

The M.P. Tractor Dwara Tori Gai Bhoomiyo Par Asudhar Shulka Adhiniyam, 1972

MADHYA PRADESH

India

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Act 4 of 1973

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The M.P. Tractor Dwara Tori Gai Bhoomiyo Par Asudhar Shulka Adhiniyam, 1972(M.P. Act No. 4 of 1973)[Dated 13th January, 1973]Received the assent of the Governor on the 13th January, 1973; assent first published in the "Madhya Pradesh Gazette" (Extra-ordinary), dated the 25th January, 1973.An Act to provide for imposition of betterment levy on tractorised lands in the State of Madhya Pradesh and matters incidental thereto.Be it enacted by the Madhya Pradesh Legislature in the Twenty-third Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1)This Act may be called the Madhya Pradesh Tractor Dwara Tori Gai Bhoomiyo Par Asudhar Shulka Adhiniyam, 1972.(2)It extends to the whole of Madhya Pradesh.(3)It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires-(a)"agricultural year" means the year commencing on the first day of July and ending on the thirtieth day of June next following;(b)"authorised officer" means the Collector and includes such other officer as may be appointed under Section 3;(c)"benefited land" means land benefited as a result of tractorisation operation;(d)"betterment levy" means levy imposed under Section 4;(e)"cost of tractorisation operation" includes interest or penal interest paid by the holder;(f)"holder" means a tenure holder or an occupancy tenant within the meaning of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959), and includes-(i)his heirs, executors, administrators, representatives and assigns; and(ii)any person in possession of the whole or part of the land;(g)"Kans" means a kind of weed known as Saccharum Spontaneum and includes such bushes and shrubs on any land as hinder the cultivation

thereof in a proper and efficient manner;(h)"reclamation law" means the Central Provinces Reclamation of Lands (Eradication of Kans) Act, 1948 (No. 17 of 1948), the Madhya Pradesh Kans Eradication Act, Samvat 2005 (No. 17 of 1949), the Bhopal Reclamation and Development of Lands (Eradication of Kans) Act, 1954 (No. 13 of 1954), and the Central Provinces Reclamation of Lands (Eradication of Kans) Act, 1948 (No. 17 of 1948) as extended to the Bhopal Region by the Madhya Pradesh Reclamation of Lands (Extension of Bhopal Region) Act, 1957 (No. 8 of 1957), as the case may be;(i)"tractorisation operation" means tractorisation operation carried out by the Central Tractor Organisation of the State Government for the eradication of kans under or purporting to be under a reclamation law;(j)words and expression used but not defined in this Act and defined in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) shall have the meaning respectively assigned to them in that Code.

3. Duties and powers which authorised officer shall perform or exercise under Act.

(1)The authorised officer shall perform such duties and exercise such powers as are imposed or conferred upon him by or under this Act.(2)The Collector may, for the purposes of this Act, by an order in writing, appoint one or more Revenue Officers not below the ranks of a Sub-Divisional Officer to be authorised officer who shall have jurisdiction over such area and shall perform such duties and exercise such powers of the authorised officer as may be specified in the order.

4. Imposition of betterment levy.

- There shall be levied on each holder of benefited land betterment levy at the rate specified in the Schedule and the holder of such benefited and shall be liable to pay the same in accordance with the provision of this Act.

5. Preparation of list of benefited lands.

(1)The authorised officer shall, as soon as may be, after his appointment prepare a list of benefited lands situate within the area of his jurisdiction specifying therein the following particulars-(a)the name of the holder of benefited land.(b)Khasra number and area of benefited land;(c)Agricultural year in which tractorisation operation carried out;(d)nature of benefited land immediately before the tractorisation operation was carried out that is to say, whether cultivated or fallow;(e)tractorisation operation when carried out, whether before or after harvesting of crop;(f)the amount of betterment levy payable by the holder under this Act;(g)the amount, if any, paid by the holder towards the cost of tractorisation operation;(gg)[the net amount, if any, payable by the holder towards the cost of tractorisation operation;] [Inserted by M.P. Act No. 9 of 1980.](h)such other particulars as may be prescribed.(2)[The authorised officer shall publish in accordance with the manner provided hereinafter the list so prepared together with a notice,-(a)appointing the place or places at which the list of benefited land can be seen;(b)specifying a date not less than two months from the date of the publication of such notice and requiring every holder of benefited land included in the list who objects to the inclusion of his land or to correctness of any particulars

regarding his holding or any other matter included in the list to present to the authorised officer a written objection on or before such date, stating the nature of his objection and the relief sought by him;(c)specifying the time and place at which the authorised officer shall enquire into the objections that may be preferred.(3)(a)The list together with notice as aforesaid shall be published by affixing a copy thereof on the notice board of the authorised officer and also by beat of drums in the regional language of the area in which benefited lands are situate:(b)The authorised officer shall cause such notice together with relevant portion of the list to be delivered personally to every holder of the benefited land included in the list :Provided that when such delivery cannot be made for any reason whatsoever, a copy thereof shall be affixed on conspicuous part of the building where such holder was known to have last resided or worked for gain and when such place is not known such copy shall be affixed on any conspicuous part of the village where such benefited land is situate :Provided further that the authorised officer may, if he thinks expedient so to do, instead of causing such notice to be delivered personally, despatch such notice to the holder by registered post at his known address.(c)No defect of any kind in the publication, service, affixture or despatch of notice referred to above shall render the subsequent inquiry by authorised officer illegal.]

