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The Madhya Pradesh Agriculturist's Loans

Act, 1884

[Act No. 12 of 1884]

[24th July, 1884]

PREAMBLE

An Act to amend and provide for the extension of the Northern India Takkavi Act, 1879.

Whereas it is expedient to amend the "Northern India Takkavi Act, 1879 (10 of 1879), and provide for its extension to 1[certain other areas];

It is hereby enacted as follows :

Section 1 - Short title and commencement-

(1) This Act may be called The Madhya Pradesh Agriculturists' Loans Act, 18842.

(2) It shall come into force on the first day of August, 1884.

Section 2 - Local extent-

(1) This section 3[extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States4[other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh],

(2) The rest of this Act extends in the first instance only to Utter Pradesh, the 6[Madhya Pradesh], Assam and Delhi and the territories which immediately before the 1st November, 1956, were comprised in the State of Bombay, Punjab and Ajmer].

(3) But any State Government may, from time to time, by notification in the official Gazette, extend the rest of this Act to the whole or any part of 7[the territories to which this Act extends] under its administration.

1 Substituted by A.O. No. 2 of 1956
2 For Statement of Object and Reasons- see Gazette of India 1884 Part V Pg. 2. The Act was extended to the whole of Madhya Pradesh by Section 3 (1) of the M.P. Extension of Laws Act, 1958 (23 of 1958).
3 Substituted by A.O. No. 2 of 1956
4 Inserted by MP. Act 23 of 1958 Section 3(3)
5 Substituted by A.O. No. 2 of 1956
6 Substituted by M.P. Act 23 of 1958 Section 3(3) for "Central Provinces".
7 Substituted by A.O. No. 2 of 1956
Section 3 - [Omitted]

[Repeal of Act X of 1879, and Sections 4 and 5 of Act XV of 1880]. Repealed by the Repealing Act, 1938 (1 of 1938), Section 2 and Schedule.

Section 4 - Power for State Government to make rules-

(1) State Government \(^8\) [or, in a State for which there is a Board of Revenue of Financial Commissioner, such Board or Financial Commissioner, subject to the control of the State Government] may, from time to time \(^9\) [xxx] make rules as to loans to be made to owners and occupiers of arable land, for the relief of distress, the purchase of seed or cattle, or any other purpose not specified in the Land Improvement Loans Act, 1883 (19 of 1938), but connected with agricultural objects.

(2) All such rules shall be published in the Official Gazette,

Section 5 - Recovery of loans-

\(^{10}\) [(1) Subject to such rules as may be made under Section 4, a loan granted under this Act with any interest due thereon shall, in default of payment, be recoverable by the \(^{11}\) [Collector] in all or any of the following modes, namely :

(a) from the borrower- as if it were an arrear of land revenue due by him;
(b) from his surety, if any- as if it were an arrear of land revenue due by him;
(c) out of any land of the borrower- as if it were an arrear of land revenue due by him;
(d) out of property comprised in collateral security, if any, according to the procedure for the realization of land revenue by the sale of immovable property other than the land on which that revenue is due.

(2) It shall be in the discretion of the \(^{12}\) [Collector] acting under this section to determine the order in which he will resort to the various modes of recovery permitted by it.

Section 5A - Loans to have priority-

A loan granted under this Act together with interest due thereon and cost of recovery shall, except in respect of land revenue and a loan granted under the Land

---

\(^8\) Inserted by No. 4 of 1914.

\(^9\) The words "subject to the Control of the G.G. in C" Omitted by No. 4 of 1914.

\(^{10}\) Substituted CP & Berar Act No. XXXIV of 1947.

\(^{11}\) Substituted by MP Adaption of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1957

\(^{12}\) Substituted by MP Adaption of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1957
Improvement Loans Act, 1883 (19 of 1883), have priority over all encumbrances and charges created before the date of the order granting the loan on the borrower’s interest in any land].

Section 6 - Liability of joint borrowers as among themselves-
When a loan is made under the Act to the members of a village community or to any other person on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of the amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed, marked or sealed by each of them or his agent duly authorised in this behalf and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

Section 7 - Prohibition of misapplication of loan under the Act-
13[(1) Every person taking loan under this Act shall, in the manner provided for in the rules made by the State Government in this behalf and the conditions contained in the order granting such loan, apply the amount thereof for the purpose and within the period specified in the order granting such loan.
(2) Without prejudice to any penalty which may be imposed under any other provision of law or instrument, any person who fails to comply with the provisions of sub-section (1) shall, on an order in writing passed by a revenue officer not below the rank of Sub-Divisional Officer, be liable to pay by way of penalty such sum not exceeding twice the amount of the loan outstanding as such officer may by order fix unless such person refunds the amount of loan and satisfies such officer that the failure was due to reasons beyond his control.]

13 Inserted by CP & Berar Act No. LIV of 1949
1.2 The Madhya Pradesh Agriculturist Loans Rules, 1962
The Madhya Pradesh Agriculturist Loans Rules, 1962

Notification No. 6225-48-92-VII- NIL. In exercise of the power conferred by Section 4 of the Agriculturists’ Loans Act, 1884 (XII of 1884); and in supersession of all rules previously made on the subjects, the State Government hereby makes the following rules, namely:

1. (1) These rules may be called the Madhya Pradesh Agriculturists’ Loan Rules 1962.¹

(2) In these rules, unless the context otherwise requires —
   (a) ‘Act’ means the Agriculturists’ Loans Act, 1884 (XII of 1884);
   (b) ‘Controlling Officer’ means the Commissioner of a Division;
   (c) ‘Form’ means form appended to these rules.

2. The manner of making Applications for Loans—Applications for Loans shall be in Form A and they may be made to any Revenue Officers or to any other officer competent to advance loans. Printed copies of the form shall be supplied free of cost at all tahsil offices and offices of officers competent to grant loans and shall be distributed on tour by Revenue Inspectors and Village Level Workers whenever they are required. In the case of oral applications, the form shall be filled in for the applicant by a revenue official or an official of the office of the officer competent to grant the loan.

Note.—Such applications are exempted from court-fees.

3. The Power of Sanction—Loans may be granted only by officers, to whom an allotment of funds for the purpose has been made by competent authority and only within the limits of that allotment.

4. Subject to the provisions of rule 3, loans may be granted by the following officers to the extent mentioned against them to any individual:-

¹ Published in the M.P.Gazette Part IV (Ga), dated 4-1-1963, Pg 1.
5. The Controlling Officers shall, out of the allotment of funds for the purpose of granting loans under the Act in their divisions apportion a definite amount to each district. Collectors may make allotments to such officers competent to grant loans as they consider it desirable to employ in granting loans.

The inquiry into applications and the method of Granting Loans

6. (1) Revenue Officer or any other officer competent to grant loans to whom an application is presented, if he is not empowered to dispose of himself, shall forward it to the officer immediately superior to himself who is so empowered.

(2) An officer to whom an application is presented may either proceed to dispose of himself or forward it to any other officer competent to grant loans subordinate to himself, who is empowered to dispose of it.

7. With a view to facilitate the prompt distribution of loans under the Act, Collectors and such officers competent to grant loans, authorised by them may draw advances from the treasury in lump sums on abstract bills and distribute loans on tour in the manner prescribed in the note appended to article 148 of the Civil Accounts Code.

<table>
<thead>
<tr>
<th>Name of Officer</th>
<th>Maximum limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Commissioners</td>
<td>Rs. 10,000</td>
</tr>
<tr>
<td>2. Collectors,</td>
<td>5,000</td>
</tr>
<tr>
<td>3. Sub-Divisional Officers</td>
<td>1,000</td>
</tr>
<tr>
<td>4. Tahsildars including Naib-Tahsildars exercising powers of a Tahsildar under the Madhya Pradesh Land Revenue Code, 1959.</td>
<td>500</td>
</tr>
<tr>
<td>5. Block Development Officers</td>
<td>500</td>
</tr>
<tr>
<td>6. Agricultural Assistants</td>
<td>500</td>
</tr>
<tr>
<td>7. Circle Auditors, Inspectors of Co-operative Societies, District Organizers of Co-operative Societies, Co-operative and Panchayat Inspectors and Co-operative Extension Officers</td>
<td>500</td>
</tr>
</tbody>
</table>
This system is especially appropriate when petty advances are made for the purchase of seed and fodder.

8. Whenever non-official agency is available, it may be employed to aid in making inquiries and disbursing loans.

9. Loans to individuals may be granted under the Act on the security of their land or on furnishing collateral security, where necessary, up to three-fourth of the value of the property.

10. When the amount of the loan under the Act, together with—

(a) the amount of the loan, if any, under the Land Improvement Loans Act, 1883, and
(b) such other dues, if any, which are entitled to priority over the loans under the Act and the Land Improvement Loans Act, 1883 does not exceed three quarters of the borrower’s interest in the value of land held by him, no collateral security shall be required.

11. Where,—

(a) the borrower have no interest in land, or
(b) the amount of the loan, under the Act together with—

(i) the amount of the loan, if any, under the Land Improvement Loans Act, 1883, and
(ii) other dues, if any, which are entitled to priority over the loans under the said two Acts;

exceeds three-quarters of the borrower’s interest in the value of the land, the borrower shall provide a surety and security shall be taken from him which may either be personal or may consist of a transferable interest in land. In the latter case the land must be mortgaged in Form B and the mortgage deed attested by two witnesses.

12. When an application is received from the members of a village community, or from a group of cultivators, then notwithstanding the fact that all or any of such members or cultivators owe loans under the Land Improvement Loans Act, 183 or other dues which are entitled to priority over the loans under the Act and the Land Improvement Loans Act, 1883, their joint personal security may ordinarily be accepted as sufficient to ensure the repayment of a loan: Provided that the amount advanced on such security shall not exceed—

(a) Where the borrower Twenty times the land holds any land revenue or rent of the holding, or Rs. 25 per acre of net cropped area in the preceding year, whichever is less; and
(b) Where the borrower Twenty-five times the land holds wet land revenue or rent of the holding or Rs. 30 per acre of net cropped area in the preceding year, whichever is less.

13. (1) Copies of all orders granting loans in which immovable property has been hypothecated and of mortgage deeds in Form B shall be sent to the registering officer, as required by Section 89 of the Indian Registration Act, 1908. All copies shall be certified as 'true copies' by the officer granting the loan.

(2) When loans are made under these rules, the order granting the loan shall be in Form C or D.

Note.-The financial limits laid down in rule 4 do not apply to the total of the loans made on joint responsibility, but only to the individual amounts by which this total is made up.

14. Interest shall be charged on loans made under these rules at the rate of seven naye paise per rupee per annum or seven per cent per annum: provided that if an installment of principal or interest be not paid on the date fixed, it shall be at the discretion of the Collector of the district to charge interest upon such installment from the date of default at the rate of fourteen paise per rupee per annum of fourteen per cent per annum. Interest on every loan shall run from the date on which the loan is made, and shall be calculated to the nearest naye paisa in the case of loans granted after the 1st April, 1960.

15. An applicant receiving a loan under these rules shall be required to sign or affix his thumb impression to the other granting the loan, a copy of which shall then be given to him.

16. The officer granting the loan shall state in the order granting the loan the purpose for which the loan is to be applied and the period during which it shall be so applied.

17. Should there be any doubt as to application of the loan in the manner
specified in the order granting the loan, the Collector shall inquire into the matter, and if he finds that the loan has been misapplied he may order its recovery with interest in a lump sum.

18. **The Re-payment of Loans**—The date or dates fixed for the repayment of a loan shall ordinarily be fifteen days before the date fixed for payment of the installment of land revenue on the crop produced or benefited by the loan. But in the case of loans granted for raising crops such as seasonal fruits, vegetables and the like, suitable dates may be fixed corresponding approximately to the dates on which such crops are marketed.

19. The period fixed for the repayment of loans shall not, except for special reasons with the sanction of the Commissioner, be longer than five years. Ordinarily loans made for the purchase of seed should be repaid from the crops produced from the seed and loans made for the purchase of plough cattle should ordinarily be repaid within three years.

20. **Suspension** Whenever suspensions or remissions of land revenue are granted in years in which crops have failed in any area or in which crops could not be grown in any area in consequence of any order made under any law by a competent authority, such suspensions or remissions shall carry with them automatically, suspensions of taccavi installments which fall due in the same year. The effect of the suspension of an installment shall be to postpone for one installment period the payment of all the remaining installments due on the loan. No interest shall be charged on such postponed installment for the period of postponement.

21. In individual cases genuine hardship owing to causes other than those attributable to failure of crops the Commissioner may direct postponement of one installment at his discretion. In such cases the payment of subsequent installments shall remain unaffected but no interest shall be charged on such postponed installment for the period of postponement.

22. Suspension may be granted by the Commissioner or under his orders by other subordinate officers who are empowered to grant loans under rule 4, provided that the amount of the loan on account of which the installment to be suspended is due does not exceed the amount up to which the officer granting the suspension is empowered.

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to sanction loans, and provided further, that when a general suspension of installments of loans is considered necessary on account of the particular circumstances of a tract or the character of the season the sanction of the State Government shall be obtained.

23. **Remission:** The State Government are authorised to sanction the remission arrears in the case of any one loan and also a general remission of loans on account of the particular circumstances of a tract or the character of the season.
2. The Adjudication of Certain Claims of Cultivators Act, 1932
The Adjudication of Certain Claims of Cultivators Act, 1932

[Act No. 11 of 1932]
[14th October, 1932]

PREAMBLE
An Act to provide for the better adjudication of certain claims of cultivators.
Whereas it is expedient to provide for the better adjudication of claims for possession of lands by persons who were not in possession when leases (pattas) were granted to them at the last settlement and by persons who were ejected from their lands by Revenue Officer during settlement operations and whose land were settled others by the Settlement Officer; it is hereby enacted as follows--

Section 1 - Short title, extent and commencement
(1) This Act may be called The Adjudication of Certain Claims of Cultivators Act, 1932.
(2) It extends to the whole of the [Bhopal region].
(3) It shall come into force at once.

Section 2 - Suits for possession of lands, to be instituted in Civil Courts
(1) Notwithstanding anything contained in any enactment for the time being in force a suit--
(a) for possession of land by a person who was not in possession when a lease (patta) was granted to him at the last settlement, or
(b) for declaration of right by a person who was ejected from his land by a Revenue Officer during settlement operations and whose land was settled with another person by the Settlement Officer. may be instituted in a competent Civil Court, whether or not such matter has before the commencement of this Act been disposed of by a Revenue Officer:
Provided that no such suit shall be instituted after six months from the commencement of this Act:
Provided further that the Government or any officer of the Revenue Department shall not be made a party of such suit.

1 Substituted by M.P.A.L.O. 1956.
(2) All applications and proceedings in such matters pending before Revenue Officers when this Act comes into force shall be transferred to the proper Civil Court for disposal.

(3) The decisions of the Civil Court under this Act shall be binding on all Revenue Officers and entries in the village papers shall be altered accordingly.

Section 3 - Amendment of Section 57, Act VII of 1936 Muhammadi

In Section 57 of the Bhopal State Land Revenue Act (No. VII of 1936 Muhammadi), for the words "Revenue Court" the words "Civil Court" shall be substituted.
3. The Madhya Pradesh Famine Relief Fund Act, 1937
The Madhya Pradesh Famine Relief Fund

Act, 1937

[Act No. 03 of 1937]

PREAMBLE

An Act to provide for the establishment and maintenance in Madhya Pradesh of a Fund called Madhya Pradesh Famine Relief Fund, for utilization on occasions of famine and of distress caused by serious drought, flood or other natural calamities in the said province.

Whereas it is expedient to provide for the establishment and maintenance in Madhya Pradesh of a Fund for utilization on occasions of famine and of distress caused by serious drought, flood or other natural calamities in the said province:

And whereas the Governor-General in Council has, with the sanction of the Secretary of State for India in Council, amended Schedule IV to the Devolution Rules made under the Government of India Act, so as to permit the withdrawal of the balance standing at the credit of the Provincial Government concerned, in the Famine Relief Fund:

And whereas the previous sanction of the Governor required by Section 80-C of the Government of India Act, has been obtained for the passing of this Act:

It is hereby enacted as follows--

Section 1 - Short title, extent and commencement

(1) This Act may be called the [Madhya Pradesh] Famine Relief Fund Act, 1937.2

[(2) It extends to and shall be in force in the whole of Madhya Pradesh.3]

Section 2 - Definition

In this Act, "Fund" means Madhya Pradesh Famine Relief Fund established under Section 3.

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1 Substituted by M.P. Act No. 23 of 1958
2 Published in the Central Provinces Gazette, dated the 12-1-1937.
3 Substituted by Section 3(3) of M.P. Act 23 of 1958
4 The Act was extended to the whole of Madhya Pradesh by Section 3 (1) of the M.P. Extension of Laws Act, 1958 (23 of 1958), vide item 37 of Part A of the Schedule to the said Act, with effect from 1-1-1959.
Section 3 - Establishment of Madhya Pradesh Famine Relief Fund
The State Government shall, on the commencement of [the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958)], establish in and for Madhya Pradesh a Fund called "Madhya Pradesh Famine Relief Fund." The Fund shall consist of--
(i) the securities of the Central Government mentioned in Sec 4;
(ii) the interest which may from time to time accrue on such securities;
(iii) such other sums as the State Government may, from time to time, contribute to the Fund under sub-section (2) of Section 7 or otherwise and
(iv) the interest which may from time to time accrue on the securities of the Central Government in which the sums to the credit of the Fund may be invested or re-invested under Section 6.

Section 4 - Withdrawal of the Famine Relief Fund and its investment in the securities of the Central Government
(1) The State Government shall, on the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958), invest a sum of forty lakhs of rupees in the securities of the Central Government in the name of the Secretary to the Government of Madhya Pradesh, Finance Department.
(2) Such sum as may fall to the share of this State under Section 80 of the State Reorganisation Act, 1956 (37 of 1956) from and out of the investments made by the pre-Reorganisation State of Madhya Pradesh in the Famine Relief Fund of that State shall also be re-invested in the manner provided for in sub-section (1) and shall until so reinvested be taken into account for purposes of determining the balance under Section 7.]

Section 5 - Purposes for which the fund may be utilized
The Fund shall not be expended except upon--
(i) the relief of famine in [Madhya Pradesh] and
(ii) the relief of distress caused by serious drought, flood or other natural calamities in the said State:
Provided that when the Fund exceeds [Seventy five] lakhs of rupees, the State Government may utilize the excess for any of the following purposes, namely:--
(i) to meet the expenditure on works for the prevention of famine in the said State;

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5 Substituted by M.P. Act No. 23 of 1958
6 Substituted by M.P. Act No. 23 of 1958
7 Substituted by M.P. Act No. 23 of 1958
(ii) to grant loans to cultivators either under the Land Improvement Loans Act, 1883 (XIX of 1883), or under the Agriculturists' Loans Act, 1884 (XII of 1884), or for relief purposes and to meet irrecoverable balance of such loans;

(iii) in the repayment of ordinary debt.

Section 6 - Investment and re-investment of amounts not required
The State Government shall from time to time invest or re-invest in securities of the Central Government all sums to the credit of the Fund which may not be immediately required for any of the purposes mentioned in Section 5.

Section 7 - Accounts of the Fund and making up of the deficiency in the Fund
(1) The accounts of the fund shall be made up at the end of each financial year, the securities belonging to the Fund being valued at their market value on the last day of such year.

(2) If the accounts so made up show that the balance in the Fund at the end of such year falls short of 8[Seventy-five] lakhs of rupees the deficiency shall be made up from the revenues of the State:
Provided that if the deficiency exceeds 9[Seven] lakhs of rupees, it may be made up in annual installments, the amount of each installment except the last not being less than 10[Seven] lakhs of rupees.

8 Substituted by M.P. Act No. 23 of 1958
9 Substituted by M.P. Act No. 23 of 1958
10 Substituted by M.P. Act No. 23 of 1958
4. The Central Provinces And Berar Relief of Agriculturist Debtors Temporary Measures Act, 1949
The Central Provinces and Berar Relief of Agriculturist Debtors Temporary Measures Act, 1949

(C.P. & BERAR ACT NO. XXIV OF 1949)

[Received the assent of the Governor—General on the 27th April 1949; assent first published in the "Central Provinces and Berar Gazette" Extraordinary on the 2nd May 1949].

An Act to provide for relief to agriculturist debtors as a temporary measure.

Preamble.-Whereas it is expedient to provide for relief to agriculturist debtors as a temporary measure: It is hereby enacted as follows:-

Statement of Objects and Reasons.

Heavy rains and prolonged wet weather in November last severely damaged the standing crops of juar and cotton in the cotton—juar tract of the Province reducing their yield appreciably. The law outturn of these crops coupled with the increased cost of cultivation has left very little margin in the income of the agriculturists in the affected tract to meet their liabilities on account of installments payable under the Central Provinces and Berar Debt Conciliation Act and the Relief of Indebtedness Act. Moreover the pressure of coercive process for the recovery of defaulted installments under these Acts is likely to interfere with the rehabilitation of agricultural industry in the ensuing session.

This Bill is designed to give Relief as an emergency measure to agriculturists in the affected areas by taking power to suspend temporarily the recovery of installments under these Acts and to stay the pending Proceedings for recovery of such installments.

1. Short title, extent and commencement.—(1) This Act may be cited as the Central Provinces and Berar Relief of Agriculturist Debtors (Temporary Measures) Act. 1949.
   (2) It extends to the whole of [Mahakoshal region].
   (3) It shall come into force in such areas and on such date as the State Government may, by notification, specify from time to time.

1 Subs. by M.P.A.O. 1956.
2. **Definition.**- In this Act, unless there is anything repugnant in the subject or context, "agriculturist" means a person-

(i) Who is recorded as an occupant, raiyat malik, tenant, lessee, or proprietor of land in the record of rights or the annual papers for the agricultural year 1947-48 in the area in which this Act is in force; and

(ii) In respect of whose debts an agreement has been registered in the area in which this Act is in force under section 12 of the Central Provinces and Berar Debt Conciliation Act, 1933 (11 of 1933) or a scheme has been prepared under section 11 of the Central Provinces and Berar Relief of Indebtedness Act, 1939 (XIV of 1939) by a Debt Relief Court which has jurisdiction in any part of the area in which this Act is in force.

3. **Postponement of installments fixed under Act II of 1933 or Act XIV of 1939.**- The amount of any installment payable by an agriculturist debtor under an agreement registered under section 12 of the Central Provinces and Berar Debt Conciliation Act, 1933 (11 of 1933) or under a scheme prepared under section 11 of the Central Provinces and Berar Relief of Indebtedness Act, 1939 (XIV of 1939) falling due between the first day of January 1949 and the first day of January 1950, shall, notwithstanding anything contained in the agreement or the scheme under which it is due, be suspended and on such suspension the payment of the installment and the remaining future installment due, shall be postponed by one installment period.

4. Stay of proceedings.—All proceedings under section 13 of the Central Provinces and Berar Debt Conciliation Act, 1933 (II of 1933), or section 13 of the Central Provinces and Berar Relief of Indebtedness Act, 1939, (XIV of 1939) against an agriculturist debtor pending before a revenue officer having jurisdiction in the area to which this Act applies shall be stayed till the first day of January 1950 and all attachment of growing crops. Agricultural produce, live-stock and other movable property of a perishable nature made in such proceedings shall be withdrawn.
5. The Madhya Bharat Famine (Suspension of Proceedings) Act, 1953
The Madhya Bharat Famine (Suspension of Proceedings) Act, 1953

[Act No. 12 of 1953]

PREAMBLE
An Act to provide for the suspension of certain proceedings in [Areas affected with famine or scarcity] Be it enacted as follows:--

Section 1 - Short title and extent-
(1) This Act, may be called The Madhya Bharat Famine or [Scarcity] (Suspension of Proceedings) Act, 1953.

(2) It extends to the whole of Madhya Bharat.

(3) It shall be deemed to have come into force from the 1st December, 1952.

Section 2 – Interpretation-
In this Act, unless the context otherwise requires,--

(a) "agriculturist", means a person who by himself or by his servant or tenants earns his livelihood wholly or principally by agriculture or by cattle-breeding within the limits of any famine affected area and it shall also include a person who ordinarily engages himself in agricultural labour or who works in a village as an agricultural artisan.

Explanation 1.-- A person who temporarily ceases to earn his livelihood by agriculture or cattle-breeding or who is prevented from so earning his livelihood by reasons of old age or bodily infirmity or necessary absence on account of service in the Armed Forces of the Union, does not cease to be an agriculturist within the meaning of this definition, but a mortgagee of lands in the occupation of an agriculturist is not an agriculturist.

Explanation 2.- In the case of co-owners of co-tenants or members of a joint family, such of them only as ordinarily engage themselves personally in agriculture or cattle-breeding shall be deemed to be agriculturists within the meaning of this definition, provided that in the case of a joint family, the family as a whole, and not the

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1 Substituted by M.B. Act No. 23 of 1954.
2 Substituted by M.B. Act No. 23 of 1954.
3 Received the assent of President on 30-4-1953 assent first published in M.B. Gazette, dated 8-5-1953.
individual members thereof not so engaging themselves, shall also be regarded as an agriculturist.

(b) "Court" means a civil or a revenue court or a Nyaya Panchayat;
(c) 4[affected area] means an area in respect of which a declaration has been made under Section 3 and is subsisting;
(d) "Notification" means notification published in the 5[Gazette];
(e) "prescribed period" means the period fixed under Section 4 and includes every extension thereof;
(f) "Proceeding" means any Proceeding in a court started on a plaint, petition of appeal, application or otherwise.

Section 3 - Power of Government to declare areas affected with famine or scarcity-
The Government may by notification, declare any area or areas to be affected with 6[famine or scarcity] and thereupon the provisions of this Act shall apply to such area or areas for the period fixed under Section 4.

Section 4 - Power to fixed prescribed period-
(1) Upon the issue of a notification under Section 3 in respect of any area, the Government shall by the same or another notification fix the period for which the provisions contained in secs. 5 to 10 shall remain in force in such area, and may likewise extend from time to time the period so fixed.
(2) On the termination of the prescribed period for any area the declaration in respect thereof made under Section 3 shall be deemed to be discharged and such area shall cease to be 7[an affected area].

Section 5 - Stay of certain proceedings
(1) All proceedings in execution of any decree for money, all proceedings for making final any preliminary decree for foreclosure or sale in enforcement of a mortgage and all proceedings in execution of any final decree for foreclosure or sale in enforcement of a mortgage passed by any Court on the basis of any liability incurred before the issue of a notification under Section 3 in respect of that area, in which the judgment

4 Substituted by M.B. Act No. 23 of 1954.
5 Substituted by Section 4 and Table thereunder of M.P. Adoption of Laws Order, 1956.
6 Substituted by M.B. Act No. 23 of 1954
7 Substituted by M.B. Act No. 23 of 1954
debtor or one of the judgment debtors in an agriculturist, shall be stayed for the prescribed period.

(2) Where proceedings in execution of any decree have been stayed under sub-section (1) all attachments of growing crops, agricultural produce, live-stock and other movable property of a perishable nature made in execution of such decree and subsisting on the date on which the stay order is passed, shall be deemed to be withdrawn.

(3) All proceedings under the Insolvency Act for the time being in force in Madhya Bharat against an agriculturist pending in any Court on the date of issue of notification under Section 3 shall be stayed for the prescribed period.

(4) All suits' for money and for foreclosure or sale in enforcement of mortgage against an agriculturist, and all appeals from decrees or orders passed in such suits, pending in any Court on the date of the issue of a notification under Section 3 in respect of that area, shall be stayed for the prescribed period.

Section 6 - Installment decrees-
Where any decree referred to in sub-section (1) of Section 5' is payable by installments and any installment payable thereunder fall due within the prescribed period then, notwithstanding anything contained in such decree-

(i) failure to pay such installment on the due date shall not be deemed to be a default;
(ii) no installment shall be deemed to have fallen due during the prescribed period;
(iii) the unpaid installments shall be payable after the expiry of the prescribed period on the same dates and with the same intervals as are provided in the decree; and
(iv) the decree shall be deemed to have been amended accordingly.

Section 7 - Institution of certain proceedings suspended-
(1) No suit for money and no suit for foreclosure or sale in enforcement of a mortgage against an agriculturist nor any appeal from any decree or orders passed in any such suit shall be instituted during the prescribed period in any Court.

(2) No application for execution of any decree referred to in sub-section (1) of Section 5 or for making final any preliminary decree for foreclosure or sale referred to therein shall be entertained by any Court during the prescribed period.

Section 8- Computation of the period of limitation.- (1) The prescribed period shall be excluded in computing the period of limitation prescribed by the Indian
Limitation Act, 1908 (IX of 1908), or any other law for the time being in force for suit, appeals and applications referred to in Section 7.

(2) In computing the period of twelve years prescribed in Section 48 of the Code of Civil Procedure, 1908 (V of 1908), for an application for execution of any decree referred to in sub-section (1) of Section 5 or in sub-section (2) of Section 7 the prescribed period shall be excluded.

Section 9- Restrictions on transfer.--- Every transfer of immovable property or of any interest therein made by an agriculturist in an Iran affected area who is a judgment debtor of any decree referred to in sub-section (1) of Section 5, during the prescribed period shall be void as against the holder of such decree.

Section 10- Payment of certain amounts.- Nothing contained in this Act, shall-
(a) prevent any decree holder from accepting any payment under a decree or making any adjustment thereof voluntarily made by the judgment-debtor;
(b) apply to a decree for money arising out of claims relating to trusts, or for maintenance or for profits in favour of a co-tenant or a co-owner or for damages for tort or for contribution between co-tenants of agricultural land; or
(c) apply to a mortgage decree sought to be executed by the sale of the mortgage property in the hands of a subsequent transferee who has taken the transfer subject to the mortgage on the basis of which such decree has been obtained.

Section 11- Repeal.-An soon as this Act comes into force the Madhya Bharat Famine (Suspension of Proceedings) Ordinance, Samvat 2009, shall stand repealed:
Provided that all orders made and action taken under the said Ordinance shall be deemed to have been made or taken under this Act.

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8 Sub- by M.B. Act No. 23 of 1954.
6. Madhya Bharat Agricultural Debtor's Relief Act, 1956
Madhya Bharat Agricultural Debtor's
Relief Act, 1956

[No. 33 of 1956]

[29th October, 1956]

PREAMBLE
An Act to make provision for the relief of indebtedness of agriculturists.

Be it enacted in the Seventh Year of the Republic of India as follows--

Section 1 - Short title, extent and commencement-
(1) This Act may be called The Madhya Bharat Agricultural Debtor's Relief Act, 1956.
(2) It extends to [the Madhya Bharat Region.]
(3) It shall come into force on such date as the Government may by notification in the Gazette appoint in this behalf.

Section 2 – Definitions-
In the Act, unless there is anything repugnant in the subject or context--
(1) "Agriculture" includes--
(a) the raising of annual or periodical crops and garden produce;
(b) horticulture;
(c) the planting and upkeep of orchards;
(d) the reserving of land for fodder, grazing or thatching grass;
(e) dairy farming;
(f) poultry; and
(g) stock breeding, but does not include leasing of land or cutting of wood only.
(2) "Debt" includes all liabilities owing to a creditor in cash or kind, secured or unsecured, payable under a decree or order of a civil court or otherwise whether due or not due but shall not include arrears of land revenue, or any amount recoverable as arrears of land revenue, other than the amount due under the award made regarding any debt by the Registrar, Co-operative societies before the 15th August, 1947 or any money for the recovery of which a suit is barred by limitation, or arrears of wages payable in respect of agricultural or manual labour.
(3) "Debtor" means a person who earns his livelihood mainly by agriculture and who, in [Madhya Bharat Region] is a pucca tenant, ordinary tenant, sub-tenant, concession holder, assignee of proprietary rights, or a holder of service holding [as defined in
Madhya Bharat Land Revenue and Tenancy Act, Samvat 2007 (No. 66 of 1950)\(^1\) and includes a person or undivided Hindu family who ordinarily engages in Agricultural labour or who works as an agricultural artisan.

(4) "Creditor" means a person to whom a debt is owing and includes a co-operative society.

(5) "Board" means a Debt Relief Board established under sub-Section (1) of Section 3.

(6) "Prescribed" means prescribed by rules made under this Act.

**Section 3 - Establishment of Debt Relief Board**

(1) The [State Government] may establish a Debt Relief Board for any district or part of district. Such Board shall consist of a Chairman and two members to be appointed by the Government. The Government may, for reasons to be recorded in writing, cancel any appointment and dissolve any Board:

Provided that the Chairman shall be a Civil Judge:

Provided also that if on the dissolution of the Board the Government does not consider the appointment of another Board necessary or desirable, it may authorise any officer or officers to exercise all or such powers of the Board, as it may specify.

(2) The Chairman and every member of a Board, so established, shall be appointed for a term not exceeding three years. Such Chairman or a member may, on the expiration of the period for which he has been appointed be again appointed from time to time for a further period which shall not exceed three years.

(3) The Quorum of the Board shall be two.

(4) Where the Chairman and the members of a Board are unable to agree, the opinion of the majority shall prevail. Where the Board is equally divided the Chairman shall have a casting vote.

(5) If at any time the Chairman of a Board is temporarily prevented from discharging duties, he may nominate any member thereof to act for him during his temporary absence and such member shall while to acting, have the same powers as the Chairman.

**Section 4 - Application for settlement between debtor and his creditor**

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\(^1\) Now MP. Land Revenue Code (20 of 1959).
(1) A debtor or any of his creditors may apply to the Board appointed for the area in which any holding of the debtor, or any part thereof, is situated or where the debtor ordinarily resides to effect of settlement between the debtors and his creditors.

(2) No debtor or creditor shall make more than one application, and where applications have been made by the debtor and any of his creditors the application made by the creditors shall be merged in the application made by the debtor.

**Section 5 - Application by debtor jointly and severally liable**

(1) If the payment of a debt due by a debtor is guaranteed by a surety or if a debtor is otherwise jointly and severally liable for any debt along with any other person and if the surety or such other person is not a debtor, the debtor may make an application under Section 4 for relief in respect of such debt and the Board may after consideration of the facts and circumstances of the case proceed with the settlement of debts under this Act in so far as such applicant is concerned.

(2) Whenever the debts due by a debtor which are guaranteed by a surety and adjusted under sub-section (1), the surety shall be discharged from liability in respect of the debts or portion of the debts of such debtor which are extinguished under sub-Section (5) of Section 26, Section 33 or sub-Section (2) of Section 34 and the surety shall not be entitled to proceed against the debtor in respect of such debts or portion.

**Section 6 - Assignees from non-debtor not entitled to benefit of this Act**

No application shall lie under Section 4 for settlement of any debt due from a debtor or to whom such a debt has been transferred or assigned after the 15th August, 1947, by any person who is not himself a debtor.

**Section 7 - Verification of application**

Every application made under Section 4 to the Board shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908 (V of 1908) for signing and verifying the plaints.

**Section 8 - Particulars to be stated in application**

(1) An application presented by a debtor to the Board under Section 4 shall contain the following particulars, namely--

(a) a statement that the debtor is unable to pay his debts;

(b) the place where he normally resides;
(c) the amount and particulars of all claims against him, together with the names and residences of his creditors so far as they are known to, or can by the exercise of reasonable care and diligence be ascertained by him;
(d) the amount and particulars of all his property including claims due to him together with a specification of the value of property and the place or places at which any such property is to be found.

(2) An application presented by a creditor shall contain the following particulars, namely--
(a) the name of the debtor;
(b) the place where the debtor resides; and
(c) the amount and particulars of his claim against such debtor.

(3) An application presented under this section shall be submitted by the debtor or creditor or by their authorised representatives in case of their inability owing to genuine reasons to the Chairman of the Board personally and the Chairman shall make a note of this thereon in his own hand.

Section 9 - Procedure on application-
(1) On receipt of an application under Section 4 the Board shall pass an order fixing a date and place for hearing the application:
Provided that if the Board is of opinion that the application is outside its jurisdiction, it shall dismiss the application without fixing any date.
(2) Notice of the order under sub-Section (1) shall be sent by registered post to the debtor or creditors, as the case may be.

Section 10 - Finality of Board's jurisdiction-
(1) If, on receipt of an application under Section 4, the Board admits the application as being within its jurisdiction or, under sub-Section (1) of Section 9, dismisses it for want of jurisdiction, a debtor or his creditor may within 30 days, make an objection in writing to the Board against such admission or dismissal.
(2) On receipt of an objection under sub-Section (1) the Board shall make such order thereon as it may deem fit and it shall be final.
(3) If no objection is made under sub-Section (1) or if an objection is made and decided under sub-section (2) the jurisdiction of the Board shall not be questioned in any Civil Court.

Section 11 - Notice calling upon creditors to submit statement of debts-
(1) If, after examining the debtor, the Board is of opinion that it is desirable to make an attempt to effect a settlement between him and his creditors, a notice shall be issued and served or published in the manner prescribed, calling upon every creditor or debtor to submit a statement of debts payable to such creditor by the debtor. Such statement shall be submitted to the Board in writing on or before such date as the Board may fix in this behalf not being earlier than two months from the date of service of publication of the notice, as the case may be:

Provided that, if the Board is satisfied that any creditor was, for good and sufficient cause, unable to comply with such direction, it shall extend the period for the submission of his statement of the debt owed to him.

(2) Every debt of which statement is not submitted to the Board in compliance with the provisions of sub-Section (1) shall be deemed for all purposes and all occasions to have been duly discharged:

Provided that the Board may revive the debt if a creditor proves to the satisfaction of the Board that the notice was not served on him and that he had no knowledge of its publication or that he was prevented from complying with the provision of sub-Section (1) on account of unforeseen or unavoidable difficulty.

Section 12 - Preliminary issue-

(1) On the date fixed for the hearing of an application made under Section 4, the Board shall decide as preliminary issue whether the person for the settlement of whose debts the application has been made is a debtor.

(2) If the Board finds that such person is not a debtor it shall dismiss the application forthwith for reasons to be recorded.

Section 13 - Procedure on submission of statement of debts-

(1) Every creditor submitting a statement of the debts owed to him in compliance with a notice issued under sub-section (1) of Section 11, shall furnish, along with such statement, full particulars of all such debts and shall at the same time produce all documents, including entries in book of account, on which he relies to support his claims together with a true copy of every such document:

Provided that if the Board is satisfied that any creditor was, for good and sufficient cause, unable to produce such document along with the statement, it shall require them to be produced on a date fixed for the purpose.
(2) Board shall after marking for the purpose of identification every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the creditor.

(3) If any document which is in the possession or under the control of the creditor is not produced by him as required by sub-Section (1) the document shall not be admissible in evidence in [Madhya Bharat Region] against the debtor or his heirs in any suit brought by the creditor or by any person claiming under him.

Section 14 - Verification of statement and particulars of debts-
Every statement submitted under sub-Section (1) of Section 11 together with all particulars furnished along with it under sub-Section (1) of Section 13 shall be signed and verified in the manner as prescribed by the Code of Civil Procedure, 1908 (V of 1908) for signing and verifying plaints.

Section 15 - Board to endeavour amicable settlement-
The Board shall call upon the debtor and each creditor respectively, to explain his case regarding each debt and shall endeavour to induce them to arrive at an amicable settlement.

Section 16 - Withdrawal of application-
An application for settlement of debts under Section 4 shall not be withdrawn without the leave of the Board.

Section 17 - Power of Board to require attendance of persons and production of documents and to receive evidence-
(1) Subject to the provisions of Sections 132 and 133 of the Code of Civil Procedure, 1908 (V of 1908) and to rules made under Section 34, the Board shall have power to summon any person whose attendance it considers necessary either to be examined as a party or to give evidence as a witness or to produce any document for the purpose of ascertaining the antecedents of any debt or for any other purpose in connection with an enquiry under this Act.

(2) Any person present may be required by the Board to give evidence or to produce any documents then and there in his possession or power.

Section 18 - Agreement of amicable settlement, its registration and effect-
(1) If the creditor or creditors come to amicable settlement with the debtor., such settlement shall forthwith be reduced to writing in the form of an agreement recording in a list of immovable properties of the debtor with particulars of any mortgage, lien
or charge subsisting thereon, the amounts payable to such creditor or creditors and the manner in which and the times at which they are to be paid. Such agreement shall be read out and explained to the parties concerned, and shall be signed or otherwise authenticated by the Board and the Parties:

Provided that, when a co-operative society is one of such creditors, no settlement, in so far as it affects the debts owing to such society, shall be valid without the previous approval in writing of the Registrar of Co-operative Societies.

(2) An agreement thus made shall, after the date of its making, be registered, under the Registration Act, 1908 (XVI of 1908) by the Chairman of the Board in such manner as may be prescribed and it shall then take effect as if it were decree of a Civil Court.

(3) For the purpose of the registration of an agreement under sub-section (2) the Chairman of the Board shall be deemed to be an officer of Government empowered to execute such agreement within the meaning of Section 88 of the Indian Registration Act, 1908.

Section 19 - Existing mortgage, lien or charge to subsist-
Where an agreement registered under sub-section (2) of Section 18 relates to a debt which is secured by a mortgage, lien or charge on any immovable property of a debtor, such mortgage, lien or charge shall subsist to the extent of the amount payable to the creditor in respect of such debt in accordance with the terms of the agreement until such amount has been paid or the property has been sold for the satisfaction of such debt.

Section 20 - Transfer of pending suits, appeals, applications and proceedings to the Board-
(1) All suits, appeals, applications for execution and proceedings, in respect of any debt pending in any civil or revenue court or in the Office of the Inspector or sub-inspector Co-operative Department shall, if they involve the question whether the person from whom such debt is due is a debtor, be transferred to the Board.

(2) When an application for settlement of debts made to the Board under Section 4 or a statement submitted to the Board under Section 13 includes a debt in respect of which a suit, appeal, application for execution or proceeding liable to be transferred under sub-section (1) is pending before a civil or revenue court, or the Office of the Inspector or sub-Inspector, Co-operative Department, the Board shall give notice
thereof to such Court or Office. On receipt of such notice, such Court or Office shall transfer the suit, appeal, application or proceeding as the case may be, to the Board.

(3) When any suit, appeal, application or proceeding is transferred to the Board under sub-section (1) of sub-section (2) the Board shall proceed as if an application under Section 4 had been made to it.

(4) If the Board to which any suit, appeal, application or proceeding is transferred under sub-section (1) or sub-section (2) decides (that the person for the settlement of whose debts the application has been made is not debtor) it shall re-transfer the suit, appeal, application or proceeding to the Court or Office from which it had been transferred to itself after the disposal and subject to the result of the appeal where an appeal is filed, and after the expiry of the period, prescribed for an appeal where no appeal is filed.

(5) When any suit, appeal, application or proceeding in re-transferred to the Court or Office under sub-section (4), the said Court or Office shall proceed with the same.

(6) When such suit, appeal, application or proceeding involved the determination of any issue entirely unconnected with the settlement of debts the transfer of such suit, appeal, application or proceeding under this section shall not empower the Board to determine the said issue and the determination of such issue shall be made as if the transfer of suit, appeal, application or proceeding was not made under this section.

(7) When any question arises regarding the validity of the transfer or re-transfer under this section of any suit, appeal, application or proceeding or if any question arises whether any issue is or is not entirely unconnected with the settlement of debts, the Court or Office before which such question arises, if it is not the District Court, may refer the question for decision to the District Court. If such question arises before the District Court, the District Court itself shall decide the same. The decision of the District Court in either case shall be final.

Section 21 - Taking accounts-
If the Board finds the person making an application under Section 4 or the person against whom an application is made under the said Section 4 to be a debtor, the Board shall proceed to take accounts in the manner hereinafter provided.

Section 22 - Mode of taking accounts-
In case the amicable settlement is not reached notwithstanding any agreement between the parties or the person (if any) through whom they claim; as to allowing
compound interest of setting off the profits of mortgaged property without an account in lieu of interest, or otherwise determining the manner of taking the account, and notwithstanding any statement of settlement of account, or any contract purporting to close previous dealings and create a new obligation, the Board shall enquire into the history and merits of the case and take account between the parties from the commencement of the transaction subsisting between the parties and the persons (if any) through whom they claim, out of which the claim has arisen and determine the amount due to each of the creditors at the date of the application made under Section 4 according to the following rules namely--

(1) (a) Separate accounts of principal and interest shall be taken;
(b) In the account of principal there shall be debited to the debtor only such money as may from time to time have been actually received by him or on his account from the creditor and the price of goods, if any, sold to him by the creditor;
(c) In the accounts of principal and interest there shall also be debited the amounts, if any respectively due for principal (including costs) and interest under any decree or order passed by a competent Court in respect of any debt:

Provided that if such decree or order does not specify the amount of principal and interest separately or does not contain any material for determining the same, two-third and one-third of the amount awarded by such decree or order shall for purposes of this clause, be deemed to be the amount awarded on account of principal (including costs) and interest respectively.

(2) In the case of transactions which commenced before the 1st January, 1941, the Board shall take the account up to the date of the institution of the application and in the account of interest there shall be debited to the debtor, simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties, or at the rate allowed under any decree passed between the parties or at a rate not exceeding 9 percent, per annum, whichever is the lowest. The amount found due in respect of principal as well as in respect of interest shall, each separately be reduced by 40 percent, notwithstanding that a decree or order of a Civil Court was passed in respect of any such amount or portion thereof. The amounts so reduced shall be taken to represent the amounts due in respect of principal and interest on the date of the institution of the application.
(3) In the case of transactions which commenced on or after the 1st January, 1941 but before the 1st January, 1950 in the account of interest there shall be debited to the debtor, simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties, or at the rate allowed under any decree passed between the parties, or at a rate not exceeding 6 percent, per annum, whichever is the lowest. The amount found due on the date of the institution of the application in respect of principal as well as interest shall, each separately be reduced by 30 percent, notwithstanding that a decree or order of a Civil Court was passed in respect of any such amount or portion thereof. The amounts so reduced shall be taken to represent the amounts due in respect of principal and interest on the date of the institution of the application.

(4) In the case of transactions which commenced on or after the 1st January, 1950, in the account of interest there shall be debited to the debtor, simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties, or at the rate allowed under any decree passed between the parties, or at rate not exceeding 6 percent per annum, whichever is the lowest.

(5) All money paid by or on account of the debtor to the creditor or on his account and all profits, service or other advantages of every description received by the creditor in the course of the transaction (estimated, if necessary, at such money-value as the Board in its discretion may determine) shall be credited first in the account of interest, and when any payment is more than sufficient to discharge the balance of interest due at the rate specified in sub-section (2), (3) or (4) as the case may be, the residue of such payment shall be credited to the debtor in the account of principal.

(6) The accounts of principal and interest shall be made up to the date of the institution of the application, and the aggregate of the balance, if any, appearing due on both such accounts against the debtor on that date shall be deemed to be the amount due on that date, except when the balance appearing due on the interest account exceeds that appearing due on the principal account, in which case, double the latter balance shall be deemed to be the amount then due.

Provided that where the transactions between the parties have commenced more than 30 years before the 1st January, 1950 any settlement of accounts which has been last arrived at between the parties before the said period of 30 years and which is in writing and bears the signature of the debtor or the person through whom the liability
is derived shall be accepted as binding between the parties and no enquiry into the history and merits of the case shall be made prior to the date of such settlement.

**Section 23 - In certain cases rent may be charged in lieu of profits**-
Where any mortgaged property is in the possession of the mortgagee or his tenants other than the mortgagor and the Board is unable to determine what profits have actually been received, it may fix a fair rent for such property and charge to the mortgage such rent as profits for the purpose of Section 22:
Provided that, if it be proved that in any year there was any suspension or remission of rent or land revenue of such land under Section 122 of the Madhya Bharat Land Revenue and Tenancy Act, Samvat 2007 an abatement of the whole or part of such amount may be allowed for the year.

**Section 24 - Power of Court to declare transfer purporting to be in nature of mortgage**-
Notwithstanding anything to the contrary contained in any law, custom or contract, whenever it is alleged during the course of the hearing of an application made under Section 4 that any transfer of land by a person whose debts are being settled under this Act or any other person through whom he inherited it was a transfer in the nature of mortgage, the Board shall declare the transfer to be a mortgage, if the Board is satisfied that the circumstances connected with the transfer showed it to be in the nature of a mortgage.

**Section 25 - Provisions of Section 24 not to apply to certain transfers and transferees**-
Nothing in Section 24 shall apply to--
(i) any transfer which has been finally adjudged to be a transfer other than a mortgage by a decree of a Court of competent jurisdiction; and
(ii) any bonafide transferee for value without notice of the real nature of such transfer or his representative where such transfer or representative holds it under a registered deed executed on or before the 1st January, 1951.

**Section 26 - Notice to Collector, co-operative societies, Registrar, local authorities and others**-
(1) On receipt of an application for settlement of debts, the Board shall give notice to the Collector requiring him to state to the Board within such time as may be fixed by it the amount of the debt due by the debtor to Government.

(2) The Board shall also give similar notice to any local authority, co-operative society, scheduled bank to which any debt may be due by the debtor and also to any person who is entitled to maintenance from the debtor, under a decree or order passed by a competent Court. In the case of any debt due to a co-operative society, the Board shall also give notice to the Registrar of Co-operative Societies or to such officer as the Registrar may nominate in this behalf.

(3) On receipt of such notice, the Collector, the local authority, the co-operative society, the scheduled bank, or the person entitled to maintenance, as the case may be, shall, within such time as may be fixed by the Board, from time to time, submit a statement to the Board showing the total amount of the debt due by the debtor as also any recurring liability against such debtor in respect of the liability for maintenance under the decree or order.

(4) The Collector, the co-operative society or the scheduled bank shall also furnish a statement to the Board showing the amount of remission which the State Government, the co-operative society or the scheduled bank, as the case may be, is willing to give in respect of the debt.

(5) The portion of any debt remitted under sub-section (4) and unless the Board otherwise directs, any debts or portion thereof, in respect of which no statement is submitted under sub-section (3), shall be extinguished:

Provided that the Board may revive the debt, if the Collector, Local Authority, Co-operative Society, Scheduled Bank or the person entitled to maintenance, as the case may be, satisfied the Board by proving that he was not served with a notice and he had no knowledge of its publication or that he was prevented from complying with the provisions of sub-Section (3) due to unforeseen or unavoidable circumstances.

Section 27 - Board’s duty of determine particulars, value, etc. of property

After taking accounts under Section 22, the Board shall in the manner hereinafter, provided determine--

(1) the particulars of the property belonging to the debtor;

(2) the value of the said property;

(3) the particulars of any encumbrances of the said property; and
Section 28 - Fraudulated alienations or encumbrances void-

(1) If in the course of the hearing of an application made under Section 4, the Board finds that the debtor has made an alienation of property or created any encumbrances thereon with intent to defeat or delay any of his creditors, the Board shall, by notice, summon the debtor and the person in whose favour the alienation of encumbrance is made or created to appear before it on a day to be specified in the notice.

(2) On the day specified in the notice or such other day to which the hearing may be adjourned, the Board shall hear the parties and record evidence as may be produced, and if it is satisfied that the alienation was made or the encumbrance was created with intent to defeat or delay any of the creditors of the debtor, the Board shall declare the alienation or encumbrance to be void.

(3) Nothing in this section shall impair the rights of an alienee or the holder of an encumbrance in good faith and for valuable consideration.

Section 29 - Value of property of debtor to be determined by Board in prescribed manner-

(1) Subject to the provisions of sub-sections (2) and (3) the value of the property and other assets of a debtor for the purpose of ascertaining the paying capacity of the debtor under Section 30 shall be determined by the Board in the prescribed manner.

(2) The property or assets which are exempted from attachment in execution of a decree of a Civil Court under the Code of Civil Procedure, 1908, shall not be taken into account.

(3) The Market-value of the lands, which, under any law for the time being in force are not transferable or alienable except with the previous sanction of the Collector or the State Government, shall be calculated in such manner as may be prescribed.

Section 30 - Paying capacity-

The paying capacity of the debtor shall, for the purposes of this Act, be deemed to be sixty percent of the value of all the property of the debtor:

Provided that when any portion of such property yields income, but the market-value of such portion cannot be determined, the value of such portion shall be the amount of the income capitalised at six percent per annum.

Section 31 - Debts payable by debtors to be scaled down-
(1) Notwithstanding any law, custom, contract, award or decree of a Court to the contrary, the amount found due under Section 22 from a debtor shall be further scaled down in the manner hereinafter provided.

(2) If all the debts found due by a debtor after taking accounts under Section 22 are unsecured, such debts shall be further scaled down pro rata to the paying capacity of the debtor.

(3) If all the debts found due by a debtor after taking accounts under Section 22 are secured debts, and the total amount of such debts is more than sixty percent of the value of the property belonging to the debtor, such debts shall be further scaled down pro rata to the paying capacity of the debtor.

(4) If the debts found due by a debtor after taking accounts under Section 22 are both secured and unsecured, and if the total amount of the secured debts is more than sixty per cent of the value of the property on which debts are secured, the secured debts shall be further scaled down pro rata to sixty per cent of the value of the property on which such debts are secured and the unsecured debts shall be further scaled down pro rata to sixty per cent of the value of the other property belonging to the debtor over which no debts are secured.

**Section 32 – Award**

(1) After determining the amount of debts scaled down in the manner provided in Section 31, the Board shall, save as otherwise provided in Section 33, make an award.

