

Madhya Pradesh Bhu-Rajaswa Sanhita (Bhu-Rajasva Ka Nirdharan Tatha Punarnirdharan) Niyam, 2018

MADHYA PRADESH

India

Madhya Pradesh Bhu-Rajaswa Sanhita (Bhu-Rajasva Ka Nirdharan Tatha Punarnirdharan) Niyam, 2018

Rule

MADHYA-PRADESH-BHU-RAJASWA-SANHITA-BHU-RAJASVA-KA-NI of 2018

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Madhya Pradesh Bhu-Rajaswa Sanhita (Bhu-Rajasva Ka Nirdharan Tatha Punarnirdharan) Niyam, 2018Published vide Notification No. F-2-12/2018NII/Se.6, Bhopal, the 28.9.2018Last Updated 13th February, 2020No.F-2-12/2018NII/Se.6. - In exercise of the powers conferred by clause (iii) and (iv) of sub-section (2) of section 258 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) read with section 59 and 60 and in supersession of this department's Notification No.F-2-1-2012-VII-Sec-6 dated 11th July, 2014 which was published in the Madhya Pradesh Gazette, Part-IV dated 11th July, 2014 and all rules previously made on the subject, the State Government, hereby, makes the following rules, the same having been previously published as required by sub-section (3) of section 258 of the said Code, namely :-Part - A General

1. Short title and commencement.

(1)These rules may be called the Madhya Pradesh Bhu-Rajaswa Sanhita (Bhu-Rajasva Ka Nirdharan Tatha Punarnirdharan) Niyam, 2018.(2)They shall come into force on the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 (No. 23 of 2018), that is 25th September, 2018.

2. Definitions.

(1)In these rules, unless the context otherwise requires,-(a)"Code" means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959);(b)"Form" means a Form appended to these rules;(c)"Schedule" means Schedules appended to these rules;(d)"Section" means the section of the

Code.(2)Words and expressions used in these rules but not defined in these rules, and defined in the Code, shall have the same meaning respectively assigned to them in the Code.Part - B Assessment and Re-Assessment

3.

(1)The assessment of land revenue shall be made at the rates specified in Schedule I.(2)In respect of land which has been assessed prior to the commencement of these rules, the land revenue shall stand automatically re-assessed at the rates specified in Schedule-I from the revenue year following such commencement.(3)In respect of land which is assessed for the first time as per rule 5 the assessment shall be effective from the date of assessment.(4)In respect of land which is re-assessed on diversion as per Part-C of these rules the re-assessment shall be effective from the date of diversion.(5)Every year the State Government shall notify in Schedule-I the rates of assessment of land revenue applicable for the following revenue year:Provided that if no notification is issued under this sub-rule then the prevailing rates shall continue for the following revenue year.(6)Whenever the rates specified in Schedule-I are changed, the land revenue of the lands. which have been assessed prior to such change shall stand automatically re-assessed at such changed rates from the following revenue year.Explanation - (1) Notwithstanding anything contained in this rule, no land revenue shall be payable in respect of all such lands which are exempted from payment of land revenue under section 245 of the Code or exempted by the State Government by notification under sections 58 or 58-A of the Code.(2)Any 'improvement' with reference to a holding as defined in clause (j) of sub-section (1) of section 2 of the Code shall be assessed for the purpose of agriculture under clause (a) of sub-section (1) of section 59.

4.

On commencement of these rules and subsequently any change is made in the rates of assessment of land revenue under sub rule (2) of rule 3,-(a)the Commissioner, Land Records shall, subject to the control of the State Government, control the operations of updating of land records other than record of rights in the State;(b)the Collector shall subject to the control of the Commissioner Land Records, control the operations of updating of land records other than record of rights in the district; and(c)the Tahsildar shall, subject to the control of the Collector, carry out the updating of land records other than record of rights in the Tahsil.

5.

Land on which the assessment has not been made and which has been occupied or is proposed to be given out for any purpose, shall be assessed under section 60, as per rule 3, by the District Survey Officer during land survey or by the Collector in other cases, as the case may be.Part - C Diversion of Land

6.

Nothing contained in rules 7 to 19 shall apply in respect of such land which is exempted from payment of premium or land revenue under section 245 or is ratified by the State Government under Sections 58 or 58-A except when such land is diverted to another purpose which is not so exempted.

7.

(1)Whenever any land, which is assessed for any one purpose specified in sub-section (1) of section 59, is diverted to another purpose, a premium shall be payable at the rates specified in Schedule-II.(2)Every year, the State Government shall notify in Schedule-II the rates of premium applicable for the following revenue year:Provided that if no notification is issued under this sub-rule then the prevailing rates shall continue for the following revenue year.(3)The land revenue on the diverted land shall be re-assessed as per rule 3.

