

Rules for the Purpose of Section 6 of the Madhya Bharat Abolition of Jagirs Act

MADHYA BHARAT

India

Rules for the Purpose of Section 6 of the Madhya Bharat Abolition of Jagirs Act

Rule

RULES-FOR-THE-PURPOSE-OF-SECTION-6-OF-THE-MADHYA-BHARAT **of 1956**

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Rules for the Purpose of Section 6 of the Madhya Bharat Abolition of Jagirs ActPublished vide Notification Supplementary Madhya Bharat Gazette, Extraordinary, dated 31st October, 1956In exercise of the powers conferred by Section 39 of the Madhya Bharat Abolition of Jagirs Act, Samvat 2008 (No. XXVIII of 1951), the Government hereby makes the following Rules for the purposes of Section 6 of the said Act:

1. Notice.

- Where a Jagirdar has, on or after the 29th January, 1949, granted a lease of his Jagir-land or any part thereof for any non-agricultural purpose or granted a lease of, or entered into a contract relating to, any forest in his Jagir-land for a period of three years or more, the Jagir Commissioner shall issue a notice in Form A appended to these Rules asking the Jagirdar and the lessee or the contractor, as the case may be, to show cause by a specified date why the lease or the contract, as the case may be, should not be cancelled.

2. Reply to Notice.

- On receipt of the notice, the Jagirdar and the lessee or the contractor, as the case may be, shall submit his reply in writing within such date as may be prescribed in the notice.

3. Exparte decision of the case.

- If the Jagirdar and the lessee or the contractor do not appear before the Jagir Commissioner on the date of hearing nor submit their reply to the notice in writing, by themselves or through any authorised agent or Pleader, the Jagir Commissioner shall decide the case on its merits and pass such orders as he may deem fit.

4. Manner of inquiry.

- If the Jagirdar and the lessee or the contractor submit their reply to the notice before the prescribed date or on such date as may be subsequently fixed by the Jagir Commissioner, the Jagir Commissioner shall proceed to examine the case as under :A. Lease of Land for Non-Agricultural purpose-(i)Whether the Jagirdar leased out the land or entered into a contract on or after the 29th January, 1949 ?(ii)Whether the lease or contract was for a period of three years or more ?(iii)Whether the Jagirdar leased out the land on receipt of application of the lessee and if so, what terms did the lessee offer for the lease of the land and what terms were accepted by the Jagirdar ?(iv)Whether the lease was reduced to writing and registered according to law ?(v)Whether the inhabitants of the Jagir-land had any objection to the lease, if so, what were the grounds for rejecting them ?(vi)Whether there was any demand for a lease from the inhabitants of the Jagir-land, if so, whether it was considered by the Jagirdar and rejected on any reasonable ground ?(vii)Whether the lease rent demanded by the Jagirdar was such as could not be reasonably paid by any other applicant ?(viii)Whether the purpose for which land was leased out was beneficial to the inhabitants of the Jagir or any neighbouring village or of benefit to the public at large ?(ix)Whether there has been a demand in the past for the use of the Jagir-land for non-agricultural purposes, if so, why the Jagirdar did not lease out the land before ?B. Contract relating to Forest-(x)Whether the Jagirdar had regularly demarcated the forest area in his Jagir-land ?(xi)Whether the Jagirdar had the power under his Sanad to give contracts relating to any kind of forest produce as defined in the law then in force ?(xii)Whether the Jagirdar gave a contract of any forest area in the past three years prior to January 1948, if so, what was the area of such coupe and the contract money and for what purpose it was given. Whether the contract money was paid in lump sum in such cases or by instalments ?(xiii)Whether the forest area for which the Jagirdar had entered into a contract was about the same as in previous years or abnormally high, if so, what were the reasons for leasing out such a large area at a time when a legislation for abolition of Jagir-land was anticipated.(xiv)Whether the contract had been reduced to writing and registered according to law? What was the contract money agreed to be paid by the contractor to the Jagirdar? Whether the contractor had paid the contract money in lump sum or by yearly instalments .(xv)Whether the contractor had executed the terms of the contract or failed to do so and what had been its result ?(xvi)Whether the forest produce of the forest area for which contract had been given was at the stage of extraction or not ?(xvii)Whether the contractor extracted the forest produce or felled the trees according to some programme or tried to extract the produce or cut the trees irregularly and as early as possible to escape from the risk of the cancellation of the contract at any time ?

