MADHYA PRADESH LAND REVENUE CODE

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# Abstract

Madhya Pradesh Land Revenue Code (MPLRC), 1959 was enacted on 15th September, 1959 and it come into force on 2nd October, 1959 (on the birth anniversary of Mahatma Gandhi). An Act to consolidate and amend the law relating to land revenue, the powers of revenue officers, rights and liabilities of holders of land from the state government, agricultural tenures and other matters relating to land and the liabilities incidental thereto in Madhya Pradesh. Be it enacted by the Madhya Pradesh legislature in the tenth year of the republic of India. This act may be called the Madhya Pradesh Land Revenue Code, 1959. It extends to the whole of Madhya Pradesh but nothing contained in this code except the provisions relating to liability of land for payment of land revenue, the assessment of land revenue with reference to the use of land, realisation of land revenue and all provisions ancillary thereto shall apply to such areas as may, from time to time, be constituted as reserved or protected forest under the Indian Forest Act, 1927 (xvi of 1927)[[1]](#footnote-2).

**Keywords:** *Land and land revenue, Madhya Pradesh land revenue code.*

#  INTRODUCTION

## History of Land Revenue Codes

From time immemorial mankind had distinct association with Land[[2]](#footnote-3). In fact primitive lifestyle was basically land based. Land is one of the major ‘five elements of nature. Almost all-Cultures, Civilisations and Empire were land oriented. Even mighty Aryans after a long journey in search of warmth had to struggle hard to select and settle on their choice of alluvial land in planes of Uttar Pradesh in foothills of Himalayas. Land will continue to exert prime influence on mankind till life exists on earth.

It is a basic source of sustenance of life for all creatures on earth. Let us gratefully respect it and resolve ourselves to enhance its sanctity and fertility.

Even in contemporary times land exerts immense influence in our country where 70% of the population which is settled in country side depends on agriculture[[3]](#footnote-4). Therefore the system of land revenue and land tenure is significant. In a feudal country like India, during ‘the pre-British days, the political, economic and social aspects could be judged by the land and revenue systems[[4]](#footnote-5). The administration of Empire was totally dependent on revenue collection and revenue system. The-administration of t he Empire with its corresponding prosperity was adversely dependent. on the proceeds extracted from the peasantry in the form of revenue collection.

This necessitates a well defined revenue code. In peace time old kingdoms kept scales of revenue at low level i.e. usually 1/6 th of the gross produce. But the revenue was raised freely during invasion or war or other critical situation. Although cultivators had proprietary rights over the land, the kind always regarded himself as the sole owner of the land and the cultivators were cultivating it on his behalf. Therefore the land revenue was an unquestionable royal prerogative.[[5]](#footnote-6)

On the introduction of currency system, attempts were made to recover equivalent money value of crop-share. This system was first initiated by Sher Shah (1540-1545 A.D).The first recorded pioneer survey of lands began in 1571 A.D. by *Todarmal* and completed in *Akbar’s* regime by 2582 A.D. The then yard-rod was 33 inches long and was known as *Ilahi Gaz*. Such 60 square -*ilahi Gaz* contributed one *Bigha*. (Refer Land System of British India, *Vol.I*; page 274 by B.H. *Beden Fowell, London* 1892).

In Deccan with some modifications the above system was followed by *Malik Ambar* (1605 to 1626 A.D) He acknowledged ownership rights of the farmers and attempted to give them secured tenure. But the assessment varied with the crop and were not constant like the *Mughal* Settlements.

Emperor Aurangzeb drastically changed the revenue system and increased the land revenue by 50% in conquered Deccan territories[[6]](#footnote-7). After his death, Maratha Empire tried to initiate same system in the conquered areas of Northern and Central Indian by imposing “chows’.

During *Shivalile* period the system of *‘Jahagardari’* was abolished-and land revenue was collected directly. In 1637 A.D. Shah *Jahan* in Deccan fixed *lumpsum* Village assessment. When this method failed he allowed farm-lease method; where by “KHOTS” or revenue farmers grew into proprietors. In subsequent Maratha period in 1784-8S A.D. The above *Eiyr-.tc-ITI* was abolished and land revenue was based on classification of soils.

Thereafter maratha Revenue System was known as Miras Tenure and Upri Tenure (refer the Bombay Survey and Settlement Manual, 1934 Edn; Vol.1; page 6)>The assessment of land revenue was annual. This system prevailed upto Nana Phadnavis -period.But under Bajirao Peshwa due to war expenses revenue system wad drastically changed for the worst and ‘Farming System’ was incorporated. Under the Farming System in open auction the highest bidder used to get the authority to collect revenue at his will and methods. It was atrocious and unbearable for the farmers. To some extent this systems was even followed after British conquered Peshwa Territory. It resulted in many revolts of the peasants.[[7]](#footnote-8)

Mr.Pringle (1827) in Pune district first surveyed land by chain and cross staff with the introduction of English Acre in the Western region. When Mr. Pringle’s Survey Tenure proved to be a failure due to adoption of the principles of average gross produce minus expenses of cultivation a committee of three persons was appointed in 1547.Their report known as “Joint Report of 1847′ laid down the basic principles of land revenue system. The
unit of assessment was field, classification of soil and giving survey number for fields.