8.

(1)When any part area of a survey number is diverted from agricultural purpose to another purpose and if the area left out of such survey number is equal to or less than one hundred square meters, the entire survey number shall be deemed to have been diverted and the premium and assessment of land revenue shall be payable on the whole area of survey number.(2)When a land is diverted from agricultural to another purpose then all adjoining land being used for ancillary purposes, shall be deemed to have been diverted for such another purpose and shall be subject to premium and land revenue accordingly.Explanation. - For the purpose of this rule, 'ancillary purposes' in respect of the diverted means the use of land for roads, parks, play grounds, parking, utilities, etc.

9.

(1)A Bhumiswami, who wishes to divert his holding or part thereof from one purpose specified in sub-section (1) of section 59 to another purpose, shall first satisfy himself that the land use for which he wants to divert his holding or part thereof, is in compliance with the provisions of the relevant laws for the time being in force.(2)Nothing in these rules shall be construed as granting the permission to change the use of land,-(a)contrary to any law for the time being in force governing the use of such land; or(b)in contravention of sub-section (6-ee) and section (7-b) of Section 165 of the Code.

10.

(1)If a Bhumiswami diverts his holding or part thereof, he shall-(a)calculate and make a self assessment of the premium payable as per rule 7, if any; and(b)calculate and make a self assessment of the land revenue as per rule 3.(2)The Bhumiswami shall deposit the amount of premium and reassessed land revenue for one year in the manner directed by the State Government.

11.

A Bhumiswami who diverts his holding or part thereof shall intimate about such diversion to the Sub-Divisional Officer in Form-1 along with a copy of the receipt of payment of premium and re-assessed land revenue. The Bhumiswami shall be provided acknowledgment in the manner directed by the State Government.

12.

The Bhumiswami shall cause a diversion sketch to be prepared in accordance with the directions issued by the Commissioner, Land Records from time to time and submit it to the Sub-Divisional Officer along with the intimation of diversion.

13.

(1) On the receipt of intimation of diversion under rule 11, the Sub-Divisional Officer shall, within thirty days, check the correctness of the computation made by the Bhumiswami and communicate to the Bhumiswami either confirming such computation or informing him the correct amount of premium and land revenue payable in the manner directed by the State Government. (2) The land records, other than record of rights shall be updated after the Sub-Divisional Officer has confirmed the computation of premium and re-assessed land revenue under sub-rule (1) or after thirty days of the date of intimation given by the Bhumiswami under rule 11, whichever is earlier: Provided that if the Sub-Divisional Officer has communicated to the Bhumiswami to deposit difference of amount, if any, such land records shall be updated only after deposit of such difference of amount.

14.

(1) If the amount deposited under rule 10, is less than the amount computed by the Sub-Divisional Officer, the difference shall be paid by the Bhumiswami within sixty days of receipt of communication under rule 13. (2) In those cases where the amount deposited under rule 10, is greater than the amount computed by the Sub-Divisional Officer, the difference shall be refunded to the Bhumiswami within sixty days, in the manner as directed by the State Government.

15.

If the Bhumiswami fails to deposit the amount within a period of sixty days from the date of receipt of communication under rule 13, simple interest shall be payable on the arrear till the date of payment at the rate of twelve per centum per annum for first twelve months and thereafter at the rate of fifteen per centum per annum.

16.

(1)The Patwari or the Nagar Sarvekshak shall, at least once in a year, inspect all survey numbers and plot numbers within their jurisdiction and shall submit a report in Form-II to the Sub- Divisional Officer for every case of diversion of land in which the Bhumiswami has failed to give the intimation of diversion or has given incorrect intimation under rule 11.(2)The Sub-Divisional Officer shall, on his own motion or on the report under sub-rule (1), proceed under sub-section (9) of section 59 and after making such enquiry, as he may deem fit, determine the premium, re-assessed land revenue, penalty payable under sub- section (9) of section 59 and interest payable thereto and issue a demand notice to the Bhumiswami for depositing the amount payable and cause to be prepared a diversion sketch.(3)The land records other than record of rights, shall be updated only after the deposit of the amount payable under sub-rule (2).

17.

(1)No appeal shall lie against any order of the Sub-Divisional Officer passed under these rules unless fifty per centum of the amount payable by a Bhumiswami under such order is deposited.(2)The appellate authority may condone the requirements of sub-rule (1), in the interest of justice.(3)If in appeal the amount determined to be payable is less than the amount deposited under sub-rule (1), the difference shall be refunded.