(2) The award shall be in the prescribed form and shall be drawn up subject to the following provisions--

(i) the amount of the secured debts scaled down shall be charged on the properties on which they may have been secured;

(ii) subject to clause (i), the amount of unsecured debts shall be charged on all the properties of the debtor unless all the creditors declare in writing that the unsecured debts due may not be charged on any of the properties of the debtor;

(iii) in fixing the priority in which debts shall be paid, the following order shall be followed:

(a) debts due to Government, which are charged on the immovable property belonging to the debtor or which are recoverable as the current year's land revenue,

(b) debts due to local authorities, which are charged on the immovable property belonging to the debtor or which are recoverable as the current year's land revenue,
(c) secured debts in order of priority,
(d) debts due to Government, local authorities and other bodies including co-operative societies, and recoverable as arrears of land revenue,
(e) other debts due to co-operative societies,
(f) unsecured debts:
Provided that in the case of unsecured debts, they shall be paid pro rata.
(iv) the total annual instalments shall not exceed twelve:
Provided that in fixing the amount of instalments in which the debts shall be paid, the Board shall ascertain the net annual income of the debtor, and the annual instalments payable by the debtor shall not exceed his net annual income.
Explanation—For the purposes of this clause, the net annual income of the debtor shall mean the balance of his annual income after deducting (i) such sum as may be considered necessary for the payment of this liability, if any, imposed on the debtor under a decree or order for maintenance passed by a competent Board, (ii) such sum as may be considered necessary for the maintenance of the debtor and his dependents, and (iii) the sum required by the debtor to pay the assessment and taxes in respect of the current year to Government and to local authorities and to pay off loans borrowed for the purpose of the financing of crops.
(v) the Board may pass an order for the delivery of possession of any property notwithstanding any law or contract to the contrary.
(vi) the rate of interest shall not exceed six per cent per annum of such less rate as may be notified in this behalf by the Government or the rate agreed upon between the parties when the debt was originally incurred or the rate allowed by the decree in respect of such debt whichever is the lowest.

Section 33 - No recovery of amount in excess of debts scaled down-
The amount of debts scaled down under Section 31 shall, for the purposes of this Act, be the amount due by the debtor in respect of the said debts and the portion of the debts in excess of this amount shall be extinguished.

Section 34 - Debts not to be scaled down in case of collusion-
If the Board making an award under Section 32 is, at any stage of the proceeding, satisfied that--
(1) the debtor had, in collusion with any creditor, furnished in such proceeding incorrect information in respect of the debt due by him to such creditor with a view to
defeat the lawful claims of any other creditor, the Board may refuse to scale down any of the debts of such debtor in the manner provided in Section 31 and may make an award for the full amount of the debts due from such debtor;
(2) any claim by a creditor in such proceeding had been put forward in collusion between the debtor and such creditor with a view to defeat the lawful claims of any other creditor, the Board shall order that the debt due by the debtor to such creditor shall be extinguished and such debt shall not be recoverable.

Section 35 - Ex-parte proceedings if any party does not appear-
(1) Notwithstanding that the person for the settlement of whose debts an application has been made under Section 4, or any of his creditors, does not appear on the date fixed for the hearing of the application or on any date to which it may be adjourned, the Board shall proceed ex-parte to hear the application, and, if necessary, make the award on the evidence available.
(2) When an application made under Section 4, is heard and disposed of ex-parte under sub-Section (1), the decision on the award shall not, except for sufficient reasons, be re-opened merely on the ground that any of the parties thereto did not appear at the hearing.

Section 36 - Re-opening of award and re-settlement of debts-
If, after an award is made under Section 32 the Board finds on an application made to it by any party or otherwise that the debtor has other property which was not disclosed to the Board when the award was made or that any property included in the award did not belong to the debtor the Board may, notwithstanding anything contained in this Act, re-open the award and re-settle the debts in accordance with the provisions of this Act:
Provided that where the Board is satisfied that the non disclosure of such property was in consequence of any fraud on the part of the debtor, the Board in revising the award shall not give the debtor the benefit of Section 31.

Section 37 - Award to be registered. How executed-
(1) Every award made under this Act if it is in respect of debts charged on the properties of the debtor shall, on payment of the court-fee payable under Section 43 be registered in the manner provided hereinafter.
(2) The court-fee on the award shall be paid by the party ordered by the Board to bear the costs:
Provided that any creditor, who is not ordered to bear the costs, may pay such court-
fee. Such creditor shall be entitled to recover the amount of court-fee paid by him
from the debtor with the first instalment payable to him under the award :
Provided further that no court-fee shall be payable by a co-operative society.

(3) The award shall be executed as follows--
(i) If the debtor makes default in the payment of any instalment due under the award
to any creditor, such creditor may apply in the prescribed form to the Board for
execution of the award.
(ii) If the Board, on receipt of such application, is satisfied that the debtor has made
default in the payment of the instalment, the Board shall transfer the award for
execution to the Collector, and thereupon the Collector shall recover the amount of
the instalment from the debtor as arrears of the land revenue :
Provided that nothing in clauses (i) and (ii) shall affect the right of Government, a
local authority, or a co-operative society to have recourse to any mode of the recovery
allowable by any law for the time being in force.
(iii) If the Board has passed an order for the delivery of the possession of any property
under clause (v) of sub-Section (2) of Section 32 such order shall on the application
be executed by the Board as if it were a decree passed by it.

Section 38 - Postponement of payment of instalment in case of remission, etc-
(1) Whenever from any cause the payment of one-half or more of the land revenue
payable to the Government is suspended or remitted, the payment of whole of the
instalment due for that year and the full amount of instalment due for each subsequent
year under an award of instalment shall be postponed for one year.
(2) Whenever from any cause the payment of any portion less than one-half of the
land revenue payable to the Government is suspended or remitted, one-half of the
amount of the instalment for that year and the full amount of the instalment for that
year and full amount of the instalment due for each subsequent year under settlement
or an award made under Section 32 shall be postponed for one year.

Section 39 - Board or Court may order sale of debtor's property in liquidation of
his debt-
If the Board or the Court hearing an appeal against the award is at any time satisfied
that it is in the interest of a debtor that any part of his property should be sold in
liquidation of his debt or part thereof, such Board or Court may permit the debtor to
sell such part of the property for such purpose within a specified period. If the debtor
fails so to sell it, such Board or Court may order an officer of the Board or Court, as
the case may be, to sell the same. The property ordered to be sold under this section
shall be sold by such officer in the manner prescribed:
Provided that the part of the property ordered to be sold under this Section shall not
exceed the part liable to be sold under sub-Section (2) of Section 52.

Section 40 - Pleaders etc. excluded from appearance-
Except in proceedings under Sections 24 and 28 and sub-section (3) of Section 37, no
pleader shall be entitled to appear on behalf of any party in any proceeding before the
Board or the Court in appeal under this Act:
Provided that the Board or the Court in appeal in the interest of justice for reasons to
be recorded in writing may allow the parties to be represented at their own cost by a
pleader:
Provided further that pleader's fee shall not be allowed as part of the costs for the
appearance of a pleader in any proceeding under this Act:
Provided also that if any officer of Government is appointed or declared by a
competent Court or is authorised, under any law for the time being in force as a
guardian, administrator or manager of the property of a person who is under a legal
disability or is incompetent or unable to manage or to act, such officer shall be
entitled to appear through a representative authorised by him in writing in this behalf
in any proceedings before the Board or the Court in appeal. Such representative may
also submit any application or otherwise act on behalf of the officer in any such
proceedings.

Section 41 – Appeals-
Not withstanding anything contained in any other law,--
(1) an appeal shall lie--
(a) from every order passed under Section 16;
(b) from every order passed under Section 18;
(c) from every order passed under Section 24;
(d) from every order passed under Section 28;
(e) from every order passed under sub-Section (1) of Section 35;
(f) from every award made under this Act, or an award before the making of which neither the debtor nor any of the creditors produced evidence; to enable the Board to determine the amount of debt due from the debtor;

(g) from an order made under sub-section (1) or (2) of Section 52 for adjudicating the debtor an insolvent:
Provided that no appeal shall lie from such order except on the ground that insolvent his failed to disclose all the material facts relating to his assets and liabilities.

(2) an appeal from the Board shall lie to the District Court and the appeal shall be made within sixty days, from the date of the order of award as the case may be, whichever is later. In computing the period of sixty days, the provisions contained in Sections 4, 7 and 15 of the Indian Limitation Act, 1908 shall so far as may be apply;

(3) no second appeal shall lie against any decision, order or award of the Board under this Act.

Section 42 - Power of District Judge to refer, for disposal, certain appeals, to Additional District Judge or Civil Judge empowered to hear appeals.
A District Judge may refer for disposal any appeal filed under the last preceding section to an Additional District Judge, or a Civil Judge invested with power to hear appeals under Section 24 of Madhya Bharat Civil Court Act, Samvat 2006.

Section 43 - Court-fees-
(1) Notwithstanding anything contained in the Indore Court-fees Act (IV of 1918), as adopted in Madhya Bharat, court-fees payable in respect of proceedings under this Act shall be at the following rates:

(i) on an application under Sections 4, 16, 18 or sub-section (1) of Section 24--Re. 1;

(ii) on an award other than an award specified in clause (i)--Re. 1 for every hundred rupees, or part thereof, the amount of the award, subject to a maximum of Rs. 50;

(iii) on an appeal against a decision of the Board--Rs. 2;

(iv) on an order passed under Section 13--Rs. 2;

(v) on an appeal other than an appeal specified in clause (iii)--Re. 1 for every hundred rupees or part thereof of the amount involved subject to maximum of Rs. 50.
(2) Notwithstanding anything contained in any law, the court-fees payable in respect of proceedings under this Act shall be a first charge on the property of the party ordered to pay the costs and shall be recoverable in such manner as may be prescribed.

Section 44 - Notice how served-
Any notice required to be served under this Act shall be served in the manner provided in the Code of Civil Procedure, 1908, and when rules are made in that behalf, in such a manner as may be prescribed.

Section 45 - Provisions of Civil Procedure Code to apply to proceedings-
Save as otherwise expressly provided in this Act, the provisions of the Code of Civil Procedure, 1908, shall apply to all proceedings under this Act:
Provided that the Board may, in a proper case and on such terms as may appear to it to be just, exercise its powers to add or strike out parties under Rule 10 of order I of the said Code in any proceeding pending before it under Section 4 or 24 notwithstanding the fact that such addition, or striking out of parties is to be made after the date specified in Section 4 or 24, as the case may be, has elapsed.

Section 46 - Debt Settlement Register and index-
In all registration offices a book called "Register of Debt Settlement Awards" and an index relating thereto shall be kept. The book and index shall be kept in such a form and shall contain such particulars as the State Government may prescribe.

Section 47 - Court to send award and memorandum to registrars and sub-registrars-
Where an award is required to be registered under Section 37, it shall be the duty of the Court making the award to send to the sub-registrar of the sub-district in which the property, which is the subject-matter of the award, or any part of such a property is situated, or, if there is no sub-registrar for the area, to the registrar of the district in which the property or its part is situate, a certified copy of the award after court-fees has been paid thereon in accordance with the provision of Section 43 together with memorandum containing such particulars as the State Government may prescribe.

Section 48 - Notice of appeals to Registrars-
If a party files an appeal against an award, under Section 41, and if such an award has been registered under Section 37, it shall be the duty of the Court in which the appeal is filed to send to the sub-registrar or the registrar to whom a certified copy of the award has been sent under Section 47, a notice regarding the institution of the appeal.

Section 49 – Registration-
After the expiry of the period provided for the appeal against an award, if no appeal is filed, or if an appeal is filed after the disposal of the said appeal, the sub-registrar or the registrar, as the case may be, shall register the award in the register of debt settlement awards, and shall also enter particulars in the index kept under Section 46.

Section 50 - Notice of awards-
Any person acquiring any property share or any part of, or any share or interest in, the property of a debtor for settlement of whose debts an award has been made and registered, shall be deemed to have notice of the award as from the date of the registration under this Act.

Section 51 - Application of Indian Registration Act-
Except as herein provided, the provisions of the Indian Registration Act, 1908, shall mutatis mutandis apply to the registration of awards, and the words and expressions used in this Act but not defined in this Act shall have the meanings assigned to them in the Indian Registration Act, 1908.

Section 52 - Board to declare debtor insolvent in certain circumstances-
(1) If at any stage of the proceedings under procedure of settlement of debts, the Board finds that the income of the debtor, and his movable property are not sufficient to allow his debts to be liquidated by annual instalment not exceeding twelve in number, the Board shall make an order adjudicating the debtor an insolvent.

(2) If at any time after the expiration of two years from the date of an award, the debtor satisfies the Court that there is no reasonable probability of his being in a position to pay the remaining amount of instalments fixed under the award, the Board may, notwithstanding anything contained in this Act, after giving notice to the creditor, modify the terms of the award and reduce the amount of the instalment as it may think fit, provided that the total annual instalments in which the balance of the debts shall be paid in such instalments shall not exceed twenty, or the Board may make an order adjudicating the debtor an insolvent.
(3) After the debtor has been adjudicated an insolvent, the Board shall direct that such portion of the property of the debtor, liable to attachment and sale, under Section 60 of the Code of Civil Procedure, 1908, excluding such portion thereof as the State Government shall from time to time notify in the Official Gazette as the minimum necessary for the maintenance of the debtor and his dependents, as may be required to liquidate all the debts of the debtor, shall immediately be sold free of all encumbrances in liquidation of all debts outstanding against such debtor.

Section 53 - Procedure in insolvency proceedings-
The order of adjudication made under sub-section (1) or (2) of Section 52 shall have the force of an order made by a competent Court in the exercise of its powers under Section 7 of the Provincial Insolvency Act.

Section 54 - Distribution of assets of insolvent-
The proceeds realised by the sale of the property of the insolvent under Section 52 shall be distributed in the order of priority specified in clause (iii) of sub-section (2) of Section 32.

Section 55 - Bar of application in insolvency in other courts-
No application or proceedings in regard to the insolvency of the debtor shall lie in, or shall be dealt with by, any other Court.

Section 56 - Appeals barred-
Save as provided sub-clause (g) of clause (1) of Section 41, no appeal shall lie from any order passed under this Act.

Section 57 - Period of proceedings before Board under this Act to be excluded-
In computing the period of limitation for the institution of any suit or proceeding in respect of any debt due from any person who is held not to be a debtor by the Board or the Court in appeal or an application relating to which has been dismissed by the Board or the Court in appeal, the period during which the proceeding, in respect of such debt, were prosecuted before the Board or the Court in appeal, shall be excluded.

Section 58 - Alienation of standing crops, etc. before re-payment of loan prohibited-
(1) No person, who is or was a party to any proceedings or award under this Act, and who is indebted to any person authorised to advance loan under Section 59 of this Act on account of any loan advanced to him under this Act, shall hypothecate or sell the
standing crops or the produce of his land without the previous permission of the person, until such loan has been repaid in full.

(2) Any person who hypothecates or sells the standing crop or the produce of his land in contravention of sub-Section (1), shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to rupees 500.

(3) No criminal Court shall take cognizance of any offence under this section except on the complaint in writing of the Chairman of the Board before which the proceedings were held, or which made the award.

Section 59 - Power of State Government to authorise any person to advance loans to the debtors-

(1) The Government or any officer empowered by it may by notification in the Official Gazette authorise in any local area any person to advance loan to the debtors who are parties to any proceedings under the Act or in respect of his debts and adjustment has been made under this Act.

(2) Such authority shall be granted on such conditions as may be prescribed.

Section 60 - Recovery of sums due under agreement-

(1) If a debtor makes default in paying any amount due in accordance with the terms of an agreement registered under sub-Section (2) of Section 18, such amount shall be recoverable, on the application of the creditor made within ninety days from the date of default as if it were an arrear of land revenue.

(2) Where the Collector has under sub-Section (1) recovered any amount which was payable in accordance with the terms of agreement, he shall proceed to make payment as follows--

(a) he shall, in the first instance, apply the sum realised from the sale of any portion of the movable property to the payment of any amount payable under the agreement on account of a debt which is secured by mortgage, lien or charge on such property in order of priority determined in accordance with the provisions of the Transfer of Property Act, 1882 (IV of 1882) and, if the said sum is insufficient to meet such payments the amount which have remained unpaid shall rank equally with unsecured debts;

(b) if there is a surplus after the payments have been made under clause (a) the Collector shall apply to the payment of any other amounts payable under the
agreement the sum of the surplus and of the proceeds realised from the sale of such portion of any other property of the debtor as will, together with the surplus, be sufficient to meet the payment of such accounts;
(c) if the sum of the surplus and sale proceeds referred to in clause (b) are insufficient to meet the payment of other amount referred to therein such other amount and any amount payable an account of any unsecured debt for the recovery of which a decree has been passed by a Civil Court, and of which details are given in the agreement shall rank equally between themselves for the purposes of payment.
(d) Any further surplus remaining after the payments have been made under clauses (a), (b) and (c) shall be paid by the Collector to the debtor.
(3) Where the Collector fails, under sub-section (1) to recover as an arrear of land revenue any part of the amount referred to therein he shall certify that it is irrecoverable and thereupon the agreement shall cease to subsist.
(4) Where an agreement ceases to subsist any amount which was payable under such agreement but has not been paid shall be recoverable as if a decree of a Civil Court had then been passed for its payment.

Section 61 - Power to deposit amount of instalment with the Collector-
(1) If a creditor refuses to accept any amount tendered to him by his debtor in accordance with the terms of an agreement registered under sub-section (2) of Section 18, or in accordance with the terms of the award registered under Section 37, or if in any case, the debtor is doubtful as to the person entitled to receive such amount, the debtor may apply to the Collector for permission to deposit such amount with him.
(2) An application made under sub-Section (1) shall be in writing and shall contain--
(a) a statement of the grounds on which it has been made,
(b) the name of the creditor to whose credit the deposit is to be entered, and
(c) the name of the person to whom payment was last made and of the person now claiming it.

Section 62 - Grant of receipt for deposit-
(1) If it appears to the Collector that the applicant is entitled to make the deposit under Section 61, the shall receive such deposit and give a receipt therefor.
Payment of deposit--(2) The Collector shall cause a notice of such deposit to be served on every person who, he has reason to believe, claims or is entitled to it and
may pay the amount thereof to any person appearing to him to be entitled to it, or may retain it pending the decision of a Civil Court as to the person entitled to it.

**Section 63 - Debtor to be deemed to have fulfilled terms of agreement or of award**-

A debtor who has made deposit under Section 62 shall be held to have fulfilled the terms of the agreement or of the award.

**Section 64 - Bar of suits and other legal proceedings**

Not suit or other legal proceeding shall be instituted in any Court against the Chairman of the Board or any member for anything done or intended to be done under this Act.

**Section 65 - Bar of civil suits**-

Except as otherwise provided in this Act and notwithstanding anything contained in any other law, no Civil Court shall entertain--

(a) any suit in respect of--

(i) any matter pending before a Board, or

(ii) the validity of any procedure of the legality of any agreement made under this Act or award, or

(iii) the recovery of any debt recorded as wholly or partly payable under an agreement registered under sub-section (2) of Section 18 from any person or an award made against any person who, as a debtor, was party to such agreement whether such agreement or award is subsisting or not, or

(iv) the recovery of any debt which has been deemed to have been duly discharged under sub-section (2) of Section 11 except a debt which is revived under the proviso to that sub-Section,

(b) any application to execute a decree, the execution of which is suspended.

**Section 66 - Any transfer made by the debtor before the discharging of debt shall not be valid**-

Being any law or contract in force, transfer of property of such debtor who is a party to any proceeding under this Act or in an award registered under this Act which has been made under the provisions of Sections 39 and 58 before discharging of all his debts by him shall not be valid except with the previous sanction of the Board.

**Section 67 - Bar of appeal or revision**-
Except as otherwise in this Act no appeal or application for revision shall lie against any order or award made by a Board.

**Section 68 - Power of Board to review its order**
The Board may, either on its own motion at any time or on the application from any person interested, made within 90 days of the passing of an order review any order passed by it and pass such order in reference thereto as it thinks fit:
Provided that no order shall be varied or reserved unless notice has been given to the person interested to appear and be heard in support of such order.

**Section 69 - Suspension of pending application or suit**
When an application has been made to the Board under Section 4, any suit or other proceeding then pending before a Civil Court in respect of any debts for the settlement of which application has been made shall be suspended until the Board has disposed of the application.

**Section 70 - Members of Board deemed to be public servants**
The members of the Board shall be deemed to be public servants within the meaning of the Indian Penal Code (XLV of 1860).

**Section 71 - Proceedings deemed to be Judicial proceedings**
All proceedings under this Act shall be deemed to be judicial proceedings within the meaning of Section 228 of the Indian Penal Code.

**Section 72 – Rules**

(1) The State Government may, by notification in the Official Gazette and subject to the condition of previous publication from time to time make rules for carrying into effect the purposes of this Act.

(2) In particular and without prejudice, to the generality of the foregoing provision such rules may be made for all or any of the following purposes namely--

(a) for regulating the procedure before the Board,

(b) the form of application under sub-section (2) of Section 4 and the manner of signing, verification and presentation thereof,

(c) the manner in which notices shall be issued and served or published under sub-section (1) of Section 11,

(d) the process fee to be charged for issue of process under this Act,

(e) the inventories of property, lists of creditors and of debtors and of debts due to and from a debtor, the examination in respect of property or creditors, the time at which
the debtors shall attend before the Board and the production of books of account, the
examination to be submitted to and the information to the supplied by the creditor in
respect of the debt due to him by the debtor,
(f) the power of the Board to summon parties and witnesses under Section 18 and the
grant of expenses to witnesses,
(g) the place at which and the manner in which an agreement shall be registered under
sub-section (2) of Section 18,
(h) the manner of determining the value of property and other assets under sub-section
(1) of Section 29, and the manner of calculating the market value of the lands under
sub-section (3) thereof,
(i) the form of award under sub-section (2) of Section 32 and Section 33
(j) the form of application under clause (i) of sub-section 37,
(k) the manner in which property may be sold under Section 39,
(l) the manner of recovery of court-fees under sub-section (2) of Section 43,
(m) the charges to be made by the Board for anything done under this Act and the
persons by whom and the manner in which such charges shall be paid,
(n) the form of and the particulars to be included in the Register of Debt Adjustment
Awards and the index kept under Section 46,
(o) the particulars to be included in the memorandum under Section 47,
(p) the conditions on which authority to grant loans shall be granted under sub-section
(2) of Section 59,
(q) the records to be kept and the returns to be made by the Board,
(r) the allowances, if any, to be paid to the Chairman and members of the Board,
(s) the purposes for which loans may be granted under sub-Section (1) of Section 59.
(3) Any charges prescribed by rules may be recovered as an arrear of land revenue
from a person liable to pay them.
(4) In making any rule the Government may direct that a breach thereof shall be
punishable with fine which may extend to fifty rupees, and, where the breach is a
continuing one, with further fine which may extend to ten rupees for every day after
the first during which the breach has persisted in.

Section 73 - Savings
Save as otherwise expressly provided, nothing in this Act shall affect the debts and liabilities of the debtor failing under the following heads--

(1) any revenue or tax payable to Government or any other sum due to it by way of loan or otherwise,

(2) any tax payable to a local authority or any other sum payable to such authority by way of loan or otherwise,

(3) any sum due to a co-operative society, actually advanced after 15th August, 1947,

(4) the sum of loan advanced under Section 59,

(5) any sum due under a decree or order for maintenance passed by a competent Civil Court, and

(6) any sum due to a scheduled bank.

**Section 74 - Repeal**

As soon as this Act comes into force the Agricultural Debtor's Relief Act Gwalior State, Samvat 2007, the Indore Debt Conciliation Act, the Barwani State Agriculturists Relief Act, the Sitamau Agriculturists Relief Act, 1944, and all other laws in respect of the relief of indebtedness of agriculturists for the time being in force in the Government States of Madhya Bharat shall stand repealed, but it shall not affect the Madhya Bharat Money Lender's Act, 1950 and the Madhya Bharat Usurious Loans act, 1951:

Provided also that all actions taken or orders given under the said Act, Rules and Laws shall, so far as they could have been validly taken or given under this Act, be deemed to have been taken or given, as the case may be, under this Act.
7. M.P. Agriculturist Debtor’s Relief Scheme, 1990
M.P. Agriculturist Debtor’s Relief Scheme, 1990

1. Short title, commencement and application.--
(1) This scheme may be called The Madhya Pradesh Agriculturist Debt Relief Scheme, 1990.
(2) It shall come into force with immediate effect.
(3) It shall apply to the loans of the co-operative sector as defined hereinafter.

2. Definitions.--
In this scheme unless the context otherwise requires--
(a) "Agriculturist" means a person holding agricultural land as Bhumiswami, Occupancy Tenant, Government Lessee or service and, includes a landless person engaged in agriculture;
(b) "Bank" means the Madhya Pradesh State Co-operative Bank, District Central Co-operative Bank, Primary Co-operative Society, the Madhya Pradesh State Co-operative Land Development Bank and District Co-operative Land Development Bank lending to individuals for agricultural activity.

Explanation—
Primary, Co-operative Society includes PACS LAMPS, FSS, SS and any other primary co-operative society lending to agriculturists.
(c) "Effective date" means 1st January, 1990;
(d) "Eligible Loan" means and includes overdues including overdue interest of an individual agriculturist who borrowed an agricultural loan or loans from one or more Banks, and had overdues with such bank/banks as on the effective date.

Explanation.--
(1) The following loans shall be treated as agricultural loans for the purpose of this clause :
(i) Short term loans advanced in cash or kind for agriculture and horticulture production, including converted re-scheduled, re-phased medium term loans.

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(ii) Term loans advanced for purchase of bullocks, bullock-carts and agricultural implements.

(iii) Term loans advanced for the construction or repair of dug wells and diesel/electric pumps and Persian wheels.

(iv) Term loans advanced for land improvement whether an overdue loan against an agriculturist is eligible for the grant of relief or not under this scheme, the decision of State Government shall be final.

(2) The following loans shall not be included for the purpose of this clause;

(i) Loans taken for Tractor/Tube-wells.

(ii) Loans taken by farmers having irrigation from a perennial source maintained by Government.

(iii) Loans taken by persons who get income from sources other than agriculture and are Income-tax payers.

(iv) Loans taken by persons who are in the regular employment of Government, Government Corporations/Companies, Government aided institutions or private institutions.

(v) Loans taken by persons who have establishments that are registered with the Sales Tax authorities.

(e) "Perennial Source of Irrigation" means a source of irrigation having full supply for 275 days or more in a year.

(f) "Registrar" means Registrar, Co-operative Societies, Madhya Pradesh.

3. Relief and its limit.--

(1) Co-operative Banks shall sanction debt relief up to a limit of Rs. 10,000 to a borrower of eligible loan at their level.

(2) Cases of borrowers whose eligible loan exceeds Rs. 10,000 shall be decided by the Deputy/Assistant Registrar, Co-operative Societies of the District Registrar in accordance with such directions as the State Government may issue.

4. Identification of borrowers and determination of eligible loans.--

(1) Identification of borrowers of eligible loans shall be done by the concerned lending co-operative institution.

(2) For the identification of borrowers of eligible loans, concerned bank shall prepare the borrower wise details in such forms as may be prescribed by the State Government/Registrar.
(3) Details in respect of eligible loans prepared under sub-section (2) shall be placed before the Managing Committee of the concerned bank for finalisation with modifications, if any, the list so finalised by the Managing Committee shall be audited and certified by an auditor to be appointed by the Registrar who shall forward the same to the Manager of Central Co-operative Bank/L.D.B. State Co-operative Bank, as the case may be, for determining eligible loans and sanction waiver of the loans as provided hereinafter.

(4) On the basis of details so forwarded by the auditor, information shall also be prepared by the bank concerned in such format as may be required by the lead bank for the purpose of computing loan waiver under the Agricultural and Rural Debt Relief Scheme, 1990 of the Government of India.

5. Adjustments in the loan Account.--

(1) After the sanction of debt relief in respect of overdue amount of principal and interest under Section 3, the Bank shall issue a certificate in respect of debt relief sanction to the borrower, in a form prescribed by the State Government/Registrar.

(2) Credits shall be given in the eligible loan accounts upto the amount of loan waiver sanctioned as per priorities laid down by the State Government, to the extent of payment made by the State Government to the Banks.

(3) The amount of loan waiver of remaining accounts of eligible loans shall be credited and transferred to deferred loan accounts of respective borrowers shown as "Receivable from the State Government under Debt Relief Scheme" till the amount is received from the State Government with interest thereon.

6. Eligibility of beneficiaries for fresh loans.--

(1) All borrowers whose loan accounts are closed under sub-section (2) of Section 5 of this scheme, shall be considered as eligible for fresh loans and advances by the bank for ensuing seasonal agricultural operations:

Provided, however, that any such borrower who failed to repay any loan or loan instalment falling due after 31st December, 1989, shall be considered as defaulter.

(2) In so far as the borrowers falling under sub-section (3) of Section 5 are concerned fresh finance will be extended to them to the extent the resources permit, without Nabard assistance.

7. Submission of Claim Statements.--
Each bank shall prepare and submit claims in respect of the amount of relief in the prescribed form to the State Co-operative Bank/State Land Development Bank as the case may be who shall submit the consolidated statement to the State Government through Registrar, Co-operative Societies for sanction and adjustment against advance made available by the State Government.

8. Interest claims.--
The claim statements submitted to the State Government shall cover interest due on the amount receivable from the State Government upto the date of release of funds by the State Government.

9. Payment of the claim amount.--
In order to maintain the liquidity of the Co-operative Banks, a part of the anticipated claim amount will be released in advance to them by the State Government out of its own budget and out of the fund received for this purpose from Government of India through Reserve Bank of India/Nabard.

(2) Claim statements in respect of deferred accounts mentioned in sub-section (3) of Section 5 shall be submitted by the State Co-operative Bank/State Land Development Bank within a period not exceeding three months and the payment of such claims shall be made by the State Government to the banks in quarterly instalments over a period not exceeding two years.

10. Administrative guidelines.--
State Government/Registrar may issue suitable administrative guidelines for smooth and expeditious implementation of the scheme.

11. Miscellaneous.--
(1) This scheme is only "One Time Measure" and will cover loans overdue as on 1st January, 1990 and that this facility will not be extended in future.

(2) The previous scheme of "Blocking of Overdues" shall stand repealed on the commencement of this scheme.
8. The Madhya Pradesh Sugarcane (Purchase Tax) Act, 1961
The Madhya Pradesh Sugarcane (Purchase Tax) Act, 1961

PREAMBLE
An Act to impose a tax on the purchase of sugarcane by Factories.
Be it enacted by the Madhya Pradesh Legislature in the Twelfth Year of the Republic of India as follows:—

Section 1 - Short title, extent and commencement-
(1) This Act may be called the Madhya Pradesh Sugarcane (Purchase Tax) Act, 1961.
(2) It extends to the whole of Madhya Pradesh.
(3) It shall come into force on such date as the State Government may, by Notification, appoint in this behalf.

Section 2 – Definitions-
In this Act, unless the context otherwise requires—
(a) "Commissioner" means the Commissioner of Sales Tax appointed under Section 3 of the Madhya Pradesh General Sales Tax Act, 1958 (2 of 1959);
(b) "Owner of a factory" means the person who or the authority which owns or has the ultimate control over the affairs of the factory and shall, where the said affairs are entrusted to a Manager, Managing Director, or a Managing Agent;
[(b-1) "year" means the period beginning on the first day of October in any year and ending on the thirtieth day of September in the year next following];
(c) words and expressions used but not defined in this Act, but defined in the Madhya Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1958 (No. 1 of 1959) shall have the meanings respectively assigned to them in that Act.

Section 2A - Officers who shall assist Commissioner-

1 Received the assent of the President on the 25th November, 1961, assent first published in the "Madhya Pradesh Gazette" on the 8th December, 1961
2 Substituted by M.P. Act No. 24 of 1962
3 Omitted by M.P. Act No. 24 of 1962
4 Inserted by M.P. Act No. 24 of 1962
The following category of officers appointed under the Madhya Pradesh General Sales Tax Act, 1958 (2 of 1959), shall assist the Commissioner in carrying into effect the provisions of this Act, namely:—
(a) Additional Commissioner of Sales-Tax;
(b) Assistant Commissioner of Sales-Tax;
(c) Sales-Tax Officer; and
(d) Inspector of Sales-Tax.
(2) The officers mentioned in sub-section (1) shall have jurisdiction under this Act over such area within which they exercise jurisdiction under the Madhya Pradesh General Sales Tax Act, 1958 (2 of 1959).
(3) An Additional Commissioner of Sales Tax shall exercise all the powers and perform all the duties as are conferred or imposed on the Commissioner by or under this Act and the other officers referred to in sub-section (1) shall exercise such powers and perform such duties as may be delegated to them by the Commissioner.]

Section 3 - Imposition of tax-
(1) There shall be levied and collected in such manner as may be prescribed, a tax on the purchase of sugarcane made by the owner of a factory at a rate of not less than thirty two Naye Paise and not more than sixty seven Naye Paise per quintal of sugarcane as the State Government may, from time to time, by notification, specify.
(2) The tax levied under sub-section (1), shall be payable by the owner of the factory to the State Government on such date, at such place, in such installments and in such manner as may be prescribed].

Section 3A - Submission of returns and payment of tax
(1) Every owner of a factory shall furnish a correct and complete return for such period, in such form, by such date, and to such authority as may be prescribed.
(2) Every such return shall be signed and verified in accordance with Order VI, Rule 15, of the Code of Civil Procedure, 1908 (V of 1908).
(3) Every such return shall be accompanied by a receipt evidencing the payment on Government account into a Government treasury of the amount of tax payable under sub-section (2) of Section 3 of this Act].

5 Inserted by M.P. Act No. 24 of 1962
6 Substituted by M.P. Act No. 24 of 1962
7 Substituted by M.P. Act No. 24 of 1962
8 Substituted by M.P. Act No. 26 of 1965
9 Inserted by M.P. Act No. 24 of 1962
Section 3B - Assessment of tax-

(1) If the Commissioner is satisfied that the return furnished by the owner of a factory in respect of any period is correct and complete he shall assess the owner of a factory on it.

(2) If any owner of a factory fails to furnish a return in respect of any period by the date prescribed for such period under sub-section (1) of Section 3-A or knowingly furnishes incomplete or incorrect return for any such period the Commissioner may, after making such inquiry as he considers necessary and after giving such owner of a factory a reasonable opportunity of being heard, assess, to the best of his judgment the amount of tax due from him for such period.

(3) Where the owner of a factory has not paid the amount of tax payable under sub-section (2) of Section 3 of this Act along with the return furnished by him or where as a consequence of assessment under this section, any amount of tax is due from the owner of a factory the Commissioner shall cause a notice to be served upon him requiring him to pay the amount of tax due from him and remaining unpaid within ten days from the date of service of such notice.

(4) Any tax payable under this Act, if not paid by the last date prescribed for payment thereof shall carry interest from such date till the date of payment at such rate as the State Government may, from time to time, by notification, specify and different rates may be specified for different periods.

(5) Where any tax payable under this Act, or interest thereon, or both, as the case may be, remains unpaid for a period exceeding fifteen days beyond the date specified in sub-section (3), the Commissioner may, after giving the owner of the factory liable to pay the same a reasonable opportunity of being head direct him to pay, in addition to the amount of arrear of tax and interest thereon, a further sum by way of penalty not exceeding ten percentum of the total sum payable by a date to be specified in the order.

10 Substituted by M.P. Act No. 26 of 1965
11 Substituted by M.P. Act No. 33 of 1974
12 Substituted by M.P. Act No. 33 of 1974
(6) Any tax, or interest, or penalty, if any, or part thereof remaining unpaid for a period of one month after the date such tax, interest or penalty, if any, becomes payable under sub-section (3), (4) or (5) as the case may be, shall be recoverable as an arrear of land revenue.

**Section 3C - Finality of assessment, etc., and recovery of dues**

No assessment made or penalty imposed in accordance with the provisions of this Act shall be called into question in any Civil Court and save as provided in Sections 5 and 5-A no appeal or application for revision shall lie against such assessment or penalty.

**Section 4 – Appeal**

Any person aggrieved by an order of assessment made under this Act or by the imposition of interest or penalty \[under sub-section (4) or sub-section (5) of Section 3-B\] as the case may be, may within thirty days of the intimation of such order, prefer an appeal to the \[Commissioner\]:

Provided that no appeal shall be entertained under this section unless the tax with interest and penalty, if any, in respect of which the appeal has been preferred, has been paid.

**Section 5 - Appellate power of Commissioner**

(1) The \[Commissioner\] may either admit the appeal or, after calling for the record and giving the appellant an opportunity to be heard, may summarily reject it:

Provided that the \[Commissioner\] shall not be bound to call for the record where the appeal is time-barred or does not lie.

(2) If the appeal is admitted, a date shall be fixed for hearing and notice shall be served on the respondent.

(3) After hearing the parties, if they appear, the \[Commissioner\] may confirm, vary or reverse the order appealed against; or may direct such further investigation to be made, or such additional evidence to be taken, as he may think necessary; or may himself take such additional evidence; or may remand the case for disposal with such directions as he thinks fit.

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13 Substituted by M.P. Act No. 24 of 1962
14 Substituted by M.P. Act No. 24 of 1962
15 Substituted by M.P. Act No. 24 of 1962
16 Substituted by M.P. Act No. 24 of 1962
17 Substituted by M.P. Act No. 24 of 1962
(4) An order passed by the \(^{18}\)Commissioner in appeal shall be final.

Section 5A – Revision

\(^{19}\)The Commissioner may, of his own motion or on information received, call for and examine the record of any proceeding under this Act, and if he considers that any order passed therein by any person referred to in Section 2-A is erroneous in so far as it is prejudicial to the interest of revenue, he may, after giving the owner of a factory an opportunity of being heard, and after making or causing to be made such enquiry as he deems necessary, pass such order thereon as the circumstances of the case justify including an order enhancing or modifying the assessment or cancelling the assessment and directing a fresh assessment:

Provided that no proceedings shall be initiated under this section after the expiry of three years from the date of the order sought to be revised.]

Section 6 – Refunds-

(1) If, consequent on an order passed by him in an appeal or otherwise, the \(^{20}\)Commissioner is satisfied that the amount of the tax or interest or penalty are all paid by or on behalf of any person liable to pay the same for any \(^{21}\)year exceeds the amount to which he has been assessed under this Act for that year, he shall cause a refund to be made of any amount, in the manner prescribed, found to have been paid in excess either in cash or at the option of the aforesaid person, by the deduction of such excess from the amount of tax due in respect of any other year.

(2) Nothing in this section shall operate to validate any objection or appeal which is otherwise invalid or to authorise the revision of any assessment or other matter which has become final and conclusive or the rectification of any mistake by any officer of his decision which is subject to appeal.

\(^{22}\)(3) Where the tax payable under this Act has been remitted in whole or in part in any year under Section 16, the tax shall,—

(a) if levied assessed and collected for that year be refunded to the extent of such remission in such manner and subject to such conditions as may be prescribed; or

\(^{18}\)Substituted by M.P. Act No. 24 of 1962

\(^{19}\)Inserted by M.P. Act No. 24 of 1962

\(^{20}\)Substituted by M.P. Act No. 24 of 1962

\(^{21}\)Substituted by M.P. Act No. 24 of 1962

\(^{22}\)Inserted by M.P. Act No. 33 of 1974
(b) if levied and assessed for that year be deemed to have been reduced to the extent
of such remission and be collected accordingly, anything contained in this Act to the
contrary notwithstanding.]

Section 7 – Accounts-
Every owner of a factory shall keep true account of all the purchases of sugarcane
made by him during any \(^{23}\) year and keep such other registers in such form as may be
prescribed.

Section 8 - Production of and inspection of accounts and documents and search
of premises-
(1) The \(^{24}\) Commissioner may, subject to such conditions as may be prescribed,
require any owner of a factory to produce before him any accounts, registers, or
documents relating to the purchase of sugarcane or to furnish any information relating
to the stock of sugarcane or purchases made by him, as may be necessary for the
purposes of this Act.

(2) All accounts, registers and documents relating to the stocks of sugarcane of any
owner of a factory shall, at all reasonable times, be open to inspection by the
\(^{25}\) Commissioner.

(3) If the \(^{26}\) Commissioner has reason to suspect that any owner of a factory is
attempting to evade payment of tax payable under this Act, he may for reasons to be
recorded in writing, seize such accounts, registers or documents of the owner of a
factory as he may consider necessary and shall grant a receipt for the same, and shall
retain the same only for so long as may be necessary for examination thereof or for a
prosecution.

(4) For the purposes of sub-section (2) or sub-section (3), the \(^{27}\) Commissioner may
enter and search any factory.

Section 9 - Fines and punishments-
If a person defaults in the payment of tax levied under sub-section (1) of Section 3, or
\(^{28}\) [sub-section (4) or sub-section (5) of Section 3-B] or contravenes any of the
provisions of this Act, or of the rule made thereunder, he shall, without prejudice to

\(^{23}\) Substituted by M.P. Act No. 24 of 1962
\(^{24}\) Substituted by M.P. Act No. 24 of 1962
\(^{25}\) Substituted by M.P. Act No. 24 of 1962
\(^{26}\) Substituted by M.P. Act No. 24 of 1962
\(^{27}\) Substituted by M.P. Act No. 24 of 1962
\(^{28}\) Substituted by M.P. Act No. 24 of 1962
his liability for the payment of interest or penalty, or both, as the case may be, be
punishable with imprisonment up to six months, or to fine not exceeding rupees five
thousand, or both, and in the case of continuing contravention to a further fine not
exceeding rupees one thousand for each day during which the contravention
continues.

Section 10 - Institution of proceeding-
(1) No prosecution shall be instituted under this Act except upon a complaint made by
or under the authority of the 29[Commissioner]. 30[x x x]
(2) On the application of a person accused of an offence under this Act, the
31[Commissioner], 32[x x x] may at any stage compound such offence by levying a
composition fee not exceeding five thousand rupees.
(3) No Court inferior to that of a Magistrate of the First Class shall try any offence
under this Act, or any rule made thereunder.

Section 11 - Special powers of Magistrate-
Notwithstanding anything contained in Section 32 of the Code of Criminal Procedure,
1898 33 (V of 1898), it shall be lawful for a Magistrate of the First Class, specially
empowered by the State Government in this behalf, trying any case under this Act, to
pass a sentence of fine, not exceeding five thousand rupees, on any person convicted
of an offence under this Act.

Section 12 - Protection of action taken under this Act-
(1) No suit, prosecution or other legal proceeding shall lie against 34[any servant of
the State Government] for anything which is, in good faith, done, or intended to be
done, under this Act, or in pursuance of any order or rule made thereunder.
(2) No suit or other legal proceeding shall lie against the State Government for any
damage caused or likely to be caused by anything which is, in good faith, done, or
intended to be done, under this Act, or in pursuance of any order or rule made
thereunder.

Section 13 - Offences by companies-

29 Substituted by M.P. Act No. 24 of 1962
30 Omitted by M.P. Act No. 24 of 1962
31 Substituted by M.P. Act No. 24 of 1962
32 Omitted by M.P. Act No. 24 of 1962
34 Substituted by M.P. Act No. 24 of 1962
(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation— For the purposes of this section—
(a) "company" means any body corporate, and includes a firm or other association of individuals; and
(b) "director" in relation to a firm, means a partner in the firm.

Section 14 - Madhya Pradesh Act No. 2 of 1959 not to apply to sugarcane-
No sale or purchase tax under any other Madhya Pradesh Act shall be payable in respect of any transition or purchase of sugarcane in respect of which a tax is payable under this Act, anything contained in the Madhya Pradesh General Sales Tax Act, 1958 (No. 2 of 1959), to the contrary notwithstanding.

Section 15 - Delegation of Commissioner's powers and duties-
Subject to the provisions of this Act and to such restrictions and conditions, as may be prescribed, the [Commissioner] may by order in writing, delegate any of his powers and duties under this Act except those under [Sections 5 and 5-A] and sub-section (2) of Section 10, to any officer subordinate to him.

Section 16 - Powers of the State Government to grant remissions-

35 Substituted by M.P. Act No. 24 of 1962
36 Substituted by M.P. Act No. 24 of 1962
The State Government, on being satisfied that it is necessary so to do in the public interest, with a view to—
(a) encouraging or regulating the supply of sugarcane to or its purchase by factories; or
(b) encouraging the establishment of new factories; or
(c) assisting factories which are continuously running into loss due to—
   (i) under crushing, or
   (ii) purchase of cane yielding low sugar recovery;
37[(d) encouraging the export of sugar out of the territory of India;] may, by notification, remit in whole or in part, the tax payable under this Act, in any 38[year], by every such factory falling under clause (a) or clause (b) or clause (c) 39[or clause (d)].

**Section 17 - Power to make rules**
(1) The State Government may make rules for carrying out the purposes of this Act.
(2) Without prejudice to the generality of the foregoing power, such rules may provided for—
40[(a) the date on which, the place at which, the installments and the manner in which the tax shall be paid by the owner of a factory under sub-section (2) of Section 3];
(b) collecting any information or statistics for the purposes of this Act;
41[(c) the manner of and the form in which, the authority to whom, the period for which and the date by which the return shall be furnished under sub-section (1) of Section 3-A];
42[(d) the form of notice to be served under sub-section (3) of Section 3-B;]
(d-1) the manner in which tax shall be assessed and collected;
(d-2) the procedure for the other matters (including fees) incidental to the disposal of appeal];
(e) the matters which are to be and may be prescribed.
(3) All rules made under this Act shall be laid on the table of the Legislative Assembly.

37 Substituted by M.P. Act No. 24 of 1962
38 Substituted by M.P. Act No. 24 of 1962
39 Inserted by M.P. Act No. 24 of 1962
40 Inserted by M.P. 26 of 1965
41 Substituted by M.P. 24 of 1962
42 Substituted by M.P. 24 of 1962
Section 18 – Repeal-

Section 23 and clause (m) of sub-section (2) of Section 30 of the Madhya Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1958 (No. 1 of 1959), are hereby repealed.
9. Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam, 1966
Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam, 1966

[Act No. 27 of 1966]

PREAMBLE

An Act to provide for the levy and collection of tax on lands under commercial crops. Be it enacted by the Madhya Pradesh Legislature in the Seventeenth Year of the Republic of India as follows:—

Section 1 - Short title and extent-

(1) This Act may be called the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam 1966.

(2) It extends to the whole of Madhya Pradesh.

Section 2 – Definitions-

In this Act, unless the context otherwise requires,—

(a) “Code” means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959);

(b) “Commercial Crop” means the crops mentioned in the Schedule;

(c) “Tax” means the tax referred to in Section 3;

(d) words and expressions defined in the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959), shall wherever used herein, be construed to have the meanings assigned to them in the Code.

Section 3 - Levy of tax on land under commercial crops-

(1) Notwithstanding anything contained in the Code, there shall be levied for each agricultural year a tax on all lands under commercial crops during such year at the rate specified below :

| (i) in the case of commercial crops specified in Part I of the Schedule. | Two rupees per acre or part thereof in excess of half an acre. |
| (ii) in the case of commercial crops specified in Part II of the Schedule. | Four rupees per acre or part thereof in excess of half an acre. |

1 Received the assent of the Governor on the 18th October, 1966; assent first published in the “Madhya Pradesh Gazette” (Extraordinary) dated the 20th October, 1966.

2 Substituted by M.P. Act No. 5 of 1970
Provided that where such part is half an acre or less but not less than quarter of an acre, the tax levied for such part shall,—

(i) in the case of a commercial crops specified in Part I, be one rupees; and
(ii) in the case of a commercial crop specified in Part II, be two rupees:

Provided further that no tax shall be levied for a part less than quarter of an acre.

(a) The tax levied under sub-section (1) shall be in addition to any tax payable to the State Government for such land under any enactment for the time being in force and shall be payable by the tenure holder, occupancy tenant, Government lessee or holder of a service land, as the case may be, under the Code in the same manner as land revenue].

Section 3A - Exemption of certain land under commercial crops from payment of tax-

3[No tax shall be payable in respect of an uneconomic holding under commercial crops.

Explanation I.—For the purposes of this section,—
(a) “uneconomic holding under commercial crops” shall mean a holding the extent of which is seven and half acres or less or any holding the land revenue payable in respect whereof does not exceed five rupees;
(b) “holding” shall mean the entire land held by a person in the State, notwithstanding the fact that any portion thereof is separately assessed to land revenue; and
(c) “land revenue” shall not include moneys payable to the State Government for land by way of premium, rent or lease money in respect of land leased out for a period of less than five years or quit rent.

Explanation II.—For the purpose of clause (b) of Explanation I, entire land, held by a person in the State, shall mean—
(a) the entire land held by a person in the State individually and shall include—
(i) where land is held by such person jointly with one or more persons, so much portion of the land as falls to his share; and
(ii) land held by such person as Bhoodan holder under the Madhya Pradesh Bhoodan Yagna Act, 1968 (No. 28 of 1968), and
(b) where land is held by a person jointly with one or more persons the single holding so jointly held].

3 Inserted by M.P. Act No. 5 of 1970
Section 4 - Preparation of statement regarding land under commercial crops-
(1) The Tahsildar shall cause to be prepared a statement by such date or dates and in such form as may be prescribed specifying therein,—
(i) the names of the tenure holders, occupancy tenants, Government lessees who have sown commercial crops during the agricultural year;
(ii) Khasra Number and area of land on which such crop has been sown;
(iii) such other particulars as may be prescribed.
(2) After the statement under sub-section (1) is prepared, the Tahsildar shall prepare a provisional list of assessment of tax in such form as may be prescribed.
(3) When the provisional assessment list has been prepared, the Tahsildar shall give public notice, in manner as may be prescribed, of the place at, and the date from which, the same may be inspected.

Section 5 - Finalisation of assessment list-
(1) The Tahsildar shall after giving the person concerned a reasonable opportunity of being heard, confirm, revise or modify the entries in provisional assessment list in respect of such land.
(2) The relevant entry in the provisional assessment list as so confirmed, revised or modified, shall, thereupon, be authenticated by the Tahsildar and shall, subject to the order passed in appeal or revision, be final.
(3) The Tahsildar shall intimate the final assessment to the tenure holder, occupancy tenant or Government lessee, as the case may be, in such form as may be prescribed.

Section 6 – Appeal-
Any person aggrieved by the order of the Tahsildar under Section 5 may, within thirty days from the date of such order, prefer an appeal to the Sub-Divisional Officer whose decision thereon shall be final:
Provided that in computing the period of thirty days, time requisite for obtaining a copy of the order appealed against shall be excluded.

Section 7 - Review and revision-
The provisions of Sections 50 and 51 of the Code shall apply in respect of order passed or proceedings under this Act as they apply to order or proceedings under the said Code.

**Section 8 - Tax recoverable under Chapter XI of the Code**

For the collection or recovery of the amount of tax or for remission or suspension thereof, the provision of Chapter XI of the Code and the rules made thereunder shall apply as they apply in respect of land revenue.

**Section 9 - Bar of jurisdiction of Civil Court**

No Civil Court shall have any jurisdiction to settle or deal with any question which is, by or under this Act, required to be settled, decided or dealt with by the Tahsildar or any authority competent to entertain appeal, revision or review under Section 7.

**Section 10 - Power to make rules**

(1) The State Government may, by notification, make rules to carry out the purpose 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 date or dates by which the Tahsildar shall cause to be prepared a statement under sub-section (1) of Section 4;

(b) the form in which such statement shall be prepared;

(c) the form in which provisional list shall be prepared under sub-section (2) of Section 4;

(d) the manner in which public notice of the provisional assessment list shall be given;

(e) the form in which intimation shall be given under sub-section (3) of Section 5; or

(f) any other matter which has to be or may be prescribed.

(3) All rules made under this section shall be laid on the table of the Legislative Assembly.

**Section 11 - Power to remove difficulties**

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions, inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing such difficulty.

**Section 12 – Repeal**
The Madhya Pradesh Vanijya Fasal (Bhoomi Par Kar) Adhyadesh, 1966 (No. 11 of 1966) is hereby repealed.

[SCHEDULE]
[See Rule 2 (b)]

PART I
Cotton, Ground-nut.

PART II
Opium, Sugarcane, Tobacco, Mesta.
Sun hemp when grown except for the purpose of green manuring.
Cotton Ground-nut.
Opium
Sugarcane]

4 Substituted by M.P. Act No. 5 of 1970
9.1 Madhya Pradesh Vanijya Fasal (Bhumipar Kar) Niyam, 1966
Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Niyam, 1966

PREAMBLE
In exercise of the powers conferred by Section 10 of the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam, 1966 (No. 27 of 1966) and in supersession of the rules previously made on the subject, the State Government hereby makes of the following rules, namely:

1. These rules may be called the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Niyam, 1966.

2. In these rules,—
   (a) “Act” means the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Act, 1966 (No. 27 of 1966);
   (b) “Form” means a form appended to these rules; and
   (c) “Section” means a section of the Act.

3. Every Patwari shall forward separately for each village in his circle a statement in duplicate in Form ‘A’ to the Tahsildar of the Tahsil in which his patwari circle is situate, by the 1st December, giving,—
   (a) the names of such tenure holders, occupancy tenants, Government lessees who have grown commercial crops in their holding or part thereof during the agricultural year; and
   (b) the Khasra numbers in which such commercial crops have been grown and the area in each Khasra number under such crops.

4. The areas of Khasra number will be shown by the Patwari in terms of acres and corresponding hectares while incorporating the same in Form ‘A’.

5. On receipt of the statement if Form A, the Tahsildar shall draw up in Form ‘B’ a provisional list of tax on commercial crops to be assessed on a tenure holder, occupancy tenant or Government lessee in the village.

