed as "Jagirdar", "Jagir land" and "date of resumption" respectively under the said Vindhya Pradesh Act.

5. Rights Of Proprietor, Tenants, Sub-Tenants, Etc. Over Land After The Date Of Vesting :-

Notwithstanding anything contained in the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959), the land held by a proprietor, shall as from the date of vesting be held by the persons mentioned in column (1) of the Table below in the rights specified in the corresponding entry in column (2) of the said Table :-

	Person by whom held under the Vindhya Pradesh Act	Right in which to be held after the date of vesting
	(1)	(2)
1.	Sir or Khudkasht or any other land allotted to the ex-proprietor under sub-section (1) or sub-section (2) of Section 22 of the Vindhya Pradesh Act	Bhumiswami
2.	Sir or Khudkasht land settled with a person under Section 24 of the Vindhya Pradesh Act in lieu of maintenance allowance	Bhumiswami
3.	Land held as tenant of Sir land allotted to the ex-proprietor, under Section 22 of the Vindhya Pradesh Act.	Occupancy tenant
4.	Every tenant in the Jagir land who	Bhumiswami

4.	Every tenant in the jagir land who immediately before the date of vesting is entered in the revenue records as a—	Bhumiswami
	(i) Pachpan-paintalis tenant	Bhumiswami
	(ii) Occupancy tenant	Bhumiswami
	(iii) Pattedar tenant	Bhumiswami
	(iv) Hereditary tenant	Bhumiswami
5.	Every person who immediately before the date of vesting hold any jagir land as a—	Bhumiswami
	(i) rent-free grantee	Bhumiswami
	(ii) non-occupancy tenant	Bhumiswami
	(iii) gairhaqdar tenant	Bhumiswami
	(iv) grove holder	Bhumiswami
6.	Every person who immediately before the date of vesting is entered in the revenue records as an occupancy tenant of any Jagir land other than—	Bhumiswami
	(i) the Sir or Khudkasht land which is allotted to the Jagirdar under Section 22 of the Vindhya Pradesh Act; or	
	(ii) any grove land the possession of which the Jagirdar is entitled to retain under clause (c) of Section 7 of the Vindhya Pradesh Act.	

6. Power To Remove Difficulties :-

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