18.

When any land is diverted and developed in accordance with the provisions of any act or rules applicable for the time being and such area which is reserved for common utilities such as roads, parks, etc. is transferred to the local body, the land revenue assessed for such area may be exempted by the State Government by notification under section 58 -A of the Code.

19.

(1)If land is diverted for more than one purpose and area of such purposes are demarcated in the diversion sketch, rates of premium and assessment corresponding to such purposes shall be applicable on such respective areas.(2)If land is diverted for more than one purposes and areas of such purposes cannot be demarcated in the diversion sketch, highest rates of premium and assessment among such purposes shall be applicable for total area diverted.

I

(See rule 3 and 5)Rates for Assessment and Re-assessment of Land Revenue

Rates of
assessment
in rupees

per square
meterper
annum

S.No.	Land situated within the area	Agricultural purpose Including any improvementthereon	Purpose for dwelling houses	Educational purpose	Commercial purpose	Industrial purpose (including mines andminerals)	Charita purpos
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Municipal Corporation of Bhopal, Indore,Jabalpur, Gwalior and Ujjain including notified development planarea	Existing assessment	2.00	2.00	4.00	3.00	2.00
2.	All Municipal Corporations other than thosementioned in Serial Number 1 including notified development planarea of these Corporations	Existing assessment	2.00	2.00	4.00	3.00	2.00
3.	All Municipal Councils including notifieddevelopment plan area and Special Area Development Authorities	Existing assessment	1.50	1.50	3.00	2.25	1.50
4.	All Nagar Parishads including notifieddevelopment	Existing assessment	1.00	1.00	2.00	1.50	1.00

	plan area						
	All Gram						
	Panchayats						
	other than						
	those						
5.	included in the area of Special Area Development Authorities	Existing assessment	0.50	0.50	1.00	0.75	0.50

Notes 1. - The computation of land revenue shall be made as per rule 3.

2. Charitable purpose means the purpose notified as a charitable purpose by the State Government.

3. The amount calculated shall not be less than ten rupees in any case and be rounded off to the nearest multiple of ten rupees.

4. Liability of payment shall be subject to the exemption under section 58, 58-A and 245 of the Code.

II

[See rule 7] Table - I Rates for premium payable on diversion of land Municipal Corporation of Bhopal, Indore, Jabalpur, Gwalior and Ujjain including notified development plan area -(Rates in rupees per square meter)

S.No.	Existing land use	Land use after diversion (Rates for premium payable at the time of diversion)	Industrial purpose including (mines and minerals)	Charitable purpose	Other purpose	Commercial purpose
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Agricultural purpose including any improvement thereon	0.00	20.00	20.00	30.00	0.00

	improvementthereon					
2.	Purpose for dwelling houses	0.00	0.00	0.00	10.00	0.00
3.	Educational purpose	0.00	0.00	0.00	10.00	0.00
4.	Industrial purpose (including mines andminerals)	0.00	0.00	0.00	0.00	0.00
5.	Charitable purpose	0.00	20.00	20.00	30.00	0.00
6.	Other purpose	0.00	0.00	0.00	0.00	0.00
7.	Commercial purpose	0.00	0.00	0.00	0.00	0.00

Table - 2A Municipal Corporation other than those included in Table-1 including notified development plan area of these Corporations-(Rates in rupees per. square meter)

S. No.	Existing land use	Land use afterdiversion(rates for premium payable at the time ofdiversion)				
			Industrial purpose including (mines andminerals)	Charitable purpose	Other purpose	Commercial purpose
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Agricultural purpose including any improvementthereon	0	15	15	22.5	0
2.	Purpose for dwelling houses	0	0	0	7.5	0
3.	Educational purpose	0	0	0	7.5	0
4.	Industrial purpose (including mines andminerals)	0	0	0	0	0
5.	Charitable purpose	0	15	15	22.5	0
6.	Other purpose	0	0	0	0	0
7.	Commercial purpose	0	0	0	0	0

Table - 3All Municipal Councils including notified development plan area and Special Area Development Authorizes-(Rates in rupees per. square meter)

S.No.	Existing land use	Land use afterdiversion(rates for premium
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Agricultural purpose including an improvement thereon	Purpose for dwelling houses	Educational purpose	payable at the time of diversion)			
			Industrial purpose including (mines and minerals)	Charitable purpose	Other purpose	Commercial purpose
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Agricultural purpose including any improvement thereon	0	10	10	15	0
2.	Purpose for dwelling houses	0	0	0	5	0
3.	Educational purpose	0	0	0	5	0
4.	Industrial purpose (including mines and minerals)	0	0	0	0	0
5.	Charitable purpose	0	10	10	15	0
6.	Other purpose	0	0	0	0	0
7.	Commercial purpose	0	0	0	0	0