6. While calculating the tax assessable under sub-section (1) of Section 3, the total area of all the commercial crops taken together in a holding of a tenure holder, land

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1 Vide Notification No. 5028-4029-VII-N-l, dated 21-12-1968. Published in M.P. Rajpatra, Part IV (Ga), dated 30-12-1966 at pp. 1054-1057
in possession of occupancy tenant and Government lessee shall be taken into account and the calculations for complete acres or fraction thereof shall be made accordingly.

7. Such provisional list showing the tax assessed on tenure holders, occupancy tenants and Government lessees shall then be published by the 31st December by the Tahsildar under a proclamation in Form ‘C’ inviting objections to the provisional list of tax by [31st January] in the village concerned by placing one copy of the list in the office of the Gram Panchayat or Nyaya Panchayat or Village Patel and proclaiming this fact by beat of drums in the village [and the same time the Tahsildar shall cause to be served a notice in Form C-I on all persons, individually, known to be likely to have interest in such provisional list asking them to submit their objections to the list, if any, on or before the date specified in the said proclamation].

8. The proclamation as published in Rule 7 above shall be deemed to be sufficient notice to all persons concerned of the provisional assessment of tax and time and place of hearing so fixed.

9. The objections, if any, to the provisional list of tax shall be preferred in writing through a petition addressed to the Tahsildar so as to reach him on or before the date fixed as per Rule 7, and no objections shall be entertained after that date.

10. On the date and the place of hearing, the Tahsildar shall after hearing the parties and making such further enquiries as he may deem necessary may pass order either confirming, revising or modifying the provisional list of tax.

11. Orders passed by the Tahsildar on the objections preferred on the provisional list of taxation shall be in writing and shall be communicated to the objections.

12. The intimation as to the tax payable by a tenure holder, occupancy tenant or Government lessee, according to the list so finalised, shall then be given to the persons concerned in Form ‘D’.

13. In issuing notices for the purpose of enquiries to be made under the Act and service thereof, the rules framed in this behalf under Section 41 of the Madhya Pradesh Land Revenue Code, 1959 shall be applicable.

14. Subject to such orders as may be passed in appeal or revision, the tenure holder, occupancy tenant and Government lessee shall be liable to pay the tax

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2 Substituted by Notification No. 1903-300-VH-NJ-I, dated 21-4-1968
3 Inserted by Notification No. 1562-7490-VII-N-I, dated 16-5-1972
finally assessed and as communicated to him as per Rule 12 and the same shall be recoverable as Land Revenue as provided for in Section 8.

| FORM A |
|--------------|---------------------------------|---------------------------------|
| [See Rule 3] | Name of Village .................. | P.C. No. .................. |
| Serial No. of the holding | Name of the tenure holder, occupancy tenant or Government lessee and Father's name | Khasra No. in the holding in which commercial crops or grown |
| (1) | (2) | (3) |

| Arca of commercial crops in each of the Khasra No. |
|----------------|----------------|----------------|----------------|----------------|----------------|
| Cotton | Ground nut | Opium | Sugarcane | Tobacco | Total area under commercial crops | Remarks |
| (4) | (5) | (6) | (7) | (8) | (9) | (10) |
FORM B

[See Rule 5]

Provisional list showing the tax payable for the Agricultural year ................. by tenure holders, occupancy tenants and Government lessees on the area grown under commercial crops in Village ................. P.C. No. ................. Tahsil .................

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Name of person with full address</th>
<th>Tenure</th>
<th>Total area grown under commercial crops in Agricultural year</th>
<th>Tax levied under Section 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
</tr>
</tbody>
</table>
FORM C
[See Rule 7]

PROCLAMATION

It is hereby notified for the information of all persons concerned tenure holders/occupancy tenants/Government lessee of the Village ... P.C. No. ... Tahsil ... that a provisional list of such tenure holders/occupancy tenants/Government lessees liable to pay tax for the agricultural year ... under Section 3 of the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam, 1966 is placed for every body's information, inspection and perusal in the office of Gram Panchayat/Nyaya Panchayat/house of the Patel in the village.

Any person desirous of putting up any objection to any entry in this list in any manner whatsoever should file his objection in writing in the form of a petition addressed to the Tahsildar so as to reach the Tahsildar by the 15th January, 19.... Any objection not made on or before that date shall not be entertained.

All objections received by the Tahsildar by the aforesaid date shall be heard at ... on ... where all objections are enjoined to be present for personal hearing with such evidence which they may like to adduce in support of their objections.

The proclamation shall be deemed to be sufficient notice to all such intending objectors of the hearing to the objections and no separate notices shall be issued hereinafter.

Seal

Signature of Tahsildar
FORM C-I

[See Rule 7]

NOTICE

Before ......................
Case No. ......................

To,

......................... son of ......................... resident of Mauza ......................... survey or settlement No. ......................... Tahsil ......................... District ......................... Whereas a provisional list of such tenure holders/occupancy tenants/Government leases of village ......................... Patwari Halka No. ......................... Revenue Inspector Circle No. ......................... Tahsil ......................... as are liable to pay tax for the agriculture year ......................... under Section 3 of the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam, 1966 has been prepared.

Now, therefore, you are hereby informed that if you are desirous of putting up any objection in respect of any entry in the said listing any manner whatsoever you should file your objection in writing in the form of a petition addressed to the Tahsildar within 15 days of the receipt of this notice. Any objection not filed before the expiry of the period aforesaid shall not be entertained.

Tahsildar
Tahsil .........................

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FORM D

[See Rule 12]

Whereas a provisional list of tenure holders/occupancy tenants/Government lessees of the village .................... P.C. No. .................. Tahsil .................... liable to pay tax under Section 3 of the Madhya Pradesh Vanijya Fasal (Bhumi Par Kar) Adhiniyam, 1966 and the quantum of tax leviable on them was duly published in the village in accordance with the provisions of Section 4 (3) of the Adhiniyam;

And whereas after hearing such objections as were preferred against the entries made in this list, the Tahsildar has finalised the same under Section 5 (1);

Now, therefore, you are hereby informed that in accordance with this list so finalised, you are required to pay Rs. ........................... as tax on the area under commercial crops grown by you during the agricultural year 19...... and that the same has become recoverable as land revenue with immediate effect.

Seal

Signature of Tahsildar.
10. Madhya Pradesh Tractor Dwara Tori
Gai Bhoomiyo Par Asudhar Shulka
Adhiniyam, 1972
Madhya Pradesh Tractor Dwara Tori Gai Bhoomiyopar Asudhar Shulka Adhiniyam, 1972

PREAMBLE
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:

Section 1 - Short title, extent and commencement
(1) This Act may be called the Madhya Pradesh Tractor Dwara Tori Gai Bhoomiyopar Asudhar Shulka Adhiniyam, 1972.
(2) It extends to the whole of Madhya Pradesh.
(3) It shall come into force at once.

Section 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;

1 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.
(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.

Section 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.

Section 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.

Section 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;
2[(gg) the net amount, if any, payable by the holder towards the cost of tractorisation operation;]
(h) such other particulars as may be prescribed.

3[(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 mailer 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

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2 Inserted by M.P. Act No. 9 of 1980
3 Substituted by M.P. Act No. 9 of 1980
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.]

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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 date 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.

Section 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.

Section 14 - Power to make rules-

(1) The State Government may, after previous publication, make rules for 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 hectare

Where the tractorisation operation was carried out—

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>in the agricultural year</td>
<td>1947-48 or 1948-49</td>
</tr>
<tr>
<td>(b)</td>
<td>in the agricultural year</td>
<td>1949-50 or 1950-51</td>
</tr>
<tr>
<td>(c)</td>
<td>in the agricultural year</td>
<td>1951-52 or 1952-53 or 1953-54 on,</td>
</tr>
<tr>
<td>(i)</td>
<td>cultivated—</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) before harvesting of crop</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) after harvesting of crop</td>
<td></td>
</tr>
<tr>
<td>(ii) fallow land—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d)</td>
<td>in the agricultural year</td>
<td>1954-55 or 1955-56 or 1956-57 or 1957-58 or 1958-59 on,</td>
</tr>
<tr>
<td>(i)</td>
<td>cultivated and</td>
<td></td>
</tr>
<tr>
<td>(ii) fallow land.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
11. The Madhya Pradesh Tractor Dwara Kheti (Prabharo Ki Vasuli) Adhiniyam, 1972
The Madhya Pradesh Tractor Dwara Kheti (Prabharo Ki Vasuli) Adhiniyam, 1972

[Act No. 9 of 1973]

[27th January, 1973]

PREAMBLE
An Act to provide for cultivation of certain lands by means of tractors by the State Government and for the recovery of charges in respect thereof.

Be it enacted by the Madhya Pradesh Legislature in the Twenty-third Year of the Republic of India as follows:

Section 1 - Short title, extent and commencement-
(1) This Act may be called the Madhya Pradesh Tractor Dwara Kheti (Prabharo Ki Vasuli) Adhiniyam, 1972.

(2) It extends to the whole of Madhya Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Section 2 – Definitions-
In this Act, unless the context otherwise requires,—
(a) “cultivator” means a person who cultivates his land personally;
(b) “Director” means the Director of Agriculture, Madhya Pradesh, or any other officer appointed by the Government as such for the purposes of this Act;
(c) “to cultivate personally” means to cultivate on one’s own account—
(i) by one’s own labour; or
(ii) by labour of one’s family; or
(iii) by servant on wages payable in cash or kind; or
(iv) by hired labour under one’s personal supervision or the personal supervision of any member of one’s family;
(d) “tractor” means a tractor owned by, or worked under the control, direction or supervision of, the State Government;

1 Received the assent of the Governor on the 27th January, 1973; assent first published in the “Madhya Pradesh Gazette (Extraordinary)”, dated the 2nd February, 1973
2 W.e.f. 15-2-1979
(e) “tractor cultivation” includes any agricultural operations such as ploughing, eradication of kans, harrowing, discing, sowing or harvesting which may be performed by tractors;
(f) “tractor cultivation charges” means the charges recoverable on account of tractor cultivation.

Section 3 - Application for Tractor cultivation-
(1) A cultivator may make an application to the Director for carrying out tractor cultivation in whole or any part of his land.
(2) An application made under sub-section (1) shall be in such form and shall contained such particulars as may be prescribed.

Section 4 - Procedure on receipt of application-
(1) The Director may accept or reject the application received under Section 3 and where he accepts the application shall call upon the cultivator to execute a bond in the prescribed form within thirty days of the receipt of intimation by him of such acceptance.
(2) On failure of the cultivator to execute the bond within the period specified under sub-section (1) the application shall stand rejected.

Section 5 - Recovery of tractor cultivation charges-
(1) On the cultivator executing the bond under Section 4, the Director shall cause tractor cultivation to be carried on the land of the cultivator.
(2) On completion of the work of tractor cultivation, the Director shall,—
   (a) by notice, in the manner prescribed, inform the cultivator of the tractor cultivation charges and call upon him to make the payment to the Collector or such other officer as the Collector may specify in this behalf in such manner as may be specified in the notice;
   (b) forward a copy of the notice to the Collector for purpose of recovery of the tractor cultivation charges.
(3) The tractor cultivation charges shall be payable in the number of annual instalments not exceeding ten as may be specified in the notice, the first instalment becoming payable on the 1st day of October next following the revenue year in which the works of tractor cultivation has been completed and shall carry interest as from the date aforesaid at such rate as the Stale Government may, from time to time by notification, specify in this behalf.
(4) If any instalment of tractor cultivation charges together with the interest is not paid by the due date, it shall be recoverable by the Collector from the cultivator as arrears of land revenue.

Section 6 - Delegation of power-
The Director may delegate any or all of his powers and functions under this Act to any officer of the Agriculture Department not below the rank of Assistant Engineer, Agriculture, Assistant Director of Agriculture.

Section 7 - Rule making power
(1) The State Government may, by notification, make rules for the purposes of carrying into effect the provisions 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 form in which an application under Section 3 shall be made and the particulars which such application shall contain;
(b) the form in which a bond shall be executed by the cultivator under Section 4 and the particulars which such bond shall contain;
(c) (i) the scale of tractor cultivation charges,
   (ii) the form and the manner in which notice shall be given, under Section 5;
(d) any other matter which is to be or may be prescribed.
(3) All rules made under this Act shall be laid on the table of the Legislative Assembly

Section 8 - Repeal
The Madhya Bharat Tractor Cultivation (Recovery of Charges) Act, Samvat 2007 (No. 83 of 1950), is hereby repealed.
11.1 The Madhya Pradesh Tractor Dwara Kheti Prabharo Ki Vasuli Niyam 1981
The Madhya Pradesh Tractor Dwara Kheti
Prabharo Ki Vasuli Niyam 1981

PREAMBLE

In exercise of the powers conferred by Section 7 of the Madhya Pradesh Tractor Dwara Kheti (Prabharo Ki Vasuli) Adhiniyam, 1972 (No. 9 of 1973), the State Government hereby makes the following rules, namely:—

1. Short title.— These rules may be called the Madhya Pradesh Tractor Dwara Kheti (Prabharo Ki Vasuli) Niyam, 1981¹.

2. Definitions.— In this rules, unless the context otherwise requires,—

(a) “Form” means a form appended to these rules, and

(b) “Section” means a section of the Madhya Pradesh Tractor Dwara Kheti (Prabharo Ki Vasuli) Adhiniyam, 1972 (No. 9 of 1973).

3. Application for tractor cultivation.— The application, under sub-section (1) of Section 3 for tractor cultivation shall be in Form I and shall be accompanied by a certificate from Patwari concerned to the effect that the applicant is a Bhumiswami tenure holder of the land in question.

4. Intimation of acceptance of application.— An intimation of acceptance of the application made under sub-section (1) of Section 3 for tractor cultivation shall be communicated to the cultivator concerned in Form II.

5. Bond.— The bond to be executed under sub-section (1) of Section 4 shall be in Form III.

6. Completion Certificate.— On completion of tractor cultivation, the cultivator shall certify in Form IV completion of the tractor cultivation, to his satisfaction or otherwise for the reasons stated therein.

7. Scale of Tractor Cultivation Charges.—

The scale of Tractor Cultivation charges shall be as follows:

(a) Dozing or allied works to be done by tractors with bulldozing attachment of different horse power:

<table>
<thead>
<tr>
<th>Tractor of 80 Horsepower and above.</th>
<th>Honomag K-7</th>
<th>Rs. 650/- per hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bharat D-50</td>
<td>Rs. 800/- per hour</td>
</tr>
<tr>
<td></td>
<td>CAT D-6</td>
<td>Rs. 800/- per hour</td>
</tr>
</tbody>
</table>

(b) Ploughing work to be done by tractors with ploughing attachments:

1. For Cultivated Land Rs. 2250/- per hectare or Rs. 900/- per acre.
2. For Fallow Land As above.

(c) All agricultural work excluding the transportation work to be done by wheel type tractors of different horsepower:

1. Tractors upto 40 Horsepower Rs. 180/- per hour
2. Tractors of 41 Horsepower or above Rs. 250/- per hour

(d) Dozing or allied works to be done for non-agricultural purpose by tractors with bulldozing attachment of different horse power:

<table>
<thead>
<tr>
<th>Tractor of 80 Horsepower and above.</th>
<th>Honomag K-7</th>
<th>Rs. 80/- per hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bharat D-50</td>
<td>Rs. 900/- per hour</td>
</tr>
<tr>
<td></td>
<td>CAT D-6</td>
<td>Rs. 900/- per hour</td>
</tr>
</tbody>
</table>

(e) Transportation work:

<table>
<thead>
<tr>
<th>Wheel Type Tractor upto 40 Horsepower</th>
<th>Rs. 4/- per kilometer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheel Type Tractor of 41 Horsepower or above</td>
<td>Rs. 5/- per kilometer</td>
</tr>
</tbody>
</table>

8. Notice for payment of tractor cultivation charges.—

The notice for payment of tractor cultivation charges shall be in Form V.

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2 Substituted by Notification No. D-7-22-97-XIV-3, dated 14-2-2006 (w. e. f. 1-4-2006).
FORM I
(See Rule 3)

Application under sub-section (1) of Section 3 of the Madhya Pradesh
Tractor Dwara Kheti (Prabharo Ki Vasuli) Adhiniyum, 1972

For carrying out tractor cultivation:—
1. Name of Cultivator with father's name
2. Place of residence
3. Tahsil
4. District
5. Particulars of land where on tractor cultivation is to be carried on:—
   (a) District
   (b) Tahsil
   (c) Patwari Circle No.
   (d) Village
   (e) Khasra No.
   (f) Item/s of tractor cultivation work to be carried out:—

   Area in Hectares
   Under cultivation Fallow land

   Items
   1.
   2.
   3.

6. In case this application is accepted by the Director, the applicant hereby undertakes to give clean and land free of stones, roots shrubs, trees and plants of 1' diameter or more and to get ditches and nullahs filled up and get tillers crushed, if there are any in the said land, at his own cost before tractor cultivation is started.

   Signature of the Cultivator.

Enccl.—Certificate of Patwari.
FORM II
(See Rule 4)

Form of acceptance of application made under sub-section (1) of Section 3

OFFICE OF THE

MEMORANDUM

No. : .................. Dated : .............

To,

Shri.............................................

.............................................

.............................................

Sub.— Tractor Cultivation.

Ref.— Your application dated..............

Your application under reference for carrying out tractor cultivation on.................................. hectares of land (under cultivation................... hectares and fallow land................... hectares) Khasra No..........................
in Village.................................. Patwari Circle No..........................

Tahsil........................................ District..................................... has been accepted and you are hereby called upon to execute a bond in the enclosed form within 30 days of the receipt of this memorandum. On failure to execute the bond within the period specified above, the application under reference shall stand rejected.

Director of Agriculture
Madhya Pradesh

OR

The Officer appointed
under Section 2 (b).
FORM III
(See Rule 5)

I, ______________________________ resident of village ____________________________
Patwari Circle No. ____________ Tahsil ______________ District ________________
having applied under sub-section (1) of Section 3 of the Madhya Pradesh Tractor Dwara Kheti (Prabhara Ki Vasuli) Adhiniyam, 1972 (No. 9 of 1973) (hereinafter referred to as "the said Adhiniyam") for tractor cultivation of ________________ hectares of land (______________ hectares cultivated and ________________ hectares fallow land) in village ________________ Khasra No. ________________ Patwari Circle No. ________________ Tahsil ________________ District ________________ and the application having been accepted under sub-section (1) of Section 4 of the said Adhiniyam hereby.—

(1) undertake—

(a) To—

(i) root out all stems, roots, shrubs, trees, plants with diameter exceeding one inch;
(ii) remove heavy big stones;
(iii) fill up ditches and nullahs;
(iv) crush tillers from the said land so as to make it suitable for tractor cultivation;

(b) to remain present on the land myself or depute any adult member of my family or my servant or any other person having full knowledge of the land wherein tractor cultivation is to be carried on according to any application made in this behalf during the course of carrying on of the tractor cultivation so as to direct that tractor cultivation is carried on the land for tractor cultivation of which application was made;

(c) to pay for damages caused to tractor on account of presence of any stone, root, shrub, tree, plant with diameter exceeding one inch; any heavy big stone, ditches or nullahs or tillers;

(d) to pay the tractor cultivation charges in terms of the said Adhiniyam;

(e) to pay the tractor cultivation charges at the rates specified in Rule 7 of the Madhya Pradesh Tractor Dwara Kheti (Prabhara Ki Vasuli) Niyam, 1976 in lump sum for tractor cultivation carried on the land other than the land tractor cultivation of which was applied for want of proper direction by me, any member of my family, my servant or a person deputed by me for the purposes;

(2) agree—

(a) that in case for technical reasons the tractor cultivation cannot be carried on the whole of the land tractor cultivation whereof was applied for to pay tractor cultivation charges in terms of the said Adhiniyam for tractor cultivation carried on and that I shall not claim for damages or any compensation to the work not done; and

(b) to certify completion of tractor cultivation on completion thereof;

(3) declare that this undertaking shall be applicable to my heirs, executors, administrators and legal representatives.

In witness whereof I, the said ____________________________ have put my signature hereunder.

Date the ____________ day of ________________
Witness ________________
Signature ________________
Witness ________________
FORM IV
(See Rule 6)

CERTIFICATE

1. ........................................ resident of village ........................................
   Patwari Circle No. ............................ Tahsil ......................... District .........................
   hereby certify that tractor cultivation has been carried on the land particulars whereof are given below to my entire satisfaction in terms of my application dated ........................................ made for the purpose.

2. ........................................ resident of village ........................................
   Patwari Circle No. ............................ Tahsil ......................... District .........................
   with reference to my application, dated ........................................ hereby point out that tractor cultivation on the land particulars whereof are given below has not been satisfactorily carried on since the tractor cultivation carried on contains the following deficiencies, namely:

1. .................
2. .................
3. .................

Particulars of land

(a) District .................................
(b) Tahsil .................................
(c) Patwari Circle No. .................
(d) Khasra No. ............................
(e) Village .................................
(f) Area .................................
   (i) Under cultivation
   (ii) Fallow land.

Signature
FORM V
(See Rule 8)
OFFICE OF THE

Notice under Section 5 (2) of the Madhya Pradesh Tractor Dwarakheti
(Prabhara Ki Vasuli) Adhiniyam, 1972

No. ........................................ Dated: ..................

To,

Shri................................................................

Whereas, in pursuance of your application, dated the .................made
under sub-section (1) of Section 3 of the Madhya Pradesh Tractor Dwarakheti
(Prabhara Ki Vasuli) Adhiniyam, 1972, tractor cultivation has been
carried out in the land described below:—

(a) District ........................................
(b) Tahsil  ........................................
(c) Patwari Circle No. .........................
(d) Khasra No. .................................
(e) Village ........................................
(f) Area ...........................................
   (i) Under cultivation .........................
   (ii) Fallow land .............................

And whereas, you are liable to pay the following tractor cultivation
charges assessed on the basis of the scale of charges laid down in Rule 7 of
the Madhya Pradesh Tractor Dwarakheti (Prabhara Ki Vasuli) Niyam, 1981
and the amount of interest calculated at the rate specified by Government of
Madhya Pradesh namely:—

Rs. P
Cultivation charges ......................................
Interest ..................................................
Total ..................................................

Now, therefore, you are hereby called upon to pay the said cultivation
charges and the amount of interest in........... annual instalments, on or before
the date specified below, into Government treasury at........the amount being
credited to the revenue head ..................... and to produce the treasury
receipted challan in proof of payment before the Collector ..................... or
such other officer as the said Collector may specify in this behalf.

Due dates of payment of instalments

First Instalment ............................ 1st October ..............
Second Instalment .................. 1st October ..............
Third Instalment ..................... 1st October ..............
Fourth Instalment ..................... 1st October ..............
Fifth Instalment ..................... 1st October ..............
Sixth Instalment ...................... 1st October ..............
Seventh Instalment .................. 1st October ..............
Eighth Instalment ................... 1st October ..............
Ninth Instalment .................... 1st October ..............
Tenth Instalment ..................... 1st October ..............

Director of Agriculture Madhya Pradesh
OR

The Officer appointed under Section 2 (d).
Dated: .....................
Copy with a copy of a demand list forwarded to the Collector for necessary action under Section 5 of the Madhya Pradesh Tractor Dwara Kheti (Prabharo Ki Vasuli) Adhiniyam, 1972. The amount may be credited to the budget head and a copy of the challan be sent to the Assistant Engineer, Agriculture.

**Director of Agriculture Madhya Pradesh**

OR

The Officer appointed under Section 2 (b).

DEMAND LIST FOR TRACTOR CULTIVATION CHARGES

1. Name of cultivator
2. Village
3. Patwari Circle No
4. Tahsil
5. District
6. Particulars of Bill

To... Date... Amount

**Director of Agriculture Madhya Pradesh**

OR

The Officer appointed under Section 2 (b).
Madhya Pradesh Samaj Ke Kamjor Vargon Ke Krishi Bhumi Dharakon Ka Udhar Dene Walon Ke Bhumi Hadapane Sambandhi Kuchakron Se Paritran Tatha Mukti Adhiniyam, 1976

[Act No. 3 of 1977]\(^1\) [22nd January, 1977]

PREAMBLE

An Act to better economic condition of holders of agricultural land in the weaker sections of the people by providing further relief from agricultural indebtedness by nullifying the land grabbing designs resorted to in many a form by lenders of money while and after extending credit to them and matters connected therewith.

Whereas a holder of agricultural land in the weaker sections of the people is quite often compelled to seek loan from private money lending agencies to meet his various obligations of urgent nature;

And whereas such private agencies seldom if ever advance loan to him without security of land, his only wherewithal;

And whereas due to ignorance of niceties of law or urgency of financial need or both, he falls an easy prey to them scarcely realising the legal consequences arising out of the documents which he executes or which they got executed from him accordingly by way of security for the loan;

And where it is necessary to relieve the holders of agricultural land in the weaker sections of the people from such exploitation by nullifying such past transactions of loan as also to put a stop to such transactions.

Be it enacted by the Madhya Pradesh Legislature in the Twenty-seventh Year of the Republic of India as follows:--

Section 1 - Short title and commencement

(1) This Act may be called the Madhya Pradesh Samaj Ke Kamjor Vargon Ke Krishi-Bhumi Dharkakon Ka Udhar Dene Walon Ke Bhumi Hadapane Sambandhi Kuchakron Se Paritran Tatha Mukti Adhiniyam, 1976.

\(^1\) Received the assent of the President on the 22nd January, 1977 assent first published in the Madhya Pradesh Gazette (Extraordinary), dated the 31st January, 1977.
Section 2 - Definitions

In this Act, unless the context otherwise requires,--

(a) "appointed day" means the 1st day of January, 1971;

(b) "Code" means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959);

(c) "holder of agricultural land" in the weaker sections of the people means a holder of land used for purposes of Agriculture not exceeding eight hectares of unirrigated land or four hectares of irrigated land within the State whether as a Bhumiswami or an occupancy tenant or a Government lessee either in any one or all of the capacities together within the meaning of the Code.

Explanation :-- One hectare of irrigated land shall be equal to two hectares of unirrigated land and vice versa.

(d) "lender of money" means a person advancing loan to a holder of agricultural land, whether registered under the Madhya Pradesh Money Lenders Act, 1934 (No. 13 of 1934) or not;

(e) "principal money" in relation to a transaction of loan to which a holder of agricultural land is a party means actual sum advanced by way of loan in any of the modes specified in clause (f);

(f) "prohibited transaction of loan" means a transaction in which a lender of money advances loan to a holder of agricultural land against security of his interest in land, whether at the time of advancing the loan or at any time thereafter during the currency of the loan in any of the following modes, namely :--

(i) agreement to sell land with or without delivery of possession;

(ii) outright sale of land with or without delivery of possession accompanied by separate agreement to re-sell it;

(iii) outright sale of land with or without delivery of possession with a distinct oral understanding that the sale shall not be acted upon if the loan is re-paid;

(iv) outright sale of land with or without delivery of possession with a condition incorporated in the sale deed to re-sell it on re-payment of the loan;

(v) transaction in any modes other than those specified in clauses (i) to (iv) affecting interest in land including a fraudulent transaction or a transaction designed to defeat the provisions of any law regulating money lending or interest, for the time being in force, and includes all those transactions in which a lender of money has after the
appointed day but on or before the date of publication of this Act in the Gazette, obtained possession of land of the holder of agricultural land through Court or by force or otherwise or obtained a decree for such possession to wards satisfaction of loan;

(f) words and expressions used but not defined in this Act and defined in the Code or the Transfer of Property Act, 1882 (No. IV of 1882) shall have the meaning respectively assigned to them in the Code or that Act, as the case may be.

**Section 3 - Act to override other laws**

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

**Section 4 – All prohibited transactions of loan to be subject to protection and relief under this Act**

It is hereby declared that all claims in relation to a prohibited transaction of loan subsisting on the appointed day or entered into thereafter but on or before the date of publication of this Act in the Gazette shall, notwithstanding anything contained in the Code or any other enactment for the time being in force or any decree or order, if any, of any Court or authority be subject to protection and relief in accordance with the provisions of this Act.

**Section 5 - Application for protection and seeking relief under this Act**

A holder of agricultural land who is a party to any transaction of loan subsisting on the appointed day or entered into thereafter may apply to the Sub-Divisional Officer within such time, and in such form and manner as may be prescribed for protection and relief under this Act.

**Section 6 - Enquiry by Sub-Divisional Officer**

(1) The Sub-Divisional Officer may, on his own motion in any transaction of loan and shall, on receipt of an application under Section 5 in the transaction of loan referred to therein, make preliminary enquiry as he may in the circumstances of the case deem fit, to ascertain whether the transaction of loan is a prohibited transaction of loan and on being satisfied that Section 4 applies to such transaction, he shall, after recording his opinion therefor, proceed to conduct an enquiry into such transaction in the manner hereinafter provided.
(2) The Sub-Divisional Officer shall by a notice served on the parties to the prohibited transaction of loan call upon them to place all relevant facts and documents before him at such place, on such date and at such time as may be specified in the notice.

(3) The Sub-Divisional Officer shall at the place and on the date and time specified in the notice, afford an opportunity to the parties of being heard in person and may, if necessary, examine all of the parties interested in land to elucidate information relevant to the transaction of loan.

(4) During the enquiry the Sub-Divisional Officer shall, for the purpose of ascertaining the true nature of transaction of loan, try to collect, as far as may be, information with respect to the following facts, namely:--

(i) the amount of principal money;
(ii) the market value of the land at the time of the transaction;
(iii) adequacy of the amount of principal money as consideration for sale in the context of then market value under clause (ii);
(iv) whether the consideration shown in the document was paid in whole or in part privately or before the Sub-Registrar;
(v) whether possession of the land was actually delivered to the lender of money as per recitals in the said document. If not, when and in what manner the lender of money obtained possession of the land;
(vi) what were the terms of the actual agreement between the lender of money and the holder of agricultural land including the rate of interest;
(vii) the extent of urgency for the loan and the availability of other sources to the holder of agricultural land to obtain the same;
(viii) payment, if any, made by the holder of agricultural land to the lender of money towards the loan;
(ix) whether the lender of money is registered money lender or not;
(x) any other surrounding circumstances which the Sub-Divisional Officer may deem fit to consider.

Section 7 - Setting aside sale and restoration of possession of land or affording other relief -

(1) If after the enquiry, the Sub-Divisional Officer is satisfied that--

(i) the transaction of loan is not a prohibited transaction of loan he shall dismiss the application or close the proceedings;
(ii) the transaction of loan in substance is a prohibited transaction of loan he shall declare such transaction to be void and shall--

(a) pass an order setting aside the transfer of land to the lender of money and consequently restoring the possession of land to the holder of agricultural land, or

(b) where in his opinion it is not feasible to restore the possession of land, pass order directing the lender of money to pay the difference of price under sub-section (2), and

(c) pass such other consequential orders as may be necessary:

Provided that nothing in this clause shall prejudice the right of the lender of money to enforce his right to recover the loan advanced by him to the holder of agricultural land under such transaction by due process of law within a period of three months from the date of final declaration of prohibited transaction of loan void notwithstanding anything contained in the Limitation Act, 1963 (No. 36 of 1963).

(2) Where for any reason whatsoever to be recorded in writing it is not possible to restore such land to the holder of agricultural land, he shall fix the price of such land, in such manner as may be prescribed, which it would have fetched at the time of transfer and order the lender of money to pay the difference, if any, between the price so fixed and the amount actually advanced to the holder of agricultural land together with interest at the current bank rate for the period up to the date of payment, within a period of six months.

(3) If any order is passed under sub-section (2), the Sub-Divisional Officer may also determine in such manner as may be prescribed, the net income which has accrued to the lender of money during the period land remained with him and order the lender of money to pay the same to the holder of agricultural land within a period of 30 days.

(4) If the lender of money fails to deliver the possession of the land to the holder of agricultural land consequent on the setting aside the transfer under clause (ii) of sub-section (1), he shall be deemed to be in unauthorised possession of such land from the date of setting aside of the transfer and the provisions of Section 248 of the Code shall mutatis mutandis apply thereto as they apply to the unauthorised possession of Government land.

(5) If the lender of money fails to pay--

(i) the difference of price ordered to be paid under sub-section (2); or

(ii) the net income determined under sub-section (3), within the time specified in sub-section (2) or sub-section (3), as the case may be, the same shall be recoverable as an
arrear of land revenue and the amount so recovered shall be paid to the holder of agricultural land.

Section 8 – Appeal -
Any person aggrieved by an order of the Sub-Divisional Officer under Section 7 may, within 30 days of the date of passing of such order, appeal to the Collector in such form and manner and accompanied by such fee as may be prescribed:
Provided that in computing the period aforesaid time requisite for obtaining a copy of the order appealed against shall be excluded.

Section 9 - Finality of order -
Save as otherwise expressly provided in this Act every order made by the Collector in appeal or of a Sub-Divisional Officer, shall, if no appeal is filed, be final and shall not be called in question, in any Court, Tribunal or Authority by way of an appeal or revision or in any original suit, application or execution proceedings.

Section 10 - Bar of Legal Practitioner -
No legal practitioner shall appear on behalf of any party interested in any proceeding under this Act.

Section 11 - Pending proceedings to be decided in accordance with this Act -
Any proceeding pending in a Court of law in relation to land which can be a subject matter of enquiry by the Sub-Divisional Officer under this Act shall, on the publication of this Act in the Gazette, be decided by the Court in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in any law for the time being in force.

Section 12 - Lender of money not to enter into prohibited transaction of loan -
(1) Notwithstanding anything contained in any enactment for the time being in force, no lender of money shall, on and from the date of publication of this Act in the Gazette, enter into a prohibited transaction of loan with a holder of agricultural land.
(2) Any prohibited transaction of loan entered into in contravention of the provisions of sub-section (1) shall be absolutely null and void and no Court shall entertain any application or suit to enforce any claim of lender of money arising out of prohibited transaction of loan.

Section 13 - Enquiries and proceedings to be judicial proceedings -
All enquiries and proceedings before the Sub-Divisional Officer, or the Collector shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 of
the Indian Penal Code, 1860 (XLV of 1860) and for the purposes of Section 196 thereof.

**Section 14 - Bar of jurisdiction of Civil Courts -**
Subject to provisions of Section 11, no Civil Court shall have any jurisdiction 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 Sub-Divisional Officer or the Collector.

**Section 15 - Transfer of land which is subject matter of prohibited transaction of loan to be null and void -**

2[(1)] Notwithstanding anything contained in any law for the time being in force where a lender of money transfers any land, which may be a subject matter of a prohibited transaction of loan, by way of sale, gift, exchange, lease or otherwise, such transfer shall be deemed to have been made to defeat the provisions of this Act and be null and void.

3[(2) If any question arises as to whether a transaction is prohibited transaction of loan to which the provisions of sub-section (1) apply, the holder of agricultural land who is a party to such transaction shall apply to the Sub-Divisional Officer :
(i) where such transaction was entered into after the 31st January, 1977 but prior to the commencement of the Madhya Pradesh Samaj Ke Kamjor Vargon Ke Krishi Bhumi Dharakon Ka Udar Dene Walon Ke Bhumi Hadapane Sambandhi Kuchakron Se Paritran Tatha Mukti (Sanskodhan) Adhiniyam, 1988 within 5 years of such commencement; and
(ii) where such transaction is entered into after the commencement of the said Act within 6 years of the date of such transaction in the form and manner prescribed under Section 5. The provisions of Section 17 of the Limitation Act, 1963 (No. 36 of 1963) shall apply for computing limitation under this sub-section.

(3) The Sub-Divisional Officer may, on his own motion or on receipt of the application under sub-section (2) proceed to deal with the matter as if it were an action taken on his own motion under Section 6 or an application under Section 5 as the case may be and the provisions of this Act shall so far as may be apply thereto as they apply to an action taken on his own motion under Section 6 or to an application under Section 5.]

**Section 16 - Power to remove difficulty -**

2 Renumbered by M.P. Act No. 29 of 1988
3 Inserted by M.P. Act No. 29 of 1988
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.

Section 17 - Protection of action taken under this Act -
(1) No suit, prosecution or other legal proceedings 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 provisions 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.

Section 18 - Power to make rules -
(1) The State Government may, by notification, make rules to give effect to the provisions 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 matter, namely:--

(i) the time within which and form and manner in which application shall be made under Section 5;

(ii) the manner in which the price of land shall be fixed under sub-section (3) of Section 7;

(iii) the manner in which net income may be determined under subsection (3) of Section 7;

(iv) the form and manner in which an appeal shall be made under Section 8 and the fee with which such appeal shall be accompanied;

(v) any other matter which has to be or may be prescribed.

(3) All rules made under this Act shall be laid on the table of the Legislative Assembly.

PREAMBLE

In exercise of the powers conferred by Section 18 of the Madhya Pradesh Samaj Ke Kamjor Vargon Ke Krishi Bhumi Dharakon Ka Udhar Dene Walon Ke Bhumi Hadapane Sambandhi Kuchakron Se Paritran Tatha Mukti Adhiniyam, 1976 (No. 3 of 1977), the State Government hereby makes the following rules, namely:

1. (1) These rules may be called the Madhya Pradesh Samaj Ke Kamjor Vargon Ke Krishi Bhumi Dharakon Ka Udhar Dene Walon Ke Bhumi Hadapane Sambandhi Kuchakron Se Paritran Tatha Mukti Niyam, 1978.

(2) They shall come into force on the date of their publication in the "Madhya Pradesh Gazette".

2. In these rules, unless the context otherwise requires,--

(a) "Form" means a form appended to these rules, and

(b) "Section" means a Section of the Madhya Pradesh Samaj Ke Kamjor Vargon Ke Krishi Bhumi Dharakon Ka Udhar Dene Walon Ke Bhumi Hadapane Sambandhi Kuchakron Se Paritran Tatha Mukti Adhiniyam, 1976 (No. 3 of 1977).

3. The application under Section 5 shall be made in Form I to the Sub-Divisional Officer on or before the 31st January 1984.

4. The price of land per hectare for purposes of sub-section (2) of Section 7 shall be an average sale price of land of the same quality of soil and similarly situated in the village sold during three years preceding the date of transfer and if no sale of such land has taken place in the village during the said period of three years the average of sale price of such land in the adjoining villages during the said period of three years.

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2 Substituted by Notification No. 577-6-I-N-I-VII-81, dated 21-2-1981

3 Substituted by Notification No. 247-5-2-VII-N-I-82, dated 31-1-1983
5. For purposes of determination of net income under sub-section (3) of Section 7, the Sub-Divisional Officer may require the lender of money by a notice in Form II to furnish information in the Form enclosed with the notice in respect of the land within such time, not exceeding 10 days, as may be specified in the notice.

6. If the lender of money furnishes the information required under Rule 5, within the time specified in the notice served under the said rule, the Sub-Divisional Officer shall cause the information furnished by the lender of money certified from the record, if any, maintained by the Patwari of the Patwari Circle concerned in that behalf and after having given an opportunity of being heard to the lender of money and the holder of agricultural land, determine the net income recording reasons therefore.

7. If the lender of money fails to furnish the information required under Rule 5, the Sub-Divisional Officer after having obtained information considered necessary from the Patwari of the Patwari Circle concerned, shall, after giving an opportunity of being heard to the lender of money and the holder of agricultural land determine the net income to the best of his judgment.

8. (1) The provisions of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) and the rules made thereunder so far as they relate to appeal shall apply to the appeal preferred under Section 8 as they apply to the appeal to the Collector under the said Code.

(2) The memorandum of appeal under Section 8 shall be affixed with a Court fee stamp of the value specified in Article I-A of Schedule I of the Court Fees Act, 1870 (No. VII of 1870).
FORM I

(See Rule 3)

Application under Section 5 of the Madhya Pradesh Samaj Ke Kamjor Vargon Ke Krishi Bhumi Dharakon Ka Udhar Dene Walon Ke Bhumi Hadapane Sambandhi Kuchakron Se Pariyatan Tatha Mukti Adhiniyam, 1976 (No. 3 of 1977)

1. Name of applicant.
2. Residential address.
3. Land held by applicant in the State.
   (a) Irrigated (Khasra No. .......... Village ........... Patwari Circle No. .............. Tehsil ............... District .............. Hectares.
   (b) Unirrigated ................. Khasra No. .......... Village ........... Patwari Circle No. .............. Tehsil ............... District .............. Hectares ..............
   Total ................. hectares.
4. Date of prohibited transaction
5. Principal money
6. Date of securing interest in land
7. Mode of securing interest in land .............. whetherby—
   (a) agreement to sell land with or without delivery of possession.
   (b) Outright sale of land within or without delivery of possession accompanied by separate agreement to result it.
   (c) Outright sale of land with or without delivery of possession with a district or an understanding that the sale shall not be acted upon if the loan is repaid.
   (d) Outright sale of land with or without delivery of possession with condition incorporated in the sale deed to result it on repayment of loan.
   (c) transaction in any modes other than (a) to (d).
8. Purpose of loan.
9. Market value of land at the time of transaction.
10. Whether the consideration shown in the document was paid in whole or in part, privately or before Sub-Registrar.
11. Whether possession of the land was actually delivered to the lender of money as per recitals in the said document. If not, when and in what manner the lender of money obtained possession of the land.
12. Rate of interest agreed upon.
13. Payment, if any, made by the holder of agricultural land to the lender of money towards the loan.

Place ..............
Date ..............  Applicant.
FORM II
(See Rule 5)
NOTICE

Before…………………… at……………… in the case of…………………………

Case No…………of 19……

To,

Shri………………………… son of……………… village………………

Tehsil…………………… District……………………

Whereas the transaction of loan granted by you on to Shri……………… son of Shri……………………………… Village…………………… Tehsil…………………… District…………………… has been declared void under clause (ii) of sub-section (1) of Section 7 of the Madhya Pradesh Samaj Ke Kamjor Vargon Ke Krishi Bhumi Dharakon Ka Udhar Dene Walon Ke Bhumi Hadapane Sambandhi Kuchakron Se Paritran Tatha Mukti Adhiniyam, 1976.

And whereas it is not possible to restore the land to said Shri………………

And whereas necessary order under sub-section (2) of the said Section 7 has been passed;

And whereas the land had remained with you during the agricultural years………………

Now, therefore, in order to determine the net income accrued to you during the said period. You are hereby directed to furnish the following information on or before……………… namely :—

<table>
<thead>
<tr>
<th>Agricultural year</th>
<th>Kind of crops sown and area under which each crop was sown</th>
<th>Out put of each crop</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Crop</td>
<td>Area</td>
</tr>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cost of out-put</th>
<th>Expenditure on agricultural operations</th>
<th>Net income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop</td>
<td>Cost</td>
<td>Crop</td>
</tr>
<tr>
<td>(4)</td>
<td>(5)</td>
<td>(6)</td>
</tr>
</tbody>
</table>


The Madhya Pradesh Gramin Rin Vimukti Adhiniyam, 1982
(M.P. Act No. 5 of 1983)
[21st January, 1983]

An Act to provide for relief from indebtedness in rural areas.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows:

1. Short title and extent.—
(1) This Act may be called the Madhya Pradesh Gramin Rin Vimukti Adhiniyam, 1982.

(2) It extends to the whole of Madhya Pradesh.

2. Definitions.—In this Act, unless the context otherwise requires:
(a) "agricultural land" means land in a rural area which is assessed to land revenue with reference to the use of such land for the purpose of agriculture;
(b) "Civil Court" includes:
   (i) a Court acting in the exercise of insolvency jurisdiction;
   (ii) a Court which under any law for the time being in force (a) has been constituted a Court of small causes or (b) is invested with the jurisdiction of a Court of small causes;
   (iii) a debt relief Court established under the Madhya Pradesh Anusuchit Jati Tatha Anusuchit Jan Jati Rini Sahayata Adhiniyam, 1967 (No. 12 of 1967);
(c) "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);
(d) "debt" includes all liabilities owing to a creditor in cash or kind, secured or unsecured, payable under a decree or order of a Civil Court or otherwise and subsisting on the 15th August, 1982 whether due or not due;
(e) "landless agricultural labourer" means a person who does not hold any agricultural land and whose principal means of livelihood is manual labour on agricultural land;

1. Received the assent of the President on the 21 -1 -1983; assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 22-1-1983.
(f) "local authority" means a Municipal Corporation, Municipal Council, Notified Area Committee, Town Area Committee or a Cantonment Board, as the case may be, constituted or deemed to have been constituted under any law relating to local authority for the time being in force;

(g) "marginal farmer" means an agriculturist who:—

(i) in the case of a member of Scheduled Castes or Scheduled Tribes, holds agricultural land not exceeding one hectare if irrigated or two hectares if unirrigated and who personally cultivates such land;

(ii) in the case of a person other than a member of Scheduled Castes or Scheduled Tribes, holds agricultural land not exceeding half hectare if irrigated or one hectare if unirrigated and who personally cultivates such land;

(h) "member of Scheduled Castes" means a member of such castes, races or tribes or parts of, or groups within castes, races or tribes specified as Scheduled Castes with respect to the State of Madhya Pradesh under Article 341 of the Constitution of India;

(i) "member of Scheduled Tribes" means a member of such tribes or tribal communities or parts of, or groups within such tribes or tribal communities specified as such with respect to the State of Madhya Pradesh under Article 342 of the Constitution of India;

(j) "rural area" means an area other than an area comprised within the limits of a local authority;

(k) "rural artisan" means a person who does not hold any agricultural land, and—

(i) whose principal means of livelihood is production or repaid of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto in a rural area; or

(ii) who normally earns his livelihood by practising a craft either by his own labour or by the labour of a member or members of his family in a rural area;

(l) "small farmer" means an agriculturist who:—

(i) in the case of a member of Scheduled Castes or Scheduled Tribes, holds agricultural land exceeding one hectare but not exceeding two hectares if irrigated or exceeding two hectares but not exceeding four hectares if unirrigated and who personally cultivates such land;

(ii) in the case of a person other than a member of Scheduled Castes or Scheduled Tribes holds agricultural land exceeding half hectare but not exceeding one hectare if
irrigated or exceeding one hectare but not exceeding two hectares if unirrigated and who personally cultivates such land;

(m) words and expressions used but not defined in this Act and defined in the Madhya Pradesh Land Revenue Code, 1959 (No. 29 of 1959), shall have the meanings respectively assigned to them in that Code.

3. Consequences to ensue on commencement of Act.— Notwithstanding anything contained in any other law for the time being in force or in any contract or other instrument having a force of law and save as otherwise expressly provided in this Act, the following consequences shall, on the commencement of this Act, ensue, namely:-

(a) every debt advanced before the 16th August, 1982 including the amount of interest, if any, and which is payable by—

(i) a marginal farmer;

(ii) a landless agricultural labourer;

(iii) a rural artisan;

(iv) a small farmer; to a creditor shall be deemed to be wholly discharged;

(b) no Civil Court having jurisdiction shall entertain any suit or proceeding against a debtor specified in Clause (a) for the recovery of his debt;

(c) all proceedings in execution of any decree for money or proceedings for making final any preliminary decree for foreclosure or sale or proceedings in execution of any final decree for sale against a debtor specified in Clause (a) for the recovery of his debt shall stand withdrawn and all property of the said debtor under attachment in any such proceedings shall forthwith be released;

(d) every debtor specified in Clause (a) in detention in a civil prison in execution of any decree for money passed against him by a Civil Court in respect of a debt shall forthwith be released;

(e) all suits and proceedings pending against a debtor specified in Clause (a) for the recovery of debt shall abate;

(f) every property pledged by a debtor specified in Clause (a) shall stand released in favour of such debtor and a creditor shall be bound to return the same to the debtor forthwith;

(g) every mortgage executed by a debtor specified in Clause (a) in favour of a creditor shall stand redeemed and the mortgaged property shall be released in favour of such debtor.
Provided that, where a suit or proceeding is instituted jointly against the said debtor and any other person, nothing in this section shall apply to the maintainability of a suit or proceeding in so far as it relates to such other person only on the ground that he is being jointly proceeded against.

Explanation.—Nothing in this section shall be construed to entitle the said debtor to the refund of any part of a debt already repaid by him or recovered from him before the commencement of this Act.

4. Penalties.—(1) No creditor shall,—

(i) accept any payment against any claim for a debt which has been discharged under this Act; or

(ii) refuse to return or re-deliver possession to the debtor of the property pledged or mortgaged by him which stands released or redeemed in favour of such debtor under this Act.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment which may extend to one year or fine which may extend to one thousand rupees; or both.

5. Bar of application of this Act.—Nothing contained in this Act shall apply to liabilities falling under the following heads, namely :

(a) any rent due in respect of any property let out to a debtor;

(b) any liability arising out of breach of trust or any tortious liability;

(c) any liability in respect of wages, or remuneration due as salary or otherwise, for service rendered;

(d) any liability in respect of maintenance whether under a decree or order of a Court or otherwise;

(e) a debt due to :—

(i) the Central Government or any State Government;

(ii) any local authority;

(iii) a banking company as defined in Section 5 of the Banking Regulation Act, 1949 (No. X of 1949), and includes the State Bank of India constituted under 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 respectively in the Banking Companies (Acquisition and Transfer of
Undertakings) Act, 1970 (No. 5 of 1970), or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (No. 40 of 1980), a regional rural bank established under the Regional Rural Banks Act, 1976 (No. 21 of 1976); and a Co-operative Land Development Bank or other Co-operative Bank registered or deemed to be registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No.17 of 1961);
(iv) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963 (No. 10 of 1963);
(v) any banking institution notified by the Central Government” under Section 51 of the Banking Regulation Act, 1949 (No. X of 1949);
(vi) the Madhya Pradesh Agro Industries Development Corporation Limited;
(vii) any Co-operative Society;
(viii) any Government Company within the meaning of the Companies Act, 1956 (No. 1 of 1956);
(f) any debt which represent the price of goods purchased by a debtor.

6. Authorities who may be specified for implementing the provisions of this Act. — The State Government may confer such powers and impose such duties on a Collector as may be necessary to ensure that the provisions of this Act are properly carried out and the Collector may specify an officer or officers subordinate to him, who shall exercise all or any of the powers and perform all or any of the duties so conferred or imposed and determine the local limits within which such powers or duties shall be carried out by the officer or officers so specified.

7. Bar of jurisdiction of Civil Court. — No Civil Court shall have any jurisdiction to entertain, or decide any question in respect of a debt to which provisions of this Act apply.

8. Power to make rules. —
(1) The State Government may, by notification, make rules for carrying out the purpose of this Act
(2) All rules made under this Act shall be laid on the table of the Legislative Assembly.

9. Special provision for Regional Rural Banks. — It is hereby declared that the regional rural banks established under the Regional Rural Banks Act, 1976 (No. 21 of 1976), shall be and shall always be deemed to have been included in sub-clause (iii)
of Clause (e) of Section 6 of the Madhya Pradesh Gramin Rin Vimukti Adhyadesh, 1982 (No. 18 of 1982), from the commencement thereof and the consequences ensuing under Clauses (a) to (g) of Section 4 of the said Ordinance shall, in respect of the Regional Rural Banks, be and shall always be deemed never to have ensued and accordingly the position with respect to the debt advanced by such Bank as on the date immediately before the 16th August, 1982 shall stand restored for all purposes.

10. **Repeal.**—The Madhya Pradesh Gramin Rin Vimukti Adhyadesh, 1982 (No. 18 of 1982), is hereby repealed.
Madhya Pradesh Janpad Panchayat (Imposition of Development Tax on Agriculture Land) Rules, 1999

PREAMBLE

In exercise of the powers conferred by sub-section (1) of Section 95 read with sub-section (3) of Section 77 and sub-section (1) of Section 78 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby, makes the following rules, the same having been previously published as required by sub-section (3) of Section 95 of the said Act, namely:--

1. Short title.--
(1) These rules may be called the Madhya Pradesh Janpad Panchayat (Imposition of Development Tax on Agriculture Land) Rules, 1999¹.

2. Definitions.--
In these rules, unless the context otherwise requires:--
(a) "Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);
(b) "Agricultural Land" means land held for the agricultural purposes including agro-forestry, floriculture, sericulture, pisciculture, horticulture and other similar purposes;
(c) "Assured irrigation" means irrigation from any source of irrigation belonging to the State Government;
(d) "Assured private irrigation" means irrigation,--
(i) from tube wells;
(ii) by lift irrigation from a perennial source of water, including well, operated by diesel or electrical energy.
Explanation.--For the purpose of sub-clause (ii) of clause (d) perennial source of water means a source of water from which water flows throughout the year.
(e) "Code" means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959);
(f) "Holder" means tenure holder or an occupancy tenant or lessee of land within the State and the expression 'to hold land' or 'holding land' shall be construed accordingly;

(g) "Perennial irrigated land" means land which receives water for more than one crop in a revenue year from any source of irrigation belonging to Government or any Panchayat or any Co-operative Society or privately;

(h) "Section" means the section of the Act;

(i) "Seasonally irrigated land" means the land which receives or had received water for not more than one crop in each of at least two agriculture year during five years immediately preceding the date of commencement of these rules from any source of irrigation to the Government or any Panchayat or Co-operative Society or privately;

(j) "Dry land" means any land which neither receives water through assured irrigation nor assured private irrigation.

3. Levy of development tax on certain land used for the purpose of agriculture.--

(1) There shall be levied for each revenue year, a development tax on each holding used for the purpose of agriculture, which is not less than 4.046 hectare in the dry land, 3.035 hectare in seasonal irrigated land and 2.023 hectare in the perennial irrigated land and which shall be payable by land holder and Government lessee in respect of land held by him in the Gram Panchayat area of the Block:

Provided that no development tax shall be payable in respect of a holding, the land revenue in respect whereof, immediately before the enforcement of these rules, did not exceed five rupees.

(2) For assessing the land under agriculture area, one hectare of perennial irrigated land shall be equal to 2 hectare of dry land and one hectare of seasonally irrigated land shall be reckoned to 1-1/2 hectare of dry land.

