

# The M.P. Ceiling On Agricultural Holdings Act, 1960

MADHYA PRADESH

India

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### Act 20 of 1960

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The M.P. Ceiling On Agricultural Holdings Act, 1960(No. 20 of 1960)Statement of Objects and Reasons. - With a view to provide for a more equitable distribution of land, it is considered expedient to fix ceilings on existing holdings as well as on future acquisition of Agricultural lands. The surplus land vesting in Government will be allotted on payment of occupancy price to needy persons and co-operative farming societies in certain priorities. The Bill is, therefore, being introduced to promote the economic and social interests of the weaker of the community and to subserve the common good.[Dated 20th September, 1960]Received the assent of the President on the 20th September, 1960; assent first published in the "Madhya Pradesh Gazette" Extraordinary, on the 1st October, 1960.An Act to provide for the imposition of ceiling on agricultural holdings, holdings, acquisition and disposal of surplus land and matter ancillary thereto.Be it enacted by the Madhya Pradesh Legislature in the Eleventh Year of the Republic of India as follows :

## Chapter I Preliminary

### 1. Short title, extent and commencement.

(1)This Act may be called The Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960.(2)It extends to the whole of Madhya Pradesh.(3)It shall [come into force on such date] [Enforced of 15th November, 1961 See Government of Madhya Pradesh, Land Reforms Department Notification No. 3467-XXVIII-60, dated the 4th November 1961, Published in Madhya Pradesh Gazette, dated 10th November, 1961] as the State Government may, by notification, appoint.

### 2. Definitions.

- In this Act, the context otherwise requires,-(a)"agricultural labour" mans a person who does not hold any land and whose principal means of livelihood is manual labour on land;(b)[ "appointed

day" means the date of commencement of the Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1972] [Substituted by M.P. Act No. 12 of 1974 (w.e.f. 7-3-1974.);](bb)[ "assured irrigation" means irrigation from any source of irrigation belonging to the State Government on the appointed day;] [Inserted by M.P. Act No. 13 of 1974 (w.e.f. 7-3-1974.)](i)from tube wells;(ii)by lift irrigation from a perennial source of water operated by diesel or electrical energy.(bbb)[ "assured private irrigation" means irrigation on or before the 15th August, 1972- [Substituted by M.P. Act No. 20 of 1974 (w.e.f. 7-3-1974.)]Explanation. - For the purpose of item (ii) of this clause, "perennial source of water" means a source of water from which water flows throughout the year but does not include a well;](c)[ "better farming society" means a co-operative society registered or deemed to be registered as a better farming society under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961);] [Substituted by M.P. Act No. 20 of 1974 (w.e.f. 7-3-1974.)](d)"ceiling area" means the maximum area of land which a holder is entitled to hold under Section 7;(e)"competent authority" means-(i)[ in respect of a holder whose entire land is situate within a Sub-Division the Sub-Divisional Officer and/or such other Revenue Officer, not below the rank of a Deputy Collector as may be appointed by the State Government; [Substituted by M.P. Act No. 37 of 1976 (w.e.f. 16-7-1976.)](ii)in respect of a holder whose entire land is situate in more than one Sub-Division of the same district, the Collector or the Additional Collector and where there is no Additional Collector for the district such Deputy Collector, as may be empowered by the State Government to exercise the powers of Collector under the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) for the purpose; and](iii)in respect of a holder whose land is situate in more than one district such authority as may be appointed by the State Government;(ee)[ "Co-operative society" means a society registered or deemed to be registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961);] [Inserted by M.P. Act No. 20 of 1974 (w.e.f. 7-3-1974.)](f)[ "dry land" means any land which neither receives water through assured irrigation nor assured private irrigation;] [Substituted by M.P. Act No. 13 of 1974 (w.e.f. 7-3-1974.)](g)"exempted land" means land exempted from the provisions of this Act under Section 3;(gg)[ "family" means husband, wife and their minor children, if any;] [Inserted by M.P. Act No. 12 of 1974 (w.e.f. 7-3-1974.)](h)[ "holder" means a tenure holder or an occupancy tenant or a Government lessee of land within the State and the expression to hold land" or "holding land" shall be construed accordingly; [Substituted by M.P. Act No. 12 of 1974 (w.e.f. 7-3-1974.)](i)"holding" means all land held by a holder in any one or all of the capacities specified in clause (h) within the State;](j)[ "joint farming society" means a co-operative society registered or deemed to be registered as a joint farming society under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961), in which the ownership of all the land under its control vests, in which gets all such land cultivated jointly by its members;] [Substituted by M.P. Act No. 20 of 1974 (w.e.f. 7-3-1974.)](k)"land" means land held for an agricultural purpose but does not include land diverted to or used for non-agricultural purpose;(1) [X X X] [Omitted & Substituted by M.P. Act No. 13 of 1974 (w.e.f. 7-3-1974.)](m)[x x x](n)[x x x](o)"surplus land" means land which is declared to be surplus land under the provisions of this Act;(p)words and expressions used but not defined in this Act, and defined in the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959), shall have the meaning respectively assigned to them in that Code.

## Chapter II

# Exemptions and Restrictions on Transfer of Land

### 3. Exempted lands.

- The following lands shall be exempted from the provisions of this Act, that is to say, -(a) land held by a local authority or a University established by law within the State; (b) land held by the Madhya Pradesh State Agro Industries Development Corporation Ltd., or any other Corporation, controlled or managed by the State Government or the Central Government, whether singly or jointly; (c) land which is the property of a public trust or a wakf for a religious purpose : Provided that - (i) such public trust or wakf is registered on or before [the 1st January, 1971] [Substituted by M.P. Act No. 20 of 1974 (w.e.f. 7-3-1974.)] under any enactment relating to public trust or wakf for the time being in force and the entire income of such land is appropriated for the purpose of such trust or wakf; (ii) such land is property of the public trust or wakf on the appointed day; (d) land held by a Bhoodan Yagna Board under the Madhya Pradesh Bhoodan Yagna Adhiniyam, 1968 (No. 28 of 1968); (e) [land held by a co-operative land development bank or any other co-operative bank registered or deemed to be registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961); [Clauses (e) and (f) Substituted by M.P. Act No. 20 of 1974.]] (f) land held by a bank; Explanation - For the purpose of this clause "bank" means a banking company as defined in Section 5 of the Banking Regulation Act, 1949 (No. 10 of 1949), and includes the State Bank of India constituted by the State Bank of India Act, 1955 (No. 23 of 1955), a subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act 1959 (No. 38 of 1959), a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (No. 5 of 1970), the Agricultural Re-finance Corporation established under the Agricultural Re-finance Corporation Act, 1963 (No. 10 of 1963), the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956 (No. 1 of 1956) and any other financial institution as the State Government may, by notification specify in this behalf; (g) [land held by such Co-operative Societies as hold land not exceeding the total area arrived at by aggregating the ceiling area in respect of each of its members on the register of members for the time being and approved by general or special order by the State Government in this behalf : [Substituted by M.P. Act No. 2 of 1976.]] Provided that in the case of a Joint Farming Society no member shall hold land in excess of the ceiling area; (h) any piece of land which the State Government may, for a public purpose, by notification, exempt from the provisions of this Act

### 4. Transfers or partitions made after publication of the Bill out before, the commencement of this Act.

- [(1) Notwithstanding anything contained in any law for the time being in force, where after, [the 1st January, 1971] [Substituted by M.P. Act No. 13 of 1974 (w.e.f. 7-3-1974.)] but before the appointed day, any holder has transferred any land held by him by way of sale, gift, exchange or otherwise or has effected a partition of his holding or part thereof or the holding held by the holder has been transferred in execution of a decree of any Court, the competent authority may, after notice to the holder and other persons affected by such transfer or partition and after notice such enquiry as it

thinks fit to make, declare the transfer or partition to be void if it finds that the transfer or the partition, as the case may be, was made in anticipation of or to defeat the provision of this Act.](2)[ Nothing in this section shall apply to a transfer made by a holder-(a)who does not hold land in excess of the ceiling area; or(b)who is a member of a family and where all the members of the family together do not hold land in excess of the ceiling area, specified in sub-section (1) of Section 7 as substituted by Section 8 of the Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1974 on the date of the transfer.](3)Any person aggrieved by an order of the competent authority under this section may prefer an appeal against such order to the Board of Revenue. The decision of the Board and subject to the decision of the Board in appeal the decision of the competent authority shall be final.(4)[ [in regard to every transfer to which this section applies] [Substituted by M.P. Act No. 13 of 197-1 (w.e.f. 7-3-1974.)] the burden of proving that the transfer was not benami or was not made in any other manner to defeat the provisions of this Act shall be on the transferor.(5)Notwithstanding anything contained in any law for the time being in force,-(i)no Court shall entertain any suit for the specific performance of any contract of sale of land on the basis of any agreement or document made [on or before the 1st January, 1971] [Substituted by M.P. Act No. 20 of 1974 (w.e.f. 7-3-1974.)], or(ii)any decree passed by a Civil Court for the specific performance of the contract of sale of land on the basis of any agreement or document made [on or before the 1st January, 1971] [Substituted by M.P. Act No. 20 of 1974 (w.e.f. 7-3-1974.)] shall be null and shall not be enforceable, if such suit or decree is for the purpose of defeating the provisions of this Act.]

## **5. Restrictions on transfer or sub-divisions of land and consequences of transfer or sub-division made in contravention thereof.**

- Notwithstanding anything contained in any law for the time being in force, no land shall be-(a)transferred whether by way of sale (including sale in execution of a decree of a Civil Court or of an award or order of any other lawful authority) or by way of gift, exchange, lease or otherwise; or(b)sub-divided (including sub-division by a decree or order of a Civil Court or any other lawful authority) whether by partition or otherwise;until a final order under Section 11 is passed except with the permission in writing of the Collector.(2)The Collector may refuse to give such permission if in his opinion the transfer or sub-division of land is likely to defeat the object of this Act.[(3) Nothing in this section shall apply to a transfer made by holder-(a)who does not hold land in excess of the ceiling area; and(b)who is a member of a family and where all the members of the family together do not hold land in excess of the ceiling area;as specified in sub-section (1) of Section 7 as substituted by Section 8 of the Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1974 on the date of the transfer.] [Substituted by M.P. Act No. 13 of 1974 (w.e.f. 7-3-1974.)] [Substituted by M.P. Act No. 20 of 1974 (w.e.f. 7-3-1974.)](4)The registering officer shall furnish to the Collector or such other officer as may be authorised by him in writing in this behalf, particulars relating to every transfer of land made on or after [the 1st January 1971] [Substituted by M.P. Act No. 20 of 1974 (w.e.f. 7-3-1974.)] and before the appointed day, in such form and within such period as may be prescribed.(5)In regard to every transfer [to which this section applies] [Substituted by M.P. Act No. 20 of 1974 (w.e.f. 7-3-1974.)] the burden of proving that the transfer was not benami or was not made in any other manner to defeat the provisions of this Act shall be on the transferor.]

