

Why Madhya Pradesh Land Revenue Code be enacted?

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Introduction

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

¹ http://www.mprevenue.nic.in/documents/475863/13372292/Act_MPLRC_1959_0020_Pdf_F95_English.pdf

History of Revenue System existing in Madhya Pradesh before MPLRC

Madhya Pradesh state was established on 1st November 1956 under the State Re-organisation Act. Before becoming a State, Madhya Pradesh comprised in 5 regions. In those 5 regions there are different revenue laws are existing for the agricultural land. The following area and regions are:

1. Mahakoshal Region
2. Madhya Bharat Region
3. Vindhya Pradesh Region
4. Bhopal Region
5. Sironj Region

Mahakoshal Region

- In Mahakoshal Region, the concepts of Malguzar were in existence in all the villages of Mahakoshal Region. Malguzars have been enjoyed the right of ownership by the British Government in 1858. And in return malguzar was bound to pay to the 50% of land revenue to the government.
- In this region, there were 2 types of villages. first were general villages and other villages are known as zamindari villages. In general villages farmers get the land from direct to the government and one person was appointed to recover the rent from the farmers persons known as patel. In zamindari villages farmers have no relation with the government and the controlled of these villagers were in the hands of the proprietor.²
- In Mahakoshal Region, Malguzar have enjoyed some special right they are:
 - Right to hold land.
 - He used to keep his land as reserve/ safe maintenance of his family.
 - Any land which is in possession of malguzar were treated as self cultivated land.

² H.K.BHARTI, "MPLRC guide to Land Revenue Code" khetrpal Publications, Indore

Madhya Bharat Region

- Before State Re-organisation, there were various revenue system existed in Madhya Bharat Region. In 1950 an act was passed in the name of Revenue Administration, Raiyatwari and Farmers Right Act, 1950. According to this act the farmers were classified in three classes. These classes are:
 - Confirmed Farmers- He was holders of preserved and protected agricultural land.
 - Ordinary Farmers- According to the conditions of their contract.
 - Sub-farmers- According to the conditions of their contract.

Vindhya Pradesh Region

- Before the MPLRC, in Vindhya Pradesh Region the Land Revenue and Farmers Right Code, 1953 was existed. And after the 2 years a new act was passed in the name of Vindhya Pradesh Land Revenue and Farmers Right Act, 1955. According to this act farmers were divided in 5 classes. Those classes are:
 - Panch Paintalis Farmer
 - Lease Hold Farmers
 - Special Farmers
 - Farmers
 - Sub Farmers

Panch Paintalis farmer and Lease Hold farmers were recognised as the land owners and the other 3 classes i.e. Special farmers, Farmers and Sub-farmers were known as Gair-Haqdar. And the concept of Jagir was abolished according to the Land Reforms Act, 1952.

Bhopal Region

- In Bhopal Region, the land revenue system was managed or controlled by Bhopal State Land Revenue Act, 1932. This act was based on the basis of Raiyatwari system. Under this act a person who holding a land from the state government was called an Occupant and these occupants were allowed to employ sub farmers who were defined as Shikmi. And these sub-farmers were entitled to hold the land on annual basis.
- In 1953, the concept of Jagirdar were abolished in Bhopal Region and all the sub-farmers of the self cultivated land of the jagirdar, who were having lease for more than 1 year, were provided with that land.

Sironj Region

- Before coming of MPLRC, Sironj Region are come under the Rajasthan but after the enactment of this code it come under in Madhya Pradesh State. In Sironj Region the revenue system are existing according to the Rajasthan Farmers Right Act, 1955. According to this act the farmers were divided in 3 categories. Categories are:
 - Holding Farmer- A parcel of land separately assessed to land revenue and held under one tenure.
 - Self Cultivation- It means to cultivate personally or to cultivate on one's own account.
 - Non- Holding Farmers- It means farmer has not to hold any land.

Need of enactment of MPLRC, 1959

There are several reasons for the enactment of MPLRC, 1959. Some of the main reasons are:

1. Various several Land Laws existing in force-There were various revenue system existing in the regions in respect of land revenue. And the categories of farmer and right of the farmers in those areas are different. To continue these variations was not possible after the merge in one state and it is necessary to remove these variations.

2. Change in the current of Revenue Laws- In the wake of getting autonomy, a change occurred in our lawful perspectives and especially in the perspective of land changes and laws identifying with land revenue. Land revenue system was a censorious system since English Period. Agriculture is the system of our life line and spine of the Indian culture. The principle points of our general public are to end the idea of Jagirdari and Zamindari.