Table - 4 All Nagar Parishads area including notified development plan area -(Rates in rupees per.soon

S. No.	Existing land use	Land use after diversion					
(rates for premium payable at the time of diversion)							
Agricultural purpose including any improvement thereon	Purpose for dwelling houses	Educational purpose	Industrial purpose including (mines and minerals)	Charitable purpose	Other purpose	Commercial purpose	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Agricultural purpose including any improvement thereon	0	3	3	4.5	0	4
2.	Purpose for dwelling houses	0	0	0	1.5	0	1
3.	Educational purpose	0	0	0	1.5	0	1

4.	Industrial purpose (including mines and minerals)	0	0	0	0	0	0
5.	Charitable purpose	0	3	3	4.5	0	4
6.	Other purpose	0	0	0	0	0	0
7.	Commercial purpose	0	0	0	0	0	0

Table - 5 All Gram Panchayats other than those included in the area of Special Area Development Authorities-

S. No.	Existing land use	Land use after diversion					
(rates for premium payable at the time of diversion)							
Agricultural purpose including any improvement thereon	Purpose for dwelling houses	Educational purpose	Industrial purpose including (mines and minerals)	Charitable purpose	Other purpose	Commercial purpose	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Agricultural purpose including any improvement thereon	0	1.5	1.5	2.25	0	2
2.	Purpose for dwelling houses	0	0	0	0.75	0	0
3.	Educational purpose	0	0	0	0.75	0	0
4.	Industrial purpose (including mines and minerals)	0	0	0	0	0	0
5.	Charitable purpose	0	1.5	1.5	2.25	0	2
6.	Other purpose	0	0	0	0	0	0
7.	Commercial purpose	0	0	0	0	0	0

Notes 1. - The computation of premium shall be made as per rule 7.

2. Charitable purpose means the purpose notified as a charitable purpose by the State Government.

3. The amount calculated shall not be less than ten rupees in any case and be rounded off to the nearest multiple of ten rupees.

1. I, S/o hereby declare that the details submitted by me in this intimation are true to the best of my knowledge.

2. I am satisfied that the land use for which I have diverted land is in compliance with the provisions of section 59 of the Madhya Pradesh Land Revenue Code, 1959 and the Madhya Pradesh Bhu-Rajaswa Sanhita (Bhu-Rajasva Ka Nirdharan Tatha Punarnirdharan) Niyam, 2018 .

3. I also declare that the intimation of diversion of land is not in contravention of any law for the time being in force governing the use of such land or sub-section (6-ee) and sub-section (7-b) of section 165 of the Madhya Pradesh Land Revenue Code, 1959.

4. I have calculated and deposited the premium as per Schedule-I and the land revenue as per Schedule-II of the said rules and understand that the amount shall not be refunded except under circumstances described under section 59 of the Madhya Pradesh Land Revenue Code 1959.

5. I also agree to deposit any amount computed over and above what I have paid by the Sub-Divisional Officer as per section 59 of the Madhya Pradesh Land Revenue Code, 1959, in case it is found that the premium and/or land revenue calculated and deposited by me is less than the amount as prescribed under the rules.

6. I also understand that in case of any incorrect details submitted by me in this intimation regarding purpose of land use and area of land diverted or additional diversion of land use or area of diverted land without prior intimation shall lead to action under section 59 of the Madhya Pradesh Land Revenue Code, 1959, which may include levy of penalty, premium and land revenue as computed and determined by the Sub Divisional Officer.

Signature of applicant Name _____ Place.....Date.....Mandatory
Enclosures-(1)Copy of document for proof of identity(2)Copy of document for proof of address(3)Copy of khasra of current year(4)Diversion sketch(5)Copy of Receipt of payment of premium and re-assessed land revenue(6)In case of juristic person, the letter of authorization to act on behalf of such juristic person issued by competent body or person.Note. - (1) Proof of identity may be self attested copy of Aadhar Number, Voter ID, Passport, Driving License, Pass Book of any Nationalized Bank, or any Photo ID issued or certified by any Gazetted Officer of the State Government or the Central Government.(2)Urban Local Body means Municipal Corporation,

Municipal Council, Nagar Parishad as categorized in Schedule A, as the case may be.(3)Purposes of land use shall be (a) agricultural purpose, (b) purpose for dwelling houses, (c) educational purpose, (d) commercial purpose, (e) industrial purpose (including of mines and minerals), (f) charitable purpose, (g) other purpose only.Part - II AcknowledgmentTo,Shri/Smt./KuSon/Daughter ofRes.ofThe intimation of diversion of land given in Part -I above is hereby acknowledged.