**5A.**

[x x x] [Section 5-A omitted by M.P. Act No, 20 of 1974 (w.e.f. 7-3-1974.)]

**5B.**

[x x x] [Section 5-B omitted by M.P. Act No. 20 of 1974 (w.e.f. 7-3-1974.)]

## **Chapter III**

### **Fixation of Ceiling Area, Determination of Surplus Land and Acquisition Thereof**

#### **6. Certain persons deemed or not deemed to be holders for purposes of this Chapter.**

- For the purposes of this Chapter-(i)where certain land is held by two or more holders jointly or as tenants-in-common, the area of land corresponding to the interest of each holder on the appointed day shall be deemed to be held by such holder;(ii)where land is held by a joint Hindu family, each member of such family who is entitled to share in the joint family property shall be deemed to hold an area of such land proportionate to his share in the property to which he would be entitled if a partition were to take place on the appointed day;(iii)[ any land belonging to a tenure holder which is held by occupancy tenant specified in sub-section (1) of Section 185 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) shall not be deemed to be held by such tenure holder;] [Substituted by M,P. Act No. 1 of 1984.](iv)[ any land belonging to a tenure holder which is on or after the 1st January, 1971 held by an occupancy tenant or a Bhumiswami to whom such rights have accrued under Section 169 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) or sub-section (2-A) of Section 190 thereof shall notwithstanding anything contained in the said Code, be deemed to be held by such tenure holder and not by the occupancy tenant or Bhumiswami, as the case may be, to whom such rights have accrued under the said respective sections.] [Inserted by M.P. Act No. 1 of 1984]

**6A.**

[x x x] [Omitted by M.P. Act No. 14 of 1984. (w.e.f. 24.1.1984.)]

**6B. [ Accrual of right of occupancy tenant or Bhumiswami under Code to be void. - Where as a consequence of lease given by a tenure holder of land comprised in his holding in contravention of Section 168 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) rights of an occupancy tenant or Bhumiswami, as the case may be, have accrued to the lessee under Section 169 or Section 190 of the said Code during the period commencing**

**from 1st January, 1971 and ending on the appointed day, accrual of such rights shall be void and of no legal effect whatsoever for the purposes of this Act, notwithstanding anything contained in this Act or any other law the time being in force or any judgement, decree or order of any Court.] [Inserted by M.P. Act No. 1 of 1984. (w.e.f. 24.1.1984.)]**

**6BB. [ Declaration of surplus land in cases to which Section 6-B apply. - Where as a result of operation of Section 6-B, there is an addition to the quantum of land held by a holder prior to such operation so as to necessitate declaration of surplus land, then notwithstanding anything contained in this Act, the competent authority shall in declaring the surplus land specify the land in the following order**

(i)the land held by such holder other than the land to which Section 6-B relates;(ii)if the land so held by him falls short of the requisite surplus the entire land so held and so much of the land to which Section 6-B relates as falls short of the requisite surplus.]

**6C. [ Bar of jurisdiction of Civil Court in matters falling under Section [6-B] [Inserted by M.P. Act No. 1 of 1984. (w.e.f. 24.1.1984.)].**

- Notwithstanding anything contained in sub-section (4) or sub-section (5) of Section 11 no Civil Court shall entertain any suit in respect of title to land comprised in holding of a holder to which the provisions of Section [6-B] [Substituted by M.P. Act No. 14 of 1984. (w.e.f. 24.1.1984.)] apply.] [Ins by M.P. Act No. 14 of 1984. (w.e.f. 24.1.1984.)]

**7. [ Maximum extent of land to be held by a person or family. [Substituted by M.P. Act No. 13 of 1974. (w.e.f. 7-3-1974.)]**

- [(1) Subject to the provisions of this Act, no holder or where the holder is a member of a family, no such family, shall, as from the appointed day, be entitled to hold land other than exempted land in excess of the land as is specified below-]

(a) where the holder is not a member of a family.	(1) land capable of yielding two crops and receiving assuredirrigation or assured private irrigation for both the crops;	10 acres.
	(2) land capable of yielding one crop and receiving assuredirrigation or assured private irrigation for the crop;	15 acres.

	(3) dry land.	30 acres.
where the holder is a	(1) land capable of yielding two crops and receiving	
(b) member of a family of five members or less.	assured irrigation or assured private irrigation for both the crops;	18 acres.
	(2) land capable of yielding one crop and receiving	
	assured irrigation or assured private irrigation for the crop;	27 acres.
	(3) dry land.	54 acres.
where the holder is a	(1) land capable of yielding two crops and receiving	18 acres plus 3 acres for each member in excess of
(c) member of a family of more than five members.	assured irrigation or assured private irrigation for both the crops;	five subject to the maximum of 36 acres.
	(2) land capable of yielding one crop and receiving	27 acres plus 4.50 acres for each member in excess of
	assured irrigation or assured private irrigation for the crop;	five subject to the maximum of 54 acres.
	(3) dry land.	54 acres plus 9 acres for each member in excess of
		five subject to the maximum of 108 acres:

Provided that where all or any one of the members of a family is also holder and holds land in his own rights, the aggregate land which such family shall hold shall not exceed the ceiling area specified above and the members of the family shall continue to hold land within the ceiling area in proportion to the extent of the land held by each one of them before the appointed day. (2) Where a holder who is member of a family has one or more major sons, each such son shall, subject to the ceiling area specified in sub-section (1) for a holder, be entitled to hold land separately from out of the land belonging to the family before the appointed day, as if each such son were a holder : Provided that if such major son or a member of his family hold land in his own rights and the extent of such land is less than the ceiling area specified in sub-section (1) for the category of holders under which he falls, he shall be entitled to hold land out of such family holding only to the extent by which the land held by him as on 1st January, 1971 falls short of the ceiling area : Provided further that no major son shall be entitled to have land under the preceding proviso, unless he files before the competent authority a declaration in such form and within such period as may be prescribed] (3) in computing the ceiling area under sub-section (1)-(i) orchards other than banana gardens and vineyards shall be treated as dry land; and (ii) land which a holder or member of a family has in a [Joint Farming Society or any other Co-operative Society] [Substituted by M.P, Act No. 20 of 1974. (w.e.f, 7-3-1974.)] as member thereof shall be treated as land held by such holder or member of a family; (iii) [one acre of land capable of yielding two crops and receiving assured irrigation or assured private irrigation for both the crops shall be equal to 1.5 acres of land capable of yielding one

crop and receiving assured irrigation or assured private irrigation for the crop or three acres of dry land.] [Substituted by M.P. Act No. 20 of 1974. (w.e.f. 7-3-1974.)]Explanation. - For the purposes of this section different kind of crops grown in either Rabi or Kharif season shall be deemed to be one drop.]

## **8.**

[x x x] [Omitted by M.P. Act No. 12 of 1974. (w.e.f. 7-3-1974.)]

## **9. Submission of return by person holding land in excess of ceiling.**

- Every holder who on the appointed day holds land in excess of the ceiling area shall in respect of all land held by him including exempted land, if any, furnish within the period of three months from the appointed day to the, competent authority a return containing the following information :-(i)full particulars of land held by him within the State;(ii)full particulars of the encumbrances, if any, on such land together with the name and address of his creditor;(iii)[x x x] [Omitted by M.P. Act No. 2 of 1976. (w.e.f. 25-2-1976)](iii-a) full particulars of any transfers or partition of land effected by him on or after [the 1st January, 1971] [Substituted by M.P. Act No 20 of 1974, (w.e.f. 7-3-1974.)] and before the appointed day;(iv)[ full particulars of any pending litigation respecting such land or part thereof, [Clauses (iv) and (v) Substituted by M.P. Act No. 13 of 1974. (w.e.f. 7-3-1974.)](v)full names, ages and addresses of the members of his family, their relation with him and land held by each of them];[(v-a) full names, ages and addresses of his major sons and land held by each of them as on 1st January, 1971;] [Substituted by M.P. Act No. 20 of 1974. (w.e.f. 7-3-1974.)](vi)full description of the land which he desires to retain; and(vii)such other information as may be prescribed :Provided that if the holder is a minor, lunatic or idiot, the return on his behalf shall be filed by his guardian.Explanation. - Any person having lawful custody of the minor, lunatic or idiot or of his property, for the time being, shall be deemed to be his guardian :Provided further that where land is held by a joint Hindu family, a joint return may be filed by the manager of such family in respect of such land specifying therein the portion of the land which the family desires to retain.

## **10. Collection of information.**

(1)If any person holding land in excess of the ceiling area fails to submit the return under Section 9, the competent authority may, by a notice in such form and served in such manner as may be prescribed, require such person to furnish the return within the time specified in the notice and on his failure to do so obtain the necessary information in such manner as may be prescribed.(2)[ x x x] [Omitted by M.P. Act No. 12 of 1974. (w.e.f. 7-3-1974.)]