*Explanation.*--For the purpose of this rule holding shall mean the entire land held by a person in the Janpad Panchayat area notwithstanding the fact that any portion thereof is separately assessed to land revenue.

(3) The development tax shall be in addition to the land revenue or rent or cess or tax payable to the State Government or Panchayat on such land under the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) or under Section 74 of the Act or any other enactment for the time being in force, and shall be payable and collected separately in the same manner as land revenue.

*Explanation.*--In this rule expression 'Tenure holder' 'Government lessee' and 'Land revenue' and 'rent' shall have the same meaning assigned to these expressions in the Land Revenue Code, 1959 (No. 20 of 1959) and the word 'cess' shall have the same
meaning as is assigned to this expression in Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994).

4. Responsibility for payment of development tax.--
(1) The following persons shall be primarily liable for the payment of the development tax assessed on a holding:--
(a) In a Bhoomi Swami's holding, the Bhoomi Swami.
(b) In a holding consisting of land leased by the State Government, the lessee thereof.
(2) When there are more than one Bhoomi Swami or lessee in holding, all such Bhoomi Swamis or lessees as the case may be, shall be jointly and severally liable to the payment of the development tax assessed on such holding.
(3) In case of default by any person who is primarily liable under sub-rule (1), the development tax including arrears thereof shall be recoverable from any person in possession of the land:
Provided that such person shall be entitled to credit for the amount recovered from him in account with the person who is primarily liable.

5. Date on which development tax falls due and is payable and shall be credited to Zila Panchayat Raj Nidhi.--
(1) The development tax falls due on the 1st day of the revenue year and shall be payable at the time when the land revenue falls due.
(2) The development tax shall be credited into Zila Panchayat Raj Nidhi constituted under the provisions of Section 76 of the Act for the concerned district.

6. Imposition of development tax.--
(1) A Janpad Panchayat may at a special meeting pass a resolution to impose the development tax on agriculture land in the whole of the Block excluding land which falls in the area of any other urban local body. The rate of development tax leviable in respect of land situated therein shall be levied at such rate as may be determined by the Janpad Panchayat but shall not exceed ten times of the land revenue or rent of the land with effect from the first day of the next revenue year.
(2) A notice of the intention as per resolution passed by the Janpad Panchayat referred to in sub-rule (1) shall be proclaimed by exhibiting it on the notice board of the Janpad Panchayat and all the Gram Panchayats of the Block inviting objection or
suggestions from any person likely to be affected by imposition of such tax within 15
days from the date of its proclamation.

(3) The Janpad Panchayat shall finally determine, by resolution the rate of
development tax, after considering the objections or suggestions, if any, and shall
issue a notification thereof mentioning all details. Such notification shall be published
in the same manner as in sub-rule (2).

(4) A copy of the resolution and notification shall immediately be forwarded to the
Tahsildar of the concerned area for assessment and realisation of the tax and to the
Collector and Chief Executive Officer or Zila Panchayat for information.

7. Preparation of statement regarding land under agriculture and assessment of
development tax.--

(1) The Tahsildar shall cause to be prepared a statement by Patwaris of the tehsil by
the 1st day of December of each year in triplicate in the Form 'A appended to these
rules.

(2) Every Patwari shall prepare a statement in Form A as specified in sub-rule (1) and
forward to the Tahsildar.

(3) The area of Khasra number will be shown by the Patwari in terms of hectares.

(4) While calculating tax assessable under sub-rule (1) of Rule 4, the total area under
agriculture in a holding of a tenure holder, land in possession of occupancy tenant and
Government lessee along with land revenue payable shall be taken in account. All
such area shall be converted in comparison to dry land and the total land revenue
payable thereof shall be taken into account for assessment of development tax.

(5) The statement so prepared in Form A by the Patwari shall be published by 31st
day of December by the Tahsildar under proclamation in Form 'B' inviting objections
by 15th January in the village concerned by placing one copy of the statement in the
office of the Gram Panchayat, proclaiming this fact by beat of drum in the village.

(6) The proclamation as published under Rule 5 shall be deemed to be sufficient
notice to all persons concerned of the provisional assessment of development tax and
time and place of hearing fixed.

(7) The objections, if any to the provisional list of tax shall be preferred in writing
through a petition addressed to the Tahsildar, so as to reach him on or before the date
fixed as per sub-rule (5) and no objection shall be entertained after that date.
(8) On the date and the place of hearing, the Tahsildar shall after hearing the parties and making such further enquiries as he may deem necessary, may pass order either confirming, revising or modifying the provisional list of tax.

(9) Orders passed by the Tahsildar on the objections preferred on the provisional list of taxation shall be in writing and shall be communicated to the objector.

(10) The intimation as to the tax payable by a tennure holder, occupancy tenant or Government lessee, according to the list so finalised, shall then be given to the person concerned in Form 'C'.

(11) In issuing notice for the purpose of enquiries to be made and service thereof, the rules framed in this behalf under Section 41 of the Madhya Pradesh Land Revenue Code, 1959 shall be applicable.

8. Appeal.--

Any person aggrieved by the order of the Tahsildar under sub-rule (9) of Rule 7 may within 30 days from the date of such order, prefer an appeal to the Sub-Divisional Officer, whose decision thereon shall be final:

Provided that in computing the period of 30 days, time required for obtaining a copy of the order appealed against, shall be excluded.

9. Distribution of development tax amongst Panchayats.--

Out of the amount realised in the fund pertaining to the development tax, fifty per cent shall be paid to Janpad Panchayat and remaining fifty per cent shall be paid to the Gram Panchayats within that Janpad Panchayat. The distribution of amount amongst the Gram Panchayats shall be made in the proportion of their population.

10. Repeal and Savings.--

On the commencement of these rules all rules corresponding to the rules shall stand repealed:

Provided that any action taken under the rules, so repealed, shall be deemed to have been taken under these rules.
FORM 'A'
[See Rule 7 (1)]

Statement showing the development tax payable by the land holders during the year

Name of Village ............... Patwari Circle No. ...............
Name of Gram Panchayat ............... Tehsil ...............

<table>
<thead>
<tr>
<th>Sl.No. of the holding</th>
<th>Name and father's name and residence of the Bhumiswami occupany tenant, Government lessee</th>
<th>Area and land revenue payable</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Area under perennial irrigation</td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>As compared to dry lands</th>
<th>Assessment of development tax</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>Land Revenue</td>
<td>(10)</td>
</tr>
<tr>
<td>(8)</td>
<td>(9)</td>
<td></td>
</tr>
</tbody>
</table>

Signature of Patwari

Note.—If any change in the area of holding due to transfer or increase or decrease in irrigation occurs, such reasons must be recorded in remarks column.
FORM ‘B’
[See Rule 7 (5)]

Proclamation

It is hereby notified for the information of all persons concerned tenure holders/occupancy tenants/Government lessee of the Village .......... Patwari Circle No. ......... Tehsil ................. that a provisional list of such tenure holders/occupancy tenants/Government lessees liable to pay development tax for the revenue year ......... under Section 77 (3) of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994) is placed for every-body’s information, inspection and perusal in the office of Gram Panchayat in the village.

Any person desirous of putting up any objection to any entry in this list in any manner whatsoever should file his objection in writing in the form of a petition addressed to the Tahsildar so as to reach the Tahsildar by the 15th January ........... Any objection not made on or before that date shall not be entertained.

All objections received by the Tahsildar by the aforesaid date shall be heard at .......... on ........... where all objections are enjoined to the present for personal hearing with such evidence which they may like to adduce in support of their objections.

This proclamation shall be deemed to be sufficient notice to all such intending objections of the hearing to the objections and no separate notice shall be issued hereinafter.

Seal : 

Signature of Tahsildar
FORM 'C'
[See Rule 7 (10)]

Whereas a provisional list of tenure holders/occupancy tenants/Government lessees of the village ............... P.C. No. ............... Tehsil ............... liable to pay tax under Section 77 (3) of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994) and the quantum of tax leviable on them was duly published in the village in accordance with the provisions of Madhya Pradesh Janpad Panchayat (Imposition of Development Tax on Agriculture Land) Rules, 1999.

And whereas after hearing such objections as were preferred against the entries made in this list, the Tahsildar has finalised the same under Rule 11.

Now, therefore, you are hereby informed that in accordance with this list so finalised, you are required to pay Rs. ............... as tax on the area under agriculture land by you during the revenue year 19 ............... and that the same has become recoverable as land revenue with immediate effect.

Signature of Tahsildar
OTHER RELATED LAWS
15. The Madhya Pradesh Extension of Laws Act, 1958
The Madhya Pradesh Extension of Laws

Act, 1958

[Act No. 23 of 1958]

PREAMBLE
An Act to provide for the extension of certain laws in force in some of the regions of Madhya Pradesh to the other regions thereof.

Be it enacted by the Madhya Pradesh Legislature in the Ninth Year of the Republic of India as follows:--

Section 1 - Short title and commencement-
(1) This Act may be called the Madhya Pradesh Extension of Laws Act, 1958.
(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette of the State, appoint.

Section 2 – Definitions-
In this Act, unless there is anything repugnant in the subject or context,--

(a) "appointed day" means the date appointed under sub-section (2) of Section 1 for the coming into force of this Act;
(b) "Bhopal region" means the territories which immediately before the 1st day of November, 1956, were comprised in the Part 'C' State of Bhopal;
(c) "Madhya Bharat region" means the territories which immediately before the 1st day of November 1956, were comprised in the Part 'B' State of Madhya Bharat, except Sunel Tappa of Bhanpura tehsil of Mandsaur district;
(d) "Mahakoshal region" means the territories comprised within the districts of Jabalpur, Sagar, Damoh, Mandla, Hoshangabad, Narsimhapur, Chhindwara, Seoni, Betul, Nimar, Raipur, Bilaspur, Durg, Bastar, Surguja, Raigarh and Balaghat;
(e) "region" means the Mahakoshal region, the Madhya Bharat region, the Vindhya Pradesh region, the Bhopal region or the Sironj region;
(f) "Sironj region" means the area comprised in the Sironj sub-division of the Bhilsa district on the 1st day of November, 1956;

1 Received the assent of the President on the 27-8-1958; assent first published in the Madhya Pradesh Gazette on 1-9-1958.
2 The Act came into force on the 1-1-1950, vide Govt. of M.P. Law Department Notification No. 41772-XXI-A (Dr.), dated 31-12-1958, published in Madhya Pradesh Gazette, Extraordinary, dated the 1-1-1959.
"Vindhya Pradesh region" means the territories which immediately before the 1st day of November 1956, were comprised in the Part 'C' State of Vindhya Pradesh.

Section 3 - Extension and amendment of certain Acts-
(1) The Acts specified in Part A of the Schedule and as in force in the Mahakoshal region immediately before the appointed day, are hereby extended to, and shall, as from the appointed day, be in force, in all the other regions of the State.
(2) The Acts specified in Part B of the Schedule and as in force in the Madhya Bharat region immediately before the appointed day, are hereby extended to, and shall, as from the appointed day, be in force, in all the other regions of the State.
(3) The Acts extended by sub-section (1) and (2) shall, in their application to the whole of Madhya Pradesh, be amended in the manner and to the extent specified in the Schedule.
(4) Without prejudice to the provisions of sub-section (3) wherever in the long title, preamble or short title of any of the Acts extended by sub-section (1) or sub-section (2) any of the expressions "Central Provinces" or "Central Provinces and Berar" or "Madhya Bharat" occurs there shall be substituted therefore the expression "Madhya Pradesh".

Section 4 - Construction of references to laws not in force in any region-
Any reference in any Act specified in the Schedule to a law which is not in force in any region of the State shall, in relation to that region, be construed as a reference to the corresponding law, if any, in force in that region.

Section 5 - Construction of references of authorities-
(1) Any reference in any Act specified in the Schedule to any authority not in existence in any other region of the State shall, in relation to that region, have reference to such authority as the State Government may, by notification, specify as the corresponding authority.
(2) Any reference, by whatever form of words, in any law for the time being in force in any region of the State to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in that region shall, where a corresponding new authority has been constituted by or under any Act now extended to that region, have effect as if it were a reference to that new authority.

Section 6 - Repeal and Savings-
(1) If immediately before the appointed day, there is in force in any region of the State any law corresponding to any of the Acts now extended to that region, that law shall, save as otherwise expressly provided in the Act stand repealed:
Provided that the repeal shall not affect,--
(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or
(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or
(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;
and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:
Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, patent, permit or licence granted or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act as now extended to that region, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the said Act.
(2) For avoidance of doubt, it is hereby declared that nothing in sub-section (1) shall affect the continuance in force of the Madhya Bharat Towns Improvement Act, 1956 (2 of 1956) with respect to the towns of Gwalior, Indore, Ratlam, Ujjain and Neemuch.

Section 7 - Power to remove difficulties
(1) If in consequence of anything contained in this Act, any difficulty arises in giving effect to the provisions of any Act specified in the Schedule, the State Government may, by order notified in the Official Gazette, make such provision or give such directions as appear to be necessary for the removal of the difficulty.
(2) In particular, and without prejudice to the generality of the foregoing power, any such notified order may--
(a) specify the corresponding authorities within the meaning of Section 5;
(b) provide for the transfer of any matter pending before any court, tribunal or other
authority, immediately before the appointed day, to any corresponding court, tribunal
or other authority for disposal;
(c) specify the areas or circumstances in which, or the extent to which or the
conditions subject to which, anything done or any action taken (including any of the
matters specified in the second proviso to Section 6) under any law repealed by that
section shall be recognised or given effect to under the corresponding provision of the
Act as now extended.

THE SCHEDULE

PART A

[See Section 3(1)]

1. The Indian Tolls Act, 1851 (VIII of 1851)
Section I-A.-
For Section 1-A substitute the following, namely :-
"1-A. It extends to and shall be in force in the whole of Madhya Pradesh."

2. The Police Act, 1861 (V of 1861)

3. The Public Gambling Act, 1867 (III of 1867)
Section 2-
For "within the Mahakoshal region" substitute "within the State."

4. The Cattle Trespass Act, 1871 (I of 1871)
Section 1. In sub-section (2), after "in Part 'B' States" add "other than the Madhya
Bharat and Sironj regions of the State of Madhya Pradesh".

Section 31.-
To clause (a) add the following proviso, namely :---
"Provided that if in any area of the functions of the State Government or the
Magistrate of the district under this Act, were immediately before the commencement
of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958), being performed
by a local authority, then on such commencement all such functions shall be deemed
to have been transferred to such local authority under this section."

5. The Northern India Ferries Act, 1878 (XVII of 1878)
Section 1-
(1) In the second paragraph for "Mahakoshal region" substitute "Madhya Pradesh".

(2) For the third paragraph, substitute--

"It shall be in force in all such territories in which it was in force immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958) and shall come into force on the commencement of the said Act, in all such regions of Madhya Pradesh in which it was not in force before such commencement."

Section 7-A.-
For "in the Mahakoshal region" substitute "in the State".

6. The Legal Practitioners Act, 1879 (XVIII of 1879)
Section 1-
After the third paragraph insert the following paragraph, namely :

"The rest of this Act also extends to the territories in the Madhya Bharat, Vindhya Pradesh, Bhopal and Sironj regions of the State of Madhya Pradesh".

7. The Vaccination Act, 1880 (XIII of 1880)
Section 1.-
For "Mahakoshal region" substitute "Madhya Pradesh".

8. The Indian Easements Act, 1882 (V of 1882)
Section 1-
For "Mahakoshal region" substitute "Madhya Pradesh".

9. The Land Improvement Loans Act, 1883 (XIX of 1883)
Section 1-
(1) In sub-section (2), after "Part 'B' States" add "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh".

(2) After sub-section (2) insert--

"(3) It shall be in force in the whole of Madhya Pradesh."

10. The Agriculturists' Loans Act, 1884 (XI of 1884)
Section 1-
(1) In sub-section (1), after "Part 'B' States" add "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh"

(2) In sub-section (2), for "the Central Provinces" substitute "the Madhya Pradesh"

11. The Suits Valuation Act, 1887 (VII of 1887)
Section 1.-
After "Part 'B' States" add "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh."

Section 7.-
Renumber that section as sub-section (1) thereof and after sub-section (1) as so renumbered insert--
"(2) This Part shall be in force in the Madhya Bharat and Sironj regions of the State of Madhya Pradesh from the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958)."

12. The Land Acquisition Act, 1894 (I of 1894)
Section 1-
In sub-section (2), after "Part 'B' States" add "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh".

13. The Epidemic Diseases Act, 1897 (III of 1897)
Section 1-
In sub-section (2), after "Part 'B' States" add "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh".

14. The Reformatory Schools Act, 1897 (VIII of 1897)
Section 1-
In sub-section (3), add at the end "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh."

15. The Prisoners Act, 1900 (III of 1900)
Section 1.- In sub-section (2), after "Part 'B' States" add "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh".

16. The Wild Birds and Animals Protection Act, 1912 (VIII of 1912)
Section 1.- In sub-section (2), after "Part 'B' States" add "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh."

17. The Usurious Loans Act, 1918 (X of 1918)
Section 1-
In sub-section (2), after "Part 'B' States" add "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh."

18. The Provincial Insolvency Act, 1920 (V of 1920)
Section 1-
In sub-section (2), after "Part 'B' States" add "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh."

19. The Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925)

20. The Indian Forest Act, 1927 (XVI of 1927)

Section 1-
In sub-section (2), add at the end "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh."

(2) In sub-section (3), add--
"It also applies to the territories comprised in the Madhaya Bharat, Vindhya Pradesh, Bhopal and Sironj regions of the State of Madhya Pradesh".

21. The Central Provinces Excise Act, 1915 (II of 1915)
Throughout the Act for "Mahakoshal region" substitute "State".

Section 1-
For sub-section (2), substitute--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh." Section 8-
After clause (b), add--
"(c) make suitable provisions for the effective control of Mahua (Bassia Latifolia and Bassia Longifolia) or any other base which is or which can be utilised for the manufacture of liquor."

Section 13.-
In the second proviso, omit "in merged territories".

Section 22-
(1) In sub-clause (1), for "any person" substitute "any woman or any male person" and for "fourteen" substitute "eighteen".

(2) Omit sub-sections (2) and (3).

Section 23.-
For "fourteen" substitute "eighteen".

Section 25.-
In clause (i) of sub-section (3), omit "or on any article which has been imported into any part other than the Mahakoshal region of Madhya Pradesh as formed by the provisions of Part II of the States Reorganisation Act, 1956 (37 of 1956), and on
which a duty has already been paid on such importation under any corresponding law in force in that part".
Section 27-A.-
In sub-section (2), omit item (c).
Omit Section 33-A.
Section 34.-
After the proviso, insert:
"Provided further that when any person is convicted under this section of any offence committed in respect of manufacture, possession, or sale of any liquor, he shall be punishable for every such offence with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees."
Section 38.-
In clause (c) of sub-section (1), omit "reputed".
Section 48.-
In clause (a) of sub-section (1), after "as the case may be" and before "and" insert "or may impose as a penalty a sum not exceeding two hundred rupees and may order the confiscation of articles which are seized."
Section 59.-
For sub-section (1), substitute--
"(1) All offences punishable under this Act shall be bailable within the meaning of the Code of Criminal Procedure, 1898 (V of 1898)."
Section 62-
After clause (d) of sub-section (2), insert the following, namely:--
"(d-1) regulating the import, export, transport, collection, possession, supply, storage or sale of mahua flowers, prescribing licences and permit therefor, throughout the State or in any specified area or for any specified period."
22. The Central Provinces Borstal Act, 1928 (IX of 1928)
Section 1-
For sub-sections (2) and (3), substitute the following, namely:--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."
In item (a), omit "or" occurring for the third time and omit item (b).

Section 33. -
In clause (2), omit "except States".

23. The Central Provinces Children Act, 1928 (X of 1928)
Section 1-
In sub-section (2), for "Mahakoshal region" substitute "Madhya Pradesh."
Section 3.-
For "Mahakoshal region" substitute "Madhya Pradesh".

24. The Central Provinces Opium Smoking Act, 1929
(IV of 1929)
Section 1.-
For sub-section (2) and (3), substitute the following, namely :--
"(2) it extends to and shall be in force in the whole of Madhya Pradesh."
Section 8-A.-
For "merged territories" substitute "State".

25. The Central Provinces Juvenile Smoking Act, 1929
(VIII of 1929)
Section 2.-
For sub-section (2), substitute the following, namely :--
"(2) It extends to the whole of Madhya Pradesh."
Section 5.-
For "Lambardar, mukaddam" substitute "Patel" and for wards beginning with "Member of a Municipal Committee" and ending with "member of a Village Panchayat", substitute "Member of any local authority."

26. Central Provinces Irrigation Act, 1931 (III of 1931)
Section 1-
For sub-sections (2) and (3), substitute--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."
Section 6.-
At the end, substitute a comma for the full stop and insert,-- "and includes a private water-course."
After Section 6, insert--
"6-A. Private water-course."
Private water-course' means a watercourse constructed at the cost of a permanent holder."

Section 14.-
For Section 14, substitute--
"14. Permanent holder.--
In the table set out below the person specified in the second column shall be deemed to be the permanent holder of land held by him as specified in the first column:--

<table>
<thead>
<tr>
<th>TABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(1) Mahakoshal region</strong></td>
</tr>
<tr>
<td>Land held as a Bhumiswami</td>
</tr>
<tr>
<td>Land held as a Bhumidhari</td>
</tr>
<tr>
<td><strong>(2) Madhya Bharat Region</strong></td>
</tr>
<tr>
<td>Land held as a Pakka tenant</td>
</tr>
<tr>
<td>Land held as a concessional holder</td>
</tr>
<tr>
<td><strong>(3) Vindhya Pradesh Region</strong></td>
</tr>
<tr>
<td>Land held as a Pachpan Paintalis tenant</td>
</tr>
<tr>
<td>Land held as a Pattedar tenant</td>
</tr>
<tr>
<td>Land held as a grove holder</td>
</tr>
<tr>
<td>Land held as the holder of a tank</td>
</tr>
<tr>
<td><strong>(4) Bhopal region</strong></td>
</tr>
<tr>
<td>Land held as an occupant</td>
</tr>
<tr>
<td>Land held as a Shikmi of Khudkast for more than one year</td>
</tr>
<tr>
<td>Land held by the grantee of</td>
</tr>
<tr>
<td><strong>(5) Sironj Region</strong></td>
</tr>
<tr>
<td>Land held as a Khateder tenant</td>
</tr>
<tr>
<td>Land held as a grove holder</td>
</tr>
</tbody>
</table>

After Section 18, insert--
"18-A. Additional Canal Officers.--
The State Government may, by notification in the Official Gazette, appoint the Canal Officers of any neighbouring State to be Additional Canal Officers in any subdivision or circle of this State and to exercise such powers and to perform such duties under this Act as may be specified in the notification."

Section 30.-
After sub-section (1), insert--
"(I-A). In determining the amount of such compensation, regard shall be had to the diminution in the market value, at the time of awarding compensation of the property in respect of which compensation is claimed and where such market value is not ascertainable, the amount shall be reckoned at fifteen times the amount of the diminution of the annual net profits of such property, caused by the exercise of the powers conferred by this Act."

After Section 89, insert--
"89-A. Acquisition of the right of supply through an existing private water-course.--
(1) Any permanent holder of irrigable or wet land desiring to have the right of supply of water through a private water-course of another person passing through or by the side of or within easy reach of such land may apply to the Collector.
(2) If the applicant undertakes to defray all costs involved in acquiring such right and to share the expenses made by the owner in the construction of the water-course, the Collector shall serve a notice on the owner to show cause why the right should not be granted.
(3) If the owner of the water-course raises no objection, the Collector may declare the applicant to be the joint holder of the watercourse on such conditions as to the payment of cost, compensation or otherwise as may appear to him equitable.

89-B. Construction of a private water-course.--
(1) Subject to rules made under the Act, a permanent holder of irrigable or wet land in a village or chak may construct on his land a private water-course.
(2) Every permanent holder desiring to construct a private water-course shall, before undertaking the construction thereof, make an application in writing to the Executive Engineer clearly disclosing therein the details of the proposed water-course including its alignment, the land which is sought to be irrigated and such other particulars as may be prescribed.
(3) On receipt of the application, the Executive Engineer shall, after making or causing to be made such enquiry, as he deems fit, lay down the specification for the construction of the private water-course and give such other directions in relation thereto as he may consider necessary.

(4) Every private water-course shall be constructed in accordance with the specifications and directions given under sub-section (3).

(5) No private water-course shall be used for the supply of water from a canal for irrigation purposes unless it has been constructed in accordance with the specifications and directions given under sub-section (3).

89-C. Occasional supply of water thought private water-course.--

(1) Any permanent holder or occupier in a wet or irrigable area may apply to the Executive Engineer for supply of water from a canal.

(2) If it appears expedient that such supply should be given and that it should be conveyed through an existing private water-course, the Executive Engineer shall give notice to owner of the water-course to show cause on a day not more than 14 days from the date of such notice why the said supply should not be so conveyed.

(3) On the day fixed, the Executive Engineer shall after hearing the owner if present and making such enquiry, as he thinks fit, determine whether and on what conditions the said supply should be conveyed through the water-course.

(4) Any person aggrieved by the decision of the Executive Engineer under sub-section (3), may before the expiry of thirty days from such decision, prefer an appeal to the Superintending Engineer and subject to the result of such appeal, if any, the decision of the Executive Engineer shall be final.

(5) Such applicant shall not be entitled to use the water-course until he has paid the cost of any alteration of the water-course required to making the supply available through it and such charges for use of the water-course as the Executive Engineer may determine.

(6) The applicant shall also be liable to maintain the water-course so long as he uses it.

89-D. Obligation of person owning or using private water-course.--

(1) Every permanent holder owning or using private water-course, shall--

(a) construct and maintain to the satisfaction of the Executive Engineer all works which, in the opinion of the Executive Engineer, are required for the passage of water
or traffic across the aforesaid private water-course or of water-course existing previous to its construction and of drainage intercepted by such private water-course, and for affording proper communication across it for the convenience of the neighbouring lands;

(b) maintain the water-course in proper repair so long as it is in an area under an agreement or in a compulsorily assessed area; and

(c) allow its use in the manner and to the extent provided by Section 89-C.

(2) If at any time the Executive Engineer considers in respect of a water-course referred to in sub-section (1) that the works mentioned in clause (a) of that sub-section have not been constructed or maintained or that the water-course is not in proper repair as required by clause (b) thereof--

(a) he may, by a notice served upon the persons liable under sub-section (1), require that the construction or repairs be made to his satisfaction on or before a specified date; and

(b) if the construction or repairs are not made to his satisfaction by such date he may stop the supply of water to the water-course; or

(c) he may cause the construction and repairs to be made and may collect a sum not exceeding twice the cost thereof from the permanent holder owning or using the water-course in proportion to the areas held by them in the land which is ordinarily irrigated through the water-course.

89-E. Application of Sections 89-A to 89-D.--

Provisions of Sections 89-A, 89-B, 89-C and 89-D shall, in the first instance, apply to the Madhya Bharat and the Vindhya Pradesh regions, and the State Government may, from time to time, by notification extend their application to such other areas as it may deem fit."

Section 91.-

After clause (d), insert--

"(e) the circumstances in which and the conditions subject to which applications under Section 89-B may be made."

27. The Indian Tolls (Central Provinces Amendment) Act, 1932

(VIII of 1932)

Section I.-

In sub-section (2), for "Mahakoshal region" substitute "Madhya Pradesh".
28. The Central Provinces and Berar Local Fund Audit Act, 1933
(IX of 1933)
Section 1.-
For sub-section (ii), substitute--
"(ii) It extends to and shall be in force in the whole of Madhya Pradesh."
Section 4.-
(1) For "president or chairman" substitute "president, chairman or sarpanch".
(2) For "by the State Government" substitute "or at such other time as that State Government may direct".
Section 5.-
In clause (c) of sub-section (1) after "chairman" insert "sarpanch".
Section 13-
After "preferred" occurring for the second time, insert-- "shall be paid within three months of the date of the certificate or order, as the case may be, and if not so paid."
29. The Central Provinces Money-Lenders Act, 1934
(XIII of 1934)
Section 1-
For sub-sections (2) and (3), substitute the following, namely :
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."
Section 2-
In clause (ix) omit "or the same Act as applied to Berar".
Section 11-A.-
In sub-section (2), omit "or the same Act as applied to Berar."
Section 11-H.-
For "Mahakoshal region" substitute "Madhya Pradesh".
Section 11-J.-
Omit "or the Berar Land Revenue Code, 1928".
Section 13.-
In the Explanation, omit "and the same Act as applied to Berar."
30. The Central Provinces Cattle Diseases Act, 1934
(XVI of 1934)
Section 1.-
For sub-section (2), substitute--
"(2) This Act, except Chapters I and II, extends to and shall be in force in the whole of Madhya Pradesh. Chapters I and II shall be in force in such area in which immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958), they were in force in the Mahakoshal region and shall, on such commencement extend to and be in force in the areas in which the like provisions of the corresponding law were in force in the Madhya Bharat and Vindhya Pradesh regions.

(3) Sections 3 to 9 shall extend to such other areas of the State and come into force on such dates as the State Government may, by notification in the Official Gazette, direct."

31. The Central Provinces Games Act, 1935 (XV of 1935)
Section 1-
For sub-section (2), substitute--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh and shall apply to the birds and animals which are specified in the Schedule when in their wild state."

32. The Central Provinces Probation of Offenders Act, 1936
(I of 1936)
Section 1-
(i) For sub-section (2), substitute the following, namely :--
" (2) It extends to the whole of Madhya Pradesh.
(2-A) It shall be in force in all such areas of Madhya Pradesh in which it was in force immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958), and may be brought into force in such other areas and on such dates as the State Government may, by notification in the Official Gazette, direct."
(ii) In sub-section (3), for "Mahakoshal region" substitute "Madhya Pradesh".

33. The Central Provinces Adjustment and Liquidation of Industrial Workers Debt Act, 1936 (V of 1936)
Section 1-
(1) For sub-section (2), substitute the following, namely :--
"(2) It extends to the whole of Madhya Pradesh."
"(3) This section shall come into force at once and the remaining provisions shall be in force in all such local areas of Madhya Pradesh in which they were in force immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958) and may be brought into force in any other local area on such date as the State Government may, by notification in the Official Gazette, direct."

34. The Central Provinces Highway Act, 1936 (XXXIV of 1936)

Section 1.-
For sub-sections (2) and (3), substitute the following, namely :--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

Section 2.-
For clause (b), substitute the following, namely :--
"(b) 'local authority' means a Municipal Corporation, Municipal Committee, Notified Area Committee, Town Committee, District Board, Janapada Sabha, Mandal Panchayat, Gram Sabha, Gram Panchayat, Village Panchayat, or other authority legally entitled to or entrusted by the Government, with the control or management of a municipal or local fund; and includes any authority deemed to be a local authority under any enactment."

35. The Central Provinces Agricultural Pest and Diseases Act, 1936 (XXXV of 1936)

Section 1-
For sub-section (2), substitute--
"(2) It extends to the whole of Madhya Pradesh."

36. The Central Provinces Co-operative Land Mortgage Banks Act, 1937 (I of 1937)

Section 1.- (1) In sub-section (2), for "Mahakoshal region" substitute "Madhya Pradesh".

(2) For sub-section (3), substitute--
"(3) The provisions of this Act, except Chapter VI, shall be in force in the Mahakoshal region and shall come into force in any other region of the State on such date as the State Government may, by notification in the Official Gazette, appoint."

Section 44-
For "the Mahakoshal region" substitute "the State" and for "the Mahakoshal Co-operative Bank, Limited" substitute "the Madhya Pradesh Co-operative Bank, Limited."
Section 45.-
For "Mahakoshal Central Land Mortgage Bank, Limited" substitute "Madhya Pradesh Central Land Mortgage Bank, Limited."

37. The Central Provinces and Berar Famine Relief Fund Act, 1937 (III of 1937)
Section 1-
For sub-sections (2) and (3), substitute--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."
Section 3- (1) For "this Act" substitute "the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958)."
(2) For "Mahakoshal region" substitute "Madhya Pradesh".
Section 4.-
For Section 4, substitute--
"4. Investment in the securities of the Central Government.--
(1) The State Government shall, on the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958), invest a sum of forty lakhs of rupees in the securities of the Central Government in the name of the Secretary to the Government of Madhya Pradesh, Finance Department.
(2) Such sum as may fall to the share of this State under Section 80 of the States Reorganisation Act, 1956 (37 of 1956) from and out of the investments made by the pre-Reorganisation State of Madhya Pradesh in the Famine Relief Fund of that State shall also be reinvested in the manner provided for in sub-section (1) and shall until so reinvested be taken into account for purposes of determining the balance under Section 7."
Section 5.-
(1) For "Mahakoshal region " substitute "Madhya Pradesh".
(2) For "forty-five" substitute "seventy-five".
Section 7-
(1) For "forty-five" substitute "seventy-five".
(2) For "four" occurring twice substitute "seven".
38. The Central Provinces Protection of Debtors Act, 1937
(IV of 1937)
Section 1.-
For sub-sections (2) and (3), substitute the following, namely :--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

39. The Central Provinces Recognised Examination Act, 1937

(X of 1937)

Section 1-

For sub-sections (2) and (3), substitute--

"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

SCHEDULE.--

For the Schedule substitute the following, namely :

"THE SCHEDULE

(See Section 2)

1. High School and Intermediate Examinations of the Mahakoshal, Madhya Bharat and Ajmer Boards of Secondary Education.
2. A University Examination.
3. Cambridge Examination conducted by the Cambridge University Syndicate.
4. Short hand and Type-writing Examinations.
5. Vernacular Middle Examinations.
8. Industrial Schools Test Trade Course Certificate Examination.
10. Examinations conducted by the Prayag Mahila Vidyai Pitha or Hindi Sahitya Sammelan, Prayag.
11. Examinations conducted by the Registrar of Departmental Examinations, Education Department."

40. The Central Provinces Prohibition Act, 1938 (VII of 1938)

Throughout the Act, for "Mahakoshal region" substitute "State."

Section 1.-

For sub-section (2), substitute--

"(2) It extends to the whole of Madhya Pradesh."

(2) After clause (i) of sub-section (3), insert--

"(i-a) It shall come into force in the Bhilsa district on the date on which the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958) comes into force."
For clause (i), substitute,--
"(i) 'local body' means any Municipal Corporation, Municipal Committee, Notified Area Committee, Town Committee, District Board, Janapade Sabha, Mandal Panchayat, Gram Sabha, Gram Panchayat, Village Panchayat or other local authority legally entitled to, or entrusted by the State Government with the control or management or a municipal or local fund and includes any authority deemed to be a local authority under any enactment."

Section 68.-
Omit clause (e) of sub-section (2).

41. The Central Provinces and Berar Indian Contract (Amendment) Act, 1938 (XV of 1938)

42. The Central Provinces and Berar Indian Bar Councils (Amendment) Act, 1939 (XXIV of 1939)

Long title and preamble.-
For "High Court of Judicature at Nagpur" substitute "High Court of Madhya Pradesh".

43. The Central Provinces and Berar Regulation of Couching Act, 1944 (II of 1944)

Section 1-
For sub-section (2), substitute--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

44. The Central Provinces and Berar Specified Commodities (Control) Act, 1946 (XII of 1946)

Section 1.-
For sub-section (2), for "Mahakoshal region" substitute "Madhya Pradesh".
(2) In sub-section (3), after "force" insert "in the Mahakoshal region" and after "1946" insert "and in the other regions of the State on the date on which the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958) comes into force."

Schedule.--
Omit the first two items and in the seventh item omit "cotton-seed and."

45. The Central Provinces and Berar Home Guards Act, 1947 (XV of 1947)

Section 1.-
For sub-sections (2) and (3), substitute the following, namely :
"(2) It extends to the whole of Madhya Pradesh."
(3) It shall be in force in the towns of Jabalpur, Sagar, Khandwa, Burhanpur, Raipur, Bilaspur, Chhindwara and Betul and in all such revenue districts of Madhya Pradesh in which this Act or any law corresponding to it was in force immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958) and may be brought into force in any other revenue district or part thereof on such date as the State Government may, by notification in the Official Gazette, appoint."

Section 4.-
In sub-section (2) for "Mahakoshal region" substitute "Madhya Pradesh".

Section 14-
In clause (b) of sub-section (2), for "Mahakoshal region" substitute "Madhya Pradesh".

46. The Central Provinces and Berar Special Police Establishment Act, 1947 (XVII of 1947)
Section 1-
For sub-sections (2) and (3), substitute the following, namely
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

47. The Central Provinces and Berar Prohibition of Objectionable Advertisements Act, 1947 (XXVIII of 1947)
Section 1.-
For sub-sections (2) and (3), substitute the following, namely :
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

48. The Central Provinces and Berar Refugees Registration and Movement Act, 1947 (XXIX of 1947)
Section 1.-
For sub-sections (2) and (3), substitute the following, namely :
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

Section 2-
In clause (a) for "the Mahakoshal region" substitute "this State".

Section 3.-
For "the Mahakoshal region" occurring twice substitute "this State."

Section 6-
For "the Mahakoshal region" substitute "Madhya Pradesh."

49. The Central Provinces and Berar Cotton (Statistics) Act, 1947 (XL of 1947)
Section 1-
For sub-sections (2) and (3), substitute--
"(2) It extends of and shall be in force in the whole of Madhya Pradesh."

Section 2-
For clause (b), substitute--
"(b) 'Director' means the Director of Industries and includes any officer appointed by
the State Government to perform any of the functions of the Director under this Act."

50. The Central Provinces and Berar Land Survey Act, 1947 (XLII of 1947)
Section 1-
For sub-sections (2) and (3), substitute the following, namely:--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

Section 2.-
In sub-section (1), for "the Mahakoshal region" substitute "the State".

Section 3.-
Omit "or the Berar Land Revenue Code, 1928".

51. The Central Provinces and Berar Agricultural Warehouse Act, 1947 (I of 1948)
Section 1.-
(1) In sub-section (2), for "Mahakoshal region" substitute "Madhya Pradesh".
(2) For sub-section (3) substitute--
"(3) It shall be in force in the Mahakoshal region and shall come into force in any
other regions of the State on such date as the State Government may, by notification
in the Official Gazette, appoint."

Section 15.-
For "having their own warehouses" substitute--
"or to warehousing corporations established under the Agricultural Produce
(Development and Warehousing) Corporations Act, 1956 (XXVIII of 1956), in
relation to warehouses owned and run by such societies and corporations."

52. The Central Provinces and Berar Fisheries Act, 1948 (VIII of 1948)
Section 1.-
For sub-section (2) substitute,--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."
(2) Omit sub-section (3).
For "Mahakoshal region" substitute "Madhya Pradesh".

53. The Central Provinces and Berar Tuberculosis Sanatorium (Regulation of Buildings) Act, 1948 (XIII of 1948)

Section 1.-
For sub-sections (2) and (3), substitute the following, namely:
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

Section 7-
In sub-section (1), after "the sanatorium area" insert "in the Mahakoshal region" and add at the end "in the said region".

54. The Central Provinces and Berar Regulation of Uses of Land Act, 1948 (XLVII of 1948)

Section 1-
For sub-sections (2) and (3), substitute the following, namely:
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

55. The Central Provinces and Berar Accommodation (Requisition) Act, 1948 (LXIII of 1948)

Section 1.-
For sub-section (2) substitute the following, namely:
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

56. The Central Provinces and Berar Town Planning Act, 1948 (LXVII of 1948)

Section 1-
For sub-section (2), substitute the following, namely:
"(2) It shall extend to and be in force in the whole of Madhya Pradesh except the towns of Gwalior, Indore, Ratlam, Ujjain and Neemuch."

After Section 63, add the following, namely:
"64. Amendment of Section 1 and the Schedule to Madhya Bharat Act No. 2 of 1956.-

(i) for sub-sections (2) and (3) of Section 1, the following sub-section shall be substituted, namely:
"(2) It shall extend and apply to the towns specified in the Schedule annexed."; and

(ii) In the Schedule, add the following namely:
"5. Neemuch."
57. The Central Provinces and Berar Local Authorities Census Expenses Contribution Act, 1949 (V of 1949)
Section 1.-
For sub-section (2) substitute the following, namely :--
"(2) It extends to the whole of Madhya Pradesh."

58. The Central Provinces and Berar Refugees Rehabilitation (Loans) Act, 1949 (XIX of 1949)
Section 1.-
For sub-section (2) substitute the following, namely :--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

Section 2-
In clause (h), for "Mahakoshal region" substitute "Madhya Pradesh."

59. The Central Provinces and Berar Resettlement and Rehabilitation of Displaced Persons (Land Acquisition) Act, 1949 (XX of 1949)
Section 1-
For sub-section (2), substitute the following, namely :--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

60. The Central Provinces and Berar Public Health Act, 1949 (XXXVI of 1949)
Throughout the Act, except Section 2, for "Mahakoshal region" substitute "Madhya Pradesh".
Section 2.-
For Section 2, substitute,--
"2. Commencement.--
(1) The provisions of the Act, except Chapter IX and Part III of Chapter X shall be in force in the whole of Madhya Pradesh.
(2) The provisions of Chapter IX, to such extent as they were in force in any local area of the State immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958), shall be in force in that area and Government may, from time to time, by notification in the Official Gazette, bring into force all or any of those provisions in any other local area of the State and may cancel or modify such notification.
(3) (a) The provisions of Part III of Chapter X shall be in force in any local area in Mahakoshal region which has been or may hereafter be declared to be a municipality
or notified area under the Central Provinces Municipalities Act, 1922 (II of 1922), and shall, on the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958) come into force in every local area of any other region of the State which has been or may hereafter be declared to be a municipality or a notified area under any corresponding law in force in that region.

(b) The provisions of Part III of Chapter X shall be in force in any other local area in which they were in force immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958), and Government may, from time to time, by notification in the Official Gazette, bring into force these provisions in any other local area of the State and may cancel or modify any such notification."

Section 3.-
(1) Omit clause (14).
(2) For clause (21), substitute the following, namely :
"(21) 'local authority' means any Municipal Corporation, Municipal Committee, Notified Area Committee, Town Committee, District Board, Janapada Sabha, Mandal Panchayat, Kendra Panchayat, Gram Sabha, Gram Panchayat, Village Panchayat or other local authority which may be entrusted by an enactment with the municipal administration of any local area."
(3) In sub-clause (d) of clause (35), for "any Gram Panchayat" substitute "any other local authority".

Section 4.-
(1) In clause (i) after "Janapada Sabha" insert "or Mandal Panchayat or Town Committee or District Board."
(2) For clause (k) substitute,
"(k) One member practising the Ayurvedic or the Unani Systems of Medicine to be elected by such body and in such manner as may be prescribed."

Section 82.-
For "Mahakoshal region" substitute "State".

61. The Central Provinces and Berar Regulation of Waters Act, 1949 (XXXVII of 1949)

Section 1-
In sub-section (2), for "Mahakoshal region" substitute "Madhya Pradesh".

Section 1-
For sub-section (2), substitute the following, namely :
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

Section 2.-
In clause (a) and in the Explanation for "Mahakoshal region" wherever occurring substitute "Madhya Pradesh."

63. The Central Provinces and Berar Drugs (Control) Act, 1949 (XLVII of 1949)

Section 1-
For sub-section (2), substitute the following, namely :
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

64. The Madhya Pradesh Live-Stock Improvement Act, 1950 (XX of 1950)

Section 1-
For sub-section (2), substitute--
"(2) It extends to the whole of Madhya Pradesh."

Section 3.-
In sub-section (1), for "Mahakoshal region" substitute "State".

65. The Madhya Pradesh Housing Board Act, 1950 (XLIII of 1950)

Throughout the Act for "Corporation, Municipality or Janapada" substitute "Corporation, Improvement Trust, Municipality, Janapada, Mandal Panchayat, District Board or Town Area Committee."

Section 1-
(1) In sub-section (2) for "Mahakoshal region" substitute "Madhya Pradesh".
(2) For sub-section (3), substitute--
"(3) It shall be in force in the Mahakoshal region and shall come into force in all other regions of the State on such date as the State Government may, by notification in the Official Gazette, specify."

After Section 1, insert the following, namely :
"1-A. Consequences to ensue from specified date.--
(1) With effect from the date specified under sub-section (3) of Section 1, the following provisions shall have effect, namely :--
(a) the Madhya Pradesh Statutory Bodies (Regional Constitution) Act, 1956 (XVII of 1956) shall, so far as it relates to this Act, stand repealed;
(b) the Mahakoshal Housing Board shall cease to function and the Madhya Pradesh Housing Board shall be established under Section 3 for the whole of Madhya Pradesh;
(c) all assets and liabilities of the Mahakoshal Housing Board shall belong to and be deemed to be the assets and liabilities of the Madhya Pradesh Housing Board;
(d) all employees belonging to and under the control of the Mahakoshal Housing Board shall be deemed to be the employees of the Madhya Pradesh Housing Board; Provided that the terms and conditions of service of such employees shall not, until altered by a competent authority, be less favourable than those admissible to them before such date;
(e) all regulations and bye-laws of the Mahakoshal Housing Board and in force immediately before such date shall, unless modified in accordance with the provisions of this Act, be deemed to be the regulations and bye-laws of the Madhya Pradesh Housing Board and the said regulations and bye-laws shall be construed with such alterations not affecting the substance as may be necessary or proper in the context of the Madhya Pradesh Housing Board;
(f) all things done and action taken by the Mahakoshal Housing Board in relation to the jurisdiction or business of that Board, shall, so far as may be, be deemed to be things done or action taken by the Board established under Section 3 and all such things done and action taken shall be construed as if they were done or taken under a repealed Act."

Section 2-
After clause (3), insert the following, namely:--
"(4) 'Improvement Trust' means a Trust established under the Madhya Bharat Towns Improvement Act, 1956 (II of 1956)."

Section 3.-
(1) For sub-section (1), substitute--
"(1) With effect from the date specified under sub-section (3) of Section 1, there shall be established a Board by the name of the Madhya Pradesh Housing Board."
(2) After sub-section (1), insert the following, namely:--
"(1-A) For the removal of doubts hereby it is declared that the Mahakoshal Housing Board, as constituted under the Madhya Pradesh Statutory Bodies (Regional
Constitution) Act, 1956 (XVII of 1956), shall continue to function under this Act till the commencement of the date specified under sub-section (3) of Section 1:
Provided that any casual vacancy of a member occurring in the Mahakoshal Housing Board shall be filled as early as practicable as if the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958) had not been passed."

Section 4.-
In sub-section (1) :
(1) For the word "sixteen" substitute "seventeen."
(2) In clauses (j), (k) and (m) for the words "in the Mahakoshal region" substitute "in the State".
(3) After clause (k) insert the following, namely :
"(1) one person representing the Improvement Trusts."

Section 17.-
To sub-section (2), add the following proviso, namely :
"Provided that if the State Government so directs before the date referred to in sub-section (1), the housing scheme in the programme shall include any matter which in its opinion it is necessary to provide for and execute on a basis of priority."

Section 2.-
(1) In clause (a) for "Section 509" substitute "each of the Sections 506 and 509".
"(2) In clause (b) for "Section 510" substitute "each of the Sections 507 and 510".

67. The Indian Electricity (Madhya Pradesh Amendment) Act, 1951 (XVII of 1951)
68. The Madhya Pradesh Dharmadayal Funds, Act, 1951 (XVIII of 1951)
Section 1-
For sub-sections (2) and (3), substitute the following, namely:
"(2) It extends to the whole of Madhya Pradesh."
(3) It shall be in force in all such areas of Madhya Pradesh in which it was in force immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958) and shall come into force in such other areas and on such dates as the State Government may, by notification in the Official Gazette, direct in this behalf:
Provided that nothing contained in this Act shall apply to any area in which the Madhya Bharat Goshala Act, 1953 (4 of 1953) is in force."

Section 5.-
To sub-section (1), add the following proviso, namely:-- "Provided that where a maintainer makes any collections in the name of a Goshala registered under the Madhya Bharat Goshala Act, 1953 (4 of 1953) he shall pay all such collections to the trustee of Goshala in accordance with the "provisions of the said Act."

69. The Madhya Pradesh Homeopathic and Biochemic Practitioners Act, 1951 (XXIV of 1951)
Throughout the Act for "Mahakoshal region" substitute "Madhya Pradesh".

Section 1.-
For sub-section (3), substitute--
"(3) It shall be in force in the Mahakoshal region and shall come into force in all other regions of the State on such date as the State Government may, by notification in the Official Gazette, appoint."

(4) On the date appointed under sub-section (3), the Madhya Pradesh Statutory Bodies (Regional Constitution) Act, 1956 (XVII of 1956) shall, so far as it relates to this Act, stand repealed.

(5) As from the date appointed under sub-section (3), the following provisions shall have effect, namely:--
(a) the Mahakoshal Board of Homeopathic and Biochemic Systems of Medicine shall stand dissolved;
(b) all assets and liabilities of the Mahakoshal Board of Homeopathic and Biochemic Systems of Medicine shall belong to and be deemed to be the assets and liabilities of the Board established under Section 3;
(c) all employees belonging to and under the control of the Mahakoshal Board of Homeopathic and Biochemic Systems of Medicine shall be deemed to be the employees of the Board established under Section 3:
Provided that the terms and conditions of service of such employees shall not, until altered by a competent authority, be less favourable than those admissible to them before such date;
(d) all regulations and bye-laws of the Mahakoshal Board of Homeopathic and Biochemic Systems of Medicine, and in force immediately before such date shall,
unless modified in accordance with the provisions of this Act, be deemed to be the regulations and bye-laws of the Board established under Section 3 and the said regulations and bye-laws shall be construed with such alterations not affecting the substance as may be necessary or proper in the context of the Board established under Section 3;

(e) all things done and action taken by the Mahakoshal Board of Homeopathic and Biochemic Systems of Medicine in relation to the jurisdiction or business of that Board shall, so far as may be deemed to be things done or action taken by the Board established under Section 3 and all such things done and action taken shall be construed with such alterations as if they were done or taken under a repealed Act."

Section 3.-
For the proviso to sub-section (2), substitute--
"Provided that when the Board is established for the first time after the date appointed under sub-section (3) of Section 1, the practitioners to be nominated under clause (a) and elected under clause (b) shall be appointed by the State Government from the practitioners in the Mahakoshal region registered under this Act and from practitioners in other regions of the State, who in its opinion may be eligible for registration under Section 16."

Section 16-
In sub-section (2),--
(i) After the words "every person" insert "practising in the State the Homeopathic or Biochemic System of Medicine",
(ii) For "first day of January 1951" substitute "date appointed under sub-section (3) of Section 1."
(iii) For "1956", substitute "1962".
(iv) At the end of sub-section (2), insert the following:--
"Provided that the name of every person who has been registered under this Act prior to the date appointed under sub-section (3) of Section 1, shall, unless removed in accordance with the provisions of the Act, remain entered in the registered."

Section 18-
(1) In sub-section (1) for "the first day of January 1951", substitute--
"the date appointed under sub-section (3) of Section 1."
(2) For sub-section (2) substitute--
"(2) The list prepared under sub-section (1) shall contain the names of practitioners in the Mahakoshal region registered under this Act prior to the date appointed under sub-section (3) of Section 1. Any practitioner of the State desirous of getting his name incorporated in the list referred to in sub-section (1), shall submit an application in the prescribed form together with the prescribed fee to the Registrar within four years from the date appointed under sub-section (3) of Section 1."

Section 20.-

In sub-section (1) for "in any of the languages of the Mahakoshal region" substitute "in Hindi".

70. The Madhya Pradesh Public Trusts Act, 1951 (XXX of 1951)

Section 1.-

For sub-sections (2) and (3), substitute the following, namely :-

"(2) It extends to the whole of Madhya Pradesh."

(3) This section shall come into force at once and Sections 2 to 38 shall be in force in the Mahakoshal region, and shall come into force in the other regions of the State on such date, as the State Government may, by notification in the Official Gazette, direct."

Section 2.-

In clause (9) for "Mahakoshal region" substitute "Madhya Pradesh".

Section 4- 

In item (v) of sub-section (3) for "in the Mahakoshal region" substitute "in the State".

Section 36.-

For sub-section (1), substitute--

"(1) Nothing contained in this Act shall apply to--

(a) a public trust administered by any agency acting under the control of the State or by any local authority.
(b) a public trust administered under any enactment for the time being in force, and
(c) a public trust to which the Muslim Wakfs Act, 1954 (29 of 1954) applies."

71. The Madhya Pradesh Government Premises (Eviction) Act, 1952 (XVI of 1952)

Section 1-

For sub-section (2), substitute the following, namely :-

"(2) It extends to and shall be in force in the whole of Madhya Pradesh."

72. The Madhya Pradesh Cinemas (Regulation) Act, 1952 (XVII of 1952)
Section 1.-
For sub-sections (2) and (3), substitute the following, namely:
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."
Section 4.-
For "the Mahakoshal region" substitute "the State".
Section 6.-
In sub-section (1) for "whole of the Mahakoshal region" substitute "whole State".
Section 9.-
After clause (c), add--
"(d) any other matter which is to be or may be prescribed."

73. The Indian Lunacy (Madhya Pradesh Amendment) Act, 1952 (XXIII of 1952)
74. The Madhya Pradesh Sale of Khaddar Act, 1953 (X of 1953)

Section 1.-
For sub-section (3), substitute--
"(3) It shall be in force in the Mahakoshal region and shall come into force in all other regions of the State on such date as the State Government may, by notification in the Official Gazette, appoint."
Section 3.-
In sub-section (1),--
(1) for "three" substitute "four", and
(2) after clause (b), insert--
"(b-1) One member to be nominated by the State Government to represent the Khadi and Village Industries Boards exercising jurisdiction in the State."
Section 5.-
In sub-section (1), for "clause (a) or clause (b) " substitute "clause (a), clause (b) or clause (b-1)".