5. Reasons of the order shall be recorded.

- If after making enquiry on the points specified above or any such point that he may deem fit to enquire, the Jagir Commissioner is satisfied that the lease of the contract was not made or entered into the normal course of management But in anticipation of legislation for the abolition of Jagirs he shall pass an order to that effect in writing and record his reasons for the same.

6. Determination of contract money, etc.

- The Jagir Commissioner shall also determine on cancellation of the lease or contract, the amount of the lease money or contract money to which the lessee or the contractor is entitled to get a refund from the Jagirdar. (See Section 15 of Madhya Bharat Abolition of Jagirs Act, Samvat, 2008) Rules for Prescribing the Authority or Bank with which Compensation Money to be Deposited Notification No. 98/6-J.C.538/55, dated 21-12-1955. - [In exercise of the powers conferred by Section 39 of the Madhya Bharat Abolition of Jagirs Act, Samvat 2008 (No. XXVIII of 1951), the Government hereby makes the following Rules for prescribing the authority or Bank with which compensation money shall be deposited under clause (a) of sub-section (3) of Section 15 of the said Act:] [Published in M.B. Gazette, dated 29.12.55., Zild No. 8 Vol 39 p. 1030.]

1. The compensation payable to a Waqf, Trust, Endowment or Devasthani Jagirdar shall be deposited with the following authorities :

- | | |
|---|---|
| (a) In case of Waqfs, Trusts, Endowments or Devasthani Jagirdars pertaining to the Covenanted State of Gwalior. | With the Waqfs Department. |
| (b) In all other cases | With the Treasurer of Charitable Endowments, Madhya Bharat. |

2. It shall be the duty of the Waqfs Department or the Treasurer for Charitable Endowments to look after the Waqf or Trust or Endowment property and to apply the compensation amount so deposited for the maintenance of Waqf, Trust or Endowment property and to keep a regular account of it.

3. The amount of compensation shall be deposited by the Collector of the District to whom a list of all such cases together with the amount to be deposited shall be forwarded by the Jagir Commissioner. Deposit of the amount should be made as soon as the amount has been determined and has become payable to them.

(See Sections 21 and 23)[Rules Regarding the Application for and Issue of Certificate of Pacca Tenancy] [Published in Suppl. M.B. Gazette, dated 29.9.1955.] Vide Suppl. Madhya Bharat Gazette, dated the 29-9-1955. - In exercise of the powers conferred by Sections 21 and 23 of the Madhya Bharat Abolition of Jagirs Act, Samvat 2008 (No. XXVIII of 1951), the Government hereby makes

the following Rules regarding the application form for and the issue of Certificate of Pacca Tenancy namely:-

1. (a) The application of a sub-tenant or tenant of a sub-tenant for acquiring the rights of a Pacca Tenant in the holding shall be in Form 'A' appended to these Rules.

(b)The application shall be accompanied by-(i)a certificate extract of the latest Jamabandi in respect of the holding; and(ii)Treasury Challan showing that the amount specified in Section 22 of the Act has been deposited.

2. (a) On receipt of the application the Tahsildar shall cause to be issued a proclamation in Form 'B' appended to these Rules calling on the persons interested to prefer objections, if any, against the issue of Certificate of Pacca Tenancy.

(b)The copies of the proclamation shall be pasted on the notice board in the Court house of the Tahsildar issuing it and also at some place of public resort on or adjacent to the holding to which it refers and if the Tahsildar so directs the proclamation shall be further published by beat of drum on or near the holding to which it refers.