## **11. Preparation of statement of land held in excess of the ceiling area.**

(1)On the basis of information given in the return under Section 9 or the information obtained by the competent authority under Section 10, the said authority shall after making such enquiry as it may deem fit, prepare a separate draft statement in respect of each person holding land in excess of



the ceiling area, containing the following particulars(i)[ the name and address of the holder;]  
 [Substituted by M.P. Act No. 13 of 1974. (w.e.f. 7-3-1974.)(i-a) if the holder is a member of a family, names, addresses and ages of members of the family;[(i-b) if the holder who is a member of family has major sons, names, ages and addresses of his major sons and land held by each of them as on the 1st January, 1971;] [Substituted by Madhya Pradesh Act, No. 20 of 1974. (w.e.f. 7-3-1974)](ii)full particulars of land held by him and other members of his family within the State and the total area of such land;](iii)the total area of land which the holder is entitled to hold in accordance with the provisions of this Act;(iv)the description of land which he desires to retain;(v)the description of land which the competent authority proposes to declare surplus; and(vi)such other particulars as may be prescribed ;[Provided that if the holder fails to specify the portion of land whin, he wishes to retain, the competent authority shall, to the extent possible, include the encumbered and improved land in the land to be retained by the holder ;] [Substituted by Madhya Pradesh Act, No. 12 of 1974 (w.e.f. 7-3-1974)]Provided further that a joint statement may be prepared in respect of holders who are members of a Joint Hindu Family or who hold land jointly or as tenants-in-common.(2)The transferor shall, for the purpose of this Act, be deemed to be the holder of land the transfer of which-(i)has been declared to be void under sub-section (1) of Section 4; or(ii)has been found by the competent authority, on such enquiry as may be prescribed to be in contravention of the provisions of subsection (1) of Section 5.(3)The draft statement shall be published at such place and in such manner as may be prescribed and a copy thereof shall be served on the holder or holders concerned, the creditors and all other persons interested in the land to which it relates. Any objection to the draft statement received within thirty days of the publication thereof shall be duly considered by the competent authority who after giving the objector an opportunity of being heard shall pass such order as it deems fit.(4)If while considering the objections received under sub-section (3) or otherwise, the competent authority finds that any question has arisen regarding the title of a particular holder and such question has not already been determined by a Court of competent jurisdiction, the competent authority shall proceed to enquire summarily into the merits of such question and pass such orders as it thinks fit.[x x x] [Omitted by M.P. Act No. 8 of 1989. (w.e.f. 1-11-1988)](5)The order of the competent authority under sub-section (4) shall subject to the decision in appeal or revision be final and conclusive.](6)[ After all such objections, have been disposed of, the competent authority shall, subject to the provisions of this Act and the rules made thereunder, make necessary alterations in the draft statement in accordance with the orders passed on objections and shall declare the surplus land held by each holder. The competent authority shall, thereafter, publish a final statement specifying therein the entire land held by the holder, the land to be retained by him and the land declared to be surplus and send a copy thereof the holder concerned. Such a statement shall be published in such manner as may be prescribed and shall be conclusive evidence of the facts stated therein.] [Substituted By M.P. Act No. 8 Of 1989. (W.E.F. 1-11-1988)](7)[x x x] [Omitted by M.P. Act No. 8 of 1989. (w.e.f. 1-11-1988)](8)[ [x x x] [Substituted by M.P. Act No. 12 of 1974. (w.e.f. 7-3-1974.)] If the land in excess of the ceiling area consists of a small script of land which cannot be cultivated economically or which cannot be detached from the land having regard to the efficient use thereof for agricultural purposes, the holder of the land may be permitted by the competent authority, for reasons to be recorded in writing, to retain the said strip of land subject to a maximum of one acre in excess of the ceiling area.](9)[ The competent authority shall dispose of the case-(i)to which Section 11-A applies, within six months from 1st November, 1988;(ii)which is pending with him on the 1st November, 1988 or which has been

remanded to him before such date within six months from the 1st November, 1988;(iii)which may be remanded to him or initiated after 1st November 1988 within six months from the date of remand or intimation as the case may be :Provided that if the competent authority is unable to dispose of the case within the period aforesaid, it shall make report to-(i)the Board of Revenue where the competent authority is the Commissioner or Settlement Commissioner;(ii)the Commissioner where the competent authority is any other Revenue Officer;before the expiry of such period stating therein the reasons for its inability to do so and the Board of Revenue or the Commissioner as the case may be, may allow it such further period as it/he may consider necessary to dispose of such case. No record of the case or proceedings relating thereto shall be forwarded along with the report unless specially called for by the Board of Revenue/the Commissioner] [Inserted by M.P. Act No. 8 of 1989. (w.e.f. 1-11-1988)].

### **11A. [ Consequences to ensure commencement of the Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1989. [Sections 11-A and 11-B inserted by M.P. Act No. 8 of 1989 (w.e.f. 1-11-1988).]**

(1)On the commencement of the Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1989, the following consequences shall ensue namely :-The competent authority shall-(a)proceed to deal with and dispose of the cases which were heretofore deferred for decision consequent on reference to Civil Court for decision in the matter of title of land;(b)take or cause to be taken possession of the land declared surplus under sub-section (6) of Section 11 and vested in the State Government absolutely free from all encumbrances under Section 12 immediately; and(c)by a notice require the holder to give his option within a period of fifteen days from the date of receipt of such notice about the land he intends to retain failing which the competent authority shall to the extent possible include the encumbered and improved land in the land to be retained by the holder.(2)The Civil Court before whom the cases arising out of Section 11 as it stood immediately before 1st November, 1988 were pending may deal with those cases but such tendency before the Civil Court shall not prevent the competent authority from disposing of the cases under this Act, notwithstanding any stay granted or other process issued by the Civil Court debarring the competent authority for doing so.(3)If the final disposal of the case pending before the Civil Court results in declaration of the title of land to a person other than the holder of the land who had filed return under this Act, such person shall not be entitled for the land of which he had claimed the title, if such land already stands distributed in accordance with the provisions of this Act and in that event the said person shall be paid market value of the said land calculated in such manner as may be prescribed :Provided that where the total land together with the land to which holder has become entitled under this sub-section shall apply in respect of that such land which is in excess of the ceiling limit.(4)(a)No suit or proceeding for declaration of title or any right over any agricultural land declared surplus and vested in the State Government under this Act shall be entertained by any Court unless the plaintiff or applicant, as the case may be, has impleaded the State of Madhya Pradesh as one of the defendants or non-applicants, as the case may be, to such suit or proceeding.(b)No Court shall proceed with pending suit or Proceeding referred to in clause (a) unless, as soon as may be, the State Government is so impleaded as a defendant or non-applicant.Explanation. - The expression "suit or Pending" used in this sub-section shall include appeal, reference or revision but shall not include any proceeding for or connected with execution of

any decree or final order passed in such suit or proceeding.

### **11B. Consequences of final disposal by Appellate or Revision Authority.**

- If the final disposal of the case before the Appellate Authority or Revisional Authority results in-(i)declaration of title of land to a person other than the holder of land who has filed return under this Act; or(ii)declaration of land to be exempted from the provisions of this Act;(iii)entitlement of holder or person other than holder under any of the provisions of this Act;such person shall not be entitled for the land of which he had claimed the title or such holder shall not be entitled for the land in respect of which he had claimed exemption or the holder or such other person shall not be entitled for land declared in his favour under (iii) above as the case may be, if such land already stands distributed in accordance with the provisions of this Act and in that event the provisions of sub-section (3) of Section 11A shall apply to such person or holder as the case may be.][12 Vesting of surplus land in the State. [Substituted by M.P. Act No. 37 of 1976. (w.e.f. 16-7-1976)]- All surplus land shall be deemed to be needed for a public purpose and shall vest in the State absolutely free from all encumbrances with effect from the date declaring it surplus under sub-section (6) of Section 11.Provided that if on such land any crop is standing such vesting shall take place after the crop has been harvested.]

### **13. Consequence of vesting.**

- With effect from the date of vesting-(i)all rights, title and interests of the holder in the surplus land or of any person having interest in such land through him shall cease; and(ii)all arrears of revenue, cesses or other dues, in respect of the land so vesting and due by the holder for any period prior to the date of vesting, shall continue to be recoverable from such holder and may, without prejudice to any other mode of recovery, be realized by deducting the amount from the compensation money payable to such holder under this Act.

### **13A. [ Holder liable to pay compensation for profit on surplus land. [Substituted by M.P. Act No. 12 of 1974. (w.e.f. 7-3-1974.)]**

- Where any land vests in the State Government under Section 12, the holder of the land shall be liable to pay to the State Government in such manner and in accordance with such principles as may be prescribed profits earned on the land by him during the period the land has remained with him after the appointed day.]

### **14. Demarcation of land and assessment thereof**

- Where any land vest in the State Government under Section 12, the Sub-Divisional Officer shall demarcate it in accordance with the rules made under sub-section (5) of Section 198 of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959), and also fix the land revenue in respect of the land remaining with the holder.

## **15. [ Ceiling how effective in future. [Substituted by M.P. Act No. 13 of 1974. (w.e.f. 7-3-1974.)]**

- Where after the appointed day the total land held by any holder and where such holder is a member of a family the total land held by such family at any time exceeds the ceiling area by reason of-(a)acquisition of land by the holder or member of his family; or(b)change in the nature of land, that is to say, dry land subsequently having assured irrigation for one crop or two crops as the case may be, or land having assured irrigation for one crop subsequently having assured irrigation for two crops; or(c)land having ceased to be exempted land;all the provisions of this Chapter shall, so far as may be, apply to such holder and where such holder is a member of a family to such family :Provided that the period of submission of return by such holder under Section 9 shall,-(i)in case of acquisition of land, be ninety days from the date of such acquisition; and(ii)in the case of change in the nature of land, be ninety days from the date the nature of land is changed; and(iii)in the case of land ceasing to be exempted land, be ninety days from the date of commencement of the Madhya Pradesh Ceiling on Agricultural Holdings (Second Amendment) Act, 1972 or the date on which such land has ceased to be exempted whichever is later.]

## **Chapter IV**

### **Payment of Compensation**

#### **16. Liability of State Government to pay compensation for surplus land.**

- The State Government shall pay compensation for surplus land vesting in the State under Section 12 to the holder of such land in accordance with the rules contained in Schedule II.(2)[ In addition to the compensation payable under sub-section (1) the State Government shall pay to the holder of such land additional compensation-(i)for any improvement made by him on land; or(ii)for trees, if any, standing on land.](3)In determining the additional compensation payable under subsection (2) the following matters shall be taken into consideration, namely:-(a)the enhancement of the value of the land due to the improvement;(b)probable duration of the effect of the improvement;(c)labour and capital spent by the holder on the improvement;(d)[ nature of trees and value thereof.] [Inserted by Madhya Pradesh Act, No. 13 of 1974. (w.e.f. 7-3-1974)](4)The compensation payable under sub-sections (1) and (2) shall be due as from the date of vesting of surplus land and shall carry interest at the rate of three per centum per annum from the date of vesting to the date of payment.