3. Abolition of the Mediators- The principle relics of the feudatory framework were the middle people. These were the checks and impediments in the route implied for elevate of the life status and welfare of the agriculturists. Jagirdars, Zamindars and the Tallukedars were the organs of this framework. These were unessential connections between the agriculturists and states and to abolish them was a bit much.

4. To prevent the Arbitrary Eviction and Rent Recovery with Cruelty- There was a necessary and emergent requirement to save the farmers, to protect the farmers from arbitrary eviction of land and rent recovery with cruelty by the Jagirdars and Zamindars.

5. Enforcement- For the above mentioned reasons, the MPLRC came into force on 2nd Oct. 1959 and the whole revenue system was consolidated and amends into a new and progressive revenue system. Prior to MPLRC in those areas, which were included in the newly established Madhya Pradesh state the different land revenue rules and tenancy laws were in force. Instead of

all those system, now a uniform system of land revenue is enforced in the whole Madhya Pradesh state.

Rao Nihal Karan vs. Ram Gopal³ A.I.R. 1966 S.C. 1485

In this case Supreme Court decided that that the M.P. land revenue code was enforced to connect the self cultivating farmers with the state and to remove the mediators.

Salient Features of MPLRC, 1959

Some of the salient features of MPLRC are:

- ❖ **Revenue Officer and Revenue Court-** Starting chapters of MPLRC, 1959 deal with the 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-** Chapter VI of MPLRC deal of land and land revenue. 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

³ A.I.R. 1966 S.C. 1485

the other officer, aggrieved party can appeal in higher authority within specified period. And the highest authority of appeal is board of revenue.

❖ **Special provision for Tribe-** Section 165 of Chapter XII deal with right of transfer under this section clause 6 said about to special provision for aboriginal tribe.

(6) Notwithstanding anything contained in sub-section (1) the right of bhumiswami belonging to a tribe which has been declared to be an aboriginal tribe by the State Government by a notification in that behalf , for the whole or part of the area to which this Code applies shall-

(i) in such areas as are predominately inhabited by aboriginal tribes and from such date as the State Government may, by notification, specify, not be transfer red nor it shall be transferable. either by way of sale or otherwise or as a consequence of transaction of loan to a person not belonging to such tribe in the area specified in the notification;

(ii) in areas other than those specified in the notification under clause (i), not to be transfer red or be transferable either by way of sale or otherwise or as a consequence of transaction of loan to a person not belonging to such tribe without the permission of a Revenue Officer not below the rank of Collector, given for reasons to be recorded in writing.

Explanat ion.—For the purposes of This sub-section the expression "otherwise" shall not include lease.]

[(6-a) Notwithstanding anything contained in sub-section (1) 2[the right of a bhumiswami other than a bhumi swami belonging to a tribe which has been declared to be an aboriginal tribe under sub-section (6), in the land excluding the agricultural land] shall not be transfer red or be transferable either by way of sale or otherwise or as a consequence of transaction of loan to a person not belonging to aboriginal tribe without the permission of the Collector given for reasons to be recorded in writing

Provided that every such transfer effected 3[after the 9th day of June, 1980 but before the 20th April, 1981] which is not in accordance with the provisions herein contained shall, unless such transfer is ratified by the Collector in accordance with the provisions hereinafter contained, be void and shall be of no effect whatsoever, notwithstanding anything contained in this Code or any other law for the time being in force.

(6-b) Notwithstanding anything contained in the Limitation Act, 1963 (No. 36 of 1963), the Collector may on his own motion at any time or on an application made in this behalf within three years of such transaction in such form as may be prescribed, make an enquiry as he may deem fit, and may, after giving a reasonable opportunity of being heard to the persons affected by the transfer, pass an order ratifying the transfer or refusing to ratify the transfer.

(6-c) The Collector shall in passing an order under sub-section (6-a) granting or refusing to grant permission or under sub-section (6-b) ratifying or refusing to ratify the transaction shall have due regard to the following : —

- (i) whether or not the person to whom land is being transferred is a resident of the Scheduled Area;
- (ii) the purpose to which land shall be or is likely to be used after the transfer;
- (iii) whether the transfer serves, or is likely to serve or prejudice the social, cultural and economic interest of the residents of the Scheduled Area;
- (iv) whether the consideration paid is adequate;
- (v) whether the transaction is spurious or benami and
- (vi) such other matters as may be prescribed.