3. On the date fixed for hearing or on any date to which the hearing may be adjourned the Tahsildar shall, after examining the parties and taking any other evidence that may be produced by them, pass orders.

4. If the Tahsildar finds that the applicant is not entitled to acquire the rights of a Pacca tenant in the holding, he shall dismiss the application and order the refund of the amount deposited by him.

5. If the Tahsildar finds that the applicant is entitled for the Certificate of Pacca Tenancy, he shall issue a Certificate of Pacca Tenancy in favour' of the applicant in Form 'C' appended to these Rules.

Form AApplication for Acquiring the Rights of the Pacca tenantIn the Court of
the.....at.....Sir,I.....son of.....a subtenant/tenantof a sub-tenant of
village.....in possession of the land in a resumed Jagir-land.....Patwari
Circle No..... Tahsil.....District.....have deposited Rs.....(Rupees.....) in the
Treasury/Sub-treasury, vide Challan No..... dated.... under Section 22 of the Madhya Bharat
payable for acquiring the riths of Pacca Tenant in respect of the holding, details to which are given
in the annexed schedule. I pray that the certificate of a Pacca Tenancy may be issued to me.A
Treasury Challan showing the credit of Rs..... (Rs.....) and an extract from the

latest Jamabandi showing the holdings to which the application relates, the rent payable therefore and the class of tenants to which I belong are enclosed herewith.

Schedule

Khasra No. of the holding	Name of the village Pargana and Tahsil in which the plots are situated	Right in which held	Area	Rent	Amount credited into Treasury	Remarks
1	2	3	4	5	6	7

I declare that the details given in this application are correct to the best of my knowledge and belief. Dated..... Signature or Thumb-mark of the applicant. Form B Proclamation Revenue Case No..... Major Head/Minor Head..... Whereas..... son..... of..... a sub-tenant/tenant of a sub-tenant of village..... in possession of the land in a resumed Jagir-land..... patwari circle No..... Tahsil..... district..... has made an application under Section 21 for the issue of Certificate of Pacca Tenancy under Section 23 of the Madhya Bharat Abolition of Jagirs Act, Samvat 2008 (No. XXVIII of 1951), in respect of the land detailed in the Schedule below. All persons interested are hereby informed that the undersigned will examine the application in his Court room at o'clock on the Any person who has any objection to prefer may do so at that time.

Schedule 2

Serial No.	Name of village and settlement No.	Khasra No.	Area (Acres)	Present rent Rs.
1	2	3	4	5

(Seal of Court)

Dated..... Tahsildar

Form C Certificate of Pacca Tenancy [Under Section 23 of the M.B. Abolition of Jagirs Act, Samvat 2008 (No. XXVIII of 1951)] In the Court of the..... Revenue Case No..... Major Head/Minor Head..... I..... certify that..... son of..... sub-tenant/tenant of sub-tenant of Village..... Patwari Circle No..... Tahsil District..... has acquired the rights of a Pacca Tenant under the Madhya Bharat Abolition of Jagirs Act, Samvat 2008 (No. XXVIII of 1951) in respect of the holdings detailed in the annexed Schedule..... Tahsildar

Schedule 3

Khasra No. of the holding	Right in which held	Name of the village	Area in arces	Present rent	Rent payable from the next instalment falling due after the date of the issue of the certificate
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First instalment Rs.	Second instalment Rs.	First instalment Rs.	Second instalment Rs.		
1	2	3	4	5	6

(Seal of Court)

Dated..... Tahsildar

Copy forwarded to.....

Dated.....