#### **17. Manner of payment of compensation.**

- Subject to the provisions of this Act and the rules made thereunder the compensation payable under Section 16 shall be paid in the following manner, namely-(a)in cash in full within six months of the date of vesting where the total amount of compensation does not exceed one thousand rupees;(b)in other cases, a sum not less than one thousand rupees shall be paid within six months of the date of vesting and the balance shall be paid in equal annual instalments not exceeding nineteen, subject to the condition that no instalment except the one that relates to final payment shall be less

than one hundred rupees :Provided that the State Government may at any time for special reason pay to any holder the amount of future instalments not exceeding five in advance.

## **18. Interim payment.**

(1)Where the amount of compensation is not paid to a holder within a period of six months from the date of vesting, the State Government shall, subject to such restrictions and conditions as to security, repayment or otherwise as may be prescribed, direct the payment to each such holder of interim compensation which shall not be less than one-twentieth of the estimated amount of compensation subject to the maximum of one thousand rupees.(2)Such interim compensation shall be deemed to be part of the compensation payable under this Act, and shall be deducted from and adjusted against it.

## **19. Determination of compensation.**

- After the land of a holder is declared surplus the competent authority shall after making such enquiry as it thinks fit and giving the holder concerned an opportunity of being heard, determine the amount of compensation due to such holder and such compensation shall be payable in accordance with the provisions of this Act.

## **20. Apportionment of compensation in certain cases.**

- Where the holder of the land vested in the State Government under Section 12, is-(i)a widow; or(ii)an unmarried daughter; or(iii)a married women who has been deserted by her husband; or(iv)a minor; or(v)a person subject to physical or mental disability due to old age or otherwise; or(vi)a person detained or imprisoned under any process of law; or(vii)a person in the service of.Armed Forces of the Union; or(viii)a public charitable or religious institution; or(ix)a local authority or a co-operative society;and such holder has prior to such vesting leased such land in pursuance of the provisions of sub-section (2) of Section 168 of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959), the compensation payable in respect of the land shall be apportioned between the holder and the lessee in the manner prescribed.

## **21. Payment of compensation to be full discharge.**

(1)The payment of compensation to the holder or other person entitled thereto in the manner prescribed by or under the Act shall be a full discharge of the State Government from all liability to pay compensation for the divesting of the surplus land and no further claims for payment of compensation in respect thereof shall lie.(2)Nothing in this section shall prejudice any rights in respect of the said surplus land to which any other person may be entitled by due process of law to enforce against the person to whom compensation has been paid as aforesaid.

## **Chapter V**

### **Encumbrances of Surplus Land**

#### **22. Definitions.**

- In this Chapter-(a)"creditor" means a person to whom a secured debt or claim is owing and "debtor" means the person by whom such debt is owed;(b)"excluded debt" refers to secured debt or claims due in respect of-(i)any liability in respect to any sum due to any society registered or deemed to be registered under any law relating to co-operative societies in force in any part of Madhya Pradesh;(ii)any liability in respect of maintenance whether under decree of Court or otherwise;(iii)any liability due to a bank or a company;(iv)a mortgage claim against property in the hands of a subsequent transferee who has taken the transfer in order to satisfy the mortgage;(v)any liability arising between mortgagor and mortgagee in respect of land revenue of the mortgaged property which has been paid by the mortgagee on behalf of the mortgagor;(c)"secured debt or claim" means debt or claim subsisting on the appointed day whether due or not due and secured by the mortgage of or a charge on the surplus land but shall not include land revenue or anything recoverable as land revenue or any money for the recovery of which a suit is barred by limitation.

#### **23. Application by creditor to competent authority.**

(1)Any creditor of a holder of surplus land may, within sixty days from the publication of the final statement under sub-section (6) of Section 11, file an application to the competent authority specifying therein the amount and particulars of his debt or claims against such holder.(2)An application under sub-section (1) shall contain such further particulars as may be prescribed and shall be signed and verified in accordance with the manner prescribed by the Code of Civil Procedure, 1908 (V of 1908), for signing and verifying plaints.(3)The claim of every creditor other than a creditor mentioned in the return filed under Section 9, who fails to file an application under sub-section (1) shall be deemed for all purposes and all occasions to have been discharged against the debtor.(4)The provision of Section 5 of the [Indian Limitation Act, 1908 (IX of 1908)] [See now the Limitation Act, 1963 (36 of 1963).] shall apply to an application under this Section.

#### **24. Withholding of compensation money.**

- Upon receipt of an application under Section 23 if the competent authority finds that any suit or proceeding is pending against the holder of surplus land for the recovery of any amount in respect of a secured debt or claim the competent authority shall issue a notice to the Court concerned and thereupon such suit or proceeding shall be stayed.

#### **25. Submission of claims and production of documents.**

(1)Upon receipt of an application under sub-section (1) of Section 23 the competent authority shall fix a date for hearing and shall cause a notice of the date of hearing together with a copy of the

application received, to be served on the holder and shall cause a copy of such application together with a copy of the return filed under Section 9 to be affixed on a conspicuous place in its office.(2)The competent authority shall also issue notice to every creditor, who according to the return filed under Section 9 has an interest in the surplus land. but has not filed any application under sub-section (1) Such notice shall be accompanied by a copy of the return.(3)Every creditor who has filed an application under Section 23 or to whom a notice is issued under sub-section (2) shall, on or before such date as may be fixed by the competent authority file a written statement of his claim signed and verified in the manner prescribed by Rule 15 of Order VI of the Code of Civil Procedure, 1908 (V of 1908). Such statement shall be submitted in person or by an agent authorised in writing or by registered post with acknowledgment due and every claim not so submitted shall be deemed' for all purposes and all occasions to have been discharged as against the debtor :Provided that if a creditor files a statement of claim within a further period of two months and satisfies the competent authority that such creditor was for good and sufficient cause unable to file the same before the date fixed for hearing the competent authority may revive the claim.(4)On the date on which the case is fixed for hearing the creditor shall produce the documents in his possession or control on which he bases his claim. If such documents are not produced at such hearing or at an adjourned hearing fixed for this purpose by the competent authority, the competent authority may declare such claim to be discharged for all purposes and all, occasions against the debtor :Provided that if the competent authority is satisfied that any creditor was for good and sufficient cause, unable to produce such documents he may require them to be produced on a date fixed for the purpose and may revive the claim.

## **26. Determination of debt.**

- Subject to the provisions of Section 27 the competent authority shall, after hearing t he debtor and the creditor, if present and making such further enquiry as it may deem fit, determine the amount which should be paid to creditors out of the amount of compensation determined under Section 16.

## **27. Calculation of interest and reduction of principal in all transactions.**

(1)The competent authority shall, notwithstanding anything contained in any other enactment for the time being in force, re-open all transactions made twelve years before the last transaction or before the 1st January, 1940, whichever is earlier, and as far as may be, ascertain in respect of each loan the date on which it was originally advanced. It shall notwithstanding the provisions of any agreement or law to the contrary, calculate the interest due at six per centum per annum or such lower rate of interest as may have been agreed upon between the parties. It shall also determine the amount of principal, if any, of each loan which would have remained unpaid if the calculation of interest had been made as herein provided.(2)If the competent authority finds that the loan was originally advanced prior to the 1st January, 1940, then it shall reduce the principal determined under sub-section (1) by twenty per centum.(3)Notwithstanding anything contained in any law for the time being in force, no competent authority shall, in respect of any secured debt or claim to which this Chapter applies, award on account of arrears of interest a sum greater than the principal of the loan as determined under sub-section (1).(4)If the competent authority finds that nothing is due to the creditor, it shall pass an order discharging the secured debt or claim.(5)The amounts

determined due shall not carry any interest after the date of determination.(6)Nothing in sub-sections (1) to (5) shall apply to excluded debts. The amount due for such debts shall be determined in accordance with the terms of the contract between the parties or any law for the time being in force.

## **28. Priority amongst creditors.**

- Subject to rules framed under this Act, the competent authority shall, where there are two or more creditors, settle the order of priority in which each creditor shall be entitled to receive the amount due to him.

## **29. Distribution of compensation money.**

(1)The compensation payable to a holder under Section 16 shall be distributed between the secured creditors in the order of their priority and if there are more than one such creditors holding the same order of priority, it shall be distributed rateably between them in proportion to the amounts determined due.(2)The amount determined payable to the creditors shall be payable in as many instalments as may be fixed for the payment of compensation to the holder of surplus land under the provisions of this Act.(3)If the total amount determined payable to creditors is less than the compensation payable under Section 16 the amount payable to creditor shall be deducted from such compensation and the balance shall be payable to the holder of surplus land.

## **30. Order regarding unpaid amount of claims.**

- If the amount of compensation payable to the holder under Section 16 is not sufficient to satisfy the claims of the creditors as determined under this Chapter, the competent authority shall record an order specifying-(a)the amount remaining unpaid in respect of each claim;(b)the name of the creditor to whom it is due; and(c)the particulars of the property other than surplus land belonging to the holder remaining encumbered in respect of each claim.

## **31. Recoveries of unpaid amount.**

(1)If the property of a holder other than surplus land is encumbered in respect of any claim of the creditor in whose favour an order under Section 30 has been passed, the creditor may within one year of the date of such order apply to the civil Court for passing a preliminary decree for sale of the encumbered property and the civil Court shall accordingly pass a preliminary decree for sale for the amount remaining unpaid in respect of that amount as specified in the said order fixing such time as it may deem fit.(2)Subject to the provisions of sub-section (1) any creditor in whose favour an order under Section 30 has been passed may recover the amount remaining unpaid in respect of any claim which is due to such creditor according to the said order from the holder in the same manner as an arrear of land revenue.



### **32. Court fees by a creditor.**

(1) Any creditor who applies to a civil Court under Section 31 shall be liable to pay such Court-fees upon the amount declared as due as he would be liable to pay upon a plaint filed for the recovery of the same and the civil Court shall not proceed with the application until such Court-fee has been paid : Provided that no Court-fees shall be payable if Court-fees have already been paid in respect of a debt. (2) The amount of Court-fees paid by the creditor shall form costs of the proceeding and be recoverable from the debtor.