2. This acknowledgment together with the receipt of the deposit of amount as per item number 11 in Form-I above shall be the proof of diversion of the land.

3. Notwithstanding this acknowledgment, the Bhumiswami shall be liable for compliance of all provisions of section 59 of the Madhya Pradesh Land Revenue Code, 1959 (Act 20 of 1959) and The Madhya Pradesh Bhu-Rajaswa Sanhita (Bhu-Rajasva Ka Nirdharan Tatha Punarnirdharan) Niyam, 2018 made there under.

Place:Dated:Seal(Name.....)Sub-Divisional Officer.....District.....Form - II[See rule 16]Report of Diversion of LandToSub-Divisional Officer.....Tahsil.....Distt.....

1. It has come to notice that the below mentioned land has been diverted on the spot but the Bhumiswami of the land, -

(a)has not given intimation of diversion under rule 10 of the Madhya Pradesh Bhu-Rajaswa Sanhita (Bhu- Rajaswa ka Nirdharan Tatha Pmamirdharan) Niyam, 2018.(b)has given incorrect intimation of diversion.(c)has given intimation but has not received the communication from the Sub-Divisional Officer under rule 12 so far.(d)has received communication under rule 12 but has not deposited the difference amount under sub-rule (1) of rule 13 so far.(e)has deposited the difference amount under sub Rule (1) of Rule 13 or is not required to deposit any amount but the order for updating land records has not been issued under rule 16 so far.(please See Note 1 below)

2. Particulars of the diverted land, premium and re-assessed land revenue are given below, namely:-

For land situatedin non urban areaPatwari Halka Number.....Name of village.....Tahsil District	For land situatedin urban areaName of urban area.....Sector Number.....TahsilDistrict.....
S. Particulars No.	As intimated by theBhumiSwami underRule 10(See Note 2 below)
	As found on the spot

(1)	(2)	(3)	(4)
1.	Survey Number / Block Number / Plot Number (See Note 3 below)		
2.	Total area (in sq.m.)		
3.	Purpose for which the land is currently assessed (See Note 4 below)		
4.	Diverted area (in sq. m.)		
5.	Purpose for which the diverted land is being used (See Note 4 below)		
6.	Rate applicable for premium as per sub-rule (1) and (2) of rule 7		
7.	Amount of premium payable		
8.	Rate applicable for re-assessed land revenue as per sub-rule (1) and (3) of rule 4		
9.	Amount of re-assessed land revenue per annum payable		

3. The particulars of the Bhumiswami of the above lands are as follows, namely:-

Name Father's/Husband's Name Full Address

4. Whether the Bhumiswami has given intimation of diversion under rule 10 ? Yes / No

If yes, then fill in following the details

S.No.	Particulars	Details
(1)	Number and date of acknowledgment of intimation given by the Bhumiswami under rule 10
(2)	Amount deposited against premium and land revenue	
(3)	Whether communication issued by the Sub-Divisional Officer under Rule 12? If yes, give the Number and date thereof	Yes / No.....
(4)	The difference of amounts, if any, required to be deposited by the Bhumiswami under sub-rule (1) of rule 13-(a) Premium (b) Land Revenue (c) Total
(5)	Whether the Bhumiswami has deposited the amount mentioned in item (4) above? If yes, then please give the date and number of the receipt of payment made.	Yes / No.....
(viii)		Yes / No

Whether the orders for updating land records have been
issued under rule 16 ?

Signature of Patwari/NagarNamePatwai

Halka/SectorSarvekshkPlace:.....Dat:.....No.....Tahsil.....

of the Khasra(2)Diversion sketchNotes 1. - Please mark one of the options (a) to (e) as applicable.

**2. Column (3) will be filled as per the written intimation given by the
Bhumiswami under rule 10, if any.**

**3. In case the Survey Numbers /Block Numbers / Plot Numbers are too many,
attach a separate sheet giving complete details.**

4. Pick up the purpose from the list below:

- | | |
|--|---------------------------------|
| (a) Agricultural purpose. | (b) Purpose for dwelling houses |
| (c) Educational purpose. | (d) Commercial purpose |
| (e) Industrial purpose (including of mines and minerals) | (f) Charitable purpose |
| (g) Other purpose | |