6. Inquiry by authorised officer.

- The authorised officer shall at the place stated in the notice under Section 5 make such enquiry as may appear necessary, and after giving an opportunity of being heard to the holder preferring an objection, pass such orders thereon as he may think fit.

7. Powers of authorised officer.

- For the purposes of Section 6, the authorised officer shall exercise the powers conferred on a Revenue Officer of this grade, and follow the procedure laid down for the purpose in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) and the rules thereunder.

8. Determination of betterment levy payable by holders.

(1)After the objections, if any, preferred under Section 5 have been disposed of the authorised officer shall make an order specifying-(a)benefited lands with Khasra numbers and area;(b)agricultural year in which tractorisation operation carried out;(c)nature of benefited land immediately before the tractorisation operation was carried out that is to say, whether cultivated or fallow;(d)tractorisation operation when carried out, whether before or after harvesting of crop;(e)the quantum of betterment levy payable by each holder in respect of the land specified under (a) above;(f)the amount, if any paid by the holder towards the cost of tractorisation operation;(g)the amount, if any, to be recovered as betterment levy under this Act;(h)the amount, if any, to be refunded to the holder.(2)The order shall be notified in the prescribed manner, and a copy thereof shall be placed for public inspection at such place or places and for such time, as may be prescribed.(3)The betterment levy, determined under sub-section (1) shall become payable by the holder of the benefited land from the commencement of the revenue year next following the date of the order shall be payable in five annual equal instalments.(4)The first instalment shall be payable by the holder within two months from the commencement of the revenue year next following the

date of the order under sub-section (1) and subsequent instalments shall be payable within one months from the date of the commencement of each subsequent revenue year.(5)If any holder makes default in the payment of any instalment, the balance remaining unpaid by him shall at once become due and shall be recoverable from him in one lump sum as an arrear of land revenue.

9. Betterment levy to be recoverable as arrears of land revenue.

(1)The betterment levy under the Act shall be payable to the Revenue Officers in the same manner as land revenue, and in default of payment, it shall be recoverable as arrears of land revenue.(2)The amount of betterment levy realised shall be credited as State Revenue under such heads as may be prescribed.

10. Cost of tractorisation operations carried out to be adjusted towards betterment levy.

(1)Where the cost of tractorisation operation undertaken on any land have been fixed and if the same have been recovered in full or part from the holder thereof, the amount so paid shall be adjusted towards betterment levy under this Act.(2)Where the amount already paid by a holder-(a)falls short of the amount of betterment levy due from him under this Act, the difference between the amount due and the amount already paid shall be payable by him in accordance with the provisions of this Act; and(b)is in excess of the amount due from him, the excess amount shall be refunded to him.

11. Refund.

(1)Any holder-(i)whose land has not been included in the order passed under Section 8 but who has paid towards the cost of tractorisation operation of such land;(ii)who has paid as cost of tractorisation operation a sum in excess of the amount of the betterment levy payable by him under this Act, may, within sixty days of the notification of the order under sub-section (2) of the said section, apply to the authorised officer for the refund of the full amount paid by him or of the amount paid by him in excess, as the case may be.(2)The application under sub-section (1) shall be made in such form as may be prescribed.(3)On receipt of the application under the sub-section (2), the authorised officer shall after making such enquiry as may appear necessary, pass such order allowing refund as he may think fit.(4)The refund of amount under this section shall be made in such manner as may be prescribed.

12. Appeal.

- An appeal shall lie against every order passed under Section 8 or Section 11 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 of an officer of the same grade under the said Code and the provisions of sub-section (2) of the said section shall thereupon apply accordingly :Provided that no appeal shall be entertained unless-(i)in the case of first appeal, it is filed within 60 days from the

date of the order appealed against;(ii)in the case of second appeal, it is filed within 90 days from the dale of the order appealed against :Provided further that-(i)in computing the period aforesaid, the time requisite for obtaining copy of the order appealed against shall be excluded; and(ii)the provisions of Section 5 of the Limitation Act, 1963 (No. 36 of 1963), shall apply to such appeals.

13. Finality of order.

- Subject to the orders passed in appeal under Section 12, the order made under Section 8 or Section 11 shall be final.

14. Power to make rules.

(1)The State Government may, after previous publication, make rules tor carrying out all or any of the purposes of this Act.(2)All rules made under this Act shall be laid on the table of the Legislative Assembly.

Schedule

(See Section 4)Rate of betterment levy per hectareWhere the tractorisation operation was carried out-

| | Rs. |
|------------------------------------------------------------------------------------|-----|
| (a) in the agricultural year 1947-48 or 1948-49 | 49 |
| (b) in the agricultural year 1949-50 or 1950-51 | 128 |
| (c) in the agricultural year 1951-52 or 1952-53or 1953-54 on, | |
| (i) cultivated- | |
| (a) before harvesting of crop | 99 |
| (b) after harvesting of crop | 136 |
| (ii) fallow land- | 161 |
| (d) in the agricultural year 1954-55 or 1955-56or 1956-57 or 1957-58or 1958-59 on, | |
| (i) cultivated and | 74 |
| (ii) fallow land. | 124 |

[Substituted by M.P. Act No. 9 of 1980.]