

The M.P. Padat Bhumi Ka Krishikaran Adhiniyam, 1996

MADHYA PRADESH

India

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Act 23 of 1966

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The M.P. Padat Bhumi Ka Krishikaran Adhiniyam, 1996 M.P. Act No. 23 of 1966 [Dated 29th September, 1966] Received the assent; of the Governor on 29-9-1966 assent first published in the "Madhya Pradesh Gazette", (Extraordinary), dated 3-10-1966. An Act to make provision for bringing fallow lands under cultivation in the State of Madhya Pradesh. Be it enacted by Madhya Pradesh Legislature in the Seventeenth Year of the Republic, of India as follows :-

1. Short title and extent.

(1) In this Act may be called the Madhya Pradesh Padat Bhumi Ka Krishikaran Adhiniyam, 1966. (2) It extends to the whole of State of Madhya Pradesh.

2. Definitions.

- In this Act, unless the context otherwise require, - (a) "cultivate" means to till arid raise a crop thereon in a husband manlike manner' and the expression "cultivated", "cultivation" and "uncultivated" shall be construed accordingly; (b) "fallow land" with respect to any particular year means land lying uncultivated in that year but which was cultivated at some time within six years immediately preceding that year; but does not include land recorded as unculturable or a tank or embankment or a nalah or a grove or land used as a threshing floor; (c) "holder" means a Bhumiswami or an occupancy tenant of land within the State and includes - (i) a Government lessee; (ii) a village servant within the meaning of Section 183 of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959); (iii) a lessee of a Bhumiswami specified to sub-section (2) of Section 168 of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959); and the expressions "to hold land" or "holding land" shall be construed accordingly; (d) "occupied land" means land held by a holder hut does not include land diverted to, or used for, non-agricultural purposes or land recorded as unculturable or a tank or embankment or a grove or land used as a threshing floor; (e) "Tahsildar"

includes any Officer authorised by the State Government to exercise the powers conferred on the Tahsildar under this Act;(f)the words and expressions used in this Act and not defined herein but defined in the Madhya Pradesh Land Revenue Code, 1959 (22 of 1959), shall have the meanings assigned to them in that Code.

3. Cultivations of land.

(1)Every holder shall cultivate in each year so much area of the occupied land as was under cultivation in the year immediately preceding that year.(2)Subject to the provisions contained in Sub-section (3), every holder of occupied land shall be liable to cultivate personally in each year such area of the fallow land recorded in his name in the land records papers of the year immediately preceding as is specified in the table below :-Table

Area of fallow land held	Area of fallow land liable to be cultivated
(1)	(2)
1. Upto five acres.	Entire area.
2. More than five acres but not more than ten acres.	Five acres.
3. More than ten acres.	Half of thefallow land.

(3)In determining the area of fallow land held by a holder the following deductions shall be made, namely,-(a)area equal to one-eighth of the occupied land for the ordinary grazing requirements of the holder;(b)area infested with Kans or other weeds which cannot be eradicated by ordinary ploughing with bullocks;(c)area which is left uncultivated according to the usual agricultural practice or the area which contains poor soil requiring recuperation or rest;(d)area which is not otherwise fit for being brought under cultivation.(4)In making calculation for the purpose of this section, any fraction of less than half an acre shall be ignored.(5)Any holder who contravenes the provisions of sub-section (1) or sub-section (2) shall, without prejudice to any other action that may be taken against him under any other provision of this Act, be liable on the order of the Tahsildar to a penalty not exceeding Rs. 25 per acre of the area required to be cultivated or brought under cultivation under sub-section (1) or sub-section(2), unless the holder obtains a certificate of exemption under Section 4 or proves that he exercised due diligence to prevent such contravention. The penalty for the second or subsequent default shall be imposed at a rate not less than Rs. 50 and not exceeding Rs. 200 per acre :Provided that,-(i)no proceedings under this sub-section shall commence except from the 15th of July; and(ii)no order shall be passed unless reasonable opportunity for being heard is given to the holder.

4. Grant of Certificate of exemption.

(1)A holder may,-(i)by the 30th of May in the Year 1966; and(ii)by the 1st January of each subsequent year;apply in writing for exemption from the provisions of sub-sections (1) and (2) of Section 3 on any of the following grounds, namely :-(a)that he has been using any area of his occupied land for raising a fodder crop and intends lo raise a fodder crop thereon in that particular; or(b)the area which he intends to leave uncultivated in any particular year is required-(i)to be left uncultivated according to the usual agricultural practice; or(ii)for the purpose of grazing of cattle of

the village;(c)that he is a person subject to physical or mental disability due to old age or otherwise; or(d)that he is a person detained or imprisoned under any process of law; or(e)that he is a person in the service of Armed Forces of the Union.(2)An application for exemption under sub-section (1) shall be made to the Tahsildar within whose jurisdiction the respect of which the exemption is claimed, is situate.(3)On receipt of such application, the Tahsildar, after making such enquiry as he deems fit and after giving an opportunity of being heard to the holder, and before the 30th of June in year 1966 and 31st March of each subsequent year, may either refuse to grant a certificate of exemption or grant such certificate on such terms and conditions in respect of the whole or part of the area required to be cultivated under Section 3 as he considers appropriate.