Tahsildar

(See Section 25)[Rules for Purchase of Rights in Trees] [Published in M.B. Gazette dated 26-1-1956 Zild 8 Vol 43 p. 1207.]Notification No. 4/6-J, C-563/55, dated 17-1-1956. - In exercise of the powers conferred by Section 39 of the Madhya Bharat Abolition of Jagirs Act, Samvat 2008 (No. XXVIII of 1951), the Madhya Bharat Government hereby makes the following rules for the purchase of full rights in trees under Section 25 of the said Act by a person acquiring the status of a Pacca tenant:-

1. An application under Section 25 of the Abolition of Jagirs Act by a person acquiring the status of Pacca tenant by virtue of the provisions of Chapter IV of the Abolition of Jagirs Act, Samvat 2008, shall be submitted in the form accompanying these rules to the Tahsildar in whose jurisdiction the Jagir-land is situated, within sixty days from the date of publication of this notification in the Madhya Bharat Government Gazette, or the acquisition by him of the status of a Pacca tenant, whichever is later.

2. The Tahsildar shall on receiving the application cause notice to be served on the person in whom the right in trees vests, and after hearing such evidence as the parties may adduce and making such other enquiries as he thinks fit, shall proceed to fix the value of the right.

3. On the value of the right being fixed under Rule 2, the applicant shall within such period, not being less than one month, as may be ordered by the Tahsildar, deposit in his office the sum so fixed. On such deposit being made, the Tahsildar shall declare the applicant to have the same rights in trees standing on the land as in the land itself, and shall put him in possession of the trees. A certificate declaring the rights of the applicant in the trees so purchased shall be issued by the Tahsildar, and the amount deposited by the applicant shall be paid to the person in whom the rights in the trees originally vested. If the person fails to make the deposit within the

time fixed the application shall be dismissed.

[Form of Application] [Published in M.B. Gazette, dated 29th March, 1956, Zild No. 8, Volume No. 52 at page 1430, vide Revenue Department's Notification No. 25/6-J.C.-563/55, dated 19th March, 1956.]Application for purchase of rights in trees, Section 25 of the Madhya Bharat Abolition of Jagirs Act, Samvat 2008 (No. XXVIII of 1951)ToTahsildar.....Pargana.....I beg to submit as hereunder -

- 1. That I have acquired the status of a Pacca tenant by virtue of the provisions of Chapter IV of the Madhya Bharat Abolition of Jagirs Act, Samvat 2008 (No. XXVIII of 1951), in the land specified in the statement appended to this application.**
- 2. That the said land contains the trees, particulars of which are given in the statement appended hereto.**
- 3. That I want to purchase the full rights in the said trees, subject to such terms and conditions as may be prescribed.**
- 4. That I agree to deposit such amount on account of the value of rights in the trees, as may be determined, within such period as may be prescribed.**
- 5. That on depositing the amount within the prescribed period, I may be declared to possess the same right in the trees standing on the land in question as I possess in that land.**
- 6. That this application is submitted within 60 days from the date of notification in the Madhya Bharat Government Gazette and is, therefore, within the prescribed period.**
- 7. A copy of the Khasra of Samvat 2007 pertaining to the land and the document which purports to show the existing rights in trees is appended herewith.**

Particulars of land in which the Pacca tenant rights have been acquired under Chapter IV of the Madhya Bharat Abolition of Jagirs Act, Samvat 2008 (No. XXVIII of 1951).

Name of Village	Name of Jagirdar or Zamindar of the Khudkashtland or name of the original tenant, as the case may be	Name of person acquiring the right of Paccatenant	Details of land in which Pacca tenant right havebeen acquired
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Khasra No.	Area (Acres)	Assessment		
1	2	3	4	5 6

Statement showing the number and species of trees

Name of village	Khasra No.	Particulars of the trees										
No.	Species	No.	Species		No.	Species		No.	Species		No.	Species
1	2	3	4	5	6	7	8	9	10	11	12	
Total												

(See Sections 21 and 23)[Rule Prescribing Court-Fee] [Published in M.B. Gazette, dated 29-12-55, Zild 8 Vol. 39 p. 1030.]Notification No. 99/6-J.C.-538/55, dated 22-12-1955. - In exercise of the powers conferred by Section 39 of the Madhya Bharat Abolition of Jagirs Act, Samvat 2008, the Government hereby makes the following Rules for prescribing court-fees on application filed in a proceeding under the Act and fees to be paid for the issue or execution of process :Save as otherwise expressly provided in the Act, there shall be paid such court-fees on applications filed in a proceeding under the Act and such fees for the issue or execution of any process thereunder as contained in Schedule I.