### **33. Appeal against orders of the competent authority.**

(1) Any person aggrieved by an order of the competent authority under this Chapter may file an appeal against such order, - (i) in the Court of the District Judge within whose jurisdiction the whole or any part of surplus land which is subject to mortgage or charge, as the case may be, lies if the secured debt or claim does not exceed Rs. 10,000; (ii) in the High Court if the secured debt or claim exceeds Rs. 10,000. (2) No appeal under sub-section (1) shall lie - (a) to the Court of District Judge, unless it is preferred within 30 days of the communication of the order appealed against; (b) to the High Court, unless it is preferred within 60 days of the communication of the order appealed against.

### **34. Finality of decision.**

- The decision of the District Court or the High Court, as the case may be, in an appeal under Section 33 shall be final and where no appeal has been preferred the decision of the competent authority shall be final.

## **Chapter VI**

## **Disposal Of Surplus Land**

### **35. Allotment of surplus land vesting in the State Government under this Act.**

(1) Subject to the provisions of this Act and the rules framed thereunder surplus land vesting in the State under Section 12 shall be allotted in Bhumiswami rights to the persons mentioned hereunder in the order of priority as indicated therein on payment of a premium equivalent to the compensation payable in respect of such land - (i) [agricultural labourers, - [Substituted by M.P. Act No. 13 of 1974. (w.e.f. 7-3-1974.)] (a) belonging to Scheduled Castes and Scheduled Tribes; and (b) others; (ii) joint farming society, the members of which are agricultural labourers, or landless persons whose main occupation is cultivation or manual labour on land, or a combination of such persons; (iii) better farming society, the members of which are agricultural labourers, or landless persons whose main occupation is cultivation or manual labour on land, or a combination of such persons; (iv) [freedom fighters;] [Inserted by M.P. Act No. 20 of 1974. (w.e.f. 7-3-1974.)] (v) displaced tenants subjects to the provisions of Section 202 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of

1959);(vi)holders holding contiguous land;(vii)joint farming society of agriculturists;(viii)better farming society of agriculturists;(ix)any other co-operative farming society subject to the condition that land (including the land as owner or tenant individually by members) shall not exceed the area equal to the number of members multiplied by the ceiling area;(x)an agriculturist holding land less than the ceiling area:Provided that unless the State Government otherwise directs surplus land consisting of compact area shall be either reserved for Government farm or allotted to co-operative societies or any other public purpose.[Explanation I. - For the purpose of clause (iv), "freedom fighter" means a person who by reason of his taking part in any national movement for independence prior to the 15th August, 1947,(i)had been awarded capital punishment; or(ii)had to suffer imprisonment or detention for a period exceeding six months; or(iii)had been permanently incapacitated on account of injuries inflicted upon his person in firing or lathi charge; or(iv)had to suffer loss of property, whether wholly or partly or loss of employment or loss of his means of livelihood, and includes his principal heir where such person-(a)was hanged in execution of the capital punishment; or(b)died during the course of imprisonment or detention.Explanation II. - For the purpose of Explanation I, "principal heir" means the eldest son of the deceased or, if there is no son of the deceased or, if there is no son surviving, such other heir of the deceased, as the Collector may declare to be the principal heir.] [Inserted by M.P. Act No. 20 of 1974. (w.e.f. 7-3-1974.)](2)The premium payable under sub-section (1) may be paid by the allottee either in a lump sum within six months of the commencement of the agricultural year next following the date of allotment or in twenty equal instalments, the first instalment being payable on the commencement of the agricultural year next following the date of allotment. If the premium is paid in instalments the unpaid balance of such premium shall carry interest at the rate of 3 per centum per annum with effect from the date on which the first instalment falls due.(3)[ Where the land allotted under sub-section (1) is an orchard other than banana gardens and vine yards, the allottee shall maintain the orchard intact.] [Inserted by M.P. Act No. 13 of 1974 (w.e.f. 7-3-1974)]

### **36. Recovery of premium in case of transfer of allotted land.**

- Where land allotted under Section 35 is transferred, the amount of premium remaining unpaid in respect of such land shall be a first charge thereon and shall be recoverable from the transferee in the same manner as an arrear of land revenue.

### **37. Temporary leases of land liable to be allotted under Section 35.**

(1)If in the case of land vesting in the State under this Act the Collector considers that allotment of such land under Section 35 is likely to take time and that with a view to preventing the land remaining uncultivated, it is necessary to take such a step, he may lease the land for cultivation to any agriculturist who has under personal cultivation land less than the ceiling area subject to the following conditions :-(i)the lease shall be for a period of one year;(ii)the lessee shall pay rent at the rate fixed by the Tahsildar subject to the provisions of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959);(iii)the lessee shall be liable to pay the land revenue and the other cesses payable in respect of the land;(iv)if the lessee fails to vacate the land on the expiry of the term of the lease, he shall be liable to be summarily evicted by the Tahsildar.(2)The amount of rent realised under sub-section (1) shall be credited to Government.Personal cultivation. - The expression 'to

cultivate personally' has been defined in Section 2 (z-2) of the M.P. Land Revenue Code, 1959. See also Note (iii) under Section 2 (g) of the M.P. Abolition of Proprietary Rights etc. Act, 1950 (I of 1951).[Chapter VI A] [Inserted by Madhya Pradesh Act, No. 12 of 1974. (w.e.f. 7-3-1974)] Offences and Penalty

### **37A. [ Offences and punishment. [Substituted by Madhya Pradesh Act, No. 37 of 1976. (w.e.f. 16-7-1976)]**

(1)If any person who is under an obligation to furnish a return under this Act refuses or wilfully fails to furnish a return within the time specified for the purpose, or wilfully furnishes an incomplete or incorrect return, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.(2)If any person who is under an obligation to furnish a return under this Act furnishes a return which he knows or has reason to believe to be false, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.] [Substituted by Madhya Pradesh Act, No. 13 of 1974. (w.e.f. 7-3-1974)]

### **37B. [ Cognizance of offence. [Inserted by Madhya Pradesh Act, No. 12 of 1974. (w.e.f. 7-3-1974)]**

(1)No Court inferior to that of a Magistrate of the First Class shall the an offence punishable under this Act.(2)No Court shall take cognizance of any offence punishable under this Act except on a complaint in writing by an Officer empowered by the State Government in this behalf.]

## **Chapter VII**

### **Miscellaneous**

#### **38. Presumption about entries in record of rights, etc.**

- Every entry in the record of rights and the annual papers prepared in the Mahakoshal region in accordance with the provisions of the Madhya Pradesh Land Revenue Code, 1954 (II of 1955), and every entry in the records of a like nature maintained under any law for the time being in force in any other region of this State shall, for the purpose of this Act, be presumed to be correct.

#### **39. Taking possession of land vested in the State.**

- Where under the provisions of this Act any land vests in the State, the Tahsildar may, after removing any obstruction that may be offered, forthwith take possession of the land and such land shall, subject to such rules as may be prescribed, be managed by the Collector until it is disposed of in accordance with the provisions of this Act.

#### **40. Revenue Officer to direct delivery of possession.**

- The competent authority may upon its own motion or on the application of any person who is entitled to the possession for any land under any of the provisions of this Act, direct that possession of such land be delivered to such person.

#### **41. [ Appeals. [Substituted by M.P. Act No. 25 of 1966. (w.e.f. 25-10-1966)]**

- Except where the provisions of this Act provide otherwise, against every order of a Revenue Officer or competent authority under this Act or the rules made thereunder, an appeal shall lie, -(i) if such order is passed by a Revenue Officer either as competent authority or otherwise, to the authority competent to hear appeals under sub-section (1) of Section 44 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) from an order passed by a Revenue Officer of the same rank under the said Code; (ii) if such order is passed by the competent authority where such authority is an officer other than a Revenue Officer appointed under sub-clause (iii) of clause (e) of Section 2 to the Board of Revenue as if such officer were an Additional Settlement Commissioner appointed under Section 65 of the said Code; [Provided that the surplus land vested in the State Government shall not revert to the holder thereof as a consequence of remand of the case.] [Inserted by M.P. Act No. 8 of 1989. (w.e.f. 1-11-1988)]

#### **42. Revision.**

- The Board of Revenue or the Commissioner may on its/his motion or on the application by any party at any time for the purpose of satisfying itself/himself as to the legality or propriety of any order passed by or as to the regularity of the proceedings of any competent authority subordinate to it/him call for and examine the record of any case pending before or disposed of by such competent authority, and may pass such orders in reference thereto as it/he thinks fit : Provided that it/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 no application for revision shall be entertained against an order against which an appeal is provided under this Act : [Provided also that the surplus land vested in the State Government shall not revert to the holder thereof as a consequence of remand of the case.] [Inserted by M.P Act No. 8 of 1989. (w.e.f. 1-11-1988).]

#### **42A. [ Bar to grant stay. - No stay shall be granted by appellate authority under Section 41 or by the revisional authority under Section 42 :**

Provided that the stay granted before 1st November, 1988 shall on 1st November, 1988 stand vacated.] [Inserted by M.P. Act No. 8 of 1989. (w.e.f. 1-11-1988).]

#### **43. Court fees.**

- Notwithstanding anything contained in the Court Fees Act, 1870 (No. 7 of 1870), every application or memorandum of appeal or an application for revision under this Act shall bear a Court Fees

Stamp of such value as may be prescribed.

#### **44. Limitation.**

- Every appeal or application for revision under this Act unless specifically provided otherwise in the Act, shall be filed within a period of sixty days from the date of the order against which such appeal or revision is preferred. The provisions of Sections 4, 5, 12 and 14 of [Indian Limitation Act, 1908 (IX of 1908)] [the See now the Limitation Act No. 1963 (36 of 1963).], shall apply to the filing of such appeal or application for revision.

#### **45. Enquiries and proceedings to be judicial proceedings.**

- All enquiries and proceedings before any Revenue Officer, or competent authority shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 and for the purposes of Section 196 of the Indian Penal Code, 1860 (XLV of 1860).