Thus soil was classified into various types, depth and its natural fautis for the purpose of valuation. The original surveys and settlements were conducted according to the principles laid down in the joint Report of 2547.The first Revision Settlement of Indispute Taluka (Pune District) became due in 1865.The original Revisional survey were concluded and the survey department was abolished in 1901. Further Land Records department was created to maintain the survey records upto date. There is therefore no large scale survey now except the pot Hisa survey after the introduction of Record of Rights in 1913.

The following is the History of Land Revenue Legislations[[8]](#footnote-9):
*1. Survey and Settlement Act,1865.
2. Survey and Settlement (Amending) Act, 1868.
3. The Bombay Land Revenue Code (1879).
4. The Bombay Land Revenue (Amended) 1013.
5. Bombay Land Revenue (Amended) 1939.*
As the Legislature was not in session, the Bombay Land Revenue Code, (Extension to Saurashtra Area) Ordinance, 1959 (II of 1959) wag promulgated to extend the Bombay Land Revenue Code 1879, the Saurashtra area of the Bombay state. There was also another enactment on the subject namely the Bombay Revenue Tribunal Act 1957, which was applicable to the whole state.

The above narrated brief history of about last 500 years doesno4, necessarily imply that there was no Land Revenue Code in ancient India. The ruins of burried cities found in Mohan-jo-daro. and Harappa reveals the knowledge of Town planning prevailing in those days. The Land and Construction are integral components of Architecture. In ancient India 1500 years prior to Todarmal our country was rich in Buddhist Architecture.

Mighty Emperors like Chandragupta Maurya and Ashoka were great builder. Threfore it is unrealistic to construe that first recorded survey of land was executed by Todarmal in 1540-1545 A.D The art of measuring land and establishing qualities of soil and its productivity was known in ancient Indian beyond doubt. My above assertions are based an laws of simple logic and common sense.

Indian History written by Britisheres is intentionally distorted and malafide. The value of rich heritage and culture of India was purposely underestimated by them, The time will soon come when we will have to exert ourselves to rectify and revise our history to understand our ancient civilization better in a proper perspective.[[9]](#footnote-10)

## The Madhya Pradesh Land Revenue Code, 1959

M.P. (Act No. 20 of 1959)[[10]](#footnote-11) An Act to consolidate and amend the law relating to land revenue, the powers of Revenue Officers, rights and liabilities of holders of land from the State Government, agricultural tenures and other matters relating to land and the liabilities incidental thereto in Madhya Pradesh. Be it enacted by the Madhya Pradesh Legislature in the Tenth Year of the Republic of India.

This Act may be called The Madhya Pradesh Land Revenue Code, 1959. It extends to the whole of Madhya Pradesh but nothing contained in this Code except the provisions relating to liability of land for payment of land revenue, the assessment of land revenue with reference to the use of land, realisation of land revenue and all provisions ancillary thereto shall apply to such areas as may, from time to time, be constituted as reserved or protected forest under the Indian Forest Act, 1927 (XVI of 1927). This Code shall come into force on such date as the State Government may, by notification, appoint.[[11]](#footnote-12)

Revenue Board[[12]](#footnote-13) was formed Board of Revenue under the central Indian Revenue Board Ordinance 1948 MP central India region. Similarly, in the Vindhya region revenue under the 1948 Ordinance Board came into existence. Old Madhya Pradesh came into this court existed under the Central Provinces Board of Revenue Ordinance 1949. Rajasthan state, which came Sironj field innovative Madhya Pradesh, was working Revenue Board. Only Bhopal state that was where there was no institution Revenue Board name and get all appellate and revisional jurisdiction of the state government.

Principal place of Board of Gwalior state government has set. Additionally Revenue Board of Rewa, Indore, Jabalpur, Bhopal, getting Ujjain and held at Sea divisional headquarters. The formation of the Board of Revenue. has been under Land Revenue Code 1959.  under the Land Revenue Act Revenue Board in the state is the highest institution of hearing appeals / monitoring of revenue cases. In addition, other acts such as – in Excise Act, the Indian Stamp Act, etc. Revenue Board has been validated as the chief controlling Centrally revenue authority.[[13]](#footnote-14)

## Land revenue according to purpose for which land is used

Land revenue according to purpose for which land is used[[14]](#footnote-15). - (1) the assessment of land revenue shall be made with reference to the following use of land at such rates as may be prescribed:

(a) For the purpose of agriculture including any improvement made thereon;

(b) For the purpose of dwelling houses;

(c) For educational purpose;

(d) For commercial purpose;

(e) For industrial purpose including the purpose of mines and minerals;

(f) For purpose other than those specified in items (a) to (e) above as may be notified by the State Government.