75. The Madhya Pradesh Anatomy Act, 1954 (XVI of 1954)
Section 1.-
For sub-sections (2) and (3), substitute the following, namely:
"(2) It extends to the whole of Madhya Pradesh."
(3) It shall be in force in all such areas of Madhya Pradesh in which it was in force immediately before the commencement of the Madhya Pradesh Extension of Laws
Act, 1958 (23 of 1958) and shall come into force in such other areas and on such dates as the State Government may, by notification in the Official Gazette, direct."

Section 1.-
For sub-section (2), substitute--
"(2) It extends to the whole of Madhya Pradesh."
Section 6.-
(1) In sub-section (1) for "Mahakoshal region" wherever it occurs, substitute--
"Madhya Pradesh".
(2) In sub-section (4) for " the Mahakoshal region" substitute "the State of Madhya Pradesh".
After Section 12, insert the following :-
"12-A. Composition of Offence.--
(1) Any gazetted officer of the Agriculture Department authorised in this behalf by the State Government may, on acceptance of such sum as may be prescribed, compound any offence under this Act or the rules made thereunder.
(2) On the composition of the offence under this section no further action in respect thereof shall be taken against the person accused of it and if any proceedings in respect of that of offence have already been instituted against such person in any Court, the composition shall have the effect of his acquittal thereof."

Section 1.-
For sub-section (2) substitute--
"(2) It extends to the whole of Madhya Pradesh."

78. The Madhya Pradesh National Parks Act, 1955 (VII of 1955)
Section 1-
For sub-section (2), substitute--
"(2) It extends to and shall be in force in the whole of Madhya Pradesh."
(2) Omit sub-section (3).
Schedule.-
Add at the end--
"Sheopuri National Park."
(S.S.P. stands for Survey Station Pillar).

North--
From S.S.P. No. 296 to S.S.P. No. 361 along the boundaries of villages Budhwari and Bara and the demarcation line of the Satanwada blocks.

East.--
From S.S.P. No. 361 along the demarcation line up to S.S.P. No. 376; and from the Satanwada block and S.S.P. No. 376 to S.S.P. No. 1 to S.S.P. No. 18 along the demarcation boundary line of the Satanwada block; and from S.S.P. No. 18 to S.S.P. No. 20 along the Bombay-Agra road and the demarcation line of the Mamoni block; and from S.S.P. No. 20 to S.S.P. No. 25 along the demarcation of the Mamoni block; and from S.S.P. No. 25. to S.S.P. No. 26 the line along the whole of Mura Kho Nalena; and from S.S.P. No. 26 to S.S.P. No. 65 along the demarcation line of the Mamoni block; and from S.S.P. No. 65 to S.S.P. No. 76 along the demarcation line of the Mamoni block; and from S.S.P. No. 76 to S.S.P. No. 80 along the Raisingh road; and from S.S.P. No. 80 to S.S.P. No. 86 along Sheopur-Jhansi road; and from S.S.P. No. 86 to S.S.P. No. 100 along the bank of the Madhav lake channel so as to exclude the Madhav lake and along the demarcation line of the Chironji block; and from S.S.P. No. 100 to S.S.P. No. 123 along the demarcation line of the Chironji block.

South.--
From S.S.P. No. 123 to S.S.P. No. 140 along the cut fire line of the Chironji block.

West--
From S.S.P. No. 140 to S.S.P. No. 147 along the cut line of the Chironji block; and from S.S.P. No. 147 & 148 along the demarcation line of the Chironji bock; and from S.S.P. No. 148 to S.S.P. No. 167 along the demarcation line of Ludhawali block; and from S.S.P. No. 167 to S.S.P. No. 169 along the cut line of the Ludhawali block up to the rear of the Hailey block; and from S.S.P. No. 169 to S.S.P. No. 182 along and inclusive of the Johnston road and from S.S.P. No. 182 to S.S.P. No. 186 along the fire line and the common boundary of the Ludhawali and the Chironji blocks; and from S.S.P. No. 186 to S.S.P. No. 193 along the Sheopuri-Jhansi road and the Chironji block lines; and from S.S.P. No. 193 to S.S.P. No. 199 across the Karbala bridge along the road; and from S.S.P. No. 199 to S.S.P. No. 206 along the cut line from rear of the Forest Training School; and from S.S.P. No. 206 to S.S.P. No. 210 along the Juju baba road and the Mamoni block line; and from S.S.P. No. 210 to
S.S.P. No. 213 along the side of the Raghunath Dinkar Rao road; and from S.S.P. No. 213 to S.S.P. No. 235 along the demarcation of the Mamoni block line; and from S.S.P. No. 235 to S.S.P. No. 250 up to Chak Kathmai along the internal line of the forest village; and from S.S.P. No. 250 to S.S.P. No. 255 along the Bombay–Agra road and the Mamoni block line; and from S.S.P. No. 255 to S.S.P. No. 269 along the demarcation line of the Satanawada block; and from S.S.P. No. 269 to S.S.P. No. 276 along the cut line of the Mudhari Jagir forest; and from S.S.P. No. 276 to S.S.P. No. 296 along the Satanwada block demarcation line—the Western boundary line passes along the boundaries of the villages Badagaon, Ludhawali forest village, Sheopuri, Thakurpura Chak Kathmai forest village, Jinega and Amarloha."

PART B

1. Payment of Wages Act, 1936 (IV of 1937)

Section 2-

In clause (vi),—

(i) omit "and" occurring after "so payable";

(ii) after "the termination of his employment" insert "any retrenchment compensation, lay off compensation, gratuity payable under any statute or otherwise and any sum payable under or in accordance with an award of any Tribunal or Court constituted under the Industrial Disputes Act, 1947 (XIV of 1947), the Bombay Industrial Relations Act, 1947, as adopted in the Madhya Bharat region and the Central Provinces and Berar Industrial Disputes Settlement Act, 1947 (XXIII of 1947)";

(iii) In sub-clause (d) omit "or" occurring after the work "employment"; and

(iv) omit "sub-clause (e)".

Section 7.-

In clause (1) of sub-section (2), after the words "Post Office Cash Certificates" insert "and" omit "etc." occurring at the end.

2. The Madhya Bharat Village Refuse (Conversion into Manure) Act, 1951 (8 of 1951)

Section 1-

For sub-sections (2), (3) and (4), substitute the following, namely :

"(2) It extends to the whole of Madhya Pradesh."

(3) It shall apply to all such villages in Madhya Pradesh to which it had been applied immediately before the commencement of the Madhya Pradesh Extension of Laws
Act, 1958 (23 of 1958) and may be applied to any other village on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different villages."

3. The Madhya Bharat Goshala Act, 1953 (4 of 1953)

Section 1-
For sub-sections (2) and (3), substitute the following, namely:--

"(2) It extends to the whole of Madhya Pradesh.

(3) It shall be in force in all such areas of Madhya Pradesh in which it was in force immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958) and shall come into force in any other areas on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different areas."

Section 2.-
(1) For clause (b), substitute the following, namely:--

"(b) 'Director' means the Director of Veterinary Services, Madhya Pradesh, and includes any officer appointed by the State Government to perform the functions of the Director under this Act."

(2) In clause (c) for "Madhya Bharat Goshala Federation" substitute "Madhya Pradesh Goshala Federation."

Section 3.-
For "Madhya Bharat region" substitute "State of Madhya Pradesh" and for "The Madhya Bharat Region Goshala Federation" substitute "The Madhya Pradesh Goshala Federation."

Section 9.-
(1) In sub-section (1) for the words beginning with "and twentyfive per cent" and ending with "Katauti and Lag" substitute "by way of Dharmadaya, Punya Khata, Katauti or Lag."

(2) For sub-section (3), substitute the following, namely:--

"(3) No person shall collect any money or accept any subscription in the name of a Goshala unless,--

(i) such Goshala is registered under this Act; and

(ii) such person has obtained a certificate in accordance with the provisions of Section 4 of the Madhya Pradesh Dharmadaya Funds Act, 1951 (XVIII of 1951)."
Section 19.-
After Section 19 insert--
The provisions of this Act shall be in addition to and not in derogation of the Madhya Pradesh Dharmadaya Funds Act, 1951 (XVIII of 1951)."

4. The Opium (Madhya Bharat Amendment) Act, 1955 (15 of 1955)
Throughout the Act, for "Madhya Bharat region" and "Rajpramukh of Madhya Bharat", wherever occurring, substitute "Madhya Pradesh" and "Governor of Madhya Pradesh" respectively.

Section 9-H-
For "shall be guilty" substitute "is again convicted".

5. The Madhya Bharat Accommodation Control Act, 1955 (23 of 1955)
Section 1-
For sub-section (2), substitute the following, namely :--
"(2) It extends to the whole of Madhya Pradesh.

(2-A) It shall, subject to the provisions of Section 6, be in force in all such places of Madhya Pradesh in which it was in force immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958) and shall come into force on the commencement of the said Act in the areas in which any corresponding law repealed by Section 6 of the said Act was in force, and may be brought into force in any other areas on such date as the State Government may, from time to time by notification in the Official Gazette, direct."

Section 2.-
In sub-section (2) omit "and".

Section 5.-
In clause (a) of sub-section (1) after" rent deed" substitute "agreement".

6. The Madhya Bharat Slum Improvement (Acquisition of Land) Act, 1956 (32 of 1956)
Throughout the Act for "Government" substitute "State Government".

Section 1-
(1) For sub-section (2), substitute,--
"(2) It extends to the whole of Madhya Pradesh".
Section 3-
(1) In sub-section (1), after the word "area" occurring for the first time and before the word "is" following immediately insert-- "to which this Act applies".
(2) In sub-section (2) for "any land in a slum area" substitute "any land in a slum area or its vicinity".

APPENDIX

List of the Acts in force in various regions of the State and which have stood repealed on the coming into force of The M.P. Extension of Laws Act, 1958.

Central Enactments
1. The Opium Act, 1878 (I of 1878) in its application to Mahakoshal region.
2. The Indian Fisheries Act, 1897 (IV of 1897), in its application to Vindhya Pradesh region.
3. The Payment of Wages Act, 1936 (IV of 1936) in its application to Mahakoshal and Sironj Regions.
4. The Merged States (Laws) Act, 1949 in so far as it relates to the extension of--
   (1) The Police Act, 1861 (V of 1861).
   (2) The Cattle Trespass Act, 1871 (I of 1871).
   (3) The Indian Contract Act, 1872 (IX of 1872).
   (4) The Opium Act, 1878 (I of 1878).
   (5) The Legal Practitioners Act, 1879 (XVIII of 1879).
   (6) The Vaccination Act, 1880 (XIII of 1880).
   (7) The Suits Valuation Act, 1887 (VII of 1887).
   (8) The Indian Land Acquisition Act, 1894 (I of 1894).
   (9) The Epidemic Diseases Act, 1897 (IV of 1897).
   (10) The Usurious Loans, Act, 1918 (X of 1918).
   (13) The Indian Bar Councils Act, 1926 (XXXVIII of 1926).
   (14) The Indian Forest Act, 1927 (XVI of 1927).
(15) The Payment of Wages Act, 1936 (IV of 1936).
5. The Part B States (Laws) Act, 1951 (III of 1951) in so far as it relates to--
   2. The Legal Practitioners Act, 1879 (XVIII of 1879).
   4. The Indian Bar Councils Act, 1926 (XXXVIII of 1926).

ACTS OF THE FORMER STATE OF MADHYA PRADESH

The Central Provinces and Berar Regulation of Letting of Accommodation Act, 1946 (XI of 1946).

MADHYA BHARAT ACTS

21. Madhya Bharat Adoption of Laws Act, Samvat 2009 (Act No. 1 of 1953) in so far as it relates to the Provincial Insolvency Act, 1920.

VINDHYA PRADESH ACTS
1. Rewa State Excise Act, 1921.
5. C.P. and Berar Regulation of Letting of Accommodation Act, 1946 (XI of 1946) as extended to Vindhya Pradesh Region.

BHOPAL ACTS
2. Bhopal Ferries Act, 1923 (I of 1923).
8. The Indian Cattle Trespass (Bhopal Amendment) Act, 1953 (VI of 1953).

RAJASTHAN ACTS
18. The Rajasthan Adaptation of Central Laws Ordinance, 1950 in so far as it relates to--
   (1) The Police Act, 1861 (V of 1861).
   (2) The Cattle Trespass Act, 1871 (I of 1871).
   (3) The Vaccination Act, 1880 (XIII of 1880).
   (4) The Indian Easements Act, 1882 (V of 1882).
(5) The Suits Valuation Act, 1887 (VII of 1887).
(6) The Indian Land Acquisition Act, 1894 (I of 1894).
(7) The Epidemic Diseases Act, 1897 (III of 1897).
(8) The Usurious Loans Act, 1918 (X of 1918).
(10) The Indian Bar Councils Act, 1926 (XXXVIII of 1926).
16. The Central Provinces and Berar Tobacco Act 1939
The Central Provinces and Berar Tobacco Act 1939

(C.P & Berar Act No. VIII of 1939)

[First published, after having received the assent of the Governor in the Central Provinces and Berar Gazette on 2nd June, 1939]

Preamble. – Whereas it is expedient to regulate the sale of tobacco;

Statement of Objects and Reasons.-The object of the Bill is to increase the revenue of the province for the purpose of financing expenditure on development. The suitability of tobacco as a proper subject for taxation has been widely recognized both in India and elsewhere and in several provinces the sale of tobacco is taxed either by means of licence fees or an ad valorem levy. Both these methods are combined in the scheme adopted in the Bill.

It is hereby enacted as follows:—

1. Short title, extent, commencement and duration.-

   (1) This Act may be cited as the Central Provinces and Berar Tobacco Act, 1939.

   (2) It extends to the whole of Mahakoshal.

   (3) It shall come into force on such date as the State Government may, by notification, direct.

2. Definitions.-In this Act, unless there is anything repugnant in the subject or context,-

   a) the expression "Excise Commissioner" shall have the meaning assigned to it in the Central Provinces and Berar Excise Act, 1915;

   b) “annual turnover” means the aggregate amount for which tobacco is sold, whether for cash or for deferred payment or other valuable consideration in the previous year ending with the 30th September, or, if accounts are kept according to

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1 The words beginning with rand shall remain in operation” and ending with “as if this Act has not expired” have been omitted by Madhya Pradesh Act XI of 1953.
2 This Act came into force on 1st October 1939
3 The words beginning with "and shall remain in operation" and ending with “as if this Act has not expired” have been omitted by Madhya Pradesh Act XI of 1953.
4 Subs. by Central Provinces and Berar Act XIII of 1942.
the Diwali year, in the previous year ending with the Diwali;

c) "daily output" means the average daily output of bidis, cigars or cigarettes manufactured in the previous year ending with the 30th September, or, if accounts are kept according to the Diwali year, in the previous year ending with the Diwali;

d) "dear means to sell, wholesale or retail, or expose or keep for wholesale or retail sale;

e) "grower" means a person who by himself or with the aid of members of his family or by his servants, agents or tenants grows tobacco;

f) "hawker" means a person who deals retail in tobacco and who goes from place or from house to house exposing for sale or selling tobacco and includes a person who deals retail in tobacco, who carries or can carry his goods on his person and who does not keep a shop or a stall;

g) "prescribed” means prescribed by rules made under this Act;

h) "recorded population” means population recorded at the latest census;

i) "retail dealer” means a person who deals in retail sale of tobacco;

j) "retail sale” means a sale other than a wholesale sale and includes the supply of tobacco by a club to its members on payment of a price, fee or subscription;

k) "shop” means a shop with fixed premises but does not include a godown;

l) "stall” means a shop which is movable although it may be temporarily fixed;

m) "Superior tobacco” means cigars, cigarettes and manufactured tobacco ready for rolling cigarettes or for use in pipes;
n) "tobacco" includes bidis, cigarettes and cigars, the lead, stalks and stem of the tobacco plant and any preparation or mixture of tobacco;

o) "Wholesale dealer" means a person who deals in wholesale sale of tobacco;

p) "Wholesale sale" means a sale to traders in a commodity for the purpose of trade.

5[ 3. Prohibition to deal with licensee.-No person other than a retail dealer in a village with a recorded population of 2,000 or less than 2000 or a hawker shall deal in tobacco except under a licence and in accordance with the terms and conditions thereof:

Provided that this section shall not apply to—

(I) grower who deals in tobacco (other than bidis, cigarettes, cigars and any preparation or mixture of tobacco) grown by him; and

(II) an agent or a servant who offers for sale or delivers tobacco to customers on behalf of a wholesale dealer.)

6[4. Grant of licences on payment of fees. (1) The [Collector] may, on the application of any person who deals in tobacco, grant to such person a licence or renew a licence granted to such person in the prescribed form and subject to such conditions as may be prescribed,

(2) A licence granted or renewed under sub-section (1) shall expire on the 30th September following the date of its grant or renewal.

(3) Every licence shall be granted or renewed on payment of fees specified in the Schedule in such manner as may be prescribed:

Provided that in the case of a licence to be granted on or after the 1st April, the fees in respect thereof shall be half of the fees specified for it in the Schedule.]

8[4-A. Licence fees in the case of wholesale dealers not having done business in the previous year.-A wholesale dealer whose annual turnover or whose daily output

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5 Subs. by C.P. & Berar Act XIII of 1942
6 Subs. by C.P. & Berar Act XIII of 1942
7 Sub. for “Dy. Commissioner” by A.O. 1956
8 Ss. 4-A, 4-B, 4-C, and 4-D inserted by C.P. & Berar Act XIII of 1942
cannot be, determined by reason of his not having done business in the previous year ending the 30th September, or, of accounts are kept according to the Diwali year, in the previous year ending with the Diwali, shall pay for a licence such fees and in such manner as may be prescribed.]

4-B. Amendment of licences.- If during the currency of his licence a licensee desires to change his place of business his licence shall be amended on payment of such fees as may be prescribed.

4-C. Burden of Proof.- Where the amount of fees for a licence depends upon the annual turnover or daily Output, the burden of proof regarding the amount of such turnover or the quantity of such output shall lie on the person making an application for a licence. If evidence is not produced to the satisfaction of the 9[Collector] within a reasonable time the amount of fees payable by such person shall be fixed by the 10[Collector] in his discretion.

4-D. Retail sale by wholesale licences permitted.- A person holding a licence for dealing wholesale in tobacco at a shop or stall may deal retail at that shop or stall without a separate licence for dealing retail.]

5. Suspension or cancellation of licences.- (1) The 11[Collector] may suspend or cancel a licence granted 12[or renewed] under section 4,—

1. if any fee payable in respect of such licence is not duty paid; or
2. if there is any breach by the licensee or by his agent or servant or by any one acting with his express or implied permission on his behalf of any of the conditions attached to his licence,

(2) The licensee shall not be entitled to any compensation for its suspension or cancellation under sub-section (1).

(3) The [Collector] may accept from the licensee a sum of money not exceeding twice the fee payable by him in lieu of the suspension or cancellation of his licence under sub-section (1).

6. Functions of Excise Commissioner.- The Excise Commissioner shall, subject to the control of the State Government, superintendent the administration of this Act.

7. Functions of Collectors.- Subject to the control and direction of the Excise

9 Sub. for “Dy. Commissioner” by A.O. 1956
10 Sub. for “Dy. Commissioner” by A.O. 1956
11 Sub. for “Dy. Commissioner” by A.O. 1956
12 Ins. by C.P. & Berar Act XIII OF 1940
Commissioner and the orders of the State Government, the Deputy Commissioners are charged with the carrying out of the provisions of this Act.

8. **Transfer of powers and duties to other officers.**-The State Government or, subject to the orders of the State Government, the Excise Commissioner may invest any officer with such powers and impose upon him such duties under this Act, as the State Government or the Excise Commissioner, as the case may be, may deem fit and any such officer shall thereupon exercise the said powers and discharge the said duties.

9. **Issue of warrants.**-(I) Any [Collector] or Magistrate of the first or second class or other officer authorized by the State Government in that behalf may issue a warrant,-

1. for the arrest of any person whom he has reason to believe to have committed an offence punishable under this Act, or
2. for the search, whether by day or by night, of any building, vessel, vehicle or place in which he has reason to believe that any tobacco is sold or is exposed or kept for sale in contravention of the provisions of this Act.

(2) All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898. The words “or the same Code, as applied to Berar” were omitted by C.P. & Berar Act XIII of 1942.

10. **Power of entry, search, seizure and detention.**-Any officer who is empowered under section 9 may-

(a) enter and search, at any time, by day or by night, any building, vessel, vehicle or place in which he has reason to believe that any tobacco in respect of which an offence punishable under this Act has been committed is kept or concealed;
(b) seize such tobacco and any article which he has reason to believe was used in the commission of such offence; and ;
(c) detail and arrest any person whom he has reason to believe to be guilty of any offence punishable under this Act;

11. **Duty of officials of other departments to assist.**-Every official employed by the State Government, by any local body, or by the Court of Wards, every village headman, village accountant and village watchman shall give immediate information.
or of the intention or preparation to commit any offence punishable under this Act which may come to his knowledge, and such official, headman, accountant or watchman shall take 11 reasonable measures in his power to prevent the commission of any such offence which he may know or has reason to believe is about or likely to be committed.

12. Investigation of offences.- (1) Every officer of the Excise or Revenue Department not below such rank as the State Government may, by notification, determine, shall, within the area for which he is appointed, have power to investigate all offences punishable under this Act.

(2) Every such officer shall in the conduct of such investigation exercise the powers conferred by the Code of Criminal Procedure, 1898 upon an officer in charge of a police station for the investigation of a cognizable offence.

13. Punishment for breach of section 3.- Whoever contravenes the provisions of section 3, shall, on conviction, be punishable with fine which may extend to five hundred rupees.

14. Punishment for vexatious search or arrest.- Any officer exercising powers under this Act, who,—

1. without reasonable ground of suspicion, enters or searches, or causes to be entered or searched, any building vessel, vehicle or place; or

2. vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any tobacco in respect of which an offence punishable under this Act has been committed or any other article used in the commission of such offence; or

3. vexatiously and unnecessarily detains, searches or arrests any person, shall on conviction be punishable with fine which may extend to five hundred rupees.

15. Payment of licence fees by convicted persons.- (1) When any person is convicted of an offence under section 13 of contravening the provisions of section 3, the Magistrate may direct that such person shall pay, in addition to the fine imposed on him, such fees as would have been payable for taking out a licence.

(2) Any fees payable under sub-section (1) may be recovered as an arrear of land revenue.

14 Subs, for “Dy. Commissioner” by A.O. 1956.
16. **Power to compound offences.** -(1) The [Collector] may accept from any person who has committed an offence under this Act, by way of composition of such offence, a sum of money not exceeding twice the fee payable by him.

(2) On the payment of such sum of money to the Deputy Commissioner, ‘the accused person shall be discharged, the property seized, if any, shall be released and no further proceeding shall be taken against such person or property in respect of such offence.

17. **Cognizance of offences.** -(1) No Magistrate shall take cognizance of any offence punishable under this Act, except upon the complaint or reports of the Deputy Commissioner or any officer appointed by him in that behalf.

(2) Except with the sanction of the State Government, no Magistrate shall take cognizance of any offence punishable under this Act, unless the prosecution is instituted within six months from the date on which the offence is alleged to have been committed.

18. **Application Of Criminal Procedure Code.** - Save as in this Act otherwise expressly provided, the provisions of the Code of Criminal Procedure, 1898, relating to arrests, detentions in custody, searches, summonses, warrants of arrests, search warrants, the production of persons arrested, and the disposal of things seized shall apply, as far as may be, to an action taken in these respects under this Act.

19. **Protection of persons acting in good faith and limitation of suits and prosecutions.** -(1) No suits, prosecution or other legal proceedings shall be instituted against any person for any thing which is in good faith done or intended to be done under this Act or the rules made thereunder.

(2) No suit shall be instituted against the Government and no prosecution or suit shall be instituted against any person in respect of anything done, or intended to be done, under this Act, unless the suit or prosecution has been instituted within four months from the date of the Act complained of.

20. **Appeals and revisions.** -(1) Any person aggrieved by any order under this Act may appeal

1. to the Excise Commissioner, if such order is passed by the [Collector], and
2. to the [Collector,] if such order is passed by an officer exercising powers under this Act and subordinate to him.

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15The words “or the some Code, as applied to Berar” were omitted by C.P & Berar Act, XIII of 1942.
(2) Every appeal shall be filed within such time as may be prescribed.
(3) Every order passed in appeal under this section shall, subject to the powers of revision conferred by sub-section (4), be final.
(4) The State Government or the Excise Commissioner, may, at any time, call for and examine the record of any order of, or the proceedings recorded by, any officer for the purpose of satisfying itself or himself as to the legality or propriety of such order passed by; or as to the regularity of such proceedings of, such officer and may pass such order in reference thereto as it or he thinks fit.

16[20A. x x x]

21. Power to make rules.—(1) The State Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.
(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules,—
1. providing for all matters which are required to be prescribed under this Act;
2. prescribing the manner in which fees shall be paid;
17[(b-1) exempting from the provisions of section 3 any person or class of persons unable to pay licence fees;
18][(b-2) providing for the conditions subject to which the fees paid under this Act or part thereof may be refunded;
(b-3) providing for the procedure for claiming refund of the fees paid under this Act or part thereof];
3. regulating the powers and duties to be exercised or performed by officers under section 8;
4. Prescribing the limits of any town or village in which fees shall be levied.
(3) In making any rule, the State Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and, where the breach is a continuing one, with further fine which may extend to ten rupees for every^ day after the first during which the breach has been persisting in’

19[SCHEDULE]

16 Omitted by M.P. Act XI of 1953.
17 Ins. by C.P. & Berar Act XIII of 1940
18 Sub-section (b-2) and (b-3) ins. by C.P. & Berar Act XIII of 1942
Section 4

Fees for the grant renewal of a license to a wholesale dealer.

(a) A wholesale dealer who is not a manufacturer and whose annual turnover, —

(i) does not exceed Rs. 1,500—Fees Rs. 10,

(ii) exceeds Rs. 1,500 but does not exceed Rs. 5,000—Fees Rs. 25,

(iii) exceeds Rs. 5,000 but does not exceed Rs. 10,000—Fees Rs. 50,

(iv) exceeds Rs. 10,000 but does not exceed Rs. 17,500—Fees Rs. 75,

(v) exceeds Rs. 17,500 but does not exceed Rs. 25,000—Fees Rs. 100,

(vi) exceeds Rs. 25,000—Fees Rs. 125:

Provided that the fees shall not be less than those payable if the dealer has been a retail dealer.

Explanation-In the case of; a wholesale dealer who is not a manufacturer and who deals wholesale in tobacco at more than one shop or stall at any one time, the fees payable by him, shall be the fees according to the amount of turnover relating to each shop or stall.

(b) A wholesale dealer who is a manufacturer of bidis, cigars or cigarettes and whose daily output, —

(i) does not exceed 5,000—Fees Rs. 10,

(ii) exceeds 5,000 but does not exceed 20,000—Fees Rs. 25,

(iii) exceeds 20,000 but does not exceed 40,000—Fees Rs. 50,

(iv) exceeds 40,000 but does not exceed 70,000—Fees Rs. 75,

(v) exceeds 70,000 but does not exceed 1,00,000—Fees Rs. 100

(vi) exceeds 1,00,000—Fees Rs. 125.

(c) A wholesale dealer who is a manufacturer of bidis, cigars or cigarettes and other tobacco shall pay fees in accordance with clause (b) in respect of bidis, cigars or cigarettes and in accordance with clause (a) in respect of other tobacco:

Provided that the maximum fees payable by him shall not exceed Rs. 125.

(d) A wholesale dealer who is a manufacturer and who deals wholesale in bidis, cigars or cigarettes and other tobacco manufactured not only by him but by others also shall pay fees not exceeding Rs. 125 to be fixed by the Deputy Commissioner under clauses (a), (b) and (c) conjunctively or disjunctively.

\[\text{Ins. by C.P. & Berar Act, XIII of 1940.}\]
(e) The fees in clauses (b), (c) and (d) shall be for each shop or stall where the wholesale dealer deals in bidis, cigars, cigarettes or other tobacco:

Provided that the wholesale dealer shall pay an additional fees Rs. 10 for each place of manufacture other than the, shop or stall where he deals in bidis, is carried on without the assistance of hired labour either on daily or piece rates.

Fees for the grant or renewal of a licence to a retail dealer

(a) A retail dealer in,—
1) a village with a recorded population of more than 2000 and not more than 5,000-Fees Rs. 5.
2) a village or town with a recorded population of over 5,000-in respect of stall-Fees Rs. 5.

(b) in respect of a shop the, annual, rental value of which,—

3) a compartment of a railway train-Fees Rs. 10;]
17. The Madhya Pradesh Cotton (Statistics) Act, 1947
The Madhya Pradesh Cotton (Statistics) Act, 1947

[Act No. 40 of 1947] [28th November, 1947]

PREAMBLE

An Act to facilitate the collection of statistics of stocks of Indian raw cotton in Madhya Pradesh

Whereas it is expedient to facilitate the collection of statistics of stocks of Indian raw cotton in Madhya Pradesh;

It is hereby enacted as follows:

Section 1 - Short title, extent and commencement-

(1) This Act may be cited as The Madhya Pradesh Cotton (Statistics) Act, 1947. (2) It extends to and shall be in force in the whole of Madhya Pradesh.

Section 2 – Definitions-

In this Act, unless there is anything repugnant in the subject or context,--

(a) "cotton" means Indian raw cotton and includes seed cotton, lint and fly;

(b) "Director" means the Director of Agriculture, Madhya Pradesh and includes any officer appointed by the State Government to perform any of the functions of the Director under this Act;

(c) "owner" means the owner of a cotton ginning factory or a cotton pressing factory and includes the managing agent or other principal officer of such factory;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "trader" means a person, other than an owner, carrying on the business of buying or selling cotton for the purposes of gain or profit, and includes--

(i) a manufacturer; or

1 The Act was extended to the whole of Madhya Pradesh by Section 3 (1) of the M.P. Extension of Laws Act, 1958 (23 of 1958) with effect from 1-1-1959
2 Substituted by M.P. Extension of Laws Act, 1958 (23 of 1958) for the words "Central Provinces and Berar".
3 Received the assent of the Governor on the 28th November, 1947; assent first published in the Central Provinces and Berar Gazette on the 21st November, 1947
4 Substituted by M.P. Extension of Laws Act, 1958 (23 of 1958)
5 Substituted by M.P. Act No. 14 of 1977 [w.e.f. 16-7-1977]
(ii) an importer who carries on such business; or
(iii) a broker or commission agent who contracts for the sale or purchase of cotton for
others and stocks cotton on their behalf; or
(iv) any other person who holds the prescribed quantity of cotton;
(f) "year" means a year commencing on the 1st day of September;
(g) the expressions "cotton ginning factory" and "cotton pressing factory" have
respectively the meanings assigned to them by the Cotton Ginning and Pressing
Factories Act, 1925 (XII of 1925).

Section 3 - Submission of yearly returns of cotton-
(1) Every owner and every trader shall each year submit on or before the prescribed
date to the Director through such officer; if any, as the State Government may by
notification from time to time specify, a return in the prescribed form of the quantity
of cotton of different varieties in his possession on the last day of the previous year.
(2) Every return submitted under sub-section (1) shall be signed by the person
submitting it.

Section 4 - Right of access, inspection and search-
The Director or any person authorised by him in writing in this behalf shall, for the
purpose of collecting any statistics required under Section 3 or for testing the
accuracy of any return submitted under Section 3 have access to every relevant
document, book of account or other record in the possession of any owner or trader
and may at any reasonable time between sunrise and sunset with or without notice to
such owner or trader, as the case may be, enter any premises wherein he believes such
document, book or other record to be, and examine and take copies of, or extract from
the document, book of account or other record. The Director or the person so
authorised may ask any question and make an enquiry necessary for obtaining any
information required for the aforesaid purpose and shall also have access to any
premises where he has reason to believe that cotton is stocked.

Section 5 - Use of returns or information-
The Director may use returns submitted under Section 3 and information obtained
under Section 4 for--
(a) compiling statistics required by the Indian Central Cotton Committee, constituted
under the Indian Cotton Cess Act, 1923 (XIV of 1923);
(b) such purposes in respect of the matters enumerated in list II of the Seventh Schedule to the Constitution, as the State Government may direct.

Section 6 - Restriction on publication of returns and information-
(1) No individual return, and no part of any such return, and no information obtained for the purposes of this Act, shall, without the previous consent in writing of the owner or trader concerned, or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular cotton ginning or pressing factory or the business of a particular trader.

(2) Except for the purposes of a prosecution under this Act or under the Indian Penal Code (XLV of 1860), no person not connected with the checking of returns or the collection of information under this Act shall be permitted to see any individual return or information referred to in sub-section (1).

Section 7 – Penalties-
If any person--

(a) Wilfully refuses or without lawful excuse neglects to submit a return under Section 3, or
(b) wilfully submit or causes to be submitted any such return which he knows to be false, or
(c) refuses to answer or wilfully gives a false answer to any question or enquiry necessary for obtaining any information for the purposes of this Act, or
(d) impedes the right of access to a relevant document, book of account or other record, or the right of entry conferred by Section 4,

he shall be punishable with fine which may extend to five hundred rupees, and in the case of a continuing offence, to a further fine which may extend to two hundred rupees for each day after the first during which the offence continues; and in respect of a false return or answer, the offence shall be deemed to continue until a true return or answer has been submitted.

Section 8 - Penalty for improper disclosure of information or returns-
Any person connected with the checking of returns or collection of information under this Act, who, otherwise than in the execution of his duties under this Act or for the purpose of the prosecution of an offence under this Act or under the Indian Penal Code (XLV of 1860), wilfully discloses any information given, or the contents of any return submitted under this Act shall be punishable with imprisonment for a term
which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 9 - Cognizance of offences-
No prosecution for an offence under Section 7 shall be instituted except with the previous sanction in writing of the Director, and no prosecution for an offence under Section 8 shall be instituted except with the previous sanction in writing of the State Government.

Section 10 - Protection for acts done in good faith-
No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act.

Section 11 - Offences by corporation-
If the person contravening any of the provisions of this Act, is a company or other body corporate, the secretary, manager or other principal officer managing the affairs of such company or body, as the case may be, shall be deemed to be guilty of such contravention.

Section 12 – Exemptions-
The State Government may, by general or special order, exempt any trader or class of traders from the operation of this Act.

Section 13 - Power to make rules-
(1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.
(2) Without prejudice to the generality of the foregoing powers, such rules may provide for--
(a) prescribing the quantity of cotton under item (iv) of clause (e) of Section 2;
(b) prescribing the date on or before which and the form in which a return under Section 3 shall be submitted; and
(c) regulating the exercise of the right or access to books of account, records or documents and the right of entry conferred by Section 4.
18. The Madhya Pradesh Resettlement and Rehabilitation of Displaced Persons (Land Acquisition) Act, 1949
The Madhya Pradesh Resettlement and Rehabilitation of Displaced Persons (Land Acquisition) Act, 1949

[Act No. 20 of 1949]  
[16th April, 1949]

PREAMBLE
An Act to make provisions for the speedy acquisition of land for the resettlement and rehabilitation of displaced persons.
Whereas it is expedient to make provisions for the speedy acquisition of land for the resettlement and rehabilitation of displaced persons;
It is hereby enacted as follows:--

Section 1 - Short title and extent-
(1) This Act may be cited as the Madhya Pradesh Resettlement and Rehabilitation of Displaced Persons (Land Acquisition) Act, 1949.
(2) It extends to and shall be in force in the whole of Madhya Pradesh.

Section 2 – Definition-
In this Act, unless there is anything repugnant in the subject or context,--
"Displaced person" means any person who, on account of the setting-up of the Dominions of India and Pakistan, or on account of civil disturbance or fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area after the 1st day of March, 1947 and who was subsequently been residing in India.

Section 3 - Acquisition of land-
The State Government may, where it considers it necessary or expedient to acquire speedily any land for the resettlement and rehabilitation of displace persons, acquire such land and the provisions of Land Acquisition Act, 1894, as modified by the provisions contained in the Schedule shall apply to such acquisition.

1 Received the assent of the Governor on the 16th April, 1949; assent first published in the Central Provinces and Berar Gazette on the 22nd April, 1949.
2 Substituted by M.P. Act No. 23 of 1958.
Section 4 - Disposal of land-
Subject to such rules as may be made by the State Government, the [Collector] may use or deal with any land acquired under the provisions of this Act in such manner and subject to such conditions as may appear to him to be expedient for the purpose of resettling displaced persons:
Provided that no displaced person to whom any land has been allotted under the provisions of this section shall transfer such land to any other person except with the previous consent of the [Collector] given in writing by a general or special order.

Section 5 - Power to make rules-
The State Government may make rules to carry out the objects of this Act and for the guidance of officers in all matters connected with its enforcement.

THE SCHEDULE
(See Section 3)
Modifications in the Land Acquisition Act, 1894
1. For clause (f) of Section 3, the following clause shall be deemed to be substituted, namely:--
"(f) the expression 'public purpose' includes the provision of land for agriculture or for residential, business or industrial purposes, or for any purpose incidental to any of these with a view to resettlement and rehabilitation of displaced persons."
2. In Section 17--
(i) in sub-section (1), the words "waste or arable" shall be deemed to have been omitted; and
(ii) the following proviso shall be deemed to have been added to the said sub-section, namely:--
"Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience."

3 Substituted by M.P. A.O. 1956.
4 Substituted by M.P. A.O. 1956.
The Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Act, 1954

[Act No. 22 of 1954]

[24th December, 1954]

PREAMBLE
An Act to provide for the speedy acquisition of Land for the resettlement of displaced landholders and for matters incidental thereto.

Whereas it is expedient to make provisions for the speedy acquisition of land for the resettlement of displaced landholders and for matters incidental thereto;

It is hereby enacted as follows:--

Section 1 - Short title and extent-
(1) This Act may be cited as the Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Act, 1954.

(2) It extends to the whole of Madhya Pradesh.

Section 2 – Definitions-
In this Act, unless there is anything repugnant in the subject or context,--

(a) "displaced landholder" means a person whose means of livelihood have been substantially affected by reason of the acquisition of his land by the State Government for the purpose of any scheme or project of public utility.

(b) "land" means waste land or land held for agricultural purposes but does not include orchards, groves or gardens.

Section 3 - Notice of acquisition of land-
Whenever it appears to the State Government that it is necessary or expedient to acquire speedily any land for the resettlement of displaced landholders, a notification to that effect shall be published in the Gazette stating the area of the land proposed to be acquired and other particulars sufficient to identify it.

1 Received the assent of the President on the 24th December, 1954; assent first published in the Madhya Pradesh Gazette on the 31st December, 1954.

2 Substituted by M.P. Act No. 23 of 1958.
Section 4 - Regulation of extent of acquisition-
The State Government shall, for the purpose of ensuring a reasonable standard of living to the landholders whose lands are acquired under Section 3, framed rules laying down the proportion of land to be acquired from and to be left with such landholder.

Section 5 - Land to be acquired to be marked out and measured-
On the publication of the notification under Section 3 the 3[Collector] shall cause for land proposed to be acquired to be marked out and also cause it to be measured and if no plan has been made thereof, a plan to be made of the same.

Section 6 - Service on owner or occupier affected by notice of acquisition-
As soon as may be after action has been taken under Section 5 of the 4[Collector] shall cause to be served by registered post on the owner of the land and also on the occupier in cases where the owner is not in occupation of the land or, where the person to be served is not readily traceable or the ownership of the land is in dispute, shall publish in the Gazette, a notice stating the particulars specified in Section 3.

Section 7 - Vesting and taking possession of land-
(1) When a notice of acquisition is served or is published under Section 6, the land shall vest absolutely in the State Government free from all encumbrances on the date the notice is so served or published in the Gazette, as the case may be.
(2) The 5[Collector] may, at any time after the land has become so vested, proceed to take possession thereof.

Section 8 - Objections to acquisition-
(1) Any person interested in any land which has become vested in the State Government under Section 7 may, within one month from the vesting thereof file his objection, if any, to the acquisition before the 6[Collector] and the 7[Collector] may, after making such enquiry as he thinks fit, either dismiss the objection or release the land in respect of which objection has been filed from acquisition.
(2) If any land is released from acquisition under sub-section (1) it shall be deemed to revest in the person originally entitled thereto and any encumbrance, which may have been extinguished under Section 7, shall revive.

3 Substituted by M.P A.O. 1956.
4 Substituted by M.P A.O. 1956.
5 Substituted by M.P A.O. 1956.
6 Substituted by M.P A.O. 1956.
7 Substituted by M.P A.O. 1956.
Section 9 - Notice to persons interested-

(1) The Collector shall cause public notice to be given at convenient places on or near the land of which possession has been taken under Section 7, stating that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of such land and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections, if any, to the measurements made under Section 5. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by registered post in a letter addressed to him at his last known residence, address or place of business.

Explanation :-- For the purpose of this section, the expression Collector shall include any officer specially appointed by the State Government to perform the functions of a Collector under the Land Acquisition Act, 1894 (1 of 1894).

Section 10 - Certain provisions of Land Acquisition Act, 1894, to apply to acquisition of land-

The provisions in Sections 10 to 15 and 18 to 34 of the Land Acquisition Act, 1894 (1 of 1894) (hereinafter referred to as the said Act), shall apply to the acquisition of land under this Act as they apply to an acquisition of land made under the said Act, subject

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8 Substituted by M.P A.O. 1956.
9 Substituted by M.P A.O. 1956.
10 Substituted by M.P A.O. 1956.
12 Substituted by M.P A.O. 1956.
13 Substituted by M.P A.O. 1956.
to the modification that any reference to Sections 4, 8 and 9 in any of those sections of
the said Act shall be construed as references to Sections 3, 5 and 9 of this Act.

Section 11 - Disposal of land-
Subject to such rules as may be made by the State Government the \textsuperscript{14}[Collector] may
use or deal with any land acquired for the purpose referred to in Section 3 in such
manner and subject to such conditions as may appear to him to be expedient for the
purpose of resetting displaced landholders:
Provided that no displaced landholder shall be allotted land greater in value than the
land from which he has been displaced.

Section 12 - Power to secure information-
The State Government or the \textsuperscript{15}[Collector] may, with a view to determining the
compensation payable under this Act, by order, require any person to furnish to such
authority as may be specified in the order such information in his possession relating
to the land that may be so specified.

Section 13 – Penalties-
Whoever wilfully obstructs any person in lawfully taking possession of any land
under this Act or refuses to furnish any information as required by Section 12 shall be
punishable with imprisonment which may extend to one month or with fine which
may extend to fifty rupees or with both.

Section 14 - Exemption from stamp duty and fees-
No award or agreement under this Act shall be chargeable with stamp duty, and no
person claiming under any such award or agreement shall be liable to pay any fee for
a copy of the same.

Section 15 - Protection for action done in good faith-
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
order made thereunder.

Section 16 - Power to make rules-
(1) The State Government may make rules to carry out the object of this Act and for
the guidance of the officers in all matters connected with its enforcement.
(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:\textsuperscript{\textendash}:

\textsuperscript{14} Substituted by M.P A.O. 1956.
\textsuperscript{15} Substituted by M.P A.O. 1956.
(i) the principles on which lands shall be selected for acquisition from landholders under Section 3;
(ii) the proportion in which land shall be acquired from and left with the landholders;
(iii) the principles on which and the conditions subject to which allotment of land will be made to displaced landholders under Section 11.
19.1 The Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Rules, 1961
The Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Rules, 1961

PREAMBLE
In exercise of the powers conferred by Section 16 of the Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Act, 1954 (XXII of 1954), and in supersession of all the previous notifications in this behalf issued previously, the State Government hereby make the following rules namely:

1. These rules may be called the Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Rules, 1961.

2. In these rules, unless there is anything repugnant in the subject or context,—
   (a) "the Act" means the Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Act, 1954 (XXII of 1954);
   (b) "Section" means section of the Act.

3. Before issuing a notification under Section 3, the State Government may direct the Collector to enquire and report as to the quantum of land required for the resettlement of displaced landholders and the approximate areas of land available for acquisition in each village.

4. (1) On receipt of a requisition under Rule 3, the Collector shall issue a notice inviting applications from displaced landholders for land required by them for their resettlement. Such notice shall specify the date before which the applications shall be submitted to the Collector such date being not earlier than thirty days from the date of issue thereof.
   (2) Copies of the notice shall be posted in the Court-house of the Collector and at conspicuous places in the locality of the displaced landholders. The notice shall also be published by beat of drum in such locality.

5. Any displaced landholder requiring land for his resettlement shall submit his application to the Collector in the form appended to these rules, agreeing therein to

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accept the land that may be allotted to him and to the adjustment of the compensation payable to him on account of the acquisition of his land towards cost of acquisition of the land that may be allotted to him.

6. No application received after the date specified for receiving applications under sub-rule (1) of Rule 4 shall be entertained.

7. On the expiry of the period specified in the notice for submitting applications the Collector shall submit a report to the State Government giving an estimate of the total area of land which it would be necessary to acquire for the resettlement of displaced landholders and the area and other particulars of the lands proposed to be acquired.

8. (1) In selecting land for the purpose of the Act, regard shall be had to the following principles, namely:--

(a) No land shall be selected from a village which lies beyond a distance of 15 miles from the village where the lands of the displaced landholders are situate;

(b) land shall, as far as possible, be selected from within or close to the area which has been or is likely to be benefited by the scheme or project of public utility which has resulted in the displacement of landholders;

(c) no land which is being used for the purpose of a school, orphanage or hospital or which is being used exclusively for the purpose of religious worship shall be selected;

(d) land of every landholder to the extent of first fifty acres shall be exempt from acquisition and of the remainder only a moiety shall be liable for acquisition. But the area to be acquired may be increased or decreased by five acres or less as may be necessary to maintain the integrity of a khasra or survey number: Provided that where the total area of land liable for acquisition from a landholder is less than ten acres, no acquisition may be made from him;

(e) an option shall be given to the landholder to state which of his lands shall be acquired from him; provided that the landholder shall not be entitled to demarcate portions of his lands which have no contiguity with each other.

Explanation:-- For purposes of this rule, references to land shall be deemed to be references to dry land and in calculating the quantum of land to be acquired from any landholder one acre of irrigated land shall be reckoned equal to two acres of dry lands.

(2) Where under clause (d) of sub-rule (1) exemption has been allowed to any landholder, no separate exemption shall be admissible to his wife and children.
9. (1) The Collector shall constitute an allotment committee for advising him in the matter of allotment of land to displaced landholders.

(2) The allotment committee shall consist of five members who shall be nominated by the Collector and of whom at least two shall be displaced landholders.

10. (1) The allotment committee shall meet at such place and at such time as the Collector may direct.

(2) The allotment committee shall examine the applications of the displaced landholders for allotment of land and make such other enquiry as may be deemed necessary and submit its recommendations in respect of each applicant.

11. Without prejudice to the provision contained in the proviso to Section 11, no displaced landholder shall be allotted land exceeding one hundred acres.

12. (1) The Collector shall after taking into consideration the recommendations of the allotment committee pass orders making allotments.

(2) Every order passed under sub-rule (1) shall be final and binding on the displaced landholder concerned.

(3) A copy of every order passed under sub-rule (1) shall be forwarded to the Tahislddar who shall take steps to have the land allotted to every displaced landholder mutated in his name in the village record and to put him in possession thereof.

13. If for any person it is not possible to allot any land to a displaced landholder within three months from the date of its acquisition, it shall be returned to the landholder from whom it was acquired and in case the landholder does not agree to take it back, the Collector may dispose of it by publication.

14. The Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Rules, 1954 are hereby repealed:

Provided that any thing done or any action taken under the rules so repealed shall, unless such thing or action is inconsistent with any of the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.
FORM OF APPLICATION FOR ALLOTMENT OF LAND
(See Rule 5)

To,
The Collector,


Sir,

I, ........................................, son of ........................................, of mouza ........................................ Settlement No .......................... Patwari Circle No .......................... Tahsil .........................., be to state that I am a displaced land holder, my land having been acquired for purpose of .......................... Scheme/Project.

2. The particulars of the land acquired and remaining with me are given below:

<table>
<thead>
<tr>
<th>Name of village</th>
<th>Khasra/Survey No of land acquired and its area</th>
<th>Land revenue or rent of the land acquired</th>
<th>Khasra/Survey No of land remaining and its area</th>
<th>Land Revenue or rent of the land remaining</th>
<th>Remarks</th>
</tr>
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<tr>
<td>(1)</td>
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</tbody>
</table>

3. I request that I may be allotted land equal in value of the land of which I have been dispossessed.

4. I agree to accept the land which may be allotted to me and also to the adjustment of the compensation payable to me on account of the acquisition of my land towards the costs of acquisition to the land that may be allotted to me.

Dated ............ 19......

Signature of the Applicant.

Verified that the contents of Paragraph 2 of the application are true to the personal knowledge of the undersigned.

Declared at ............ on ............ 19......

Signature of the Applicant.

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The Madhya Pradesh Cotton Control Act, 1954

[Act No. 17 of 1954]

[23rd June, 1954]

PREAMBLE

An Act to provide for controlling the production, import, possession or use of, or trade in certain varieties of cotton and matters ancillary thereto for the purpose of ensuring cultivation of better varieties of cotton and the maintenance of their purity.

Whereas it is expedient to provide for controlling the production, import, possession or use of, or trade in, certain varieties of cotton and matters ancillary thereto for the purpose of ensuring cultivation of better varieties of cotton and the maintenance of their purity.

It is hereby enacted as follows:

Section 1 - Short title and extent

-(1) This Act may be cited as the Madhya Pradesh Cotton Control Act, 1954.

[(2) It extends to the whole of Madhya Pradesh.]

Section 2 - Definitions-

In this Act, unless the there is anything repugnant in the subject or context,—

(a) "controlled area" means the area specified in the notification issued under sub-section (1) of Section 3;

(b) "cotton" includes cotton plant, ginned and unginned cotton, cotton waste and cotton seed;

(c) "Director" means the Director of Agriculture, Madhya Pradesh, and includes any officer who is authorised by the State Government to exercise or perform any of the powers or duties of the Director under this Act;

(d) "prescribed" means prescribed by rules made under this Act;

(e) prohibited variety in respect of any area, means a variety of cotton the cultivation of which is either prohibited under this Act or by the State Government under Section 3;

(f) "standard variety", in respect of any area, means a variety of cotton specified by the State Government as a standard variety under Section 3.

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148 The Act was extended to the whole of Madhya Pradesh by Section 3 (1) of the M.P. Extension of Laws Act, 1958 (23 of 1958), vide item 76 of Part A of the Schedule to the said Act. The said Act No. 23 of 1958 came into force on 1-1-1959.

149 Received the assent of the President on the 23rd June, 1954; assent first published in the Madhya Pradesh Gazette on the 2nd July, 1954.

150 Substituted by M.P. Extension of Laws Act, 1958 (23 of 1958) for the words "It extends to the whole of Mahakoshal region".
Section 3 - Power to Specify variety of cotton to be cultivated, etc., in controlled areas-

(1) The State Government may, by notification, declare any local area to be a controlled area and may, in respect of such area,--

(i) specify any variety of cotton as being a standard variety, the cultivation of which is permitted in such area; and prohibit the cultivation in such area of any other specified variety of cotton; or

(ii) prohibit in such area the mixing of any standard variety with any other standard variety or with any prohibited or other variety; or

(iii) prohibit or restrict in such area the import, possession or use of, or trade in, any standard variety mixed with any other variety whether standard, prohibited or otherwise.

(2) Before issuing a notification under sub-section (1), the State Government shall publish in the prescribed manner a draft of such notification together with a notice stating that any objection or suggestion which may be received by the State Government within the period specified in the notice (such period being not less than two months from the date of publication of the draft) will be considered by the State Government.

(3) Every notification under sub-section (1) shall also be published in the regional language of the controlled area in the prescribed manner.

Section 4 - Grant of permission to factories to mix cotton-

(1) Notwithstanding anything contained in Section 3 or any notification issued thereunder, the State Government may, by notification, permit, in any factory in which cotton is manufactured into yarn or cloth, any standard variety to be mixed with any other standard or prohibited variety:

Provided that the cotton so mixed--

(a) is not made into fully pressed bales, and

(b) is used in such factory exclusively in the manufacture of yarn or cloth.

(2) The owner or person incharge of the factory shall maintain or cause to be maintained a register containing a daily record of cotton other than that of standard variety received into, and used in, the factory. He shall preserve such register for a period of not less than two years from the date of the last entry made therein.

(3) The owner or person incharge of the factory shall produce the register maintained under sub-section (2) whenever required to do so by the Director or by any person authorised by him in this behalf.

Section 5 – Penalties-
(1) Any person who cultivates any prohibited variety in any controlled area in contravention of the provisions of this Act or of any notification issued thereunder, shall be punishable with fine which may extend to twenty rupees or for the second or subsequent offence with fine which may extend to fifty rupees.

(2) Any person who, in any controlled area in contravention of the provisions of this Act or of any notification issued thereunder--

(a) mixes or causes to be mixed any standard variety with any other standard variety or with any prohibited or other variety of cotton, or

(b) imports, possesses, uses or trades in, any standard variety mixed with any other standard variety or with any prohibited or other variety of cotton, shall be punishable with fine which may extend to five thousand rupees.