#### **46. [ Bar of jurisdiction of Civil Courts. [Substituted by M.P. Act No. 8 of 1989 (w.e.f. 1-11-1988).]**

- Save as expressly provided in this Act, no Civil Court shall have any jurisdiction-(i)to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the competent authority; and(ii)to grant stay in any case under this Act.]

#### **47. Power to remove difficulties.**

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

#### **48. Protection of action taken under this Act.**

(1)No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.(2)No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused or for any injury suffered or likely to be suffered, by virtue of any provision of this Act or for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

#### **49. Act to override other enactments, contracts etc.**

- The provisions of this Act and any rules made thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other enactment for the time being in force or any custom, usage or agreement or decree or order of a Court or other authority.

## 50. Power to make rules.

(1)The State Government may, by notification, 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 all or any of the following matters, namely : (a)the procedure to be followed by the competent authority exercising powers under this Act;(b)the manner in which notices and orders under this Act shall be issued, served, communicated or enforced;(c)[ X X X ] [Omitted by M.P. Act No. 12 of 1974. (w.e.f. 7-3-1974.)](d)the form in which and the period within which particulars in respect of transfer of land shall be furnished under sub-section (4) of Section 5;(e)the period within and the manner in which the return has to be submitted under Section 9;(f)(i)the enquiry to be held under sub-section (2) of Section 11;(ii)the manner in which a copy of the draft statement shall be served on the person or persons concerned under Section 11;(ff)[ the manner in which the market value of the land shall be calculated under Section 11-A (3)] [Inserted by M.P. Act No. 8 of 1989. (w.e.f. 1-11-1988).](fff)[ [Clause (ff), renumbered as clause (fff) by M.P. Act No. 8 of 1989.] the manner in which and the principles in accordance with which the holder shall pay to the State Government the profits under Section 13-A;](g)the manner in which an appeal under Section 41 may be preferred;(h)the manner in which any land vested in the State Government shall be disposed of;(i)any other matter which is to be or may be prescribed under this Act.(3)The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette.[Schedule I] [Omitted by M.P. Act No. 12 of 1974. (w.e.f. 7-3-1974.)]

## II

(See Section [16 (1)] [Substituted by M.P. Act No. 35 of 1961. (w.e.f. 20-10-1961)])

### **1. The amount of compensation payable to a holder of any surplus land in Bhumiswami right, shall be computed on the basis of land revenue per acre of such land according to the scale specified below :**

Scale

Land revenue per acre (1)	Amount of compensation payable per acre (2)
(1) Where the land revenue per acre does not exceed one rupee.	Fifty times the land revenue per acre subject to a minimum of rupees twenty.
(2) Where the land revenue per acre exceeds one rupee but does not exceed two rupees.	Fifty rupees plus forty-five times the amount by which the land revenue per acre exceeds rupee one.
(3) Where the land revenue per acre exceeds two rupees but does not exceed three rupees.	Ninety-five rupees plus forty times the amount by which the land revenue per acre exceeds two rupees.
(4)	

Where the land revenue per acre exceeds three rupees but doesnot exceed four rupees.	One hundred and thirty-five rupees plus thirty-five times theamount by which the land revenue per acre exceeds three rupees.
(5) Where the land revenue per acre exceeds four rupees but doesnot exceed five rupees.	One hundred and seventy-rupees plus thirty times the amountby which the land revenue per acre exceeds four rupees.
(6) Where the land revenue per acre exceeds five rupees but doesnot exceed six rupees.	Two hundred rupees plus twenty-five times the amount by whichthe land revenue per acre exceeds five rupees.
(7) Where the land revenue per acre exceeds six rupees.	Two hundred and twenty-five rupees plus twenty-times theamount by which the land revenue per acre exceeds six rupees:

[Provided that in the case of land having assured irrigation or assured private irrigation, the land revenue per acre shall be a sum arrived at by-adding one rupee to land revenue of such land.]

[Substituted by M.P. Act 13 of 1974. (w.e.f. 7-3-1974.)]

## **2. The amount of compensation payable to a holder of any land in occupancy rights shall be the amount of compensation determined in accordance with Rule 1 as if the land were held in Bhumiswami rights less 15 times the land revenue of such land.**

[2-A. The amount of compensation payable to a holder of any land as a Government lessee shall be the amount of compensation determined in accordance with Rule 1 had the land been assessed to land revenue under the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959)] [Inserted by Madhya Pradesh Act 13 of 1974. (w.e.f. 7-3-1974)].

## **3. Where any land is not separately assessed to land revenue the land revenue of such land shall be determined on the basis of the land revenue of the entire land separately assessed to land revenue of which it forms part.**

### **NotificationsSection 2**

**1. [ Notification No. 721-346-XVIII-62, published in M.P. Rajpatra, Part I dated 27-4-1962 p. 803] [Clause (a) subsequently amended by Notification No. 25-41-55-XXVIII-64, published in M.P. Rajpatra Part IV (Ga), dated 5-2-1965, p. 262 and Notification No. 1334-1036-XXVIII-66, dated 13-6-1966, published in M.P. Rajpatra Part I, dated 24-1-1969, p. 276.]. - In exercise of the powers conferred by sub-clause (iii) of clause (e) of Section 2 of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960), the State Government has appointed :**

(a) in respect of a holder whose land is situated in more than one district of the same division, the Commissioner of the Division (and also the Additional Commissioner, Indore, in case of Indore Division and Additional Commissioner, Jabalpur-Bhopal in the case of Jabalpur and Bhopal Divisions and Additional Commissioner, Rewa, in the case of Rewa Division); and (b) in respect of a holder whose land is situated in more than one districts of different divisions, the Settlement Commissioner; to be the Competent Authority for the purpose of the said Act.] Further Amending Notifications, amending the above are as under.

**2. Notification No. D. 1178-280-XXVIII-75, dated 11-7-1975, published in M.P. Rajpatra, Part IV (Ga) dated 8-8-1975. - In exercise of the powers conferred by sub-clause (iii) of clause (c) of Section 2 of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960), the State Government hereby, in respect of holders whose land is situated in more than one district of the same division in Bilaspur, Raipur, Gwalior, Chambal and Sagar Divisions, appoints the Additional Commissioner, Bilaspur, the Additional Commissioner, Raipur, the Additional Commissioner, Gwalior, the Additional Commissioner, Chambal and the Additional Commissioner, Sagar respectively also to be the Competent Authority for the purposes of the said Act and directs that the following further amendment shall be made in this Department notification No. 721-346-XXVIII-62, dated 19th March, 1962, namely :**

Amendment In the Said notification, for item (a), the following item shall be substituted, namely: "(a) in respect of a holder whose land is situated in more than one district of the same division, the Commissioner of the Division, and also the Additional Commissioner, Indore in the case of Indore Division, Additional Commissioner, Jabalpur-Bhopal in the case of Jabalpur and Bhopal Divisions, Additional Commissioner, Rewa, in the case of Rewa Division, Additional Commissioner, Bilaspur in the case of Bilaspur Division, Additional Commissioner, Raipur in the case of Raipur Division, Additional Commissioner, Gwalior, in the case of Gwalior Division, Additional Commissioner, Chambal in the case of Chambal Division and Additional Commissioner, Sagar, in the case of Sagar Division; and".

**3. Notification No. F. 28-95-XXVIII-76, published in M.P. Rajpatra, (Asadharan), dated 6-12-1976, p. 3443. - In exercise of the powers conferred by sub-clause (iii) of clause (e) of Section 2 of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960), the State Government in respect of holders whose land is situated in more than one district of different divisions hereby appoints the Additional Settlement Commissioner, Madhya Pradesh to be the Competent Authority for the purposes of the said Act and for that purpose amends this Department Notification No. 721-346-XXVIII-62, dated**



**the 19th March, 1962, namely :**

AmendmentIn the said notification in item (b), for the words "Settlement Commissioner" the words "Settlement Commissioner, Additional Settlement Commissioner" shall be substituted.

**4. Notification No. F. 28-118-VH-Section 9-83, dated the 9th August, 1983, published in M.P. Rajpatra, Part I, dated 16-9-1983, pp. 1252-53. - In exercise of the powers conferred by sub-clause (iii) of clause (e) of Section 2 of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960) and in supersession of this Department Notification No. 721 346-XXVIII-62, dated the 19th March, 1962, the State Government hereby appoints-**

(a)In respect of a holder whose land is situate in more than one district of the same division the Commissioner of the Revenue Division and-(i)in case of Indore Revenue Division-also the Additional Commissioner, Indore Revenue Division;(ii)in case of Jabalpur Revenue Division-also the Additional Commissioner, Jabalpur Revenue Division;(iii)in case of Bhopal Revenue Division-also the Additional Commissioner, Bhopal Revenue Division;(iv)in the case of Rewa Revenue Division-also the Additional Commissioner, Rewa Revenue Division;(v)in the case of Bilaspur Revenue Division-also the Additional Commissioner, Bilaspur Revenue Division;(vi)in the case of Raipur Revenue Division-also the Additional Commissioner, Raipur Revenue Division;(vii)in the case of Gwalior Revenue Division-also the Additional Commissioner, Gwalior Revenue Division;(viii)in the case of Chambal Revenue Division-also the Additional Commissioner, Chambal Revenue Division;(ix)in the case of Sagar Revenue Division-also the Additional Commissioner, Sagar Revenue Division;(x)in the case of Ujjain Revenue Division-also the Additional Commissioner, Ujjain Revenue Division; and(b)in respect of a holder whose land is situate in more than one district of different Revenue Divisions-the Settlement Commissioner- to be the competent authority for the purposes of the said Act.Section 3Notification No. 4802-F. 1-4-94-VII-2A, Published in M.P. Rajpatra (Extraordinary) dated, 2-12-1994, p. 1884 (14). - Whereas in order to promote economic development of the State and more particularly development of the rural areas, it is necessary. -(i)to encourage the production of high quality improved seeds and plantation material;(ii)to encourage the cultivation of horticulture crop and plantation crop including sericulture in scientifically managed farms;(iii)to use degraded Government waste land for the cultivation of horticulture crop and plantation crop in order to rehabilitate them and put them to economic use; and(iv)to encourage Agro processing industrial units and export oriented industrial units based on horticultural crop and plantation crop;And whereas the State Government is satisfied that exempting certain class of lands for aforesaid purposes from the provisions of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960) shall subserve public purpose.