5. Compulsory grant of lease of uncultivated land.

(1)If in any year, any holder being liable to cultivate land under Section 3 contravenes the provisions of the said section and if any penalty under sub-section (5) thereof is imposed upon him, the Tahsildar may call upon him to show cause why the land in respect of which such contravention took place should not be leased out.(2)If, after giving an opportunity to the person concerned to show cause and adduce evidence, if any, in that behalf the Tahsildar is satisfied that such person does not intend to cultivate,-(i)occupied land which it is obligatory on him to cultivate under sub-section (1) of Section 3, even though he is capable of bringing under cultivation the whole or any part of such land; or(ii)fallow land which he has become liable to cultivate under sub-section (2) of Section 3;the Tahsildar shall pass an order declaring that the whole of such land or the part thereof, as the case may be, shall be leased out by the Tahsildar.(3)Every lessee under sub-section (5) shall be liable to pay lease money to the Tahsildar who shall, after deducting the expenses for collection of lease money, which shall not exceed twenty-five per cent of the lease money payable cause the money to be paid to the holder of the land.

6. Penalty for not cultivating land leased out under Section 5.

- If any person to whom a lease of any land is granted under sub-section (2) of Section 5 fails to cultivate the land leased out to him he shall be liable on the orders of the Tahsildar. to pay a penalty not exceeding Rupees fifty per acre of the land leased out to him :Provided that no order under this section shall be passed unless a reasonable opportunity of being heard is given to the lessee.

7. Bar of application of Act in respect of lands donated in Bhoodan Yagna.

- Nothing in this Act. shall apply in respect of,-(a)any land vested in a Bhoodan Yagna Board under the provisions of a Bhoodan Yagna Law for the time being in force;(b)any land donated for the purposes of the Bhoodan Yagna (whether prior to or after the commencement of the Bhoodan Yagna Law) during the period from the date of donation to the date of termination of the proceedings for the vesting of such land in accordance with the provisions of the Bhoodan Yagna Law;Provided that the rights of a lease to whom any such land has been let out in pursuance of the provisions of Section 5 shall not be affected by anything contained in this section.Explanation. - In this section,-(a)"Bhoodan Yagna" means the movement initiated by Shri Acharya Vinobha Bhave for the acquisition of lands through voluntary gifts in favour of the Bhoodan Yagna Board consisted under

the Bhoodan Yagna Law; and(b)"Bhoodan Yagna Law" means a law for the time being in force for the constitution of a Bhoodan Yagna Board, the donation of land to the said Board, the distribution of lands received in donation and to provide for matters ancillary thereto.

8. Lessee to give possession of land to holder on expiry of lease period.

(1)Notwithstanding anything contained in any enactment for the time being in force, a lessee, who does not hand over possession of the land leased out to him under Section 5 to the holder who was in possession of the land before the lease was enacted or in case of his death to his legal heir, after the expiry of the period of such lease, shall be deemed to be a trespasser and shall be liable to ejectment in accordance with the provision of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959).(2)On the dispossession of a trespasser under sub-section (1) the holder, or if he is dead, his legal heir, shall, under the orders of the Tahsildar, be placed in possession of the land and shall be called upon to cultivate it from the agricultural year next following.(3)If the holder or his legal heir, as the case may be, refuses or fails to cultivate the land as required under sub-section (2) or on receiving back the possession of the land from the lessee after the expiry of the period of lease fails to cultivate it from the agricultural year next following, the land shall be deemed to have been abandoned under Section 176 of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959).

9. Bar of proceedings.

(1)No suit, prosecution or other legal proceeding shall lie against a Tahsildar or any other person acting under the orders of the Tahsildar in respect of anything which is in good faith done or intended to be done under this Act or any rules made or any orders issued thereunder.(2)No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder or any orders issued in pursuance of the provisions thereof.

10. Bar of jurisdiction.

- No order made or action taken in exercise of any power conferred by or under this Act shall be called into question in any Civil or Criminal Court.

11. Revision.

- The Collector may, -(i)on his motion at any time; or(ii)on the application made by the person aggrieved by any order passed under this Act within fifteen days of the date of such order;for the purpose of satisfying himself as to the legality or propriety of any order passed by or as to the regularity of the proceedings of any Tahsildar, call for and examine the record of any case pending before, or disposed of by, such Tahsildar and may pass such order in reference thereto, as he may think fit:Provided that he shall not vary or reverse any order unless notice has been served on the parties interested and opportunity given to them for being heard :Provided further that in computing the period of fifteen days, lime requisite for obtaining a copy of the order shall be

excluded.

12. Power to make rules.

(1)The State Government may make rules for carrying out the purposes of this Act.(2)All rules made under this Act shall be laid on the table of the Legislative Assembly.

13. Repeal.

- The Madhya Pradesh Padat Bhumi Ka Krishikaran Adhyadesh, 1966 (No. 5 of 1966) is hereby repealed.