(2) Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to assessment at the rates prescribed for the purpose to which it has been diverted.

(3) Where the land held free from the payment of land revenue on condition of being used for any purpose is diverted to any other purpose it shall become liable to the payment of land revenue and assessed at the rates prescribed for purpose for which it has been diverted.

(4) Where land assessed for use for any one purpose is diverted to any other purpose, and land revenue is assessed thereon under the provisions of this section, the premium on such diversion shall be payable at such rates as may be prescribed.

(5) Whenever land assessed for one purpose is diverted to another purpose, the Bhumiswami[[15]](#footnote-16) shall compute the premium and reassessed land revenue payable and deposit the amount so computed in the manner prescribed.

(6) The *Bhumiswami* shall give a written intimation of such diversion to the Sub-Divisional Officer along with the receipt of the deposit of the amount under sub-section (5), and the land shall be deemed to have been diverted from the date of such intimation.

(7) On the receipt of intimation under sub-section (6), the Sub-Divisional Officer shall, as soon as possible, make enquiry into the correctness of the computation made by the Bhumiswami and communicate to the Bhumiswami either confirming the computation made under sub-section (5) or informing him the correct amount of premium and land revenue payable. In case the amount deposited under sub-section (5) is less than the amount computed by the Sub-Divisional Officer, the difference shall be paid by the Bhumiswami within sixty days of receipt of such intimation :

Provided that in case the amount deposited under sub-section (5) is greater than the amount computed by the Sub-Divisional Officer, the difference shall be refunded to the Bhumiswami within sixty days[[16]](#footnote-17).

(8) If the Sub-Divisional Officer fails to communicate to the Bhumiswami under sub-section (7) within five years from the date of intimation received under sub-section (6), the arrears of re-assessed land revenue shall not be payable for a period exceeding five years.

(9) If the Bhumiswami fails to give the intimation[[17]](#footnote-18) of diversion under sub-section (6), the Sub-Divisional Officer on his own motion or on receiving such information shall compute the premium and re-assess the land revenue payable on account of such diversion and also impose a penalty equal to fifty per centum of the total amount payable :

Provided that such re-assessed land revenue shall be payable from the actual date of diversion subject to a maximum period of five years :

Provided further that no penalty shall be imposed for one year from the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018.

(10) The Bhumiswami shall divert land for only such purpose as is permissible under the law governing the use of land for the time being in force :

Provided that no action of *the Bhumiswami* or Sub-Divisional Officer under this section shall be construed as granting of permission to change use of land contrary to the provisions of the applicable law :

Provided further that the competent authority may take action against *Bhumiswai* for such diversion contrary to the provisions of the law for the time being in force irrespective of any action taken under this section.

(11) The premium and re-assessed land revenue shall be computed at the rates prevailing on the date of intimation by the Bhumiswami under subsection (6) or the date of passing of order by Sub-Divisional Officer under sub-section (9), as the case may be[[18]](#footnote-19).

(12) All proceedings under this section pending before the Board or any Revenue Officer prior to commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 shall stand abated and the Sub-Divisional Officer shall impose premium and assess the land revenue on account of diversion in accordance with the provisions of this section.]

## Land and Land Revenue[[19]](#footnote-20)

57. State ownership in all land*[[20]](#footnote-21)*s**.** - (1) All lands belong to the State Government and it is hereby declared that all such lands, including standing and flowing water, mines, quarries, minerals and forests reserved or not, and all rights in the sub-soil of any land are the property of the State Government :

(3) Any person aggrieved by any order passed under sub-section (2) may institute a civil suit to contest the validity of the order within a period of one year from the date of such order.

 (4) Where a civil suit has been instituted under sub-section (3) against any order such order shall not be subject to appeal or revision.

58. Liability of land to payment of land revenue*[[21]](#footnote-22)***.** - [(1) All land to whatever purpose applied and wherever situate, is liable to the payment of revenue to the State Government except such land as has been wholly or partially exempted from such liability by or under this Code or by special grant of or contract with the State Government or such land which is wholly or partially exempted from such liability by notification, issued in this behalf by the State Government.]

 [58A. Exemption from payment of land revenue*[[22]](#footnote-23)***.** - Notwithstanding anything contained in this Code, no land revenue shall be payable in respect of -

(a) any holding up to two hectares used exclusively for the purpose of agriculture;

(b) such other land used for non agricultural purpose as the State Government may, by notification, specify.