**2. Now, therefore, in exercise of the powers conferred by clause (h) of Section 3 of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960), the State Government hereby exempts the class of lands specified in column (2) of the Schedule below from the provisions of the said**

**Act for the public purpose specified in column (3), and subject to the restrictions and conditions specified in column (4) of the said schedule, and subject to the procedure prescribed hereinafter in para 3 for the issue of an exemption certificate in Form (C) :**

S.N.	Class of land	Public purposes for which exempted	Restrictions and conditions
(1)	(2)	(3)	(4)
(1)	Agricultural lands and Government wastelandsheld or to be acquired by an individual, HUF, or a firm, Trust,Company or Co-operative Society used for production of improvedhigh quality seeds and planting material.	For the purposes of production of high qualityimproved seed (including hybrid seed) or of planting material(produced through seed / biotechnology / vegetative propagationthrough scion/ Crafts/ rooted plan material) for use in raisingAgriculture crop, Horticulture crop or plantation crop.	(i) Subject to the submission to the Governmentalong with the application a certificate in Form B issued by theDirector Agriculture/ Horticulture/ Sericulture thathorticulture crop or the plantation crop or being raised orproposed to be raised qualifies for exemption.(ii) Thehorticulture crop and plantation crop shall be raised inscientifically managed farms of not less than 40 hectares ofland of which not less than 80 percent shall be irrigated(iii)If land already held is unirrigated it should be brought underirrigation and scientific management within two years of thegrant of exemption certificate in Form C. In the case of thelands to be acquired, if land is unirrigated it should bebrought under irrigation and scientific management within twoyears of its acquisition, in both the cases at the end of twoyears the certificate in Form B shall be obtained again andsubmitted to the Government to the effect that land has beenbrought under irrigation and scientific management.
(2)	Agricultural lands and Government wastelandsheld or to be acquired by an individual, HUF or a firm, Trust,Company or Co-operative Society used for raising horticulturecrop and plantation crop.	For the purpose of raising of horticulturecrops and plantation crop including sericulture.	(i) Subject to the submission to the Governmentalong with the application a certificate in Form B issued by theDirector Agriculture/ Horticulture/ Sericulture that theHorticulture crop or the plantation crop being raised orproposed to be raised qualifies for exemption.(ii) Thehorticulture crop and plantation crop shall be raised inscientifically managed farm of not less than 40 hectares of landof which not less than 80 percent shall be irrigated.(iii)If land already held is unirrigated it should be brought underirrigation and

(3)	<p>Agricultural lands and Government wastelandsheld or to be acquired by an Agro-processing industrial unitestablished in M.P. for raising horticulture crop and plantationcrop for captive use in the industrial unit.</p>	<p>For the purpose of (1) ensuring supply of rawmaterial unit for its own use or (ii) for use as raw material inthe production of goods by the industrial unit for the purposeof export.</p>	<p>scientific management within two years of thegrant of exemption certificate in Form C. In the case of thelands to be acquired if land is unirrigated it should be broughtunder irrigation and scientific management within two years ofits acquisition. In both the cases at the end of two years thecertificate in Form B shall be obtained again and submitted tothe Government to the effected that land has been brought underirrigation and scientific management.</p> <p>(i) Subject to the submission to the Governmentalong with the application (a) of a certificate issued by theCommissioner of Industries in Form B to the effect that theindustrial unit is an agro-processing unit and it requires thelands for the production of raw material for its own use or forthe production of goods for the purpose of export, (b) of acertificate issued by Director Horticulture/ Sericulture in FormB that the Horticulture crop or the plantation crop being raisedor proposed to be raised qualifies for exemption.(ii)Investment on plant &amp; machinery in the industrial unit shallbe not less than Rs. one crore. The investment made shall becertified by the Commissioner, Industries.(iii) Thehorticulture crop and plantation crop shall be raised inscientifically managed farms of not less than 40 hectares ofland of which not less than 80 percent shall be irrigated. (iv)If land already held is unirrigated it should be brought underirrigation and scientific management within two years of thegrant of exemption certificate in Form C. In the case of thelands to be acquired if land is unirrigated it should be broughtunder irrigation and scientific management within two years ofits acquisition. In both the cases at the end of two years thecertificate in Form B be shall obtained again and submitted tothe Government to the effect that land has been brought underirrigation and scientific management.</p>
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Explanation. - For the purpose of this notification-(I)the expression 'lands held' means 'lands held' by a tenure hold, or an occupancy tenant or a Government lessee as defined in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).(II)(a)the expression "agriculture crop" means and includes-(i)Cereals;(ii)Pulses;(iii)Oilseeds;(iv)Cotton; and(v)Sugarcane;(b)the expression 'horticulture crop' means and includes-(i)Fruits-Perennial fruits such as Mango, Guava, Citrus, Banana, Papaya, Pineapple and Fruit crops cultivated annually such as raspberry, strawberry, muskmelon, watermelon;(ii)Vegetables-All such crops of which fruits, seeds roots, stems, leaves, flowers, or any plant part is used for vegetable purposes;(iii)Spices and condiments-Both tree spice and annual spice crops;(iv)Nuts-Such as cashewnut, coconut, arocanut, but excluding ground nut;(v)Flowers and ornamental plants like shrubs, tree or climbers;(vi)Herbs, medicinal plants and aromatic plants.(c)the expression "plantation crop" means and includes raising of the following species of trees-(i)Timber;(ii)Fuel wood;(iii)Fodder tree species;(iv)Oil bearing species such as Neem, Karanj, Jajoba, Carob, oil palm and other palms;(v)Bamboo;(vi)gum & resin bearing species;(vii)Tea, Coffee and Cocoa;(viii)Sericulture species like Mulberry, Saja, Arjun.(III)Other expressions used herein are defined as follows-(a)"High Quality Improved Seed" means and includes-(i)Improved Seeds that is to say-Seed produced by crops raised from quality seed/high yielding variety seeds/planti material received from Government of India/State/Agricultural University Research Centre/Farm or any other source approved by the Government and the seed thus produced is duly certified in case of notified varieties strains/cultivars in terms of the Seed Act, 1966 (No. 54 of 1966) and in case of non-notified varieties/strains/cultivars it should possess the standard prescribed for certified seeds; and(ii)Hybrid Seeds that is to say-Seed produced by crops raised from parents (both male & female) seeds/planting material received from Government of India/State/Agricultural University, Research Centre/ Farm or any other source approved by the Government or a hybrid seed producing firm of repute whether in India or abroad. This seed may/may not be certified under the Seeds Act, 1966 (No. 54 of 1966), but should be approved by the All India Co-ordinator of the Indian Council of Agricultural Research for the crop concerned and qualify as such and should have the prescribed standard of purity, germination percentage, insert matter and dead seeds, etc. within the prescribed limits, as per provisions of the Seeds Act, 1966 (No. 54 of 1966).(b)Scion-A plant part, usually a stem inserted in stock for propagation. It may consist of one bud with little or no wood, or of one or more buds with one or more inter modes.(c)Stock. - Any plant part, usually root or stem, in which a bud or a scion is inserted to propagate the plant.(d)Grofts. - Produced through vegetative union of a superior variety scion on interior/indigenous stock.(e)Rosted Plant Material. - Cutting, Layering, Air Layering, division etc.(f)Scientifically Managed Farm. - A tract of land farmed and managed through practical and integrated application of scientific, technical and economic principles of crop raising for cultivation of crops, ensuring maximum sustained yield without any depletion or deterioration of either the soil health and fertility of the surrounding environment. The crop growth is monitored at each stage. Corrective measures are taken to ensure production of quality material, free form any disease/pests/virus and chemical residues harmful to either the subsequent crops to be raised from this produce or to the human and animal health. Terms 'Scientific' & 'Technical' herein connote and include the following-Use of machinery/implements/equipments for land preparation, sowing, planting, harvesting, threshing, storage etc. Use of principles of soil and water management including vegetative/earthen/masonry structures, checks, etc. for controlling flow or rain/irrigation water and thereby check erosing of soil and conservation of surface and water under

ground/in soil mass for production or crops. Use of available water. Creating facilities for storage of produce, either for self or on community basis, so as to prolong the shelf-life of the perishable produce.(IV) Words and expressions used herein but not defined shall have the same meaning as is assigned to them in the M.P. Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960).

### **3. The procedure for the grant of exemption shall be as follows:**

(1) Any person seeking exemption in terms of this notification shall make an application to the Government in the Revenue Department in Form A appended with this notification. (2) Every such application shall be accompanied by the certificate in Form B appended herewith granted by the authorities specified in column (4) of the schedule. (3) The application shall be considered by a Sub-Committee of Council of Ministers consisting of the following-

#### **1. Minister incharge of Revenue**

#### **2. Minister incharge of Agriculture.**

#### **3. Minister incharge of Forest.**

#### **4. Minister incharge of Finance.**

#### **5. Minister incharge of Rural Industries.**

#### **6. Minister incharge of Industries.**

Secretary incharge of the Revenue Department shall be Secretary of the committee. (4) If it is decided by the sub-committee to grant exemption, an exemption certificate shall be issued in Form C appended to this notification, to the applicant by the Secretary incharge of the Revenue Department.

**4. The certificate so granted shall show the khasra numbers and area in respect of which exemption has been granted and it shall entitle the applicant to hold or to acquire such exempted lands in excess of the ceiling limit prescribed under the Madhya Pradesh Ceiling on Agricultural Holding Act 1960 (No. 20 of 1960). Condition (iii) of entries (1) and (2) and condition (iv) of entry (3) shown in column (4) of Schedule as the case may be, shall apply to exemption so granted.**

**5. The exemption so granted shall hold good so long as the conditions of this notification and the exemption certificate are fulfilled.**

## 6. If at any time it appears that-

(i)the land is being used for a purpose other than that for which exemption has been granted; or(ii)the land is not used at all and kept fallow for 2 years in succession; or(iii)there has been a breach of conditions prescribed under this notification or the exemption certificate;the State Government shall have the right to withdraw the exemption and cancel the exemption certificate issued in favour of the applicant:Provided, however, that the applicant shall be heard before the exemption is withdrawn and the certificate is cancelled.

## 7. Nothing in this notification shall be deemed to grant exemption to lands already declared surplus under the provisions of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960) or in relation to which cases are pending in any Court.