Schedule 1

(Court-fees)

S. No.	Section of the Act	Subject	Court fees to be paid
1	2	3	4
			Rs.a.p
1	9	Application for the fixation of Maintenance Allowance	0 4 0
2	11	Application of the Co-sharers to cause the amount of theirshare to be paid out of the compensation money payable toJagirdars	0 8 0
3	12(1)	Statement of Claim	Free of charge
4	13	Notice to a Claimant	Free of charge
5	17	Objection petition in respect of Jagirdari title or right	0 8 0
6	21(1)	Application by a sub-tenant or tenant of a sub-tenant foracquiring rights of a Pacca tenant	0 8 0
7	25	Application for the purchase of full rights in the trees	0 8 0
8	26	Application for the grant of lease for non agriculturalpurposes	2 0 0
9	27	Application for the grant of lease of land	2 0 0

(See Section 27)[Rules for the Grant of Land to Jagirdars] [Published in M.B. Gazette, Part 4-B. dated 1-3-57, p. 101.]Notification No. 70/XXVIII/49/56. - In exercise of the powers conferred by Section 39 of the Madhya Bharat Abolition of Jagirs Act, Samvat 2008 (No. XXVIII of 1951), hereinafter referred to as the Act, the Government makes the following rules for the grant of land on lease under Section 27 of the Act to Jagirdars, namely :

- 1. A Jagirdar who did not cultivate any land personally on the date of resumption i.e., the 4th December, 1952, in which he might have acquired rights of a Pacca tenant may apply for a grant of land on lease to the Collector of the district in which the land applied for is situated before the 1st July, 1957, in Form 'A' appended to these rules. The application shall bear a stamp of eight annas and shall be signed and verified by him in the manner provided in the-Code of Civil Procedure (Act V of 1908) for signing and verification of plaints.**
- 2. If the Jagir-land resumed under the Act extends to more than one village, the Jagirdar may apply for land in the neighbourhood of any one or more of such villages.**
- 3. The total area of the land that a Jagirdar may acquire on lease shall not exceed the scale as laid down in Schedule I of these rules.**
- 4. On receipt of the application, the Collector may order such enquiry as he may deem fit to be made through the Tahsildar of the Pargana in which the land applied for is situated. The Tahsildar shall call for a report from the Patwari and the opinion of the Patel of the village concerned as given in Form 'A' appended to these rules.**
- 5. The Tahsildar shall issue a notice in Form 'B' appended to these rules and after hearing the objections, if any, to the allotment of the land applied for and on scrutiny of the reports, of the Patwari and the Patel shall forward the application to the Collector with his remarks together with a sketch map of the land, if necessary.**
- 6. On receipt of the record from the Tahsildar if the Collector finds that the land applied for cannot be leased on the grounds mentioned in Rule 2 of the Allotment Rules under Section 62 of the Land Revenue and Tenancy Act, or for any other reasons, he shall reject the application and record his reasons in the order so passed. In such cases the Collector may, however, allow**

further reasonable time to the Jagirdar for submitting another application for grant of land on lease. On receipt of another application for grant of land on lease. On receipt of another application the Collector shall make enquiry in the matter laid down in these rules.

7. If the Collector is satisfied that the land applied for can be given on lease he will grant a Pata of the land to the Jagirdar in Form 'C' appended to these rules.