 59. Land revenue according to purpose for which land is used*[[23]](#footnote-24)*. - (1) The assessment of land revenue shall be made with reference to the following use of land at such rates as may be prescribed :

(a) for the purpose of agriculture including any improvement made thereon;

(b) for the purpose of dwelling houses;

(c) for educational purpose;

(d) for commercial purpose;

(e) for industrial purpose including the purpose of mines and minerals;

(f) for purpose other than those specified in items (a) to (e) above as may be notified by the State Government.

59A. Assessment when to take effect**.** - The alteration or assessment made under the provision of Section 59 shall take effect from the date on which the diversion was made.

59B. Reassessment on diversion of land prior to coming into force of the Code*[[24]](#footnote-25)*. - Where prior to the coming into force of this Code land in any area assessed for any one purpose was subsequently diverted for use to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed -

(1) in accordance with the purpose to which it has been diverted with effect from -

(a) the date on which such diversion was made if in the area concerned there was in force any enactment repealed under Section 261 which contained provision for alteration or reassessment on such diversion;

(b) the date of coming into force of this Code in any other case; and

(2) in case of (a) above in accordance with the provisions of such repealed Act, and in the case of (b) above in accordance with the provisions of this Code.]

[60. Assessment of un-assessed land**.** - All lands on which the assessment has not been made, the assessment of land revenue shall be made by the Collector in accordance with rules made under this Code.]

# Salient Features of MPLRC, 1959

Some of the salient features of MPLRC are[[25]](#footnote-26):

* Revenue Officer and Revenue Court- Starting chapters of MPLRC, 1959 deal with theϖ classification of revenue officer and revenue court. Section 11 of this code defines classes of officers and the revenue officer has followed the provision of civil procedure code, 1959 for their procedures.
* Ownership of State in all Lands*[[26]](#footnote-27)*- Chapter VI of MPLRC deal of land and land revenue.ϖ under this chapter Section 57 said that all lands belong to the state government and declared that all such lands, including standing and flowing water, mines, quarries, minerals and forests reserved or not, and all rights in the sub-soil of any land are the property of state government.
* Procedure of Appeal**-**Procedure of Appeal is one of the salient features of MPLRC. Chapter V of this code said that any revenue officer who passed any order, subordinate to the other officer, aggrieved party can appeal in higher authority within specified period. And the highest authority of appeal is board of revenue.
* Code not to apply in certain cases**-** Section 264 of this code said that this code shall not apply to any person who holds any land from the central government.
* Provision for Lease[[27]](#footnote-28)- According to Section 168 of this code said that any bhumiswami who shall not lease any land more than 3years and it is comprised in 3 consecutive periods for 1 year. But this provision does not apply to certain categories which are mentioned in sub-section 2 of section 168. Sub-section 2 said that a bhumiswami who is- Minor, or

¬ Unmarried woman, or

¬ A married woman who has been deserted by her husband, or

¬ A person subject to physical or mental disability due to old age or otherwise, or

¬ A public, charitable or religious institutions, or

¬ A local authority or a cooperative society, or

¬ A person in the service of armed forces of the union, or

¬ A person detained or imprisoned under any process of law

¬ may lease the whole or any part of his holding. Survey and Settlement- Chapter VII of this code makes provision of settlement in the urban and rural areas. This settlement was in force in Mahakoshal region before the establishment of Madhya Pradesh[[28]](#footnote-29)

* Government lease- Chapter XIII of this code said about government lessees and service land. Section 185 said that government lessees means every person who holds land from the state government or to whom a right to occupy land is granted by the state government or to collector and who is not entitled to hold land as a bhumiswami shall be called a Government Lessee.

# CONCLUSION

I have finish up my this theme and said that without this code in the territory of Madhya Pradesh an appropriate income framework has not existed and diverse income framework which are existing before this code make a disorder in this satisfy and no uniform law in regards to income framework is existed so it is extremely important to authorize a code who run the uniform income framework entire in the province of Madhya Pradesh. It is pronounced by the code that, it is vital and critical for most extreme creation of sustenance grains and enhancement of the living-status of the agriculturists that the ranchers are completely guaranteed that they will not be unlawfully denied of the land and they will be the main tenants of the land who truly develops it.

Madhya Pradesh Land Revenue Code (MPLRC), 1959 was authorized on fifteenth September, 1959 also, it come into power on second October, 1959 (on the birth commemoration of Mahatma Gandhi). An Act to combine and correct the law identifying with land income, the forces of income officers, rights and liabilities of holders of land from the state government, horticultural residencies and other matters identifying with land and the liabilities accidental thereto in Madhya Pradesh. Be it authorized by the Madhya Pradesh governing body in the tenth year of the republic of India.

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9. Supranote 1 [↑](#footnote-ref-10)
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