(3) The owner of, or any person incharge of, a factory who contravenes any of the provisions of sub-section (1) of Section 4, or fails to comply with any of the provisions of sub-section (2) or sub-section (3) of Section 4, shall be punishable with fine which may extend to five thousand rupees and for a second or subsequent offence with fine which may extend to ten thousand rupees.

Section 6 - Prohibition of cultivation or mixing of Garrowhill cotton-

(1) Notwithstanding anything hereinbefore contained, no person shall grow in [Madhya Pradesh] Garrowhill cotton as a pure crop or in a mixture, or shall mix in \[151\] [Madhya Pradesh] such cotton with any other kind of cotton.

(2) Any person who cultivates Garrowhill cotton in contravention of sub-section (1) shall be punishable with fine which may extend to twenty rupees or for the second or subsequent offences with fine which may extend to fifty rupees.

(3) Any person who mixes or causes to be mixed Garrowhill cotton with any variety of cotton, whether standard, prohibited or other, shall be punishable with fine which may extend to rupees five thousand.

(4) The provisions of Sections 8 and 9 shall, in respect of Garrowhill cotton, apply as if it were a prohibited variety and the whole of \[1\] [the State of Madhya Pradesh] were controlled area.

Section 7 – Confiscation-

(1) Where a Court trying an offence punishable under Section 5 or Section 6 is satisfied that an offence under that Section has been committed in respect of any cotton, the Court may

\[151\] Substituted by M.P. Extension of Laws Act, 1958 (23 of 1958) for the words "Mahakoshal region".
direct that such cotton and every box, receptacle, package or covering, containing such cotton shall be forfeited to Government.

(2) Where an offence under this Act has been committed, or is believed to have been committed in respect of any cotton and the offender is not known or cannot be found or where no person claims any right in such cotton, the officer authorised by the State Government in this behalf may hold an inquiry and may order confiscation of such cotton together with any box, receptacle, package or covering containing such cotton:

Provided that no such order shall be made before the expiration of one month from the date of seizing the cotton liable to confiscation or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim.

Section 8 - Power of entry and seizure-

(1) Any officer authorised in this behalf by the State Government may, between the hours of 6 a.m. and 6 p.m.,--

(a) enter upon any land in a controlled area in which he knows or has reason to believe that any prohibited variety has been or is being cultivated in contravention of a notification under sub-section (1) of Section 3, or of the provisions of Section 6, uproot such cotton, or cause it to be uprooted, and seize such cotton so uprooted;

(b) enter upon or into any land, building, vehicle or place in a controlled area in which he knows or has reason to believe that any standard variety mixed with any other standard variety or any prohibited or other variety of cotton, is kept in contravention of a notification under sub-section (1) of Section 3, or of the provisions of Section 6, and seize such cotton.

(2) (a) Every officer seizing any cotton under sub-section (1) shall forthwith--

(i) take a sample of the cotton seized, separate it then and there into three equal parts and securely pack and seal each of them with his seal in the presence of the occupier or person incharge of the land, building, vehicle or place on or in which such seizure was made and of two witnesses and in case the occupier or person aforesaid wishes to seal them, they shall also be sealed with his seal; and

(ii) subject to any rules made under Section 15, send one of the sealed packages to such officer as may be authorised by the State Government in that behalf for examination and report to the Director, retain another such package for his own and deliver the third sealed package to the occupier or person aforesaid.

(b) The officer referred to in clause (a) shall have discretion either to entrust the remainder of the seized cotton to the occupier or person aforesaid or to make other arrangements for its safe custody. If the officer decides to entrust the cotton to the occupier or person aforesaid,
such occupier or person shall take charge of the same and shall give an undertaking in writing to produce the said cotton before any Court when required to do so by the said officer.

(c) The officer referred to in clause (a) shall forthwith make a report of the seizure to the nearest Magistrate having jurisdiction to try the offence committed in respect of such cotton, together with particulars of such cotton and furnish a copy of such particulars to the occupier or person aforesaid.

(3) The opinion of the officer authorised under paragraph (ii) of clause (a) of sub-section (2) contained in any document signed by such officer regarding the cotton sent to him for examination under that clause, may be used as evidence as to the nature of such cotton, in any inquiry, trial or proceeding under this Act.

(4) If the occupier or person aforesaid refused to take charge of the cotton when required under clause (b) of sub-section (2) or to give the undertaking referred to in that clause, or fails to produce the cotton before the Court when required, he shall be punishable with fine which may extend to twice the value of such cotton.

Section 9 - Duty of owner, occupier or person incharge to give facilities for inspection by authorised officer-

(1) Every owner, occupier or person incharge of any land, building, vehicle or place in a controlled area shall give all reasonable facilities to the officer authorised under sub-section (1) of Section 8, to inspect such land, building, vehicle or place.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to twenty rupees.

Section 10 - Previous sanction for prosecution-

No prosecution under this Act or any rule made thereunder shall be instituted without the previous sanction of the Director.

Section 11 - Cognizance of offences-

No offence punishable under this Act or any rule thereunder shall be inquired into or tried by any Court inferior to that of a Magistrate of the Second Class.

Section 12 - Offences by corporations, etc.-

Where a person committing any offence punishable under this Act or any rule made thereunder is a company, or an association or body of persons, whether incorporated or not, the director, manager, secretary, agent or other principal officer managing the affairs of such company, association or body shall be deemed to be guilty of such offence.

Section 12A - Composition of offence-
Any gazetted officer of the Agriculture Department authorised in this behalf by the State Government may, on acceptance of such sum as may be prescribed, compound any offence under this Act or the rules made thereunder.

(2) On the composition of the offence under this section no further action in respect thereof shall be taken against the person accused of it and if any proceedings in respect of that offence have already been instituted against such person in any Court, the composition shall have the effect of this acquittal thereof.]

Section 13 - Protection for acts done in good faith-
No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or any rules made thereunder.

Section 14 - Persons acting under the Act to be public servants-
Every person acting or purporting to act in pursuance of any of the provisions of this Act or any rule made thereunder shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (No. XLV of 1860).

Section 15 - Power to make rules-
(1) The State Government may make rules to carry out the purpose of this Act.
(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following purposes, namely:
(a) the manner in which notification under sub-section (1) of Section 3 shall be published;
(b) the conditions subject to which cotton seized may be forwarded under Section 8.
(3) Any such rule may provide that a contravention thereof, if not punishable under any provision of this Act, shall be punishable with fine which may extend to two hundred and fifty rupees.
(4) Rules made under this section shall be subject to the condition of previous publication.

Section 16 - Repeal and saving-
(1) The Central Provinces and Berar Cotton Control Act, 1937 (XX of 1937), is hereby repealed.
(2) Notwithstanding the repeal of the said Act, things done and action taken by any authority under the provisions of the said Act shall be deemed to have been done and taken under this Act.

152 Inserted by M.P. Extension of Laws Act, 1958 (23 of 1958)
20.1 The Madhya Pradesh Cotton Control Rules, 1961
The Madhya Pradesh Cotton Control Rules, 1961

In exercise of the powers conferred by Section 15 of the Madhya Pradesh Cotton Control Act, 1954 (XVII of 1954), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (4) of the said Section:

1. These rules may be called The Madhya Pradesh Cotton Control Rules, 1961.

2. In these rules, unless the context otherwise requires, if there is anything repugnant in the subject or context,—

(a) the 'Act' means the Madhya Pradesh Cotton Control Act, 1954 (XVII of 1954);

(b) "Form" means a form appended to these rules;

(c) "Section" means a Section of the Act.

3. (1) The notice containing the draft of the notification under sub-section (1) of Section 3 shall also be published in the Gazette in the regional language of the area proposed to be declared as controlled area and copies thereof shall be posted in the court-houses of the Collector and Tahsildar and also at the office of the Janapada Sabha, Block Development Officer, Mandi Committee, Gram Panchayat, Kendra Panchayat and Mandal Panchayat, if any, and at some conspicuous place in every village comprised in such area. The notice shall also be published in the regional language by beat of drum throughout such area.

(2) Every notification issued under sub-section (1) of Section 3 shall also be published in the Gazette in the regional language of the controlled area. Copies of the notification in the language shall be posted in the court-houses of the Collector and Tahsildar and also at the offices of the Janapada Sabha, Block Development Officer, Market Mandi Committees, Gram Panchayat, Kendra Panchayats and Mandal Panchayats, if any, and at some conspicuous place in every village comprised in the controlled area. The notification shall also be published in the regional language by beat of drum throughout the controlled area.

153 Notification No. 5370-6407-XIY- I-61, published in M.P. Gazette, Part IV (Ga), dated 1-9-61 at page 635
4. Any person desirous of obtaining seed of standard variety for sowing purposes within the controlled area may purchase the same on payment from the seed stores of the Department of Agriculture or from any person authorised by the Director in this behalf.

5. (1) An application under sub-section (1) of Section 4 shall be made to the State Government through the Director in Form A.

   (2) The permit to be issued under sub-section (1) of Section 4 shall be in Form B.

   (3) The register to be maintained under sub-section (2) of Section 4 shall be in Form C.

6. (1) Each sample of cotton seized under Section 8 shall be placed in a suitable container, and the package shall be so made as to be free from the risk of temperability or breakage in transit.

   (2) Each sample of cotton other than cotton plant seized and placed in a container shall be at least of a net weight of 1 Kilogram in respect of cotton lint, 3 Kgms. in respect of kapas, 2 Kgms. in respect of cotton seed and 1 Kgm. in respect of cotton waste.

   (3) Each sample of cotton plant seized and placed in a container shall have at least 25 plants, with roots, stems, branches, leaves, flowers and bolls intact, and shall be placed in the container loosely without being compressed.

   (4) Each package of seized cotton shall bear a label showing in ink the name and address of person from whom it was seized and in the case of other cotton plants, also the Khasra survey number of the field from which the seizure was made.

   (5) The sealed package to be sent to the officer authorised by the State Government under Section 8 (2) (a) (ii) shall be accompanied by a report in Form D, in respect of cotton plants, and in Form E in respect of other cotton. A copy of such report shall also be forwarded to the Director.

7. The undertaking referred to in Section 8 (2) (b) shall be in Form F.

8. The report of seizure under Section 8 (2) (c) shall be in Form G.

9. The sum of money to be accepted for compounding any offence under Section 12-A may extend in the case of an offence under—

   (a) sub-section (1) of Section 5 to twenty rupees for the first offence and to fifty rupees for every subsequent offence;

   (b) sub-section (2) of Section 5 to five thousand rupees;

   (c) sub-section (3) of Section 5 to five thousand rupees for the first offence and ten thousand rupees for every subsequent offence;
(d) sub-section (2) of Section 6 to fifty rupees;
(e) sub-section (3) of Section 6 to five hundred rupees;
(f) sub-section (4) of Section 8 to twice the value of the cotton entrusted under clause (b) of sub-section (2) of Section 8; and;
(g) sub-section (2) of Section 9 to twenty rupees.

10. The Madhya Pradesh Cotton Control Rules, 1955 and all other rules corresponding thereto in force in any region of the State of Madhya Pradesh Immediately before the commencement of these rules are hereby repealed:

Provided that anything done or any action taken under any of the rules so repealed shall, unless such thing or action is inconsistent with any of the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

FORMA

[See sub-rule (1) of Rule 5]

Application for issue of permit for possession of prohibited variety of cotton and for mixing any standard variety with any other standard or prohibited variety under the Madhya Pradesh Cotton Control Rules, 1961

1. Name of the factory and its situation
2. Name and address of the owner
3. Name and address of the lessee (if any)
4. Name of standard varieties proposed to be mixed
5. Name/Names of prohibited variety of cotton for which the permit is required
6. Quantity of prohibited variety of cotton required for use in the factory
7. Source from which the prohibited variety of cotton is proposed to be procured
8. Period for which the permit is required
9. Reference to previous permits (if any)
10. I/We hereby undertake to comply with all the provisions of the Madhya Pradesh Cotton Control Act, 1954, and the rules made thereunder.

Place ....................

Date .......................... Signature of applicants

To,

The Secretary to Government of Madhya Pradesh
Agriculture Department,
(Through the Director of Agriculture)
FORM B

[See sub-rule (2) of Rule 5] Permit for mixing any standard variety with any other standard or prohibited variety of cotton in the manufacture of yarn or cloth under the Madhya Pradesh Cotton Control Rules, 1961

1. Name of the factory and its situation
2. Name and address of the owner
3. Name and address of the lessee (if any)
4. Name of standard varieties permitted to be mixed
5. Name/Names of prohibited variety/varieties of cotton for which the permit is required
6. Quantity of prohibited variety of cotton required for use in the factory
7. Source form which the prohibited variety of cotton is proposed to be procured
8. Period for which the permit is required
9. Reference to previous permits (if any)
10. I/We hereby undertake to comply with all the provisions of the Madhya Pradesh Cotton Control Act, 1954, and the rules made thereunder.

Place...........
Date........... Signature of applicants

The Secretary to Government of Madhya Pradesh
Agriculture Department,
(Through the Director of Agriculture)

FORM C

[See sub-rule (3) of Rule 5]

Register showing the standard or prohibited varieties of cotton permitted to be mixed by factories in the manufacture of yarn or cloth under the Madhya Pradesh
Cotton Control Rules, 1961

1. Permit No. ............ Year ............... 
   Period of validity ....................... 
2. Name of the factory and its situation 
3. Name and address of the owner 
4. Name and address of the lessee (if any) 
5. Name of standard varieties permitted to be mixed 
6. Quantity permitted for mixing up 
7. Name/Names of prohibited variety/varieties of cotton permitted to be used 
8. Quantity permitted in each prohibited variety of cotton 
9. Date of expiry of permit

Place
Date .................. Signature

Note.—This permit should be exhibited in a prominent place in the place of business. 
Certified copies should be exhibited, if there are more than one place of business.

FORM C

[See sub-rule (3) of Rule 5]

Register showing the standard or prohibited varieties of cotton permitted to be mixed 
by factories in the manufacture of yarn or cloth under the Madhya Pradesh 
Cotton Control Rules, 1961

1. Name of the factory and its situation 
2. Name and address of the Owner 
3. Name and address of the lessee (if any) 
4. Year (Calender year) 
5. No. and date of permit 
6. Period of validity of permit 
7. Name/Names of standard variety/prohibited varieties of cotton permitted to be mixed 
8. Quantity of variety/varieties of standard/prohibited cotton covered by permit 
9. Number of pages in the register
Date | Source from which procured | Quantity purchased at each time (Kgms.) | Progressive total quantity (Kgms.)
--- | --- | --- | ---
(1) | (2) | (3) | (4)

Quantity issued (Kgms.) | Purpose for which issued and utilised (Kgms.) | Quantity remaining as balance | Date of inspection and signature of authorised officer with designation
(5) | (6) | (7) | (8)

Note.— Bale should be reckoned as 180 kgms. net.

FORM D
[See sub-rule (5) of Rule 61]

Report of seizure of cotton plants under the Madhya Pradesh Cotton Control Rules, 1961

1. Description of the land in which the prohibited variety of cotton was cultivated—
   (a) District
   (b) Tahsil
   (c) Village
   (d) Khasra or Survey No. and Sub-division No. (if any)

Name and address of the owner or occupier

2. Name and address of the owner or occupier

3. Name and address of the tenant (if any)

4. Particulars of the cotton plant seized—
   (a) Description
   (b) Quantity

5. Description of the seals used for sealing

6. Date of handling the third sealed package to the owner/occupier/tenant
7. Whether undertaking in writing’ was obtained from the party for safe custody
8. Any other arrangements made for the safe custody of the balance of the seized cotton
9. Any other remaros

Station ..................

Date..............

Names of witnewes-
(1) .................
(2) .................

Signature of Reporting Officer

Signature of witnesses-
(1) ................
(2) .................

FORM E
[See sub-rule (5) of Rule 6]

Report of seizure of cotton/kapas/lint/waste/seeds under the Madhya Pradesh Cotton Control Rules, 1961

1. Description of the land, building or place in which the prohibited variety of cotton or mixture of any standard variety of cotton or with any other standard variety of cotton or prohibited variety of cotton or the container with marks of a particular standard variety of cotton containing some other cotton in respect of cotton or kapas or lint or waste or seeds was kept—
   (a) District
   (b) Tahsil
   (c) Village
      (i) Khasra or Survey No.
      (ii) Sub-Division No., if any
2. Name and address of the owner of the land, building or place

3. Name and address of the person from whose possession the cotton was seized.

4. Particulars of the cotton seized—
   (a) Description
   (b) Quantity

5. Description of seals used for sealing

6. Date of handling the third sealed package to the owner/occupier/person in whose possession the cotton was found

7. Whether undertaking in writing was obtained from the party for safe custody of the remaining quantity

8. Any other arrangements made for the safe custody of the balance of the seized cotton.

9. Any other remarks.

Station ......................
Date ......................

Names of witnesses—

   (1) ......................

   (2) ......................

Signature of Reporting Officer

Signature of witnesses—

   (1) ......................

   (2) ......................

FORM F

[See Rule 7]

Undertaking given to the owner/occupier/lessee for safe custody of seized cotton plants or kapas or lint or waste or seeds under the Madhya Pradesh Cotton Control Rules, 1961

I ............... ..., son of ............. .... village of
.....................................Tahsil.......................of.........district, hereby agree to produce No. of
cotton plants or.........................
FORM G

[See Rule 8]

Report of seizure of cotton under Section 8 (2) (c) of the Madhya Pradesh Cotton Control Act, 1954 (XVII of 1954)

To,

The Magistrate,

I hereby make a report of the seizure of cotton under Section 8 (2) of the Madhya Pradesh Cotton Control Ac, 1954 (XVII of 1954)—

1. By whom seized
2. From whom seized (name and address)
3. Description of land, etc. wherefrom seized
4. Particulars of cotton seized—
   (i) Description
   (ii) Quantity

5. Any other remarks

Station........................
Date........................

Names of witnesses:—
(1) ....................

(2) ....................

Signature of the officer seizing the cotton

Signature of witnesses—
(1) ....................
(2) ....................
20.2 The Madhya Pradesh Cotton Transport Rules, 1967
The Madhya Pradesh Cotton Transport Rules, 1967

In exercise of the powers conferred by Section 7 of the Cotton Transport Act, 1923 (III of 1923), the State Government hereby makes the following rules, namely—

1. **Short title.**—These rules may be called The Madhya Pradesh Cotton Transport Rules, 1967.

2. **Definitions.**—In these rules, unless the context otherwise requires,—
   (a) "Act" means the Cotton Transport Act, 1923;
   (b) "Director" means the Director of Agriculture, M.P.;
   (c) "Form" means a Form appended to these rules;
   (d) "Section" means a Section of the Act.

3. **Authority which may grant the licence and form of application.**—Licence for the import of Cotton into the protected areas may be granted by the Director. An application for such licence shall be made in Form A.

4. **Prevention of the Import of Cotton.**—No Cotton, the import of which has been prohibited by or under Section 3, shall be imported into a protected area by rail, road or river save under and in accordance with the conditions of a licence under these rules.

5. **Licence for import of Cotton for manufacture.**—(1) Annual licence for import by rail, road and river shall be granted to manufacturing concernssituated within the protected areas for the importation of cotton or of any specified kind of cotton from outside such area for manufacture only. Such licence shall be in Form B and shall be subject to the conditions stated herein.

   (2) A certified copy of such licence shall be tendered in Form G with each consignment at the despatching station and shall accompany the railway invoice to the station of delivery and shall then be forwarded by the railway authority concerned to the railway audit office for return to the Secretary, Indian Central Cotton Committee.

---

1 Notification No. 5871-2266-XIV- I-, dated published in M.P. Rajpatra Part IV (Ga), dated 22-9-197 at page 638
(3) The licence shall be returned to the Licensing Authority at the expiration of the period for which it is granted together with all unused certified copies of the same.

6. Licence for particular consignment by rail.—(1) A single licence to cover only one consignment may be granted to such persons as can specify the licensing authority that it is necessary to import cotton or any specified kind of cotton or cotton-waste (that is, cotton seed, kapas, ginned cotton or cotton waste) into the protected area. Such licences shall be in Form D and shall be subject to the conditions stated therein.

(2) Such licence shall be surrendered at the station of delivery to the Station Master or other prescribed officer at the time of taking delivery of the cotton covered by the licence who shall forward it to the licensing authority.

(3) A certified copy of such licence shall be tendered in Form E with each consignment at the despatching station and shall accompany the railway invoice to the Station of delivery and shall then be forwarded by the railway authority concerned to the railway audit office for return to the Secretary, Indian Central Cotton Committee.

7. Licence for particular consignment by road or river.—(1) A single licence to cover only one consignment may be granted to such persons as can satisfy the licensing authority that it is necessary to import cotton or any specified kind of cotton (that is, cotton seed, kapas, ginned cotton or cotton waste) by road or river into the protected area. Such licence shall be given in Form F and shall be subject to the conditions stated therein.

(2) Such licence, shall be delivered at the "Naka" or other place specified by the licensing authority to the officer mentioned in the licence who shall forward it to the licensing authority.

8. Separate licences to be issued for different kinds of cotton.—Separate licences shall be issued for different kinds of cotton, that is to say, for ginned cotton, cotton seed, unginned cotton (kapas and cotton waste).

9. Fee for licences—The fee payable for the annual general licence and the single licence shall be Rs. 50 and Rs. 5 respectively.
10. Penalty.—Any contravention of these rules or the conditions of any licence, not otherwise punishable under the Act, shall be punishable with fine which may extend to five hundred rupees.

11. Repeal and saving.—The rules published under the Agriculture Department of the Government of former State of Madhya Pradesh Notification No. 164-59-XIV, dated the 4th February, 1930, and all other rules corresponding thereto in force in any region of the State of Madhya Pradesh immediately before the commencement of these rules are hereby repealed:

Provided that anything done or any action taken under any of these rules so repealed shall, unless such thing or action is inconsistent with any of the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

FORM A

[See Rule 3]

To

The Director of Agriculture, Madhya Pradesh, Bhopal.

Sir,

I/we the undersigned hereby beg to apply for a licence under the Cotton Transport Act, 1923 (3 of 1923), available for the period of............................to for the importation by rail/road/river of bales (quintals of............................) (State whether ginned cotton, un-ginned cotton, cotton waste (kapas, cotton seed) into the protected area known as notified in notification No..........................dated at station for the purpose of.........................

1. I/we also beg to apply for a certified copy of the licence (as required by the said Act).

2. I/we declare that such cotton/kap as/cotton seed/cotton-waste is required for the purpose of only and will not be otherwise used save under the instructions of the licensing authority.

   Reasons why importation is necessary†:—

3. I/we undertake—
(1) In the event of the cotton/kapas/cotton seed/waste imported under the said licence proving unsuitable for the purpose for which it is imported, to report the matter to the licensing authority and to await his approval to its disposal or otherwise before allowing such cotton/kapas/cotton seed/waste to leave our premises.

(2) That under no circumstances I/we will allow cotton/kapas/cotton seed/waste imported under the said licence to be used for mixing with, or adulteration of cotton/kapas/cotton seed/waste produced in the protected area or reexport nor will I/we allow it to be exported under a misdescription.

1. Reasons should be clearly stated as licences are only issued in cases of proved necessity.

(3) To return the said licence on expiration to the licensing authority together such details as he may require as to the cotton/kapas/ cotton seed/waste.

(4) I deposit herewith a sum of Rs....... ...... as licence fee.

Dated, the ........20....... 
Signed

Address

INSTRUCTIONS

(a) The Cotton Transport Act, 1923, does not impose any general restriction on cotton transport but only on transport into specified areas (notified by local Government for protection) from stations outside these areas. Each notification includes a schedule of Railway stations in the protected area to which it refers. Licenses are only required by concerns situated within the limits of protected area. Licences granted under the Cotton Transport Act, 1923 are available for the importation of cotton from anywhere in India but only to the stations specified.

(b) Cotton, as defined in the said Act, includes ginned cotton, unginned cotton, cotton waste (kaspas), cotton seed but separate licences are required for each.

(c) Station Master, at all stations in India, are empowered by Section 4 of the said Act to refuse to book cotton to a notified station in a protected area unless a certified copy of the licence is handed in when the cotton is tendered
for booking. Each consignment requires a separated certified copy which will accompany the railway invoice to destination.

(d) Station Masters at notified stations are required by Section 5 of the Act to refuse delivery of cotton from outside the protected area? (which is defined by a list of stations) unless accompanied by a certified copy of the licence (or unless the original licence is produced).

(e) Paragraph 2 in the application form corresponds with condition (d) of the licence, the object being to safeguard the protected area against the misuse (which might be quite unintentional) of cotton imported under licence.

(f) The protected areas notified in the Madhya Pradesh are those contained in Government Notification No ......................... dated ......

FORM B
[See sub-rule (1) of Rule 51]

Annual General Licence for Mills

No ......................... 20 ......

Under the Cotton Transport Act, 1923 (III of 1923), the ...........(Mills) situated in the protected area known as .....................................................notified by notification .........................................................are hereby granted a general licence under Section 3 of the said Act for the period from September 1st, 20 ........... to import 1 from ................ to ............. station for the purpose of manufacture, subject to the following conditions:

(a) A certified copy of this licence shall be tendered with the consignment at the despatching station.

(b) Cotton imported under this licence shall not be used except for the purposes stated above, save under the Instructions of the licensing authority.

(Sd.)

Dated the ........... 20 ......

Licensing Authority
This certified copy should accompany the invoice to Railway Audit and should be despatched from there to the Secretary, Indian General Cotton Committee.

**FORM C**

*[See sub-rule (2) of Rule 5]*

Certified copy of General Licence (for Mills) to be tendered at Despatching Stations

<table>
<thead>
<tr>
<th>Licence No.</th>
<th>Copy No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Here enter ginned cotton, cotton waste or kapas for which licence is granted.
2. Here enter ginned cotton, cotton waste or kapas or cotton seed for which licence is granted.

Under the Cotton Transport Act, 1923 (III of 1923), the …….. (Mills) situated in the protected area known as …….. notified by notification No. …….. dated …….. are hereby granted a General Licence under Section 3 of the said Act for the period September 1st 20……………….. to August 31st, 20………………. to import 2 …….. from to …….. station for the purpose of manufacture subject to the following conditions:

(a) A certified copy of this licence shall be tendered with the consignment at the despatching Station.

(b) Cotton imported under this licence shall not be used except for the purpose stated above, save under the instructions of the licensing authority.

(Sd.)

Licensing Authority

<table>
<thead>
<tr>
<th>Name of consignor</th>
<th>Number of bales</th>
<th>Description of Cotton</th>
</tr>
</thead>
</table>

Dated the …….. 20 ......

Signature of the consign

Signature of the Station Master

**FORM D**

*[See sub-rule (3) of Rule 6]*
Single Licence (for consignment by rail)

Under the Cotton Transport Act, 1923 (III of 1923), Messrs…….are granted licence to import from …………. to……..Station situated in the protected area known as………… notified by Notification No…….. dated………. Bales/quintals of 1 from…..(Station) for purpose of………..

This licence is valid only for one consignment and shall be surrendered to the undersigned duly endorsed by the Station Master of the Station of delivery on the arrival of the consignment.

(a) A certified copy of this licence shall be tendered with the consignment at the despatching Station.

(b) Cotton imported under this licence shall not be used except for the purpose stated above, save under the instructions of the licensing authority.

…………………..

Dated the ....... 20....... Licensing Authority

1 State whether ginned cotton, cotton waste, kapas or cotton seed.

This certified copy should accompany the invoice to Railway audit and should be despatched from there to the Secretary, Indian Central Cotton Committee.

FORM E

[See sub-rule (3) of Rule 6]

Certified copy of single licence in Form D

Licence No........................ of 20..........

Under the Cotton Transport Act, 1923 (III of 1923) Messrs…….are granted a licence to import to…………..(Station), situated in protected area as notified by Notification No……..dated…….. Bales/quintals………....of……….

from……………………………..(Station) for the purpose of…..

This licence is valid only for one consignment and shall be surrendered to the undersigned, duly endorsed by the Station Master of the Station of delivery on the arrival of the consignment.

(a) A certified copy of this licence shall be tendered with the consignment at the despatching Station.
(b) Cotton imported under this licence shall not be used except for the purpose stated above, save under the instructions of the licensing authority.

Licensing Authority

Name of consignor
Number of bales
Description of Cotton
Dated the............20 ..... Signature of the consignor

Signature of the Station Master

FORM F

[See sub-rule (1) of Rule 7]

Messers/Mr ........................................

Single Licence for consignment by Road or River

Messers/Mr .........................

Under Cotton Transport Act, 1923 are/is granted a licence to import to (Station) situated in the protected area known as..........notified by Notification……..Bales/quintals…..of² from……….for the……………..purpose of

1 State whether ginned cotton, cotton waste, kapas or cotton seed.
2 State whether ginned cotton, cotton waste, kapas or cotton seed.

This licence is valid only for one consignment and shall be surrendered to the officer in charge of the.......... at............... on the arrival of the consignment.

(a) A certified copy of this licence shall be tendered with the consignment at the despatching station.

(b) Cotton imported under this licence shall not be used except for the purpose stated above, save under the instructions of the licensing authority.

Dated the .......... 20..... Licensing Authority.

NOTIFICATIONS
Section 3

Notfn. No. 5869-2266-XIV-I, dated 8th September, 1967\(^1\).—Where it is necessary to maintain the quality and the reputation of cotton grown in the areas of Madhya Pradesh mentioned in Schedule I hereto appended (hereinafter referred to as the Protected Areas);

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Cotton Transport Act, 1923 (III of 1923), and in supersession of all previous Notifications in this behalf, the Government of Madhya Pradesh hereby prohibits—

(1) the import of cotton into the areas by rail, road and river save under and in accordance with the conditions of a licence prescribed in this behalf; and

(2) the delivery to, and the taking delivery by, any person at any railway station situated in the protected areas and specified in Schedule II hereto appended of any cotton when such cotton has been consigned from a railway station not situated in the protected areas, unless such person holds the prescribed licence for the import by rail of the cotton into the protected areas.

\(^1\) Published in M.P. Rajpatra Part I, dated 22-9-1997 at page 1114.

SCHEDULE I

Protected Areas. The areas comprised in the revenue districts of East Nimar, West Nimar, Dhar, Indore and Hoshangabad.

SCHEDULE II

Railway Stations included in the protected areas:

1. Delhi-Bombay Line (Central Railway).—All stations between Hoshangabad and Burhanpur (both inclusive) on Bhopal-Bhusawal Section of the above railway.

2. Bombay-Delhi Line (Western Railway).—All Stations between Roonkheda and Mahidpur Road (both inclusive) on Ratlam-Nagda Section of the above railway.

3. Nagda-Ujjain Line (Western Railway).—All stations between Nagda and Ujjain (both inclusive) on Nagda-Ujjain Section of the above railway.
4. **Indore-Bhopal Line (Western Railway).**—All Stations between Indore-Bhopal (both inclusive) on the Indore-Bhopal Section of the above railway.

5. **Ajmer-Khandwa Line (Western Railway).**—All Stations between Runija and Khandwa (both inclusive) on the Ratlam-Khandwa Section of the above railway.
The Madhya Pradesh Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1980

[NO. 4 OF 1980]

[06-08-1980]

PREAMBLE
An Act to provide for the conferring Bhumiswami rights on landless persons in respect of dwelling house and sites on or appurtenant to agricultural lands is non-urban areas in the State of Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-first Year of the Republic of India as follows:

1. Short title, extent and application.- (1) This Act may be called the Madhya Pradesh Vas-sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1980.

(2) It extends to the whole of Madhya Pradesh.

(3) It shall apply to all non-urban areas in the State of Madhya Pradesh.

2. Definitions.- In this Act unless the context otherwise requires,

(a) "agricultural land" means any land in non-urban area used for the purpose of agriculture;
(b) "authorised officer" means a Sub-Divisional Officer or any other Assistant Collector or Deputy Collector specially authorised by the Collector in this behalf to exercise the powers of the authorised officer for such areas as may be specified;
(c) "dwelling house" includes a hut;
(d) "homestead" means a dwelling house situated on or appurtenant to an agricultural land which is complete in itself and is not shared in common with any other person.

1 Received the assent of the Governor on the 6th August 1980; assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 8th August 1980.
other than a person belonging to the same family and includes any court-yard, compound, garden, place of worship, family grave-yard, tank, well, privy, latrine, drain and boundary wall annexed to or appertaining to such dwelling house and in actual physical possession of the landless person on the [14th April, 2003]²

Explanation. - ³[x x x ]

[¹(e)"landless person" means a person who does not hold any land or dwelling house. Explaination. – For the purpose of clause (d) and (c) “ family” includes wife, son, daughter any lineal descendant of any son ar daughter and a relation by blood or marriage wholly dependent upon the landless person.]

(f) words and expressions used in this Act but not defined shall have the meaning assigned to them in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

³[3. Act not to apply to certain homestead. -This Act shall not apply to the homestead-

(i) belonging to any local authority and religious endowment or situated on the private groves or orchards; or

(ii) belonging to a member of Scheduled Castes and is in occupation on the 2nd day of October, 1997 by a member not belonging to Scheduled Castes or Scheduled Tribes; or

(iii) belonging to a member of Scheduled Tribes and is in occupation on the 14th April, 2003 by a member not belonging to such Tribes.

Explanation. - In this section,

(1) "Member of the Scheduled Castes" means a member of any castes, races or tribes or parts of, or groups within castes, races or tribes specified as Scheduled Castes under Article 341 of the Constitution of India in relation to the State of Madhya Pradesh',

(2) "Member of the Scheduled Tribes" means a member of any tribes, or tribal communities or parts of or group within tribes or tribal communities specified as Scheduled Tribes under Article 342 of the Constitution of India in relation to the State of Madhya Pradesh.

⁵ Subs. by M.P. Act No. 42 of 1997.
4. Vesting of homestead.-

(1) In any non-urban area, homestead occupied by a landless person in or appurtenant to an agricultural land on the 14th April, 2003, shall on the said date be deemed to have vested in him in Bhumiswami rights provided he had been in possession thereof for one or more years prior to that date.

(2) On such vesting of the homestead in the landless person, the original tenure holder shall cease to be a Bhumiswami of the area comprised in the homestead.

5. Restoration of possession.- If such a Bhumiswami occupant of a homestead is dispossessed otherwise than in due course of law, from such homestead or part thereof, the authorised officer shall, on an application made by the said occupant of the homestead, within six months from the date of eviction, restore his possession and award compensation after following as nearly as may be the procedure laid down under section 250 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

6. Appeal against the order of authorised officer.- Notwithstanding anything contained in section 56 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959); an appeal against the order passed by the authorised officer shall lie to the Collector of the district.

7. Revision.- The order passed by the Collector shall be final except that the Board of Revenue may at any time on its own motion or on the application made by any party for the purpose of satisfying itself as to the legality or propriety of any order passed by the Collector or as to the regularity of the proceedings of the authorised officer call for and examine the record of any case pending before, or disposed of by such officer and may pass such order in reference thereto as it think fit:

Provided that-

(i) no application for revision shall be entertained against an order appealable under this Act;

(ii) no such application shall be entertained unless presented within ninety days to the Board of Revenue from the date of the order and in computing the period aforesaid, time requisite for obtaining a copy of the said order shall be excluded;

(iii) no order shall be varied or reversed in revision unless notice has been served on the parties interested and opportunity given to them of being heard.

8. Exemption from Court Fees Act, 1970.- 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 fee stamp of Rs. 2 and the copy of the order passed by the authorised officer or Collector shall be granted free of cost.

9. **Bar to the jurisdiction of Civil Court.**-No Civil Court shall have jurisdiction to entertain any suit or try any dispute or pass any interim injunction, in a matter for the decision of which the forum and procedure have been prescribed by this Act.

10. **Power to make rules.**-(1) The State Government may make rules to carry out all or any of the purposes of this Act.

(2) Any rules made under this Act shall be laid on the table of the Legislative Assembly.

11. **Repeal.**-The Madhya Pradesh Vas-sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhyadesh, 1980 (No. 10 of 1980), is hereby repealed.
In exercise of the powers conferred by section 10 of the Madhya Pradesh Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1980 (No: 4 of 1980), the State Government hereby makes the following rules, namely:

1. These rules may be called the Madhya Pradesh Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Niyam, 1981.

2. In these rules, unless the context otherwise requires,
   (a) "Act" means the Madhya Pradesh Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1980 (No. 4 of 1980);
   (b) "Form" means a form appended to these rules;
   (c) "Section" means a section of the Act;
   (d) Words and expressions used in these rules but not defined shall have the meaning assigned to them in the Act.

3. The application to be made under section 5 shall be in Form ‘A’

4. The application under section 5 shall be submitted to the authorised officer.

5. On receipt of the application under rule 4 the authorised officer shall issue a notice in Form B, inviting objections from the persons claiming interest in the homestead within a period specified in the notice.

6. The authorised officer shall, after the expiry of the period specified in the notice issued under rule 5, consider the objections received, if any,' and if he is satisfied that the Bhumiswami occupant of a homestead was dispossessed otherwise than in the due course of law from the homestead or part thereof, he shall restore the possession of such occupant and award compensation under section 5:

7. if any homestead is vested in a landless person under subsection (1) of section 4, on an application made by such person or in case possession of homestead is restored under section 5 the authorised officer shall issue a declaration in Form C,
8. A copy of the declaration issued under rule 7 shall be sent to the Tahsildar who shall direct the patwari of the village to take necessary action for correcting entries in the records of rights of the village.

---

**FORM A**

[See Rule 31]

Application under section 5 of the Madhya Pradesh Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1980.

To
The Authorised Officer,
Tahsil..................................................
District..................................................
Madhya Pradesh

1. Full name of the applicant..................................
2. Father's name.............................................
3. Means of livelihood........................................
4. Name of the village where the applicant resides.................................
5. Particulars of the homestead applied for........................................
6. Date of occupation of homestead........................................
7. Date of possession of homestead........................................
8. Full name of the person with address who has disposed of the homestead and the date of dispossession.................................

<table>
<thead>
<tr>
<th>Name of the village</th>
<th>Survey No.</th>
<th>Plot No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td></td>
</tr>
</tbody>
</table>
9. The applicant hereby applies for retention of the homestead specified in item (5) above under bhumiswami rights.

10. The applicant further declares that

(1) he is holding a homestead as shown hereunder;

(2) he is a landless person;

(3) the house/hut was existent on the 23rd of June 1979; or

(4) his homestead (house/hut) applied for was constructed before the 23rd of June 1979.

<table>
<thead>
<tr>
<th>Name of the village</th>
<th>Survey No. / Area</th>
<th>Where the land is held</th>
<th>Plot. No.</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   (1)   (2)   (3)

Dated.............

..................................................

Signature of the applicant

FORM B

[See Rule 5]

Notice under rule 5 of the Madhya Pradesh Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1981.

Whereas Shri .................................... S/o Shri .............................................................. Resident of:........

Mauja .................... Tahsil .................. District .................. has applied for restoration of possession of homestead situated in Mauja.................................

District.................... Tahsildescribed in the Schedule below under section 5 of the Madhya Pradesh Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1980 for residential purposes under Bhumiswami rights;

And whereas, it is applied that you have dispossessed him otherwise than in due course of law from the said homestead or part thereof on..........................
Now, therefore, notice is hereby given to submit your objection in writing if any, to the undersigned on or before………………………………………… (date).

on………………………………………… (within 15 days), why the possession of the said homestead should not be restored and compensation awarded under section 5.

Schedule

<table>
<thead>
<tr>
<th>Name of village</th>
<th>Survey No.</th>
<th>Area</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

Dated, .................... 1982 .............................................

Authorised Officer (Seal)

FORM C

[See Rule 7]

Declaration under rule-7 of the Madhya Pradesh Vas-Sthan Dakhalkar (Bhumiswami Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1981.

It is hereby declared that Shri……………………… .S/o…………………………………..resident of……………………… Tahsil ……………………. District ……………………. is Bhumiswami occupant of the homestead, particulars whereof are given in the schedule below:—

Schedule

<table>
<thead>
<tr>
<th>Name of the</th>
<th>Survey No.</th>
<th>Area of</th>
<th>Homestead</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Village</td>
<td>Plot No.</td>
<td>Homestead</td>
<td>Bounded</td>
</tr>
<tr>
<td>---------</td>
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</tr>
<tr>
<td>-</td>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td></td>
<td>On the North by ................................</td>
<td>........................</td>
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<td></td>
<td>On the South by ................................</td>
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<td></td>
<td>On the East by ..................................</td>
<td>........................</td>
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<tr>
<td></td>
<td>ON the West by ..................................</td>
<td>........................</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Patwari circle No.</td>
<td>Tahsil</td>
<td>District'</td>
</tr>
<tr>
<td></td>
<td>(5)</td>
<td>(6)</td>
<td>(7)</td>
</tr>
</tbody>
</table>
An Act to make special provision for conferral of Bhoomiswami rights on persons in possession of unoccupied land for purpose of agriculture in certain circumstances.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fifth Year of the Republic of India as follows:

Section 1 - Short title and extent-
(1) This Act may be called the Madhya Pradesh Krishi Prayojan Ke Liye Upayog Ki Ja Rahi Dakhal Rahit Bhoomi Par Bhoomiswami Adhikaron Ka Pradan Kiya Jana (Vishesh Upabandh) Adhiniyam, 1984.

Section 2 – Definitions-
In this Act, unless the context otherwise requires,--
(a) "agricultural labourer" means a person who does not hold any land and whose principal means of livelihood is manual labour on land and any member of his family of which he is member does not hold any land;
(b) "Code" means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959);
(c) the words and expressions used in this Act but not defined shall have the meaning assigned to them in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

Section 3 – Conferral of Bhoomiswami rights on agricultural labourer-
(1) All unoccupied land in a village in possession of an agricultural labourer on the 2nd October, 1984 shall, notwithstanding anything contained in the Code, or the rules made thereunder shall be held by such person as from the said date in Bhoomiswami...
rights and he shall be a Bhoomiswami of the said land for all purposes of the Code and any other enactment for the time being in force:

Provided that such conferral of Bhoomiswami rights shall not be for such land exceeding two hectares:

Provided further that nothing contained in this section shall apply in respect of land—

(a) set apart under Section 237 of the Code for the following purposes:
   (i) for burial ground and cremation ground;
   (ii) for gaothan;
   (iii) for threshing floor;
   (iv) for skinning ground;
   (v) for bazar;
   (vi) for public purposes such as schools, playgrounds, parks, roads, lanes and drains;
   (vii) for the Pasture, grass, bir or fodder;
(b) held or reserved by the Central Government or the State Government for any specific purpose;
(c) which stands allotted to any person other than the person in possession of the land on the said date.

(2) Nothing contained in sub-section (1) shall apply unless the agricultural labourer is in possession of the land in the village in which he resides and none of the members of his family holds any land.

Explanation.-- For purposes of sub-section (2) the family shall be deemed to consist of the spouse, issues, parents and any other person dependent on him.

Section 4 - Transfer or diversion not permissible-
The agricultural labourer who becomes Bhoomiswami under Section 3 shall, notwithstanding anything contained in the Code, not be entitled to transfer the said land to any other person or to divert it for any other purpose.

Section 5 - Power to make rules-
(1) The State Government may make rules generally for the purpose of carrying into effect the provisions of this Act.
(2) Rules made under this Act shall be laid on the table of the Legislative Assembly.

Section 6 - Removal of doubt-

2 Inserted by M.P. Act No. 27 of 1985.
For removal of doubt it is hereby declared that in the event of there being a dispute as to whether the land stood allotted or not, the conferral of right under clause (c) of Section 3 shall be subject to the decision of the appropriate authority as may be prescribed.

**Section 7 - Provisions of the Act to apply to landless person**

3[(1) For the purpose of this section,--
(a) "Landless person" means a person who whether individually or jointly with other member of his family holds land less than two hectares;
(b) in computing the land of a landless person, one hectare of irrigated land shall be deemed to be equal to two hectares of unirrigated land and vice-versa.
(2) The provisions of this Act, shall apply to a landless person as they apply to an agricultural labourer subject to the modification that the landless person shall be entitled to hold unoccupied land in a village in his possession on the 2nd October, 1984 in Bhoomiswami rights to the extent as would make the total land held by him, that is to say, land already held by him and unoccupied land in his possession as aforesaid, equal to two hectares.]

PREAMBLE

In exercise of the powers conferred by sub-section (1) of Section 5 of the Madhya Pradesh Krishi Prayojan Ke Liye Upayog Ki Ja Rahi Dakhal Rahit Bhoomi Par Bhoomiswami Adhikaron Ka Pradan Kiya Jana (Vishesh Upabandh) Adhiniyam, 1984 (No. 30 of 1984), the State Government hereby makes the following rules, namely :

1. These rules may be called the Madhya Pradesh Krishi Prayojan Ke Liye Upayog Ki Ja Rahi Dakhal Rahit Bhoomi Par Bhoomiswami Adhikaron Ka Pradan Kiya Jana (Vishesh Upabandh) Niyam, 1986.

2. In these rules, unless the context otherwise requires :
   (a) "Authorised Officer" means a Tehsildar/Naib Tehsildar who has been conferred with the powers of Tehsildar under Section 24 of the Code;
   (b) "Form" means a form appended to these rules.

3. Any Agricultural labourer/landless person, who may have been in possession of any unoccupied land on the 2nd October, 1984, shall submit an application to the Authorised Officer in Form “A”.

4. On receipt of the application under Rule 3, the Authorised Officer shall invite objections by issuing a notice in Form "B", one copy of the notice shall be exhibited in the place of public-resort (Chuapal) and one copy shall be sent to the Gram Panchayat concerned.

5. An Authorised Officer shall, after expiry of the period specified in the notice, take into consideration the objections received, if any, and pass orders on the application of the applicant accordingly.

6. Where the application is accepted, the Authorised Officer shall after passing orders under Rule 5, issue a declaration in Form "C".

FORM "A"
(See Rule 3)
Form of Application

To,

The Authorised Officer,

..........................................................

..........................................................

Distt...........................................

Madhya Pradesh.

1. Full name of the applicant...................................................

2. Father's name.........................................................................

3. Means of livelihood.....................................................................

4. Name of the village, where the applicant resides......................

5. Particulars of the unoccupied land, for which the application has been made :
   Village......................................................................................
   Survey No...................................................................................
   Area..............................................................................................
   Land Revenue..............................................................................
   Other particulars.......................................................................... ...

6. Date of taking possession of the unoccupied land....................... 

7. Period during which he had been in continuous possession of the unoccupied land.................................................................

8. (a) Whether the applicant is an agricultural labour/landless person..............................................................................................
     (b) Land already held by him...........................................................

9. How much land his family already held........................................

10. Other particulars........................................................................
    Attestation by the Patwari.
        ................................................................. Signature of the applicant.
FORM “B”
(See Rule 4)

Form of Notice

Whereas, Shri.............S/o Shri............... resident of village..............
tahsil............... District............., has applied for conferral of BhurmiSWami
rights on the unoccupied land, described in the Schedule hereunder, being
used for agricultural purposes.

Any person having any lawful objection regarding the said application
may submit his objections to the authorised officer within thirty days from the
date of publication of this notice, No objection received after the said period
shall be taken into consideration.

SCHEDULE

Name of the village.................................................................
Survey No.................................................................
Area.................................................................
Assessment.................................................................

Authorised Officer.

Distt.............
FORM “C”

(See Rule 6)

Form of Declaration

It is hereby declared that Shri..................S/o........... resident of..............
Tehsil..........., District..... has become the Bhumiswami of the unoccupied land
described hereunder :—

SCHEDULE

Name of the village.................................................................

Survey No.................................................................

Area........................................................................

Assessment......................................................................

Authorised Officer:

Distt..............
23. Jawaharlal Nehru Krishi Vishwavidhyalaya Act, 1963
Jawaharlal Nehru Krishi Vishwavidyalaya

Act, 1963

[Act No. 12 of 1963]

CHAPTER I

PREAMBLE

An Act to establish and Incorporate a Vishwa Vidyalaya for Krishi Tatha Sambandha Vigyan at Jabalpur to provide for education and prosecution of research in Agriculture and Allied Sciences, extension and other matters ancillary thereto

Be it enacted by the Madhya Pradesh Legislature in the Fourteenth Year of the Republic of India as follows:

Section 1 - Short title and commencement-

(1) This Act may be called the Jawahar Lal Nehru Krishi Vishwa Vidyalaya Act, 1963.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Section 2 – Definitions-

In this Act, unless the context otherwise requires,-

(i) "Agriculture" means the basic and applied science of soil and water management, crop and livestock production and management and betterment of rural people;
(ii) "College" means a college of the Vishwa Vidyalaya under the direct control and management of the Board and the Principal Executive Officer of the Vishwa Vidyalaya whether located at the head quarters campus or elsewhere;
(iii) "Extension" means all educational programs undertaken for the purpose of ascertaining the problems of research in agriculture and allied sciences, disseminating the results of research and providing training for the purpose of such dissemination;
(iv) "Hostel" means a unit of residence for students of the Vishwa Vidyalaya provided, maintained or recognised by it;

1 Received the assent of the Governor on the 16-5-1963; assent first published in the "Madhya Pradesh Gazette, Extraordinary", on the 25-5-1963
2 Subs. by the M.P. Act No. 15 of 1964
(v) "Registered Graduate" means a graduate registered under the provisions of this Act;
(vi) "Scheduled Castes" means the Scheduled Castes specified in relation to this State under Article 341 of the Constitution;
(vii) "Scheduled Tribes" means the Scheduled Tribes specified in relation to this State under Article 342 of the Constitution;
(viii) "Statutes and Regulations", means respectively the Statutes, and Regulations of the Vishwa Vidyalaya in force for the time being;
(ix) "Student of the Vishwa Vidyalaya" means a person enrolled in the Vishwa Vidyalaya for taking a course of study for a degree, diploma or other academic distinction duly instituted;
(x) "Teacher of the Vishwa Vidyalaya" means a person appointed or recognised by the Vishwa Vidyalaya for the purpose of imparting instructions and/or conducting and guiding research and/or extension programs and includes a person who may be declared by the statutes to be teacher;
(xi) "Vishwa Vidyalaya" means the Jawahar Lal Nehru Krishi Vishwa Vidyalaya.

Section 3 – Incorporation-

(1) The Chancellor and first Vice-Chancellor of the Vishwa Vidyalaya and the first Members of the Board and of the Academic Council of the Vishwa Vidyalaya and all persons who may hereafter become such officers or members are, so long as they continue to hold such office or membership, hereby constituted a body corporate by the name of the Jawahar Lal Nehru Krishi Vishwa Vidyalaya.

(2) The Vishwa Vidyalaya shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

(3) The headquarters of the Vishwa Vidyalaya shall be located at Jabalpur.

Section 4 - Object of Vishwa Vidyalaya-

The Vishwa Vidyalaya shall, among others, have the following purposes:
(a) making provision for the education in agriculture and other allied sciences;
(b) furthering the prosecution of research, particularly in agriculture and other allied sciences;
(c) undertaking field extension programs; and

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4 Substituted by M.P. Act No. 15 of 1964
5 Substituted by M.P. Act No. 15 of 1964
(d) such other purposes related to the aforesaid with the object of improving the level of living of rural people as the State Government may, by notification, direct.

Section 5 - Powers of Vishwa Vidyalaya-

The Vishwa Vidyalaya shall have the following powers, namely:-

(1) to acquire and hold property both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property vesting in or acquired by it for the purposes of the Vishwa Vidyalaya;

(2) to cultivate and promote the study of, and to provide for instruction, teaching and training in-

(a) agriculture, agricultural engineering, animal husbandry, rural industry and business, [* * *] and other allied sciences; and

(b) such other branches of learning as the Vishwa Vidyalaya may deem fit;

(3) to make provision for research and for the advancement and dissemination of knowledge in agriculture and allied sciences and to institute and manage agricultural and extension service including rural youth program;

(4) to institute degrees, diplomas and other academic distinctions;

(5) to maintain colleges, schools of studies and hostels in the manner prescribed in the Statutes;

(6) to institute teaching, research and extension posts required by the Vishwa Vidyalaya and to appoint persons to such posts;

(7) to determine qualifications for and to recognize teachers as qualified to give instructions in a college or to carry out research and extension work in agriculture and allied sciences;

(8) to provide such lectures and instruction for, and to grant such diplomas to, field workers and other persons, not being enrolled students of the Vishwa Vidyalaya as the Vishwa Vidyalaya may determine;

(9) to organise laboratories, libraries, agricultural research stations, museums, agricultural farms including breeding farms, poultry farms, fish farms and the like, agricultural workshops, and such other equipments as the Vishwa Vidyalaya may consider it necessary to organise, in field of agriculture and allied sciences;

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6 Omitted by M.P. Act No. 15 of 1964
(10) to hold examinations, and to grant diplomas and confer degrees and other academic distinctions on persons, who have pursued a course of study under the Vishwa Vidyalaya;
(11) to confer degrees and/or other academic distinctions on persons who have carried on independent research under conditions prescribed in the Statutes;
(12) to confer honorary degrees or other academic distinctions on approved persons, in the manner and under conditions prescribed in the Statutes;
(13) to hold and manage trusts and endowments and to institute, and award fellowships (including travelling fellowships), scholarships, exhibitions, bursaries, medals and other rewards in accordance with conditions prescribed in the Statutes;
(14) to arrange for inspection of college and other branches of the Vishwa Vidyalaya and to take measures to ensure that proper standards of instruction, teaching or training, research and extension are maintained;
(15) to fix, demand and receive payment of such fees and other charges as may be prescribed by the Statutes;
(16) to supervise and control the residence, conduct and discipline of students of the Vishwa Vidyalaya and to make arrangements for promoting their health development and general welfare;
(17) to create administrative, ministerial and other necessary posts and to make appointments thereto;
(18) to institute and manage-
(a) Information Bureau;
(b) Printing and Publication Department; and
(c) Employment Bureau;
(19) to make provision-
(a) for extra-mural teaching and research;
(b) for physical and military training;
(c) for sports and athletic activities;
(20) to co-operate with other Universities and authorities in such manner, to such extent and for such purposes as the Vishwa Vidyalaya may determine;
(21) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the Vishwa Vidyalaya.
Section 6 - Territorial jurisdiction-

(1) Save as otherwise provided in this Act, the powers conferred on the Vishwa Vidyalaya by or under this Act, 7[shall extend to the whole of Madhya Pradesh 8{x x x}].