Form 'A'Application for Seeking Exemption under Clause (H) Section 3 of Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 for Holding or Acquiring Land in Excess of The Ceiling Limit(Under Notification No Dated of the Revenue Department)To,The Secretary,Government of Madhya Pradesh, Revenue Department,BhopalSir,I/We apply for exemption under clause (h) of Section 3 of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 for holding/acquiring land in excess of the ceiling limit. The necessary particulars are given below.

1. Name of the applicant\* .....
2. Father's/Husband's Name .....
3. Age .....
4. Address .....
5. Occupation .....
6. Place of business .....

\*Notes - In the case of Hindu Undivided family the name of the Karta with status who can bind the family, and in case of firm, trust, company or a co-operative society, the name/particulars of person authorised on its behalf alongwith proof of authorisation, copy of the articles of association/certificate of registration etc. as the case may be, should also be furnished. Description of present land holding of the applicant and his family : Area in hectares

S. No.	Name of holder	Relationship with applicant	Tahsil & District	Village & Patwari Halka No.	Khasra No.
(1)	(2)	(3)	(4)	(5)	(6)

			Nature of holding Bhumiswami / Government lease/private lease/ occupancy tenant	Present land use	Any other information
Irrigated	Unirrigated	Total			
(7)	(8)	(9)	(10)	(11)	(12)

A footnote be appended here to show that land is being managed scientifically and if not so, the steps proposed be taken to bring the land under scientific management.

## **8. Description of land for which exemption is sought-**

(i)Area in hectare(ii)Khasra No. with area of each land whether irrigated or unirrigated.(iii)Name of village(iv)Patwari Halka No.(v)Tahsil/ District(a)Name of present holder of the above lands with right of occupancy, and its status whether mortgaged or free from loan etc. In case of Government waste land give copy of panchsala Khasra from Tahsildar concerned.(b)Proposed manner of acquiring above lands whether by purchase or lease.(c)Existing source of irrigation with full details.(d)Additional proposed source of irrigation with full details.(e)Please indicate how the land is scientifically managed or is proposed to be managed.

## **9. Purpose for which land will be used (Give details such as seed production programme. Details for Horticulture crop or Plantation crop proposed to be raised).**

## **10. Details of agro processing industry that will be established based on Horticulture and/or Plantation crop alongwith capacity and investment made. Particulars of raw materials required and Salient details of technology that will be followed, whether it is indigenous and/or imposed etc.**

## **11. Previous experience in the proposed activity/industry.**

## **12. Please enclose copy of project profile of the proposed project (including its tie up regarding finances, Marketing of produce etc.)**

## **13. Enclose copy of certificate obtained from the competent authority specified in column (4) of Schedule contained in para 2 of notification No., dated....**

## **14. I/We certify that-**

The facts/details stated herein from para 1-13 are true to best of my/our knowledge and belief.I/We also certify that the land as detailed above (including^the land for which exemption is sought) shall be used only for the purpose indicated and I/We shall also abide by all the conditions as may be prescribed. If I/We violate any of the conditions contained in the notification aforesaid or the exemption certificate to be granted to us the State Government may with draw exemption and cancel the exemption certificatePlaceDate.....Signature of applicant(Authorised Person)Form 'B'CertificateFor Exemption Under Clause (H) of Section 3 of Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 In Terms of Revenue DepartmentNotification No.....Dated.....(To

be issued by the Director, Agriculture/Director, Horticulture/ Director of Sericulture/Commissioner, Industries.)I have examined this case of Shri/Smt./Ku./M/S.....for grant of exemption for land under clause (h) of Section 3 of Madhya Pradesh Ceilipg on Agricultural Holdings Act, 1960 alongwith the project report, submitted by him which is appended herewith.

**2. (a) The applicant and/or his family members are/is in possession of following land at village.**

Own land Fallow/ Waste land	Lease Land Government/Pvt.	Total
(1)	(2)	(3)
Khasra No.AreaArea irrigated		
And/Or(b)Particulars of land(s) proposed to be acquired by the applicant.		

**3. My comments on the following points are given below :**

(i)Present state of Agriculture [(a) Land use/ crop grown, (b) Details of production, and disposal, (c) Agricultural practices, (d) Techniques and other aspects of scientific management].(ii)How does the applicant propose to scientifically manage the land(s)(iii)Agriculture, Horticulture or Plantation crop proposed to be raised;Details of:-(a)Production of High Quality improved seed,(b)Plantation material (through propagation, grafts, Bio- technology),(c)Horticulture Crop,(d)Plantation Crop,(e)Rehabilitation scheme of degraded waste land for economic use by raising Horticulture/Plantation crop.(f)Production of raw material for consumption in captive industrial unit/export oriented unit.(iv)Expertise and experience available, with the applicant,(v)Details of Financial support available, Name of Bank/Institution. Amount required for the project/indication of willingness of the financial institution.

**4. Other comments (Merits/Demerits).**

**5. How is the Project going to contribute to the rural development of the area. Would it have demonstrative effect/motivating effect on farmer community. Is it going to encourage establishment of Agro-processing Industry or continuous supply of raw material to existing unit.**

**6. Recommendation for exemption giving reasons.**

Director, Agriculture/Director, Horticulture/Director,Sericulture.Form C'Exemption Certificate(Granted in terms of Notification No....., Dated..... of the Revenue Department)



**1. Name of applicant.....**

**2. Father's Husband's name.....**

**3. Age.....**

**4. Address.....**

**5. Occupation.....**

**6. Place of business.....**

**7. Particulars of land presently held-**

S. No.	Village/P.C. No.	Tahsil/District	Khasra No.	Area	Irrigated/unirrigated	Total irrigated and unirrigated land	Nature of holding	Present land use	Present proposed source of irrigation	Whether land(s) is under scientific management and if not steps proposed being taken under scientific management
1	2	3	4	5	6	7	8	9	10	11

**8. Particulars of land proposed to be acquiree**

S. No.	Village/P.C. No.	Tahsil/District	Khasra No.	Area	Irrigated/unirrigated	Total irrigated and unirrigated land	Nature of holding	Present land use	Present proposed source of irrigation	Whether land(s) is under scientific management and if not steps proposed being taken under scientific management
1	2	3	4	5	6	7	8	9	10	11

**9. Particulars of improved seed/plantation material/Horticulture/ Plantation crop being raised or proposed to be raised and whether it qualifies for exemption in terms of the Notification aforesaid.**

**10. Details of agro processing Industry inter alia including Investment made, whether export oriented unit etc.**

**11. Particulars of land in respect of which exemption granted-**

S. No.	Village/ P.C. No.	Tahsil/ District	Khasra No.	Area	Irrigated/ unirrigated	Total area exempted
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**12. Reasons for grant of exemption with conditions if any for grant of exemption and purpose for which granted. Details of Scientific management and irrigation techniques being adopted or to be adopted be also given.**

**6. Notification No. F-28-25-XXVIII-76, dated the 17th November, 1980, published in M.P. Rajpatra, Part IV (Ga) dated 19-12-1980, p. 543. - In exercise of the powers conferred by clause (h) of Section 3 of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960), the State Government hereby exempts land held in Bhumiswami rights by a society formed for promotion of education, spiritual and social purposes and for purposes of public welfare and registered prior to the 1st January, 1971 under any enactment relating to registration of society for the time being in force prior to the said date and the entire income of such land is appropriated for the promotion of such educational, spiritual and social purposes and for purposes of public welfare provided that such society shall not indulge in any activity prejudicial to the interests of any religion and its accounts which are audited by a Chartered Accountant shall be submitted to the Registrar of Societies appointed under Section 4 of the Madhya Pradesh Society Registration Adhiniyam, 1973 (No. 44 of 1973).**

**7. Notification No. F-28-53-28-75, dated 9-1-1981, published in M.P. Rajpatra, Part IV (Ga), dated 6-2-1981, p. 17. - In exercise of the powers conferred by clause (h) of Section 3 of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960), the State Government hereby exempts**

**the land held as a Government lessee by a society registered under any enactment relating to registration of societies for the time being in force and-**

(1)engaged in activities for-(a)promotion of education;(b)experimentation in rural education;(c)evolving and executing a system of education for children in rural areas; or(d)setting up of laboratories and making available research facilities for training or commercial purposes and for that purpose is approved under clause (ii) or (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (No. 43 of 1961) by-(i)the Indian Council of Agricultural Research; or(ii)the Indian Council of Social Science Research in its capacity as a prescribed authority under the said clauses; and(2)the entire income of such land is appropriated on such activities within the State of Madhya Pradesh.

Section 27-B

**8. Notification No. D. 1390-3197-28-76, dated 26-6-1976, published in M.P. Rajpatra, Part I, dated 9-7-1976, p. 1146. - In exercise of the powers conferred by sub-section (2) of Section 27-B of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960), the State Government hereby empowers, for the purposes of the said sub-section the Additional Commissioner, Jabalpur Division, within his jurisdiction in respect of offences punishable under Section 37-A of the said Act.**

**9. Notification No. F-28-52-28-77, dated the 27th July, 1979, published in M.P. Rajpatra, Part I, dated 17-8-1979, p. 1352. - In exercise of the powers conferred by sub-section (2) of Section 27- B of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960) the State Government hereby empowers for the purpose of the said sub-section the Collector, Raisen within his jurisdiction in respect of offences punishable under Section 37-A of the said Act.**

**10. Notification No. F. 28-1-XXVIII-79, dated the 28th September, 1979, published in M.P. Rajpatra, Part I, dated 19-10-1979, p. 1586. - In exercise of the powers conferred by sub-section (2) of Section 37-B of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960), the State Government hereby empowers, for the purposes of the said sub-section, Collector Damoh, within his jurisdiction in respect of offences punishable under Section 37-A of the said Act.**

Section 37-B

**11. Notification No. F. 28-150-28-76, dated the 22nd February, 1978, published in M.P. Rajpatra (Asadharan) dated 24-3-1978, p. 252 - In exercise of the powers conferred by sub-section (2) of Section 37-B of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (No. 20 of 1960), the State Government hereby empowers, for the purposes of the said sub-section, the Collector, Indore, within his jurisdiction in respect of offences punishable under Section 37-A of the said Act.**