Form A(See Rules 1 and 4)Application for allotment of unoccupied land of Village for Agricultural Purposes

1. Name of applicant with percentage, caste and age.....

2. Resident of.....

3. Present occupation.....

4. Name of village and Pargana with circle No. of Patwari.....

5. Details of revenue area and serial survey No. of land.....

S. No.	Area in acres or Bighas	Classification of soil	Rate of land revenue	Amount of land revenue
1.2.3.4.5.6.7.8.9.10.				
Total.....				

Note - The above details are certified to be correct. Signature with date of Patwari with Circle No.

6. Details of area and settlement of land which the applicant has in any other villages.....

1. Name of village.....

2. Area of land.....

3. Amount of land revenue.....

Signature of Patwari with date

1. Village.....

2. Village.....

3. Village.....

Signature of applicant or thumb impression with date Report of Patwari on Serial No. 5 of the Application

1. Whether boundary land of the village is included or not? If so, its serial No.
Whether recognised roads, paths, goya, cemetery, khaliyan, place for cattle to
2. drink water and take rest and its nearby land is included or not? If so, its serial
No.
3. Whether any land is included which may be determined as grazing land on any
future date? If so, its serial No.
4. Whether such land is required to be deemed to be fit in future for public purpose? If
so, its serial No.
5. Whether any fruit trees like aam, mahua, jamun, etc., are not growing on such
land? If so, No. and kind of trees with the No. of serial and name of owner.
6. Whether timber trees like sagwan, sathad, anjan and bans are not growing on
such land? If so, the kind and No. of trees with serial No. and name of owner
7. Details in case of any construction, well, etc., and full name of owner
8. Any other reasons due to which land allotment should not be made

Signature of Patwari Date and Circle No. Opinion of Village Patel Regarding the land of which the applicant wants allotment I am to opine that Signature of Patel with date Growing Trees

1. Cost of fruit-trees-
 - (a) Serial No. of land
 - (b) Kind and No. of trees
 - (c) Cost
2. Cost of valuable timber trees-
 - (a) Serial No. of land
 - (b) No. and kind of trees
 - (c) Cost
3. Cost of any construction of well-
 - (a) Serial No. of land
 - (b) No. of construction, well, etc.

Signature of Panchas

 1.
 2.
 3.

4.

5.

Signature of Patel.

Note - The applicant shall submit his application to the Tahsildar after filling completely so far as possible. If he cannot fill in full particulars the Tahsildar shall, after showing sufficient reasons order and Patel to fill in full particulars. Form B (See Rule 5) Notice of Application for land for Agricultural Purposes In the Court of the..... Class No..... Case No... Whereas..... has applied for occupant's right in the field together with the trees standing thereon specified below, any other person who may desire to acquire occupants rights in the said land should apply to the Tahsildar within 15 days of the date of publication of this notice-

Village Survey Number Area Assessment

1 2 3 4

Dated.....20..... Signature of Tahsildar. Form C (See Rule 7) Patta Name of Village..... Pargana..... District..... Name of Cultivator..... son of caste..... resident of.....

Khasra No. Area Kind of soil Rate Rent First instalment Second instalment Remarks

1 2 3 4 5 6 7 8

Rights of pacca tenant are granted to the aforesaid tenant on the area noted above. Dated..... Signature of Tahsildar Agreement of Raiyat I agree to pay the Government revenue assessed on the survey number and to accept the conditions of settlement as prescribed by Government. Dated..... Signed..... Pattadar Countersigned..... Tahsildar

I

(See Rule 3)

Amount of gross income		Land to be given on lease
(a)	Where the gross income of the Jagir in the year of Samvat 2008 does not exceed Rs. 2,000.	15 acres.
(b)	Where the gross income of the Jagir in the year of Samvat 2008 exceeds Rs. 2,000 but does not exceed Rs. 5,000.	25 acres
(c)	Where the gross income of the Jagir in the year of Samvat 2008 exceeds Rs. 5,000 but does not exceed Rs. 10,000.	35 acres.
(d)	Where the gross income of the Jagir in the year of Samvat 2008 exceeds Rs. 10,000.	50 acres