The decision of the Collector granting or refusing to grant the permission under sub-section (6-a) or ratifying or refusing to ratify the transaction of transfer under sub-section (6-b), shall be final, notwithstanding anything to the contrary contained in this Code.

Explanation.—For the purpose of this sub-section, —

(a) "Scheduled Area" means any area declared to be a Scheduled Area within the State of Madhya Pradesh under paragraph 6 of the Fifth Schedule to the Constitution of India;

(b) the burden of proving that the transfer was not spurious, fictitious or benami shall lie on the person who claims such transfer to be valid.

(6-d) On refusal to grant the permission under sub-section (6-a) or ratification under sub-section (6-b) , the transferee, if in possession of the land shall vacate the possession forthwith and restore the possession thereof to the original bhumiswami.

(6-e) If the *bhumiswami* for any reason whatsoever fails or is unable to take possession of the land of which the right of possession stands restored to him under sub-section (6-d) , the Collector shall cause the possession of land to be taken and cause the land to be managed on behalf of the bhumiswami subject to such terms and conditions as may be prescribed till such time as the original bhumiswami enters upon his land

Provided that if any resistance is offered in restoring possession, the Collector shall use or cause to be used such force as may be necessary.

[(6-ee) The agricultural land transferred by the bhumiswami other than a bhumiswami belonging to an aboriginal tribe declared under sub-section (6) to a person not belonging to an aboriginal tribe shall not be diverted for any other purpose before the expiry of period of ten years from the date of transfer;]

(6-f) The provisions of sub-section (6-a) to 2[(6-ee)] shall have effect, notwithstanding anything to the contrary contained in this Code or any other law for the time being in force.]

❖ **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-** 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.⁴

❖ **Demarcation-** Chapter X of MPLRC said about the provision regarding the boundaries and boundary marks, survey marks. The procedure of hearing any dispute pertaining to the demarcation and boundaries is constituted. And also given the provision of the procedure for removing the obstructions and easementary right has also made.

⁴ "Land laws including tenure and tenancy system", Khetrapal Publications, Indore.

- ❖ **Provision of Assessment and Re-assessment-** Chapter VIII of this code said about the provision of Assessment and Re-assessment of land in urban areas. The provision of this chapter shall apply to land held in urban area, whether for agricultural or non-agricultural purposes- by a bhumiswami, by a government lessee under a lease granting a right of renewal and by a holder of service land.
- ❖ **Termination of Sub-tenancy-**The sub tenancy has been terminated by means of Section 168 of this code. The land shall be of the cultivator on termination of land-lordism this principle has been recognized. Dividing by the corparcenry has been accepted.
- ❖ **Village Officers-** Chapter XVII of this code deal with village officers. Under this Chapter 2 officers were appointed Patel and Kotwar. Patel is appointed by the collector for each village or group of villages. It shall be the duty of every patel is to collect land revenue and pay to the government. And the kotwar may be appointed for each village or group of villagers, it can be appointed according to Section 258.

Every person who at the coming into force of this code holds the post of a village watchman in the Bhopal and Sironj Region or of a Chowkidar in the Vindhya Pradesh region shall be deemed to be a kotwar under this section.

- ❖ **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.
- ❖ **Conversion of Bhumi-dhari into Tenure Holder-** As per this code there is only one class of tenure holders who are called tenure holder. The Bhumi-dharis are also

recognised as tenure holders and they are provided with rights of full ownership and protection from the creditors.

- ❖ **Land Record, its Lien and Evidentory Value-** Chapter IX of this code makes provision regarding lien of land records and their evidentory utility etc. Section 108 of the codes makes provision of right records. it is an important document and indicates the right of farmers in the land. Rulling of the system of mutation also are made by this section so that the changes in the property may be recorded.⁵

Conclusion

I have conclude my this topic and said that without this code in the state of Madhya Pradesh a proper revenue system has not existed and different revenue system which are existing before this code create a chaos in this sate and no uniform law regarding revenue system is existed so it is very necessary to enact a code who run the uniform revenue system whole in the state of Madhya Pradesh. It is declared by the code that, it is necessary and important for maximum production of food-grains and improvement of the living-status of the farmers that the farmers are fully assured that they shall not be unlawfully deprived of the land and they shall be the only occupants of the land who really cultivates it.

References

⁵ B.S.Khetrapal, "Madhya Pradesh LAND REVENUE CODE,1959", Pooja Law House, Indore, ed.2017

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