(2) Notwithstanding anything contained in any other law for the time being in force, no educational institution 9[situated within the areas specified in sub-section (1)] and run by the Government imparting instruction in agriculture and other allied sciences for bachelor's degree and/or above, shall be associated in any way with or be admitted to any privilege of any other university incorporated by law in India and any such privilege granted by any such other university to any educational institution within the State prior to the commencement of this Act, shall be deemed to be withdrawn on the commencement of this Act, 10[and shall institutions hall stand affiliated to the Vishwa Vidyalaya till the date they are transferred to the Vishwa Vidyalaya under Section 55.]

(3) The research and extension work undertaken or conducted by or on behalf of the State Government in the field of agriculture and allied sciences 11[within the areas specified in sub-section (1)] shall be coordinated with and integrated into the activities of the Vishwa Vidyalaya,-

(a) with effect from such date or dates as the State Government may, by notification, specify and different dates may be specified for co-ordination and integration; and

(b) in such manner and to such extent as may be determined by the State Government in consultation with the Board.

Section 7 - Vishwa Vidyalaya to have exclusive jurisdiction to provide for instruction, teaching etc., in agriculture and allied sciences-

The Vishwa Vidyalaya shall have exclusive jurisdiction 12[throughout the areas specified in sub-section (1) of Section 6] to provide for instruction, teaching and training in agriculture and allied sciences and notwithstanding anything contained in

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7 Substituted by M.P. Act No. 20 of 1987
8 The words "except the areas within the territorial jurisdiction of the Indira Gandhi Krishi Vishwa Vidyalaya", omitted by Section 2 of M.P. Act No. 32 of 2000 (w.e.f. 31-10-2000)
9 Substituted by M.P. Act No. 20 of 1987
10 Inserted by M.P. Act No. 3 of 1965
11 The words "except the areas within the territorial jurisdiction of the Indira Gandhi Krishi Vishwa Vidyalaya", omitted by Section 2 of M.P. Act No. 32 of 2000 (w.e.f. 31-10-2000)
12 Substituted by M.P. Act No. 20 of 1987
the law relating to incorporation of any other university in the State no university shall be competent to provide for instruction, teaching and training in agriculture and allied sciences.

Section 8 - Completion of courses of students in colleges affiliated to other Universities in State-
Notwithstanding anything contained in this Act or Statutes and Regulations made thereunder,-

(i) any student of a college situate within the State and affiliated to any other University; or
(ii) any other student;
who immediately prior to the date of the coming into force of this Act was studying or was eligible, as the case may be, for any examination in agriculture and other allied sciences of such other University, shall be permitted to complete his course in preparation therefore, and the Vishwa Vidyalaya shall provide for such period not exceeding three years and in such manner as may be prescribed by the statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of such other University.

Section 9 - Vishwa Vidyalaya open to all irrespective of religion, caste, sex, place of birth or opinion-
It shall not be lawful for the Vishwa Vidyalaya to impose any test or condition whatsoever relating to religion, caste, sex, place of birth or other opinion in order to entitle any person-
(a) to hold any office in the Vishwa Vidyalaya; or
(b) to be a member of any authority of the Vishwa Vidyalaya; or
(c) to be appointed or admitted as a teacher; or
(d) to be admitted to any degree, diploma or other academic distinctions or course of study or to qualify for any degree, diploma, or other academic distinction; or
(e) to enjoy or exercise any privileges of the Vishwa Vidyalaya or benefication thereof:
Provided that the Vishwa Vidyalaya may subject to the previous sanction of the State Government, maintain any college or institution exclusively for women either for education, instruction or residence, or reserve for women or members of Scheduled Castes or Scheduled Tribes or of other classes and communities which are
educatedally backward, seats for the purposes of admission as students in any college
or institution maintained or controlled by the Vishwa Vidyalaya:
Provided further that nothing in this section shall be deemed to require the Vishwa
Vidyalaya to admit to any course of study, students larger in number than, or with
academic or other qualifications lower than those prescribed in the Statutes:
Provided also that nothing in this section shall be deemed to prevent the Vishwa
Vidyalaya from exempting indigent persons belonging to the Scheduled Castes or
Scheduled Tribes or to any other classes or communities which are socially and
educatedally backward from attending courses of study or from the fees levied in
whole or in part for attending such courses.
Explanation.--A person shall, for the purposes of this proviso, be deemed to be an
"indigent person" if the annual income of such person or his guardian (where such
person is for his livelihood and education dependent upon such guardian) is less than
such amount as may be specified by the State Government, by notification, in this
behalf.

Section 10 - Teaching in Vishwa Vidyalaya-
(1) All recognised teaching in connection with the Vishwa Vidyalaya courses shall be
conducted by the teachers of the Vishwa Vidyalaya in accordance with such scheme
as may be framed for each academic year by the Academic Council and shall include
lecturing, tutorial classes, laboratory work, field work or other teaching, conducted in
accordance with the course of study prescribed by the Regulations.
(2) The authorities responsible for organising such teaching and the maximum
number of students shall be admitted to a course shall be prescribed by the statutes.
(3) The courses and curricula shall be prescribed by the Regulations.

Section 11 - Inspection of Vishwa Vidyalaya-
(1) The State Government shall have the right to cause an inspection to be made by
such person as it may direct, of the Vishwa Vidyalaya generally and other matters
particularly such as its buildings, laboratories, libraries, museums, Agricultural
Research Stations and farms, workshop, and equipment and of any college or hostel,
maintained by the Vishwa Vidyalaya, of the teaching and other work conducted by
the Vishwa Vidyalaya or any college or institution and of the conduct of examinations
held by the Vishwa Vidyalaya and to cause an inquiry to be made of any matter
connected with the Vishwa Vidyalaya:

Provided that the State Government shall, in every case, give notice to the Vishwa
Vidyalaya of its intention to cause an inspection or inquiry to be made, and the
Vishwa Vidyalaya shall be entitled to be represented thereat.

13[(2) Such person shall report to the State Government the result of such inspection
or inquiry, and the State Government shall communicate to the Board their views with
reference to the results of such inspection or inquiry. The Board shall thereupon
communicate its views to the Kuladhipati who may advise the Vishwa Vidyalaya
upon the action to be taken, if any.

14[(3) xxx]

(4) Where the Board does not, within a reasonable time, take action to the satisfaction
of the Chancellor, the Chancellor may, after considering any explanation furnished or
representation made by the Board issue such directions as he may think fit, and the
Board shall comply therewith.

(5) The report of the inspection and of the directions issued by the Chancellor as a
result of such inspection shall be laid on the table of the Legislative Assembly.

Section 12 - Officers of the Vishwa Vidyalaya-
The following shall be the officers of the Vishwa Vidyalaya, namely :-

(1) the Chancellor;
(2) the Vice-Chancellor;
(3) the Comptroller;
(4) the Registrar;
(5) the Dean of the Faculties;
(6) the Dean of Student Welfare;
(7) the Director of Research Service;
15[(8) the Director of Extension services;
(8-a) the Director of Instructions;
(8-b) Director of Farms];
(9) such other officers in the service of the Vishwa Vidyalaya as may be declared by the statutes to be officers of the Vishwa Vidyalaya.

Section 13 – Chancellor-

The Government of Madhya Pradesh shall be the Chancellor of the Vishwa Vidyalaya. He shall, by virtue of his office, be the Head of the Vishwa Vidyalaya and shall, when present, preside at any convocation of the Vishwa Vidyalaya.

Section 14 - Powers of Chancellor-

(1) The Chancellor may-

(a) call for any papers for information relating to the affairs of the Vishwa Vidyalaya; and

(b) for reasons to be recorded refer any matter except a matter falling under Section 41 for reconsideration to any officer or authority of the Vishwa Vidyalaya that has previously considered such matter.

(2) The Chancellor may, by an order in writing, annul any proceeding of any officer or authority of the Vishwa Vidyalaya which is not in conformity with this Act, the Statutes or the Regulations:

Provided that before making any such order he shall call upon the officer or authority concerned to show cause why such an order should not be made and if any cause is shown within the time specified by him in this behalf, he shall consider the same.

(3) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.

(4) The Chancellor shall exercise such powers as may be conferred on him by or under this Act.

Section 15 - Vice-Chancellor-

(1) The Vice-Chancellor shall be appointed by the Chancellor from a panel of not less than three persons recommended by the Committee constituted under sub-section (2):

Provided that if the Chancellor does not approve of any of the persons so recommended or the person or persons approved by the Chancellor out of those recommended by such committee are not willing to accept the appointment, the Chancellor may call for fresh recommendations from such committee:
Provided further that the first Vice-Chancellor shall be directly appointed by the Chancellor.

(2) The Chancellor shall appoint a Committee consisting of the following persons, namely:

(i) one person elected by the Board from amongst persons not employed by or on behalf of the Vishwa Vidyalaya or a College;

(ii) one person nominated by the Chancellor; and

(iii) one person nominated by the State Government.

The Chancellor shall appoint one of the three persons to be the Chairman of the Committee.

(3) For constituting the Committee under sub-section (2), the Chancellor shall, before the expiry of the term of the Vice-Chancellor, call upon the Board and the State Government to choose their nominees and if any one of them or both fail to do so within one month of the receipt of the Chancellor's communication in this regard, the Chancellor may nominate any one or two persons, as the case may be, not employed by or on behalf of the Vishwa Vidyalaya or College and the persons so nominated shall be deemed to be the persons elected or nominated by the Board or the State Government, as the case may be.

(4) The Committee shall submit the panel within six weeks from the date of its constitution or such further time not exceeding four weeks as may be extended by the Chancellor.

(5) If the Committee fails to submit the panel within the period specified in sub-section (4), the Chancellor may appoint any person whom he deems fit to be the Vice-Chancellor.

(6) The Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment:

Provided that the first Vice-Chancellor shall hold office for a term not exceeding five years as the Chancellor may determine:

Provided further that, notwithstanding the expiry of his term, he shall continue in office until his successor is appointed and enters upon his office, but this period shall not exceed six months.
(7) In the event of occurrence of any vacancy in the office of Kulpati by reason of his death, resignation or otherwise, a Dean of Faculty nominated by Kuladhipati shall act as Kulpati until the date on which a new Kulpati, appointed under sub-section (1) to fill such vacancy enters upon his office:
Provided that the person so nominated shall not hold office for a period of more than six months.
(8) Where any temporary vacancy in the office of Kulpati occurs by reasons of leave, illness or other cause, Kuladhipati shall, as soon as possible, make such arrangements for carrying on the office of the Kulpati as he may think fit.
(9) Until the nomination has been made under sub-section (7) or arrangements have been made under sub-section (8), the Registrar and if no Registrar has been appointed or if there be vacancy in the office of Registrar for any reason whatsoever, such officer of the Vishwa Vidyalaya as Kuladhipati may direct, shall carry on the current duties of the Kulpati.
(10) All acts done by the person appointed under sub-section (8) or by the Registrar under sub-section (9) or by the officer directed by the Kuladhipati under the said sub-section to carry on the current duties of the Kulpati shall be deemed to be acts done by the Kulpati.

Section 16 - Emoluments and conditions of service of Vice-Chancellor-
The emoluments and conditions of service of the Vice-Chancellor shall be such as may be prescribed by Statutes but shall not be varied to his disadvantage after his appointment.

Section 17 - Powers and duties of Vice-Chancellor-
(1) The Vice-Chancellor shall be the principal executive and academic officer of the Vishwa Vidyalaya, and shall, in the absence of the Chancellor preside at any Convocation of the Vishwa Vidyalaya. He shall be an ex officio member and Chairman of the Board and of the Academic Council and Chairman of such other authorities of the Vishwa Vidyalaya of which he is a member. He shall be entitled to be present and to speak at any meeting of any authority or other body of the Vishwa Vidyalaya but shall not be entitled to vote thereat unless he is member of the authority or body concerned.

16 Substituted by M.P. Act No. 17 of 1979 (w.e.f. 5-6-1979).
(2) It shall be the duty of the Vice-Chancellor to ensure that this Act, the Statutes and the Regulations are faithfully observed and he shall have all powers necessary for this purpose.

(3) The Vice-Chancellor shall have power to convene meeting of the Board and the Academic Council.

(4) In any emergency which in the opinion of the Vice-Chancellor requires that immediate action should be taken, the Vice-Chancellor shall take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority or body as would have in the ordinary course dealt with the matter:

Provided that the action taken by the Vice-Chancellor shall not commit the Vishwa Vidyalaya to any recurring expenditure for a period of more than three months.

(5) When action taken by the Vice-Chancellor under sub-section (4) affects any person in the service of the Vishwa Vidyalaya, such person shall be entitled to prefer an appeal to the Board through the officer, authority or body mentioned in the said sub-section within thirty days from the date on which such action is communicated to him.

(6) The action taken by the Vice-Chancellor shall be deemed to be the action taken by the appropriate authority until it is set aside by such officer, authority or body after considering the report made by the Vice-Chancellor under sub-section (4) or is modified or set aside by the Board under sub-section (5).

(7) The Vice-Chancellor shall exercise general control over the affairs of the Vishwa Vidyalaya and shall give effect to the decisions of the authorities of the Vishwa Vidyalaya.

(8) The Vice-Chancellor shall exercise such other powers as may be prescribed by the statutes and Regulations.

Section 18 - Removal of Kulpati-

17[(1) If at any time upon representation made or otherwise and after making such inquiries as may be deemed necessary, it appears to the Kuladhipati that the Kulpati-

(i) has made default in performing any duty imposed on him by or under this Act; or

(ii) has acted in a manner prejudicial to the interest of the Vishwa Vidyalaya; or

\[17\text{Substituted by M.P. Act No. 19 of 1985}\]
(iii) is incapable of managing the affairs of the Vishwa Vidyalaya; the Kuladhipati may, notwithstanding the fact that the term of office of the Kulpati has not expired, by an order in writing stating the reasons therein, requires the Kulpati to relinquish his office as from such date as may be specified in the order.

(2) No order under sub-section (1) shall be passed unless the particulars of the grounds on which such action is proposed to be taken are communicated to the Kulpati and he is given a reasonable opportunity of showing cause against the proposed order.

(3) As from the date specified in the order under sub-section (1) the Kulpati shall be deemed to have relinquished office and the office of the Kulpati shall fall vacant.

Section 19 – Comptroller-

(1) The Comptroller shall be a whole time salaried officer of the Vishwa Vidyalaya. He shall be appointed by the Kulpati in accordance with the statutes to be made in this behalf and his emoluments and conditions of service shall be such as may be prescribed by the statutes.

(2) Where any vacancy in the office of the Comptroller occurs by reason of leave, illness or any other cause, the Kulpati shall make arrangement as he deems fit, to carry on the current duties of the Comptroller.

(3) The Comptroller shall-

(a) exercise general supervision over the funds of the Vishwa Vidyalaya and shall advise the Board in regard to its financial policy;

(b) subject to the control of the Board, manage the property and investment of the Vishwa Vidyalaya;

(c) be responsible for seeing that all moneys are expended on the purpose for which they are granted or allotted and no expenditure not authorised in the budget, is incurred by the Vishwa Vidyalaya;

(d) exercise such other powers as may be conferred on him by the Statutes.

Section 20 – Registrar-

The Registrar shall be whole-time salaried officer and shall act [as the Secretary of the Court, the Board and of the Academic Council]. He shall be appointed by the Vice-Chancellor with the prior approval of the Board in accordance with the Statutes

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18 Substituted by M.P. Act No. 19 of 1985
19 Substituted by M.P. Act No. 19 of 1985
to be made in this behalf and his emoluments and conditions of service shall be such
as may be prescribed by the Statutes. He shall exercise such powers and perform such
duties as may be conferred or imposed on him by the Statutes and the Regulations.]

Section 21 - Dean of Student Welfare
(1) The Dean of the Student Welfare shall be a whole-time salaried officer of the
Vishwa Vidyalaya and shall be appointed by the Vice-Chancellor with the prior
approval of the Board in accordance with the Statutes. His emoluments and conditions
of service shall be such as may be prescribed by the Statutes.
(2) The Dean of the Student Welfare shall exercise such powers and perform such
duties as may be conferred or imposed on him by the Statutes.

Section 22 - Director of Research Services, Director of Extension Services,
Director of Instructions and Director of Farms
(1) There shall be a Director of Research Services, Director of Extension Services,
a Director of Instructions and a Director of Farms who shall be whole time salaried
officers of the Vishwa Vidyalaya and appointed by the Kulpati with the prior approval
of the Board in accordance with the statutes made in this behalf.
(2) The emoluments and conditions of service of the officers appointed under sub-
section (1) shall be such as may be prescribed by the Statutes.
(3) The Director of Research Services, the Director of Extension Services, the
Director of Instructions and the Director of Farms shall exercise such powers and
perform such duties as may be conferred or imposed on them by the statutes.

Section 23 - Other officers-
The appointment of other officers of the Vishwa Vidyalaya referred to in Section 12
shall be made in such manner and the conditions of their service and their powers and
duties shall be such as may be prescribed by the Statutes and Regulations.

Section 24 - Authorities of Vishwa Vidyalaya-
The following shall be the authorities of the Vishwa Vidyalaya:

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20 Omitted by M.P. Act No. 19 of 1985
21 Substituted by M.P. Act No. 19 of 1985
22 Substituted by M.P. Act No. 19 of 1985
(i) the Court;

(ii-a) the Board;

(ii) the Academic Council;

(iii) the Faculties; and

(iv) such other authorities as may be declared by the Statutes to be the authorities of the Vishwa Vidyalaya.

Section 24-A - Constitution of court-

(1) The Court shall consist of the following persons, namely :-

GROUP A

(1) The Kuladhipati;

(2) The Kulpati;

(3) The Registrar ex-officio Secretary;

(4) The Comptroller;

(5) Deans of the Faculties;

(6) The Dean of Student Welfare;

(7) The Director of Research Services;

(8) The Director of Extension Services;

(9) The Director of Instructions;

(10) Three teachers of the Vishwa Vidyalaya who are members of the Academic Council under clause (v) of sub-section (1) of Section 28;

(11) Secretary to Government, Madhya Pradesh--

(i) Agriculture Department;

(ii) Finance Department;

(iii) Education Department;

(iv) Harjan and Tribal Welfare Department or nominees of such Secretary of each of the Department aforesaid not before the rank of Deputy Secretary;

(12) Director of-

(i) Agriculture;

(ii) Veterinary Services;

(iii) Fisheries;

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23 Inserted by M.P. Act No. 19 of 1985
24 Renumbered by M.P. Act No. 19 of 1985
25 Renumbered by M.P. Act No. 19 of 1985
(13) The Conservator-in-Chief, Forest, Madhya Pradesh;
(14) The Engineer-in-Chief, Irrigation, Madhya Pradesh;
(15) The Managing Director—
(i) Madhya Pradesh Dugdh Mahasangh (Sahakari) Maryadit;
(ii) Madhya Pradesh Rajya Beej Evam Farm Vikas Nigam;
(iii) Madhya Pradesh State Land Development Corporation;
(16) Director of the Institutes run by the Indian Council of Agricultural Research in the State.

GROUP B
(17) two teachers of the Vishwa Vidyalaya from the Faculty of Agriculture to be elected by the teachers in the Faculty from amongst themselves in the manner prescribed by the statutes;
(18) one teacher of the Vishwa Vidyalaya each from the Faculty of Veterinary Science and Animal Husbandry and Faculty of Agriculture Engineering to be elected by the teachers in the respective Faculties from amongst themselves in the manner prescribed by the statutes;
(19) two students from the Faculty of Agriculture to be elected from amongst the office bearers of students unions of the affiliated colleges of Agriculture in the manner prescribed;
(20) one student from the Faculty of Veterinary Science and Animal Husbandry to be elected from amongst the office bearers of students unions of the affiliated colleges of Veterinary Science and Animal Husbandry in the manner prescribed;
(21) one student from the Faculty of Agricultural Engineering to be elected from amongst the office bearers of students union of the college of Agricultural Engineering;
(22) two graduates of agriculture not enrolled as students in any of the colleges for the time being to be elected by the registered graduates of agriculture of the Vishwa Vidyalaya from amongst themselves in the manner prescribed by single transferable vote;
(23) one graduate of Veterinary Science and Animal Husbandry not enrolled as a student in any of the colleges for the time being to be elected by the registered
graduates of Veterinary science and Animal Husbandry or the Vishwa Vidyalaya from amongst themselves in the manner prescribed by single transferable vote;

(24) one graduate of Agriculture Engineering not enrolled as student in any of the colleges for the time being to be elected by the registered graduates of Agricultural Engineering of the Vishwa Vidyalaya from amongst themselves in the manner prescribed by single transferable vote;

(25) one teacher and one student having interest in Dairy Technology to be nominated by the State Government;

GROUP-C

(26) five members of the state Legislative Assembly of whom atleast one shall be from amongst the members elected on a reserved seat for Scheduled Castes and Scheduled Tribes, to be elected by the State Legislative Assembly;

(27) one Krishi Pandit to be nominated by the State Government;

(28) one industrialist having interest in agricultural machinery, to be nominated by the State Government;

(29) one industrialist having interest in agricultural processing industries to be nominated by the State Government;

GROUP D

Such members of the Board who are not members under any of the foregoing items.

(2) The Kuladhipati shall be the ex-officio Chairman of the Court and in the absence of Kuladhipati the Kulpati shall be the Chairman of the Court.

Explanation.—(i) No person shall be eligible to become a member of the Court under more than one item.

(ii) No salaried employee of the Vishwa Vidyalaya or any college within the State shall be eligible to be a member under items (21), (22), (23), (25), (26) and (27).

(iii) The term of office of the member elected under items 19 to 21 of Group-B shall be one year.

(iv) The term of office of the members under items of Group-B other than the members referred to under item (iii) above and all members under Group-C shall be co-terminus with the term of the Court which shall be three years.

Section 24-B - Meeting of the Court and quorum thereat-
Section 24-C - Powers and duties of the Court

Subject to the provisions of this Act, the Court shall exercise the following powers and perform the following duties, namely:

(i) to act as an advisory body in all matters relating to the Vishwa Vidyalaya;
(ii) to review, from time to time, the broad policies and programs of the Vishwa Vidyalaya and to suggest measures for the improvement and development of the Vishwa Vidyalaya;
(iii) to consider and pass resolution on the annual report, the annual accounts and audit report thereon, if any;
(iv) to consider and pass resolutions on the annual financial estimates of the Vishwa Vidyalaya;
(v) to confer degrees, diplomas and other academic distinctions on the recommendation of the Board;
(vi) to confer on the recommendation of the Board honorary degrees and other academic distinctions;
(vii) to review the acts of the other authorities of the Vishwa Vidyalaya save where such authorities have acted in accordance with the powers conferred upon them by this Act, the Statutes and the Ordinance;
(viii) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act and the statutes.

Section 25 – Board-

(1) The Board shall consist of the following persons, namely:-

EX-OFFICIO MEMBERS

(i) the Kulapti......Chairman;
(ii) the Secretary to Government, Madhya Pradesh-
   (a) Agriculture Department;
   (b) Finance Department;

26(1) Substituted by M.P. Act No. 19 of 1985
MEMBERS NOMINATED BY THE KULADHIPATI
(iii) two eminent agriculturists with background of agricultural research or education;
(iv) two progressive farmers from the State;
(v) one outstanding woman social worker having background of rural advancement;
(vi) one eminent veterinary or Animal Husbandry scientist with experience of and interest in veterinary or Animal Husbandry research or education;

MEMBERS NOMINATED BY THE STATE GOVERNMENT
(vii) a distinguished industrialist or manufacturer having special knowledge in agricultural development;
(viii) one eminent engineer preferably with agricultural engineering background;

MEMBERS ELECTED BY THE LEGISLATIVE ASSEMBLY
(ix) three members from amongst members of the State Legislative Assembly to be elected by the State Legislative Assembly;

OTHER MEMBER
(x) one representative of Indian Council of Agricultural Research to be nominated by the Director of that Council.

(2) The Registrar shall be the non-member Secretary of the Board.

(3) The term of office of members of the Board other than ex-officio members shall be three years:
Provided that the member of the Board elected under item (ix) of sub-section (1) shall cease to hold office as such member if he ceases to be a member of the Legislative Assembly.

(4) No act or proceeding of the Board shall be invalid merely on the ground of existence of any vacancy in, or defect in the constitution of the Board.

(5) The members of the Board shall receive such travelling and daily allowance as may be prescribed by statutes.

Transitory provisions
The following transitory provisions are made by Section 19 of M.P. Act 19 of 1985-"19. Transitory provisions.--As from the date of commencement of this Act, the following consequences shall, ensue-
(i) the Board constituted under Section 25 of the principal Act, immediately before such commencement shall cease to exist;

(ii) the functions of the Board shall, until the Board is reconstituted be carried on by such person or a committee of persons as the Kuladhipati may appoint in that behalf."

Section 26 - Meeting of Board-
(1) The Board shall meet as often as may be considered necessary on such dates as may be fixed by the Vice-Chancellor:

Provided that a period of three months shall, as far as may be, not intervene between the last sitting of the Board and the date fixed for its first sitting in the next meeting.

(2) A meeting of the Board fixed by the Vice-Chancellor under subsection (1) shall not be cancelled or postponed by the Vice-Chancellor, but the Chancellor may, for sufficient cause, postpone the meeting to any date not later than fifteen days from the date originally fixed by the Vice-Chancellor.

27[(3) The Kulpati shall upon a requisition, in writing, signed by not less than five members of the Board, convene a special meeting of the Board within twenty-one days of the receipt of such requisition.]

(4) When a date has been fixed for the meeting of the Board by the Vice-Chancellor under sub-section (1) or sub-section (3), the Registrar shall give ten clear days' notice, in writing, to the members of the Board of such a meeting.

28[(5) The quorum for every meeting of the Board shall be six.]

Section 27 - Powers and duties of the Board

29[The Board shall be Executive Authority of the Vishwa Vidyalaya and shall, subject to such conditions as may be prescribed by or under the provisions of this Act and the statutes, exercise, the following powers and perform the following duties, namely :-

(i) to approve and sanction the budget of the Vishwa Vidyalaya;

(ii) to consider the annual accounts and the annual financial estimates placed before it by the Kulpati and pass them with such modification as it madeem fit;

(iii) to lay before the State Government annually a full statement of the financial requirement of all branches of the Vishwa Vidyalaya;]
(iv) to make provision for instruction, teaching and training in such branches of
learning and courses of study, as it may think fit, for research and for the
advancement and dissemination of knowledge;
(v) to provide for the establishment and maintenance of colleges, departments, hostels
and institutions of research, and specialized studies and to manage them;
(vi) to organise and make provision, for laboratories, libraries, agricultural research
stations, museums, agricultural farms including breeding farms, poultry farms, fish
farms and the like, agricultural workshops and such other equipments as the Vishwa
Vidyalaya may consider it necessary to organise and provide for in the field of
agriculture and allied science;
(vii) to institute Agricultural Rural Life Research and Extension Service;
(viii) to make provision for—
(a) (i) extra-mural teaching and research; and
(ii) Vishwa Vidyalaya xtension activities;
(b) physical and military training;
(c) sports and athletic activities; and
(d) students union and their welfare;
(ix) to make provision for the control of admission, conduct and discipline of the
students of the Vishwa Vidyalaya and to make arrangements for promoting their
health and general welfare;
(x) to institute and confer degrees, diplomas and other academic distinctions;
(xi) to recommend to the Court the conferment of honorary degrees and other
academic distinction in the manner prescribed by statutes;
(xii) to provide for the institution, maintenance and award of fellowships,
scholarships, student-ships, exhibitions and medals;
(xiii) to approve the schedule of fees and other charges as may be prescribed by the
statutes upon recommendation of the Kulpati;
(xiv) to make, amend or repeal statutes;
(xv) to consider and cancel, modify or refer back, Regulations;
(xvi) to determine the form of provide for the custody and regulate the use of the
common seal of the Vishwa Vidyalaya;
(xvii) to hold, control and administer the property and funds of the Vishwa Vidyalaya;
(xviii) to transfer any movable or immovable property on behalf of the Vishwa Vidyalaya subject to the provisions of the Act and the Statutes;

(xix) to accept on behalf of the Vishwa Vidyalaya trusts, bequests, donations and transfers of movable and immovable property to the Vishwa Vidyalaya;

(xx) to enter into, vary, carry out and cancel contracts on behalf of the Vishwa Vidyalaya in the exercise to it by this Act and the Statutes;

(XXI) to make provisions for buildings, premises, furniture, apparatus, books and other means needed for carrying on the work of the Vishwa Vidyalaya;

(xxii) save as otherwise provided by this Act, or the Statutes, to approve the appointments of officers, (other than the Kuladhipati and the Kulpati) teachers and other servants of the Vishwa Vidyalaya, to define their duties and conditions of their Service and to provide for the filling of temporary vacancies in their posts;

(xxiii) to institute—
     (a) a Printing and Publication Department;
     (b) an Information Bureau; and
     (c) an Employment Bureau;

(XXIV) to approve such teaching posts as may be proposed by the Academic Council;

(XXV) to abolish or suspend, after report from the Academic Council thereon, any teaching post in the Vishwa Vidyalaya;

(XXVI) to lay down scales of salaries and conditions of the employment of member of the staff in the various branches of the Vishwa Vidyalaya and to ensure the observance of the same;

(XXVII) to delegate by Regulation any of its powers to the Kulpati, the Registrar or such other officer of Vishwa Vidyalaya or a Committee appointed by it as it may deem fit;

(XXVIII) to exercise such other powers and perform such other duties not inconsistent with the provisions of this Act or statutes as may be necessary for carrying out the purposes of this Act.]

**Section 28 - Academic Council**

(1) The Academic Council shall be incharge of the academic affairs of the Vishwa Vidyalaya and shall consist of the following members, namely :-

(i) the Vice-Chancellor;
(ii) the Director of Research Services;
(iii) the Director of Extension Services;
(iv) Deans of Faculties;
(v) three teachers of the Vishwa Vidyalaya to be elected from amongst themselves in the manner prescribed by Statutes;
(vi) two persons, not being employees of the Vishwa Vidyalaya co-opted by the Academic Council for their special knowledge in subjects recognised by the Vishwa Vidyalaya.

(2) Not less than half of the number of members of the Academic Council for the time being shall form a quorum:

Provided that the quorum shall not any time be less than four.

(3) The Academic Council shall have power to co-opt as members, two persons having special knowledge or experience in the subject-matter of any particular business which may come before the council for consideration. The members so co-opted shall have all the rights of the members of the council in regard to the transaction of the business in relation to which they may be co-opted.

(4) All members of the Academic Council other than ex officio members and members referred to in sub-section (3) shall hold office for a term of three years.

Section 29 - Powers and duties of Academic Council-

The Academic Council,-

(a) shall, subject to the provisions of this Act and the Statutes, generally regulate and have the control of, and be responsible for, the maintenance of standard of teaching, research and examination of the Vishwa Vidyalaya and for the requirements for obtaining degrees;
(b) shall advise the Board and other authorities of the Vishwa Vidyalaya on all academic matters;
(c) shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by or under this Act.

Section 30 – Faculties-

(1) The Vishwa Vidyalaya shall have such Faculties as may be prescribed by the Statutes.
(2) Each Faculty shall consist of such members and shall have such powers and perform such duties as may be prescribed by the Statutes.

(3) There shall be a Dean for each Faculty who shall be appointed by the Chancellor in such manner and for such period as may be prescribed by the Statutes.

**Section 31 - Department of Studies**

(1) Each Faculty shall comprise of such Department of Study as may be prescribed by the Statutes.

(2) There shall be a Head of the Department for each Department of Study.

(3) The Vice-Chancellor shall nominate one of the professors as Head of the Department and if there is no Professor, the Dean of the Faculty shall act as the Head of such Department until a duly qualified person is available.

(4) The terms and conditions of appointment, duties and functions of the Head of the department, shall be prescribed by the statutes.

**Section 32 - Other Authorities of Vishwa Vidyalaya**

The constitution, powers and duties of such other authorities as may be declared by the Statutes to be the authorities of the Vishwa Vidyalaya shall be provided for in the manner prescribed by the Statutes.

**Section 33 - Agricultural Research Station and Agricultural Rural Life and Extension Service**

(1) The Vishwa Vidyalaya shall establish and/or maintain a Central or State Agricultural Research Station with appropriate regional and other sub-stations for conducting research, both fundamental and applied, in all faculties within its territorial jurisdiction.

(2) The Vishwa Vidyalaya shall also establish an Agricultural Rural Life and Extension Service which shall, subject to the provisions of this Act and the Statutes, make available useful information to the farmers and house-wives to help them, solve their problems and take all necessary measures for developing in young people interest in agriculture and rural life.

**Section 34 - Vishwa Vidyalaya Fund**
(1) The Vishwa Vidyalaya shall establish a fund to be called the Vishwa Vidyalaya Fund.

(2) The following shall form part of or be paid into, the Vishwa Vidyalaya Fund-
(a) any loan, contribution or grant by Central or State Government or any body corporate;
(b) the income of the Vishwa Vidyalaya from all sources including income from fees and charges;
(c) trusts, bequests, donations, endowments and other grants, if any.
(d) all other sums received by the Vishwa Vidyalaya.

(3) The Vishwa Vidyalaya Fund shall be kept in any scheduled bank as defined in the Reserve Bank of India Act, 1934 (No. 2 of 1934), or such other bank as may be approved by the Reserve Bank of India or invested in securities authorised by the Indian Trusts Act, 1882 (No. 2 of 1882), at the discretion of the Board.

(4) Nothing in this section shall in any way affect any obligations accepted by or imposed upon the Vishwa Vidyalaya by any declaration of trust executed by or on behalf of the Vishwa Vidyalaya for the administration of any trust.

Section 35 - Objects to which Vishwa Vidyalaya Fund may be applied-
The Vishwa Vidyalaya Fund shall be applicable to the following objects-
(a) to repayment of debts incurred by the Vishwa Vidyalaya for the purposes of this Act and the Statutes, and the Regulations made thereunder;
(b) to the expenses of any suit or proceedings to which the Vishwa Vidyalaya is a party;
(c) to the payment of the salaries and allowances of the officers and servants of the Vishwa Vidyalaya, members of the teaching staff and the establishment employed in the colleges and the departments of Vishwa Vidyalaya for and in furtherance of the purposes of this Act, and the Statutes, and the Regulations made thereunder and to the payment of pension or any Provident Fund contribution to any such officers and servants, members of the teaching staff or the members of such establishments;
(d) to the payment of the travelling and other allowances of the members of the Board and the Academic Council and any other authority of the Vishwa Vidyalaya or the members of any Committee appointed by any of the authorities of the Vishwa
Vidyalaya in pursuance of any provision of the Act, and the Statutes, and the Regulations made thereunder;

(e) to the payment of fellowships, scholarships, student-ships and other awards to students;

(f) to the upkeep of colleges, departments, residence and hostels established by the Vishwa Vidyalaya;

(g) to the payment of the cost of audit of the Vishwa Vidyalaya Fund;

(h) to the payment of any expense incurred by the Vishwa Vidyalaya in carrying out the provisions of this Act, and the Statutes, and the Regulations made thereunder; and

(i) to the payment of any other expense, not specified in any of the preceding clauses declared by the Board to be the expense for the purpose of the Vishwa Vidyalaya.

Section 36 – Statutes-

Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely-

(i) the constitution, powers and duties of authorities of the Vishwa Vidyalaya;

(ii) the manner of election or appointment and term of office of the members of the authorities referred to in clause (i), including the continuance or retirement in the office of the first members, and filling of vacancies of members and all other matters relating to those bodies for which it may be necessary or desirable to provide;

(iii) allowances payable to the members of the Board;

(iv) emoluments and conditions of service of the Vice-Chancellor, and his powers;

(v) appointment of Comptroller, Registrar, Dean of Faculties, Dean of Student Welfare, Director of Research Services, Director of Extension Services and other officers of the Vishwa Vidyalaya, their powers and duties and the emoluments, terms and conditions of their service;

(vi) the contribution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the officers, teachers, and other employees of the Vishwa Vidyalaya;

(vii) the holding of convocation to confer degrees;

(viii) conferment of honorary degrees and other academic distinctions;

(ix) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(x) the establishment, amalgamation, sub-division and abolition of Faculties;

(xi) the establishment and abolition of departments of teaching in Faculties;
(xii) the establishment and abolition of hostels maintained by the Vishwa Vidyalaya;
(xiii) qualifications, classification and mode of appointment of teachers of the Vishwa Vidyalaya;
(xiv) the administration of endowments, and the institution and conditions of award of fellowships, scholarships, studentships, exhibitions, bursaries, medals, prizes and other award;
(xv) the maintenance of a register of registered graduates;
(xvi) the admission of students to the Vishwa Vidyalaya and their enrolment and continuance as such;
(xvii) the fees that may be charged by the Vishwa Vidyalaya for any purpose;
(xviii) the courses of study to be laid down for all degrees, diplomas and certificates of the Vishwa Vidyalaya;
(xix) the degrees, diplomas, certificates and other academic distinctions to be awarded by the Vishwa Vidyalaya, the qualifications for the same, and the steps to be taken relating to the granting and obtaining of the same;
(xx) laying down conditions for conferral of degrees and other academic distinctions for research;
(xxi) the maintenance of discipline among the students of the Vishwa Vidyalaya;
(xxii) the conditions of residence of the students of the Vishwa Vidyalaya and the levy of fees for residence in hostels;
(xxiii) the recognition and management of hostels not maintained by the Vishwa Vidyalaya;
(xxiv) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students, and prescribing for them special courses of study;
(xxv) the arrangement of colleges and other institutions founded or maintained by the Vishwa Vidyalaya;
(xxvi) constitution of a Selection Committee for appointment of teachers;
(xxvii) number, qualifications and conditions of appointment including pay scales and other emoluments of teachers of the Vishwa Vidyalaya;
(xxviii) the duties of teachers of the Vishwa Vidyalaya;
(xxix) the date on or before which the annual report shall be submitted to the Board;
(xxx) the mode of execution of contracts or agreements by or on behalf of Vishwa Vidyalaya; and

(xxxi) all other matters which by this Act or to be may be provided for by the statutes.

Section 37 - Statutes how made-

(1) The first Statutes with regard to matters set out in Section 36 shall be made by the State Government and a copy thereof shall be laid on the Table of the Legislative Assembly for fourteen days and they shall be subject to such additions and alterations as may be agreed to by the Legislative Assembly but without prejudice to the validity of anything previously done thereunder.

(2) The Board may from time to time make new or additional Statutes and may amend or repeal the Statutes in the manner hereinafter in this section provided.

(3) The Academic Council may propose to the Board the draft of any new Statute or amendment of any existing Statutes to be passed by the Board and such draft shall be considered by the Board at its next meeting:

Provided that the Academic Council shall not propose the draft of any Statutes or any amendment of a Statute affecting the status, powers or constitution of any existing authority of the Vishwa Vidyalaya until such authority has been given an opportunity to express its opinion upon the proposal and any opinion so expressed shall be considered by the Board.

(4) The Board may approve any such draft as is referred to in sub-section (3) and pass the Statute or reject it or return it to the Academic Council for reconsideration, either in whole or in part, together with any amendments which it may suggest.

(5) Any member of the Board may propose to the Board, the draft of any new Statute or amendment to existing Statute and the Board may either accept or reject the proposal if it relates to a matter not falling within the purview of the Academic Council. In case such draft relates to a matter within the purview of the Academic Council, the Board shall refer it for consideration to the Academic Council, which may either report to the Board that it does not approve the proposal, which shall then be deemed to have been rejected by the Board, or submit the draft to the Board in such form as the Academic Council may approve, and the provisions of this section shall apply in the case of a draft so submitted as they apply in the case of a draft proposed to the Board by the Academic Council.
(6) A new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Chancellor who may sanction, disallow or remit it for further consideration.

Section 38 – Regulations-
(1) The authorities and other bodies of the Vishwa Vidyalaya may make regulations consistent with this Act and the Statutes -
(a) laying down the number of members required to form a quorum and the procedure to be observed at the meetings;
(b) providing for all matters which by this Act, and the Statutes are to be provided for by the Regulations; and
(c) providing for any other matters solely concerning such authorities and bodies and not provided for by this Act and the Statutes.

(2) Every authority of the Vishwa Vidyalaya shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meeting.

(3) The Board may direct the amendment, in such manner as it may specify, of any Regulations made under this section of the annulment of any Regulations made under sub-section (1) by any authority of the Vishwa Vidyalaya.

(4) The Academic Council may, subject to the provisions of the Statutes, make Regulations providing for courses of study for the various examinations and degrees of the Vishwa Vidyalaya after receiving drafts of the same from the Faculty concerned.

(5) The Academic Council may either approve or reject or alter the draft received from the Faculty or return it to the Faculty for further consideration together with its own suggestions.

Section 39 - Annual Report
[The annual report of the Vishwa Vidyalaya shall be prepared under the direction of the Board and shall be submitted to the Court on/or before such date as may be prescribed by the statutes and shall be considered by the Court at its annual meeting. The Court may pass a resolution thereon and communicate the same to the Board.

30 Substituted by M.P. Act No. 19 of 1985
31 Substituted by M.P. Act No. 19 of 1985
Such annual report as approved by the Court shall be submitted to the Kuladhipati and the State Government and shall be placed before the State Legislature.

Section 40 - Accounts and audit

(1) The annual Accounts and balance sheet of the Vishwa Vidyalaya shall be prepared by the Comptroller under the direction of the Vice-Chancellor, and all moneys accruing to or received by the Vishwa Vidyalaya from whatever source and all amounts disbursed or paid shall be entered in the accounts.

(2) The accounts and the balance sheet shall be submitted by the Board to the Court and the Court shall at its annual meeting consider and pass a resolution and communicate the same to the Board and, thereafter the same shall be submitted to the State Government which shall cause an audit to be carried out by such person as it may direct.

(3) The accounts when audited shall be printed and copies thereof shall, together with the copies of the Audit Report, be submitted by the Vice-Chancellor to the Board which shall forward them to the State Government with such comments as may be deemed necessary. The Audit Report with comments of the Board shall be placed before the State Legislature.

Section 41 - Disputes as to constitution of Vishwa Vidyalaya authorities and bodies-

If any question arises regarding the interpretation of any provision of this Act or of any Statute, or Regulation or as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the Vishwa Vidyalaya the matter shall be referred to the Chancellor whose decision thereon shall be final:

Provided that before taking any such decision the Chancellor shall give the person or persons affected thereby a reasonable opportunity of being heard.

Explanation.—In this section, the expression "body" includes any committee constituted by or under the Act.

Section 42 - Constitution of Committees-

Where any authority of the Vishwa Vidyalaya is given power by this Act or the Statutes to appoint committees, such committees shall, save as otherwise provided,

32 Substituted by M.P. Act No. 19 of 1985
consist of members of the authority concerned and of such other persons, if any, as the authority in each case may think fit.

**Section 43 - Filling of casual vacancies**-
Save as otherwise provided in this Act, all casual vacancies among the members other than ex-officio members of any authority or other body of the Vishwa Vidyalaya shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

**Section 44 - Vacancy, etc., not to invalidate proceedings**-
No act of the Vishwa Vidyalaya or any authority or other body thereof shall be invalid merely by reason of-
(a) any vacancy in, or defect in the constitution of; or
(b) any defect in the election, nomination or appointment of a person acting as a member thereof; or
(c) any irregularity in its procedure not affecting the merits of the case.

**Section 45 - Conditions of service**-
(1) Every salaried officer and teacher of the Vishwa Vidyalaya shall be appointed under a written contract which shall be lodged with the Vice-Chancellor and a copy thereof furnished to the officer or teacher concerned.
(2) No such officer or teacher as is referred to in sub-section (1) shall be offered nor shall he accept any remuneration for any work in or outside the Vishwa Vidyalaya except as may be provided by the Statutes.
(3) Any dispute arising out of a contract between the Vishwa Vidyalaya and any of its officers or teachers shall, at the request of officer or the teacher concerned or at the instance of the Vishwa Vidyalaya be referred by the Chancellor to a tribunal of arbitration consisting of one member appointed by the Board, one nominated by the officer or teacher concerned and an umpire appointed by the Chancellor, and the decision of the tribunal shall be final and no suit shall lie in any Civil Court in respect of the matters decided by the Tribunal.
(4) Every request under sub-section (3) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration Act, 1940 (No. 10 of 1940) and all the provisions of that Act, with the exception of Section 3 thereof, shall apply accordingly.

**Section 46 - Pension and Provident Fund**

(1) The Vishwa Vidyalaya shall constitute for the benefit of its officers, teachers, clerical staff and employees in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident fund as it may deem fit.

(2) Where any provident fund has been so constituted the Chancellor may declare that the Provident Funds Act, 1925 (No. 19 of 1925), shall apply to such fund as if it were a Government Provident Fund.

**Section 47. Protection of acts and orders.**—

All acts and orders in good faith done and passed by the Vishwa Vidyalaya shall be final and no suit shall be instituted or damage claimed for anything done or committed in pursuance of the Act, Statutes and Regulations.

Section 49. Appointment of teachers by Board.—

No person shall be appointed by the Board as a salaried teacher of the Vishwa Vidyalaya, except on the recommendation of a Selection Committee constituted for the purpose in accordance with the provisions of the Statutes.

**Section 50. Salaries of teachers.**—

The payment of salaries to the teachers of the Vishwa Vidyalaya, shall be in accordance with the scales fixed by Statute with prior approval of the State Government.

**Section 51. Term of office of member of authority of Vishwa Vidyalaya.**—

(1) Wherever any person becomes a member of any authority by virtue of the office held by him, he shall forthwith cease to be a member of such authority if he ceases to hold such office before the expiry of the term of his membership:
Provided that he shall not be deemed to have ceased to hold his office merely by reason of his proceeding on leave for a period not exceeding four months.

(2) Whenever any person becomes a member of any authority, as a representative of another body, whether of the Vishwa Vidyalaya or not, he shall cease to be a member of such authority if before the expiry of his term he ceases to be a member of the body by which he was nominated, appointed or elected.

**Section 52. Resignation of member or officer of Vishwa Vidyalaya.**—

(1) Any member, other than an ex officio member of the Board, the Academic Council or any other Vishwa Vidyalaya Authority or Committee, or a Dean of a Faculty, may resign by letter addressed to the Registrar, and the resignation shall take effect as soon as the letter is received by the Registrar.

(2) Any officer of the Vishwa Vidyalaya whether salaried or otherwise other than a Dean, may resign his office by letter addressed to the Registrar. Such resignation shall take effect from the date on which the same is accepted by the authority competent to fill the vacancy or on the expiry of three months from the date of receipt by the Registrar, whichever is earlier.

**Section 33[53. Removal from membership of any authority or Board of Vishwa Vidyalaya.**—

The Kuladhipati may on the request of the Board remove any person from the membership of any authority, including the Board, of the Vishwa Vidyalaya upon the ground that such person has been convicted of any offence involving moral turpitude:

Provided that no order for removal shall be passed against any person without giving him an opportunity of being heard:

Provided further that nothing in this section shall apply where the person concerned is a member in his capacity as a member of the Legislative Assembly of the State.]

**Section 54. Removal of difficulties.**—

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with the provisions of this Act which appears to be necessary or expedient for the purpose of removing the difficulty.

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(2) No order made under sub-section (1) shall be questioned in any Court of law on the ground that no difficulty as is referred to in the said sub-section existed or was required to be removed.

Section 55. Transfer of property and personnel.—

(1) As from such date as the State Government may, by notification, specify in this behalf all Government colleges imparting instruction in agriculture and veterinary science and animal husbandry for bachelor’s degree or above and all research stations [within the areas specified in sub-section 6] which are operated for carrying out research in agriculture and allied sciences together with lands, hostels and other building, furniture, library, books, laboratories, stores, instruments, apparatus, appliances and equipments and livestocks belonging to such colleges and stations and the budget programme made for them shall be transferred to and vest in the Vishwa Vidyalaya.

(2) On and from the date of transfer of any college or research station under sub-section (1) the following consequences shall ensue, namely:-

(a) the Government employees—

(i) who were working in or were attached to the Colleges or research stations on the said date; or
(ii) who but for their temporary absence from such colleges on account of any cause would have remained attached thereto on the said date;

shall becomes of the Vishwa Vidyalaya and shall deemed to be absorbed in the service of the "Vishwa Vidyalaya with effect from the expiry of a period of two years from the said date (hereinafter in this sub-section referred to as the aforesaid period) and shall thereafter be governed by the terms and conditions governing the said service under the Vishwa Vidyalaya, unless within the aforesaid period—

(i) any Government employee opts for reversion to his services under the State Government; or

(ii) the State Government recalls the Government employee from the said services under the Vishwa Vidyalaya:

Provided that—

34 1-9-1964 has been specified as the date for the purposes of Section 55(1), by Notfn. No.S745-8425-XIV-1, dated 28-11-1964.
36 Omitted by M.P. Act No. 3 of 1965.
37 Subs, by M.P. Act No. 3 of 1965 (w.e.f. 1-10-1964).
38[(i) the term and condition offered by the Vishwa Vidyalaya to such employee consequent on their absorption in the services of the Vishwa Vidyalaya shall not be less favourable than those applicable to such employees immediately before the said date; and]

(ii) the Vishwa Vidyalaya shall not require any such employee to accept provident fund benefits under any scheme prepared by it in lieu of pensionary benefits, if any, available to him under the Government unless he is given a reasonable opportunity of exercising his option in that behalf;

39 [(aa) during the aforesaid period the Government employees referred to in clause (a) shall be treated as on deputation to the Vishwa Vidyalaya on such foreign service conditions as may be determined by the State Government in consultation with the Board:

Provided that no deputation allowance shall be payable to the Government employees under this clause.]

(b) any right, privilege, obligation or liability acquired, occurred or incurred by the State Government in respect of the colleges or research stations as the case may be shall be deemed to be the right, privilege, obligation or liability acquired, accrued or incurred by the Vishwa Vidyalaya;

(c) any contract entered into by the State Government in respect of the colleges or research stations as the case may be shall be deemed to be a contract entered into by the Vishwa Vidyalaya.

(3) Nothing in this section shall be deemed to authorise the Vishwa Vidyalaya to sell, lease, exchange or otherwise dispose of any land or building of any college or research station, transferred to the Vishwa Vidyalaya under sub-section (1) except with the prior concurrence of the State Government.
23.1 Jawaharlal Nehru Krishi Vishwavidhyalaya Statutes, 1964
CHAPTER I

General


(2) They shall come into force on the 1st of December, 1964.

2. Definitions.- In these Statutes, unless the context otherwise requires-

(a) "Act" means the Vishwa Vidyalaya Act, 1963 [12 of 1963]:

(b) "Section" means a section of the Act;

(c) words and expressions used but not defined in these Statutes, and defined in the Act shall have the meaning assigned to them in the Act.

CHAPTER II

Officers of the Vishwa Vidyalaya

A - Other Officers

3. Other Officers.- In addition to the officers mentioned in clauses (1) to (8) of section 12, the following shall be the officers of the Vishwa Vidyalaya:

(1) Director of Post-graduate Studies.

(2) Director of Physical Plant.

(3) Associate Deans.

(4) Vishwa Vidyalaya Librarian.

B - Appointment of officers of the Vishwa Vidyalaya other than the Chancellor and Vice-Chancellor.

4. Qualifications for posts of officers.- In the event of filing of an office under the Vishwa Vidyalaya other than that of the Chancellor and Vice-Chancellor, the Administrative Council, in the case of office of the Comptroller, Director of Physical Plant and Dean of Student Welfare; and the Academic Council in respect of other offices shall, subject to the prior approval of the Vice-Chancellor, both in the case of Administrative Council and that of the Academic Council prescribe the qualifications which a candidate should possess for being eligible to hold such office. The prescribed qualifications shall be given due publicity and the Selection Committee
shall select the candidates for such offices with due regard to the qualifications so prescribed.

5. Selection Committees for appointment of certain officers.-(1) The Vice-Chancellor shall appoint Selection Committees for selecting candidates to fill the various offices mentioned below consisting of the members as detailed against each such office:


<table>
<thead>
<tr>
<th>Name of Office</th>
<th>Composition of Selection Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Comptroller</td>
<td>(a) Three members to be selected by the Administrative Council from amongst its members of whom one shall be a Dean.</td>
</tr>
<tr>
<td>(2) Dean of student welfare</td>
<td>(b) One member to be selected by the Board from amongst its members,</td>
</tr>
<tr>
<td>(3) Director of Physical Plant</td>
<td>(c) One member to be nominated by the Chancellor from amongst persons not connected with the Vishwa Vidyalaya.</td>
</tr>
<tr>
<td>(4) Director of Research Services</td>
<td>(a) One member to be selected by the Administrative Council from amongst its members.</td>
</tr>
<tr>
<td></td>
<td>(b) One member representing the Agriculture Department to be nominated by the State Government.</td>
</tr>
<tr>
<td>(5) Director of Extension Sciences</td>
<td>(c) One member representing the Union Ministry of Agriculture to be nominated by the said Minis-</td>
</tr>
<tr>
<td>(6) Director of Postgraduate Studies</td>
<td></td>
</tr>
</tbody>
</table>
(d) One member to be selected by the Board from amongst its members.

(e) Dean of Faculty of Agriculture.

(f) Dean of Faculty of Veterinary.

(g) Dean of a Faculty, if any, other than those in clauses (e) and (f) as the Academic Council may deem fit to nominate.

(7) Registrar (except (a) Two members to be selected by the first)

the Academic Council from amongst its members.

(8) Librarian (b) Two members to be selected by

the Administrative Council from amongst its members not below the rank of Dean.

(c) One member to be selected by the Board from amongst its members.

(2) Every selection Committee shall have a Chairman who shall be nominated by the Vice-Chancellor from amongst the members of the Selection Committee.

6. Procedure of Selection Committee under Statute 5.-

Every Selection Committee shall—

(a) consider the names of all officers and other servants of the Vishwa Vidyalaya who possess the requisite qualifications, and are in the opinion of the Committee, suitable for the post especially in view of their service record and may recommend a panel of not more than three such names, arranged in order of merit, for the approval of the Vice-Chancellor;

(b) in case no suitable candidate is available under para (a) above, the Committee shall contact other appropriate institutions and agencies such as I.C.A.E., I.C.A.R., State Government and other Universities for the purpose of obtaining applications from duly qualified persons;
(c) in case no suitable candidate could be available under para (b), the Committee shall advertise the post in such manner as may be approved by the Vice-Chancellor.
(d) on receipt of the applications in response to request under para (b) or advertisement under para (c), as the case may be, the Committee shall prepare a list of all persons whose names have been suggested for scrutiny or who have applied. The list so prepared shall be screened by the Committee which shall recommend not more than three names from the list in order of preference to the Vice-Chancellor.

7. Submission of Recommendation to Board.- (1) The Vice Chancellor shall submit his recommendation to the Board.
(2) The Board may either confirm the recommendation or in case the Board refuses to confirm the recommendation, the Vice-Chancellor shall, in due course, present another recommendation for the approval of the Board.

8. Selection Committee for appointment of Deans of Faculties and its procedure.- (1) Whenever an office of Dean is to be filled, the Vice-Chancellor shall appoint a Committee consisting of the following members, namely:
(a) Two members to be selected by the Academic Council from amongst its members subject to the conditions that both the members so selected shall not be from the same faculty.
(b) A Dean of faculty other than the one for which selection is to be made, to be nominated by the Administrative Council.
(c) The Vice-Chancellor.
(2) The Committee shall have a Chairman who shall be nominated by the Vice-Chancellor from amongst its members.
(3) The Committee shall, study the personal record of all the Associate Deans or Principals of respective colleges, as the case may be, and arrange them in order of merit tempered with seniority and recommend to the Chancellor the first in such a list.
(4) In case the Selection Committee is of the opinion that no one of the Associate Deans or the Principals is suitable for the post of a Dean of a Faculty, the Committee shall adopt the procedure laid down in clauses (b), (c) and (d) of Statute 6.
(5) The Chancellor may confirm the recommendation of the Committee or if he refuses to confirm the recommendations, the Vice-Chancellor shall in due course make another recommendation.
9. **Selection Committee for appointment of Associate Dean, and its procedure**—(1)
Whenever office of the Associate Dean is to be filled, the Vice Chancellor shall constitute a Selection Committee consisting of the following members, namely:

(a) The Dean of the Faculty concerned who shall also be the Chairman of the Committee.

(b) The Director of Research Service.

(c) The Director of Extension Service.

(d) One member to be selected by the Administrative Council from amongst its members.

(e) One member to be selected by the Academic Council from amongst its members.

(2) The Selection Committee shall study the qualifications and past record of all the existing Heads of Departments and Professors in the Faculty concerned and arrange them in order of merit and recommend to the Board through the Vice-Chancellor, the first in such a list.

(3) In case the Selection Committee are of the opinion that no one of the Heads of the Departments or Professors is suitable for the post of Associate, Dean, the Committee shall adopt the procedure laid down in clauses (b), (c) and (d) of Statute 6.

(4) The Board shall either confirm the recommendation or in case the Board refuses to confirm the recommendation, it may order for fresh proposal.

**C-Emoluments, terms and conditions of service and powers and duties of the Vice-Chancellor**

10. **Emoluments and other terms and conditions of service of the Vice-Chancellor**—(1) (a) The Vice Chancellor shall receive a salary of two thousand rupees per month irrespective of the pinion or gratuity equivalent to that he may be drawing. He shall, in addition, be entitled to free furnished residential accommodation at Jabalpur or in lieu thereof an allowance of Rs. 200 per month and a conveyance allowance of Rs. 100 per month. Where the Vice-Chancellor is provided with a free furnished residential accommodation, the grounds of the Vice-Chancellor's lodging will be maintained by the Vishwa Vidyalaya:

Provided that if a person on the date of his appointment is in Government service, he may be given salary last drawn by him plus deputation allowance equal to twenty per cent of such salary of Rs. 500 whichever is less;
Provided further that the Board may, if it considers it necessary so to do in the interest of the Vishwa Vidyalaya, fix with prior concurrence of the Chancellor, a salary higher than the one specified above.

(b) The Vice Chancellor shall not be entitled to the benefits of the Vishwa Vidyalaya Provident Fund or any other allowance Provided that if a person ahead in service of the Vishwa Vidyalaya is appointed as Vice-Chancellor, he shall be allowed to continue to subscribe to his Provident Fund and the contribution of the Vishwa Vidyalaya will be limited to what he had been contributing prior to his appointment as Vice Chancellor.

(2) The Vice-Chancellor shall be entitled to receive Traveling Allowance at the rates prescribed in the Traveling Allowance Rules fixed by the Board (3) (a) The Vice-Chancellor shall be entitled to leave on full pay for 1/11th of the period spent on active service. He may avail himself of this leave whenever he finds it necessary to do so during his tenure and report the same to the Board who may make arrangements for the carrying on of his duties during his absence: Provided that he will cease to earn such leave when the leave due to him amounts to ninety days.

(b) In addition to the leave noted in sub-clause(a), the Vice-Chancellor shall be entitled in case of illness or on account of private affairs to leave without pay for a period not exceeding three months during the period of his tenure, provided that leave taken without pay may be subsequently transformed into leave on full pay to the extent to which leave may have become due under sub-clause (a) above.

(4) Powers of Vice-Chancellor- The Vice-Chancellor shall have the power-
(a) to sanction recurring and non-recurring expenditure chargeable to contingencies within the budget provision under the respective detailed heads: Provided that he may re-appropriate amounts within the same unit of appropriation;
(b) to countersign his own T.A. bill, subject to the provisions of the M.P.T.A. Rules:
(c) to open accounts on behalf of the Vishwa Vidyalaya in the Schedule Banks in accordance with sub-section (3) of Section 34 ;
(d) to countersign T.A. bills and sanction absence on duty beyond jurisdiction of officers of the University.
(e) to grant leave of any kind to all officers, teachers and other employees of the Vishwa Vidyalaya in scales of pay with a maximum of more than seven hundred
rupees per monism according to the leave rules applicable to M.P. Government servants.

D- Emoluments, terms and conditions of service and powers and duties of officers of the Vishwa Vidyalaya other than Chancellor and Vice-Chancellor

**11. Conditions of service etc., of other officers.**-(1) Subject to the provisions of the Act and the Statutes hereinafter made, the conditions of service of the officers of the Vishwa Vidyalaya other than the Chancellor and Vice-Chancellor shall be those embodied in the agreement of service prescribed by the Vishwa Vidyalaya for officers.

(2) The Board, may, if so recommended by the Selection Committee and for reasons to be recorded in writing for acceptance of such recommendations, sanction a higher initial salary than prescribed by these Statutes, but not exceeding five advance increments to any candidate.

(3) All officers mentioned in clause (1) shall be whole time salaried officers of the Vishwa Vidyalaya and shall be entitled to leave, leave salary, allowances, and other benefits as prescribed in this behalf by the Board from time to time for its employees.

(4) Subject to the provisions of the Act, the Statutes and terms and conditions of the agreement, every officer mentioned in clause (1) shall be entitled to be in service of the Vishwa Vidyalaya until he completes the age of sixty years:

Provided that the Chancellor or the Board, as the case may be, may on the recommendation of the Vice-Chancellor extend his term of appointment for a total period not exceeding two years, if such extension is in the interest of the Vishwa Vidyalaya.

**12. Comptroller- Emoluments and powers and duties.**-(1) The Comptroller shall receive a salary in the scale of Rs. 1400-50-1800 per month.

(2) In addition to the powers exercised by him under clauses (a),(b] and (c) of sub-section 3 of section 19, the Comptroller shall also exercise the following powers, namely:

(a) he shall be responsible for the preparation of the financial estimates and for its presentation to the Board under section 40.

(b) he shall collect income and fees, disburse the payments and be responsible for the day-to-day financial transactions of the Vishwa Vidyalaya and for the proper
accounting thereof and all incidental matters including correspondence relating thereto;

(c) he shall sign all contracts made on behalf of the Vishwa Vidyalaya;

(d) he shall exercise such other power as may be prescribed by the Statutes and Regulations or as may be required, from time to time, by the Board or the Vice-Chancellor with respect to matters pertaining to accounts and finances of the Vishwa Vidyalaya for which he shall be directly responsible to the Vice-Chancellor.

(3) The receipt of the Comptroller or of the person or persons duly authorised in writing in this behalf by the Board for any money payable to the Vishwa Vidyalaya shall be full discharge for the same.

13. Registrar—Emoluments and powers and duties.—(1) The Registrar shall receive a salary in the scale of Rs. 1400-50-1800 per month.

(2) It shall be the duty of the Registrar.—(a) to be responsible for the preparation of annual report under section 39 of the Act.

(b) to be custodian of the records, Common Seal and such other property of the Vishwa Vidyalaya as the Board shall commit to his charge;

(c) to issue all notices convening meetings of the Board, Academic Council and of any committees or bodies appointed under the Act of the Vishwa Vidyalaya of which he is to act as Secretary;

(d) to keep the minutes of all meetings of the Board, the Academic Council and of any Committees or bodies appointed under the Act of which he is to act as Secretary;

(e) to conduct the official correspondence of the Board and the Academic Council except matters pertaining to finances of the Vishwa Vidyalaya and matters incidental thereto falling within the ambit of Comptroller’s duties;

(f) to administer Statutes of the Vishwa Vidyalaya with respect to admission of students and their continuance as such;

(g) to prepare time schedule for academic courses as recommended by the Faculties and plan and direct the admission of students for various courses and record transfers and drop outs as recommended by the Faculties;

(h) to maintain records of each student of the Vishwa Vidyalaya including academic accomplishments, conduct as a student, and all other matters which bear on the accomplishments and conduct of the student;
(i) to maintain records of non-student attendants in Vishwa Vidyalaya programmes, as designated by the Director of Extension Services;
(j) to maintain records of Graduates of the Vishwa Vidyalaya:
(k) to discharge such other functions as may be assigned to him from time to time by the Vice-Chancellor to whom he shall be responsible for the same.

14. Dean of Student Welfare—Emoluments and powers and duties- (1) The Dean of Student Welfare shall receive a salary in the scale of Rs. 1100-50-1600 per month.
(2) It shall be the duty of the Dean of Student Welfare — (a) to plan and direct, in co-ordination with other Vishwa Vidyalaya Officers and authorities, all non-curricular activities for students including clubs, recreation centres, co-operatives, etc., as may from time to time be approved by the Vishwa Vidyalaya for welfare of students;
(b) to supervise the management of students hostels, messing arrangements and cafeterias;
(c) to co-operate with the staff in charge of physical education activities, National Cadet Corps and other allied activities;
(d) to deal, in consultation with the Dean of the Faculty concerned, with student indiscipline, excessive absenteeism and other student irregularities from point of view of maintenance of discipline etc.;
(e) to supervise health programmes and medical facilities for students:
(f) to make arrangements for scholarships, stipends, part time employments and other such assistance as may be deemed necessary for welfare of students;
(g) to communicate with guardians of students concerning the welfare of the students;
(h) to be responsible to the Vice-Chancellor in the exercise of powers and discharge of duties under the Act;
(i) to co-operate and assist the Employment Bureau in the matter of employment of the students who have completed courses in Vishwa Vidyalaya.

15. Director of Research Service- His emoluments and powers and duties.- (l) The Director of Research Service shall receive a salary in the scale of Rs. 1200-50-1500-60-1800 per month.
(2) It shall be the duty of the Director of Research Service- (a) to exercise over-all control of the planning and prosecution of research conducted by the Vishwa
Vidyalaya, excepting research done students to meet degree requirement and by
teachers of the Vishwa Vidyalaya to improve teaching ability;
(b) to prepare Research Service Programmes and annual budget estimates as may be
required by the Vishwa Vidyalaya;
(c) to assist the Dean concerned in the supervision over the members of the College
Staff engaged on approved research programmes under the general purview of the
Research Service:
(d) to require and supervise the compilation of research result, and the proper
publication of the research tidings;
(e) to approve for publication in consultation with Deans concerned research
manuscripts in such general form and such number as may be determined;
(f) to assign numbers to all publication and to maintain official record of all
publications;
(g) to be responsible to the Vice-Chancellor in exercise of the powers and discharge
of the duties under the Act.
16. Director of Extension Services- his emoluments and powers and duties.- (l) The
Director of Extension Services shall receive a salary in scale of Rs. 1200-50-1500-60-
1800 per month.
(2) It shall be the duty of the Director of Extension Services-
(a) to exercise over-all control of on-campus and off-campus educational work
involving cultivators and rural families:
(b) to prepare yearly programmes and budget needs for the education of cultivators
and other non-students in connection with the extension scheme;
(c) to assist the Deans of Faculties in developing courses and in teaching students in
various forms of the extension education;
(d) to supervise off-campus programmes dealing with agricultural co-operatives; and
rural youth programme;
(e) to exercise supervision over the extension specialists assigned or attached to the
Colleges and such other members of the staff who are engaged in extension work a
and guide the extension work:
(f) to direct the preparation of materials such as publications, films, etc., for better
development of the extension programme;
(g) to distribute any material as a part of the Vishwa Vidyalaya extension services;
(h) to be responsible to the Vice-Chancellor in the exercise of powers and discharge of duties under the Act.

17. Director of Post-graduate Studies - his emoluments and powers and duties.- (1) The Director of Post-graduate Studies shall receive a salary in the scale of Rs. 1200-50-1500-60-1800, per month.

(2) It shall be the duty of the Director of Post-graduate Studies-
(a) to exercise over-all control of the planning and co-ordination of work done by students of the Vishwa Vidyalaya in preparation for the requirements of post-graduate degrees;
(b) to co-operate with the relevant college faculty in which post-graduate students are studying in order that the requirements for such degree may be fulfilled in proper manner;
(c) to carry out the recommendations of the Council on Post-graduate Studies and to perform such other duties and functions as may be assigned to him by the Vice-Chancellor to whom he shall be responsible.

18. Director of Physical Plant - his emoluments and powers and duties.- (1) The Director of Physical Plant shall receive a salary in the scale of Rs. 1100-50-1600 per month.

(2) It shall be the duty of the Director of Physical Plant-
(a) to exercise over-all control of the development maintenance, and security of Vishwa Vidyalaya buildings, farm-lands, gardens, sport grounds, parks and cultivated lands;
(b) to supervise the supply of electricity, water, telephone, and other such services and the operation and maintenance of Vishwa Vidyalaya vehicles;
(c) to direct operations providing for the cleanliness and sanitary conditions of the Vishwa Vidyalaya;
(d) to provide for the installation, use and maintenance of Vishwa Vidyalaya equipments in co-operation with other officers;
(e) to supervise the allotment and uses of rooms, houses, buildings and grounds, as directed by appropriate authorities and officers;
(f) to direct the plans for, construction and / or alternations of Vishwa Vidyalaya buildings and grounds as ordered by the Board;
(g) to perform such other duties as may be assigned to him by the Vice-Chancellor and Board for the proper functions of the Physical facilities of the Vishwa Vidyalaya.

19. Emoluments and powers and duties of Deans of Faculties.- (1) The Dean shall receive a salary in the scale of Rs. 1200-50-1500-60-1800 per month.

(2) The Dean of each Faculty shall be responsible to the Vice-Chancellor and shall be the chief executive officer of the Faculty and be responsible for its administration.

(3) The Dean shall —

(a) exercise over-all control, and be responsible for, the conduct of teaching, research and extension work of the departments comprised in the Faculty;

(b) serve as the medium of communication for all official business of the Faculty with other authorities of the Vishwa Vidyalaya, colleges, the students and the public;

(c) formulate and present policies to the Faculty for its consideration, without prejudice to the right of any member to present any matter to the Faculty;

(d) prepare proposals for college activities and budget estimates for the needs thereof other than research and field extension work and be responsible to the Comptroller through Vice-Chancellor that all college activities are in accordance with sanctions of the Board;

(e) Co-operate with Director of Research on the development of plans and budgets for non-curricular research in the pertinent subjects and in the preparation of reports as may be requested by him and also direct the research work done by the college staff and students;

(f) (i) Co-operate with the Director of Extension Service on development of plans and budgets for non-curricular extension work in the pertinent subjects;

(ii) assist the extension services on the development of informational materials; and

(iii) direct the Extension education work done by the college staff;

(g) co-operate with the Director of Post-graduate Studies and direct the works of post-graduate students in his Faculty;

(h) be responsible to the Vice-Chancellor through the Director of Physical Plant for the educational use of the buildings and rooms assigned to the college and for the general equipment of the college.

20. Associate Dean, his emoluments and powers and duties.- (1) The Associate Dean shall receive a salary in the scale of Rs. 1 100-50-1600 per month.

(2) It shall be the duty of the Associate Dean-
(a) to exercise over-all control of the College Branch of which he is the administrative and academic head in respect of all employees, students, activities, facilities and the expenditure incurred therein;
(b) to supervise the teaching, research and extension work of the staff of the college and be responsible for the work and conduct of all the students of the college;
(c) to be responsible to the Dean of the Faculty in exercise of the powers and discharge of duties under this Statute;
(d) to exercise such powers and discharge such duties as may be delegated or entrusted to him by Deans, Comptroller, Registrar, Dean of Student Welfare, Director of Physical Plant in regard to the college of which he is the Principal and to be responsible through the Dean, to the others whose powers or duties he exercises or discharges.

21. Vishwa Vidyalaya Librarian- his emoluments and powers and duties.—(1) The Vishwa Vidyalaya Librarian shall receive a salary in the scale of Rs. 500-30-800-40-1000 per month.

(2) It shall be the duty of the Vishwa Vidyalaya Librarian—

(a) to maintain control and supervise all libraries of the Vishwa Vidyalaya and to organise their services in the manner most beneficial to the needs of teaching, research and extension:
(b) to prepare annual budget for developing and operating all the libraries under the Vishwa Vidyalaya;
(c) to receive and co-ordinate recommendations from Deans and Directors for the purchase of books and distribution thereof amongst students and members of the staff;
(d) to make recommendations to the Comptroller, through the Director of Physical Plant, on the need of improvement in accommodation of the libraries of the Vishwa Vidyalaya;
(e) to do such other things in connection with the library and improvement thereof as may be required by the Vice-Chancellor. Explanation- For the purposes of this Statute "Libraries of the Vishwa Vidyalaya" shall include libraries of the Vishwa Vidyalaya campus and all libraries attached to the colleges and institutions under the Vishwa Vidyalaya.
AUTHORITIES OF THE VISHWA VIDYALAYA

22. Board.- (l) The members of the Board nominated or elected, as the case may be, under items (v) to (ix) of sub-section (2) of section 25 shall, subject to the provisions of section 51 of the Act, hold office for a term of four years from the date on which their nomination or election is published in the Gazette:

Provided that the members of the Board constituted for the first time under the Act shall hold office as follows:

(i) members elected under item (v) and nominated under items (vii) and (viii) of sub-section (2) of section 25- Two years;

(ii) members nominated under items (vi) and (ix)- Two members as may be so named by the Chancellor shall retire on the expiration of the period of the one year, the two out of the remaining five as may be so named by the Chancellor shall retire on the expiration of the period of three years: ¹ [Provided further that if for any reason the nomination of the members of the Board constituted for the first time is not published in the Gazette, the term of such members shall commence from the date on which the first meeting of the Board is held subsequent to such nomination.]

23. Academic Council.- (l) Three teachers to be elected under item (v) of sub-section (l) of section 28 shall be elected by ballot as follows:

(a) One member shall be elected by the Faculty of Agriculture from amongst its members;

(b) One member shall be elected by the Faculty of Veterinary Science and Animal Husbandry from amongst its members;

(c) One member shall be elected by the other Faculties, if any, from amongst their members. by rotation, as may be determined by the Vice-Chancellor.

(2) The Academic Council shall, by regulations, provide for the development of curriculum and syllabi by various Faculties in accordance with the objections of the Faculty and the Degree requirements of the Vishwa Vidyalaya. Such regulations shall also provide that proposals of the Faculties shall be subject to the approval of the Academic Council.

24. Faculties.- (l) The Vishwa Vidyalaya shall have the following Faculties, namely:

(i) Faculty of Agriculture.

(ii) Faculty of Veterinary Science and Animal Husbandry.

¹ Added by MP Act 9 or 1967 w.e.f. 1.12.1964.
(iii) Faculty of each of such subject other than those mentioned above for which a new institution is opened or similar other Faculties offered to qualify students for academic degrees.

(2) Each Faculty shall consist of the following members:
(a) Dean of the Faculty - Chairman.
(b) All Associate Deans.
(c) Heads of the Department of Studies in the Faculty.
(d) All Professors and Senior Research and/or Extension Specialists in the Faculty.
(e) One Associate Professor and if there be no Associate Professor, Assistant Professor from each Department in the Faculty by rotation, for each academic year, according to seniority.
(f) Director of Research Service.
(g) Director of Extension Services.
(h) Director of Post-graduate Studies.
(i) Not more than two members not connected with the Vishwa Vidyalaya as the Dean may co-opt for such period as he may deem fit.
(j) One member from each of the other Faculties as the Dean may, in consultation with the Dean of the Faculty concerned, co-opt for such period as he may deem fit.

(3) Each Faculty shall be responsible to its Dean.

(4) Each Faculty shall draw up a College Organizational Plan which provides for such departments as deemed best and shall define the scope of the work to be done by the college and the various departments comprised in each such Faculty. A proposal of a Faculty shall be considered by the Academic Council and if Approved by the Council shall be forwarded to the Board for its consideration. Any changes desired by the Council and Board shall be referred to the Faculty.

(5) Each Faculty shall consider and make such recommendations to the Academic Council on any question pertaining to its sphere of work as may appear to it necessary or on any matter referred to it by the Academic Council.

(6) Subject to Regulations made by the Academic Council, each Faculty shall develop college curricula and Course-outlines to meet the degree requirements of the Vishwa Vidyalaya and shall provide teaching, laboratory and field experiences, and other opportunities for learning and shall participate in research and extension activities, in accordance with the objective of the Vishwa Vidyalaya.
(7) Subject to the provisions of the Statutes, each Faculty shall prescribe detailed conditions of admission of students to the College and to the various courses of study in the Faculty; shall formulate standards for the evaluation of the progress and attainments of the students of the college, and recommend dismissals of students who fail to meet the academic requirements of the college and Vishwa Vidyalaya.

(8) A faculty shall recommend to the Board that degrees be conferred on students who have satisfactorily fulfilled the degree requirements of the Faculty and Vishwa Vidyalaya.

(9) Subject to the Statutes a Faculty shall-

   (a) assist the Extension Services on the development of plans for training of cultivators and others who are not students of the college and shall recommend to the Director of Extension Services, the issuance of diplomas, certificates or other recognition to those meeting the prescribed requirements; and
   (b) assist the Research Service on the development of plans for the conduct of research work aimed at practical solution to cultivator problems.

25. Other Authorities.- In addition to the authorities mentioned in item (i) to (iii) of section 24, the following shall be the authorities of the Vishwa Vidyalaya namely:

   (l) Administrative Council.
   (2) Extension Education Council.
   (3) Research Council.
   (4) Council of Post-graduate Studies.

26. Administrative Council.- (l) The administrative Council shall consist of the following persons, namely:

   (a) Vice-Chancellor-Chairman.
   (b) Comptroller.
   (c) Registrar-Secretary.
   (d) All Deans.
   (e) Two Associate Deans nominated by the Vice-Chancellor.
   (f) Director of Post-graduate Studies.
   (g) Director of Research Service.
   (h) Director of Extension Services.
   (i) Director of Physical Plant.
(2) It shall be the duty of the Administrative Council to make recommendations to the Vice-Chancellor on all matters with which Vishwa Vidyalaya is concerned, save matters pertaining to academic aspects, as may be referred to it by the Board, the Vice-Chancellor, the Academic Council or the Faculties.

27. Extension Education Council.- (1) The Extension Education Council shall consist of the following persons, namely:
   (a) Director of Extension Services- Chairman.
   (b) All Deans and all Associate Deans- One of the Associate Deans as may be appointed by the Chairman shall act as its Secretary.
   (c) Director of Research Services.

(2) The Extension Education Council shall be responsible to the Director of Extension Services and shall consider and make recommendations on all matters pertaining to Education Extension and specially with respect to-
   (a) Training of College Students.
   (b) Agricultural rural life extension service.
   (c) Preparation of education material for cultivators.
   (d) Conduct of short courses, etc., for non-students.
   (e) Field extension programmes for the benefit of cultivators.
   (f) The development of agriculture production and making co-operatives.
   (g) Preparation of material for development of agriculture such as publications, films, etc., for better development of extension.

28. Research Council.- (1) The Research Council shall consist of the following members, namely:
   (a) Director of Research Service- Chairman.
   (b) All Deans and Associate Deans.
   (c) Director of Extension Services.
   (d) Director of Post-graduate Studies- One of the Associate Deans as may be appointed by the Chairman shall act as its Secretary.
   (e) Librarian.
   (f) Such other Heads of Department not more than two as may be nominated by the Director of Research Service.
(2) The Research Council shall be responsible to the Director of Research Service and shall consider and make recommendations on all matters pertaining to agriculture research of the Vishwa Vidyalaya and especially with respect to:
(a) Agriculture rural life research service;
(b) Preparation of material for development of agriculture such as publications, films, etc. for better development of research.

29. **Council of Post-graduate Studies.**- (1) The Council of Post-graduate Studies shall consist of the following members, namely:
(a) Director of Post-graduate Studies- Chairman.
(b) All Deans and all Associate Deans- One of the Associate Deans as may be appointed by the Chairman to act as its Secretary.
(c) Director of Research Service.
(d) Director of Extension Services.

(2) The Council of Post-graduate Studies shall work under the over-all purview of the Academic Council but shall be responsible to the Director of Post-graduate Studies and shall consider and make recommendations on all matters pertaining to post-graduate studies and especially with respect to —
(a) development and laying down of standards of admission to post-graduate course of the Vishwa Vidyalaya;
(b) prescription of courses, research and other requirements for post-graduate degrees;
(c) evaluation of performance of candidates for post-graduate degrees with concurrence of the Dean of the Faculty concerned for the award of post-graduate degree;
(d) performance of such other functions as may be assigned by the Board and Vice-Chancellor.

30. **Committees of the Authorities of the Vishwa Vidyalaya.**- (1) Each authority of the Vishwa Vidyalaya may appoint such committees as it may consider necessary for the efficient discharge of the duties assigned to it by or under the Act.
(2) There may be appointed on each Committee a member or members of other authorities and such members of the staff of the Vishwa Vidyalaya as the authority may deem fit to appoint.

31. **Travelling allowance and daily allowance payable to members of authorities.**- The members of the authorities or any of their Committees shall be paid travelling and
daily allowances for attending meetings of the authority or any Committee thereof at such rates as the Board may by Regulations determine.

CHAPTER IV

EMPLOYEES OF THE VISHWA VIDYALAYA

A- Teachers of the Vishwa Vidyalaya

32. Vishwa Vidyalaya Teachers. (1) Teachers of the Vishwa Vidyalaya shall be either-
(a) servants of the Vishwa Vidyalaya paid by the Vishwa Vidyalaya and appointed by the Board for imparting instructions and/or conducting and guiding research and/or extension programmes as -
(i) Professor.
(ii) Associate Professor,
(iii) Assistant Professor.
(iv) Lecturer,
(v) Instructor; or
(b) persons appointed by the Board as Honorary teachers in any of the aforementioned categories on such terms and conditions as the Board may prescribe by Regulations.
(2) A teacher shall be eligible to impart instructions and/or conduct or guide research and/or extension programme only up to such standard for which he is recognised as such in accordance with the Regulations made by the Board in this behalf.
(3) A teacher shall perform such functions and discharge such duties as may be prescribed by Regulations by the Academic Council.

33. Selection Committee. (1) The Selection Committee for any appointment as a salaried teacher of the Vishwa Vidyalaya shall consist of the following persons, namely:

(i) The Dean of the Faculty for which the teacher is to be selected and in his absence an Associate Dean from such Faculty as may be nominated by the Dean.

(ii) The Head of the Department of such Faculty.
(2) One person not connected with the Vishwa Vidyalaya nominated by the Academic Council for his special knowledge of the subject with which the teacher to be appointed will be concerned.
34. **Qualification for teachers of the Vishwa Vidyalaya.** - Subject to the approval of the Vice-Chancellor the Academic Council shall, by Regulations prescribe the qualifications for candidates for the various grades of teachers of the Vishwa Vidyalaya.

35. **Procedure of selection Committee.** - (1) The meetings of the Selection Committee shall be convened by the Dean or in his absence the Associate Dean.

   (2) The Dean or in his absence the Associate Dean shall preside at the meetings of the Selection Committee.

   (3) The Selection Committee shall study the personal record of teachers of the Vishwa Vidyalaya holding a post other than that to be filled in and arrange their names in order of merit tempered with seniority and recommend to the Board through the Vice-Chancellor as many names in order of merit as there are vacancies to be filled in. —

   (4) In case the Selection Committee are of the opinion that none of the teachers of the Vishwa Vidyalaya is suitable for the posts to be filled in, the Committee shall adopt the procedure laid down in clauses (b), (c) and (d) of Statute 6.

   (5) The Selection Committee may while recommending the names of candidates for appointment, recommend a higher initial salary for any candidates in view of his outstanding merit in the subject.

36. **Scales of pay of teachers and other terms and conditions of their service.** - (1) Subject to the approval of the State Government. the Scales of pay of the salaried teachers of the Vishwa Vidyalaya shall be as follows:

   (i) Professor ... Rs. 1000-50- 1500

   (ii) Associate Professor Rs. 700-40-1100

   (iii) Assistant Professor Rs. 550-30-950

   (iv) Lecturer Rs. 400-25-500-30-800

   (v) Instructor Rs. 300-25-600

   (2) The Board may, if so recommended by the Selection Committee and for reasons to be recorded in writing for acceptance of such recommendations, sanction a higher initial salary not exceeding five advance increments to any candidate.

   (3) Subject to the provisions of the Act and these Statutes the other conditions of service of the Teachers of the Vishwa Vidyalaya shall be those embodied in an Agreement of service prescribed by the Vishwa Vidyalaya for teachers.
(4) All salaried Teachers of the Vishwa Vidyalaya shall be whole time teachers and shall be entitled to leave, leave salary, allowance and other benefits as may be prescribed in this behalf by the Board from time to time for it employees.

B- Heads of Departments, Heads of Research Stations and Heads of Field Extension Unit

37. Head of Department. - (1) The Head of each Department, who shall hold the rank of Professor, shall be responsible to the Dean for the organizational operations of the Department.

(2) The Dean of Faculty in which the Department is included shall constitute a committee for recommending the name of the Head of Department consisting of-
(a) Dean of the Faculty in which the Head of the Department is to be appointed - Chairman.
(b) Two members of the Faculty, who are not candidates for the post, as selected by the Faculty.
(c) Two members of other Faculties, as selected by the Academic Council.

(3) The Selection Committee shall study the personal record of All the existing professors and arrange their names in order of merit tempered with seniority and recommend to the Vice- Chancellor as the first in such a list.

(4) The Vice Chancellor may either confirm the recommendation or order the Committee to submit fresh proposals.

38. Special pay and duties, etc., of Head of Department. -

(1) The Head of a Department, duly nominated as such by the Vice-Chancellor shall receive a special pay of Rs. 50 per month in addition to his regular salary.

(2) As a Department in the primary unit of teaching, research and extension in a particular field of knowledge within a Faculty, the responsibilities and duties of the Head of Department shall be as follows:

(a) He shall be responsible to the Dean for organisation of the teaching in the Department, for the quality and efficient progress of the work related therewith and for the formulation and execution of Departmental policies as they affect the Department.

(b) He shall report on the teaching, research and extension work of the Department to the Associate Dean concerned with copies to other Associate Deans and the Dean.

(c) He shall have general supervision of the work of students in the Department.
(d) He shall prepare the Departmental budget and be responsible for distribution and expenditure of departmental funds and for the care of departmental property.

(e) He shall regularly call meetings of the departmental staff for discussion of policies, educational procedures and research and inform staff members of the Department regarding the nature and scope of the work in charge of the Department.

C- Other Employees of the Vishwa Vidyalaya and their Conditions of Service etc.

39. Service personnel.- The Vishwa Vidyalaya shall employ such other service personnel other than those here in before mentioned as may from time to time be needed to carry on the activities of the Vishwa Vidyalaya: The pay scales, qualifications for recruitment, conditions of service and duties to be performed by such service personnel shall be such as may be prescribed by the Comptroller and approved by the Board. Such service personnel shall be under the control of the Comptroller and shall be responsible to him or such other officer as may be designated, in writing by him.

D- General

40. Additional work of Vishwa Vidyalaya employees.- (1) An employee of the Vishwa Vidyalaya shall be entitled to additional compensation for work done for the Vishwa Vidyalaya in addition to his regularly prescribed duties, when so sanctioned by and at such rate of pay as may be approved by the authority or officer indicated herein for the pertinent class of employees.

Officer…….. Board.

Teachers…..….. Vice-Chancellor.

Service Personnel. … Comptroller.

(2) An employee of the Vishwa Vidyalaya (including an officer, teacher or service personnel) shall not engage in activities outside the Vishwa Vidyalaya when any such activity does or is likely to result damage to the best interest of the Vishwa Vidyalaya. Questions on the propriety of any such activity shall be considered by the authority indicated herein. If an activity is found not to be in the best interests of the Vishwa Vidyalaya, the authority shall recommend to the Board, through the Vice-Chancellor, that the employee does not engage or cease to engage in such activity. The decision of the Board shall in this matter be final and transmitted in writing to the employees -
(3) No employee of the Vishwa Vidyalaya shall be eligible to additional remuneration except as provided in these Statutes.

41. Leave.- Until the Board may make Regulations in the matter of leave, all the employees of the Vishwa Vidyalaya shall be governed by the leave rules applicable to State Government servants of the corresponding grade.

CHAPTER V

PROVIDENT FUND, GRUTUITY ETC.

42. Definitions.- In this Chapter- (a) “Salary” in relation to a servant, means monthly salary, and includes all fixed monthly allowances by way of pay, acting or personal allowances, but does not include any other allowances;

(b) "Servant" means every whole-time officer, teacher or other servants of the Vishwa Vidyalaya other than one whose services have been lent to the Vishwa Vidyalaya by Government or who is on leave from a Government post, appointed permanently to a substantive appointment carrying a salary of Rs. 60 per monism or more:

Provided that if the grade of a post goes up to Rs. 60 or over, the incumbent of such a post shall be deemed to be a servant of the Vishwa Vidyalaya: "Subscriber" means a servant on whose behalf a deposit is made under these Statutes:

Note.- Persons appointed on probation to a permanent post shall be eligible to subscribe to the Fund.

(d) "Saving Bank" means the Post Office Savings Bank;

(e)"Interest" means the interest which is paid on a deposit in the Post Office Savings Bank, as may be determined from time to time for deposits in the Post Office Savings Bank.

(f) "Dependent" means any of the following relations of a deceased subscriber to a Provident Fund, viz., a wife, husband, parent, child, minor brother, unmarried sisters
and deceased son’s widow and child, and where no parent of the subscriber is alive, a paternal grand-parent.

43. Rate of subscription by subscriber.-Subject to the provisions of Statute 53, every servant of the Vishwa Vidyalaya shall subscribe to the Provident Fund at the rate of 10 per cent of his salary for which an account will be opened at the Savings Bank. The deduction shall be made by the Vishwa Vidyalaya upon every salary bill presented. In the calculation of this deduction. Fractions of a rupee shall be omitted. Subscriptions by the subscriber. When on leave on less than full pay, will be optional. The amount so deducted together with the contribution by the Vishwa Vidyalaya under Statute 44 will be deposited in the Savings Bank. The payments in respect of the monthly deductions and contributions shall, so far as possible, be made into the bank within two days of the receipt of the money in order that interest may accrue. The following procedure will be adopted : The Post Office will open individual accounts for all the subscribers to the Provident Fund. The Vishwa Vidyalaya will arrange that all sums to be credited to these accounts shall be sent to the post office accompanied by-

(a) the Post Office Savings Bank Pass Book; and

(b) a list in such form as may be prescribed by the Comptroller, showing in detail the amount to be credited to each account.

Note - Subscribers to the Provident Fund are given the option of raising their subscriptions to the Provident Fund up to 15 per cent of their salary either permanently or for a specified period.

44. Contribution by Vishwa Vidyalaya.-The Vishwa Vidyalaya shall make a contribution at the rate of 10 per cent of the salary : provided that where the subscriber is on leave, such contribution shall be made on the full salary last drawn prior to his proceeding on such leave.

45. Investment of subscription in Post Office Certificate etc.- (1) Investment in the Post Office Cash Certificates or in Government securities through the Post Office of the amount to the credit of a subscriber in his Provident Fund is also permissible if the subscriber so desires. on the condition that no security of the face value of less than Rs. 100 is purchased at one time and that the securities are kept in the custody of the Accountant-General, Posts and Telegraphs and the custody receipt is kept with the Comptroller.
(2) The Post Office cash certificates, if purchased, shall remain in the custody of the Comptroller.

46. Provident Fund contribution to be kept in Post Office.- Subscribers to the Provident Fund on whose behalf accounts are opened at the Post Office, under the provisions of these Statutes, shall not be deprived of their right to open ordinary private account in the Post Office Savings Bank or to purchase Post Office cash certificates or Government securities through the Post Office with personal funds.

47. Payment of premia on life insurance out of Provident Fund.- The Board may, under such conditions as may be laid down by it, permit the payment of premia on life insurance policy or policies on the life of the subscriber out of his personal subscription to the Provident Fund Account under Statute 46 above. The amount to be deposited in the Post Office in the Provident Fund account of the subscriber shall be reduced to the extent of such premia.

48. Withdrawal from Provident Fund.-(1) Withdrawal will be permitted when a subscriber’s services in the Vishwa Vidyalaya come to an end by his retirement, resignation, death or otherwise, provided that —

(i) no servant whose services have been dispensed with for what, in the opinion of the Board, is gross misconduct, shall be entitled to receive the amount of the contribution made by the Vishwa Vidyalaya on his behalf and the interest thereon:

(ii) no servant shall be entitled to receive the amount contributed by the Vishwa Vidyalaya on his behalf and the interest thereon, unless he had been in the service of the Vishwa Vidyalaya, for a continuous period of 12 months from the date he has been allowed to subscribe to the Provident Fund and has been permitted to resign his appointment.

(2) Any contribution and interest thereon withheld under this Statute shall belong to the Vishwa Vidyalaya and shall be credited to the Vishwa Vidyalaya account.

49. Maximum amount that can be withdrawn.- In the case of severe illness of a subscriber or of his dependent, purchase of site for building, creation of and repair to subscriber’s own building and other urgent necessities to be decided by the Board, the Board may permit a subscriber to draw temporarily out of the fund from the amount subscribed by him and the interest thereon on such amount as it may deem fit: Provided that the sum advanced shall not exceed six months’pay of the subscriber or
one-third of the sum subscribed by the subscriber with the interest accumulated thereon, whichever is less.

Note- The amount advanced under this Statute shall be such a sum as is divisible into twenty-four equal amounts in whole rupees.

50. Refund of Advance.- The amount advanced under Statute 53, shall be refunded in the Fund by twenty-four equal monthly installments. A subscriber may, however, at his option, make payment in less than 24 installments or may repay two or more installments at the same time. Recoveries will be made monthly commencing from the first payment of a full month’s salary after the advance is granted. The installments will be paid by compulsory deduction from salary or leave salary and will be in addition to the usual subscription.

51. Nominations.- (1) Each subscriber must file in the office of the VishwaVidyalaya a declaration in such form as may be prescribed by the Comptroller showing how he wishes the amount of his accumulation in the fund to be disposed in the event of his death or becoming insane:

Provided that if the subscriber has got dependents he shall not be permitted to nominate any outsider.

(2) The subscriber may, from time to time, change his nominees by a written application, duly witnessed. to the Comptroller. A register of such nominees shall be kept in the VishwaVidyalaya office under the personal custody of the Comptroller.

52. Provident Fund to be free from all liability.- Any sum, standing to the credit of any subscriber to the fund at the time of his death and payable to any dependent of the subscriber or to such persons as may be authorised by law to receive payment on his behalf, shall subject to any deductions authorised by the Statutes, vest in the dependent and shall be free of any debt or other liability incurred by the dependent before the death of the subscriber:

Provided that if no nomination has been made by the sub-Scriber, such sum shall be paid to the dependents in order of preference given in clause (f) of Statute

53. Gratuity.- Employees of the VishwaVidyalaya, whose maximum salary is less than Rs. 60 per mensem and who are not entitled to the benefits of the VishwaVidyalaya Provident Fund, may be granted gratuity according to the following scale:

(al No gratuity shall be paid to a servant of ten years' standing or less.
(b) If a servant has served for more than ten years, but has not served for more than twenty years, a gratuity of one month's pay for each completed year of approved service may be paid to the servant himself, provided that he has been permitted to retire from the service of the Vishwa Vidyalaya on account of his incapacity to continue in its service; or may be paid to his family if he dies while in the service of the Vishwa Vidyalaya.

(c) If a servant has served in the Vishwa Vidyalaya for more than twenty years, a gratuity at the rate of one month's pay for the first twenty completed years of approved service and one and a half month’s for each completed year of approved service in excess thereon may be paid to the servant himself, if he has been permitted to retire from the service of the Vishwa Vidyalaya on the ground of incapacity, or may be paid to his family if he dies while in the service of the Vishwa Vidyalaya.

(d) No gratuity shall be paid to a servant or to his family except in cases where the servant leaves the service of the Vishwa Vidyalaya with the permission of the Board given on the ground that he is incapable of continuing in the service of the Vishwa Vidyalaya or where the servant dies while still in the service of the Vishwa Vidyalaya.

(e) The expression ‘Family’ means those persons who in the opinion of the Board were dependent on the servant at the time when he dies and the decision of the Board in this matter shall be final.

CHAPTER VI

ACADEMIC PROGRAMS, ADMISSIONS, PERFORMANCE

A - Organisation of Teaching

58. Academic Programs - Definitions.- In this Chapter, unless the context otherwise requires.-

(a) "Academic Year" means a twelve month period during which a cycle of work is completed;

(b) "Trimester" means a fifteen weeks period, there being three such periods in an Academic Year;

(C)“Curriculum”’ means a series of courses selected and designated to provide training to meet the requirements of a degree;

(d) "Course" means a series of classes and work experiences existing over a Trimester and being as integral and specific part of a curriculum;
(e) "Course-out line" means a detailed outline of the subject matter of a Course carefuely co—related with other syllabi to avoid omissions and/ or duplication in a particular field of study ;

(f) "Course Credit" means a quantitative measure of a course; one credit being allowed for three hours of expected student 'effort’ per week through a Trimester.

(g) "Hours of Efforts" means approximately fifty minutes devoted to class, library, laboratory, field, or home work and in computing an hour of class work two hours of library and/ or home work shall be reckoned to be required for one hour of class work;

(h) "Course Load" means about sixteen course credits which a student may complete each Trimester, a typical Course Load being on the following lines :

<table>
<thead>
<tr>
<th>Hours of Effort</th>
<th>Course Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Class</td>
</tr>
<tr>
<td>Introduction to Agri.Econ.</td>
<td>3</td>
</tr>
<tr>
<td>Biochemistry.</td>
<td>2</td>
</tr>
<tr>
<td>Entomology.</td>
<td>2</td>
</tr>
<tr>
<td>Field Demonstration</td>
<td>0</td>
</tr>
<tr>
<td>Farm Tools</td>
<td>1</td>
</tr>
</tbody>
</table>

(1) "Course Grade" Means an alphabetical designation of the total evaluation of the standard which a student has been able to achieve during a course:

A .... ..... Excellent
B .... ..... Good
C .... ..... Fair I
D .... ..... Poor but passing
E .... ..... Failure
(j) “Credit Grade Average” means Credit multiplied by grade for each course completed during a Trimester, and the sum of the products divided by the total Course Credits. I

Example:

<table>
<thead>
<tr>
<th>Course</th>
<th>Credits</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction to Agri.Econ.</td>
<td>3</td>
<td>B = 4</td>
</tr>
<tr>
<td>Biochemistry</td>
<td>5</td>
<td>C = 3</td>
</tr>
<tr>
<td>Entomology</td>
<td>4</td>
<td>A = 5</td>
</tr>
<tr>
<td>Field Demonstration</td>
<td>2</td>
<td>E = 1</td>
</tr>
<tr>
<td>Farm Tools</td>
<td>2</td>
<td>D = 3</td>
</tr>
</tbody>
</table>

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55 divided by 16 = 3.43 Credit Grade Average.

55. Vishwa Vidyalaya Calendar : Academic Year, Trimesters, Annual Catalogue.- (1) The Academic Year shall commence on or about the 1st of July as may be approved by the Board and published in the Vishwa Vidyalaya Annual Catalogue.

(2) The Trimesters shall start at the beginning of weeks of the Academic Year, as follows:

First Trimester - First Week of Academic Year.
Second Trimester- Seventeenth Week of Academic Year.
Third Trimester- Thirty third week of Academic Year.

In each Trimester, there shall be not less than 82 full days in which classes and/or interim examinations are conducted, laboratories and libraries are open, etc. Approximately three additional days may be utilised for registrations and five additional days for examinations. If necessary to meet the 82 days requirement, the Trimester shall extend beyond a fifteen weeks period as may be specified in the calendar.

(2) The Vishwa Vidyalaya shall publish, prior to the beginning of an Academic Year, a Vishwa Vidyalaya Annual Catalogue containing, as far as possible but not limited to the following:

(a) Starting date of Academic Year and each Trimester and dates of official holidays;

(b) Qualifications of and maximum number of students
which may be admitted to the various Colleges;

c) Fees which are to be charged for registration, courses, laboratories, student affairs, hostels, etc.;

d) Scholarships, Student Loans, and other sources from which students may meet their financial needs;

e) Degrees, diplomas, medals, etc., awarded by the Vishwa Vidyalaya and the requirements therefor;

(f) Lists of courses offered in each college during each Trimester: indicating the contents, Course Credits, Pre-requisites, etc., each course;

g) Requirements for students to maintain satisfactory standing in courses and the Vishwa Vidyalaya, conditions of probation and causes for dismissal;

(h) Hostels and other residential accommodation for students.

(1) Uniforms or other ancillary matter that may be required for the students.

B - Student Admissions, Performance

56. Qualifications for student admission to the Vishwa Vidyalaya.-

(1) The minimum academic attainment for admission to a college of the Vishwa Vidyalaya except as under clause (l) of Statute 57 or as specifically approved by the Board shall be, as follows:

   a) College of Agriculture -Higher Secondary with Physics and Chemistry, or Biology group or with Agriculture.

   b) College of Veterinary Science and Animal Husbandry Intermediate Science (Biolog) or First Part B.Sc. (Biology).

(2) In addition to the prescribed academic attainments, a candidate for admission to the Vishwa Vidyalaya shall possess good moral habits and such other personal and physical pre-requisites as may be determined by the Dean of Student Welfare.

(3) The names of all the students who are admitted to the Vishwa Vidyalaya shall as soon as may be after their selection is so made, be posted on the Notice Board of the Registrar and published in such other manner, if the Registrar considers it necessary so to do, as he may deem fit.

57. Credit for previous studies and experiences: admission, advance standing.-

(1) A candidate for admission, who does not fulfill requirements for admission prescribed in Statute 56 but who has had other valuable experiences and/or possesses special abilities, may be granted credit for such experience and/or abilities so as to
qualify him for admission to the Vishwa Vidyalaya. An evaluation of such possible substitute qualifications shall be made by the Dean of the appropriate Faculty and reported to the Registrar for purposes of record of admission of such students.

(2) An enrolled student may be granted Course Credit for academic attainment procured outside the Vishwa Vidyalaya in addition to that specified in Statute 62 either on one or both of the following grounds:

(a) that the student has completed satisfactorily a similar course in another University which has a reciprocity standing with the Vishwa Vidyalaya;

(b) that the student has demonstrated, by comprehensive examination given by the appropriate Faculty, that he possesses a proficiency at the level of Grade B in the subject covered by a course in the curriculum for a degree in the Faculty.

Any such Credit granted to an enrolled student shall be entered in the record of the student as an Approved Transfer Credit(s) for a specific course or courses.

58. Students of Colleges taken into the Vishwa Vidyalaya: Completion of Courses.

(1) For a student to whom section 8 applies and who becomes an enrolled student of the Vishwa Vidyalaya, the appropriate Faculty shall make provision for the completion of his Course(s) and the examination thereof in accordance with the Act, if the student so wishes. For this purpose, the student shall attend a college, where the trimester and course credit system has not been instituted, as may be determined by Regulations made by the Board in this behalf if the student elects to continue his studies under the system of trimester and course credit of the Vishwa Vidyalaya, he shall be given advanced standing as provided herein.

(2) The value of Course(s) completed under clause (i) above and a course previously completed by a student at a college now a part of the Vishwa Vidyalaya, shall be determined by the appropriate Faculty in such a manner that the student shall not suffer because of the transfer of his college. The determination of the Faculty shall be reviewed by the Board if so requested by the student, and the decision of the Board shall be final, Approved Transfer Credits so awarded shall be recorded as under clause (2) of statute 57.


The Course Grade earned by student shall be determined by the teacher who is in charge of and conducts the course. In accordance with rules prescribed by the Faculty and approved by the Academic Council, consideration shall be given by the teacher to ——
(a) daily class performance,
(b) interim examinations,
(c) terminal examination, and
(d) other factors specified in the rules.
In addition to the Course Grade, the teacher shall report, in accordance with the rules prescribed by the Dean of Student Welfare, his opinion on the degree to which the student is a ‘good’ of the Vishwa Vidyalaya.

60. **Student probations, dismissals**.- (1) An enrolled student shall be placed on probation and be subject to rules prescribed by the Academic Council, if his Credit-Grade Average for a Trimester is below 3.0. When the performance of the Student at mid Trimester is below 3.0, the situation shall be reported to the student by the Teacher, and the Dean of Student Welfare shall notify the parents of student if such action is deemed by him to be desirable. When a student is placed on probation, the Dean of Student Welfare shall report the action to the parents of the student and include such information and recommendations for them therein as may be considered appropriate. The Dean of the Faculty and the Dean of Student Welfare shall counsel with the student who is on probation for the purpose of guiding him to more satisfactory performance in the Vishwa Vidyalaya.

(2) An enrolled student shall not be permitted to continue in the Vishwa Vidyalaya if, at the end of the Trimester during which he has been on probation, his Credit-Grade Average for all work done in Vishwa Vidyalaya is below 3.0. Notice of any such dismissal shall be transmitted in writing by the Dean of Student Welfare to the student and to his parents, unless the student certifies in writing that he does not wish to continue as an enrolled student. A dismissed student may after the expiry of at least one Trimester apply for admission for being an enrolled student. The Board may subject to such terms and conditions, if any, as it may deem fit to impose, admit him and put him on probation and he shall thereon be subject to all the conditions of registration as laid down in the Act of the Statutes and the regulations.

61. **Extra-curricular activities of student, Vishwa Vidyalaya activities, employment**.- (1) An enrolled student shall not engage in Vishwa Vidyalaya extra-curricular activities which, in the opinion of teacher, seriously interfere with satisfactory performance in his classes; provided that any such ruling of a teacher may be overruled by the Dean of Student Welfare whose decision shall be final.
(2) An enrolled student shall not engage in work for the Vishwa Vidyalaya or outside the Vishwa Vidyalaya, for or without compensation, when such work is deemed by a teacher to interfere seriously with the quality of the students classwork; provided that such a ruling of a teacher maybe overruled by the Dean of Student Welfare with prior concurrence of the Dean of the Faculty to which the student belongs and the decision of the Dean of Student Welfare in the matter shall be final. In case of difference of opinion between the Dean of Student Welfare and the Dean of the Faculty, the matter shall be referred to the Vice-Chancellor whose decision in that case shall be final.

C - Scholarship and Loan Funds, Student Fees

62. The Vishwa Vidyalaya Scholarship and Student Loan Funds.- (1) The Vishwa Vidyalaya shall establish and maintain a scholarship fund from which funds may be granted to an enrolled student-

(a) to assist him in meeting his expenses while attending the Vishwa Vidyalaya; and/or

(b) as an award to him for outstanding performance the Vishwa Vidyalaya. In accordance with joint recommendations of the Administrative Council and Academic Council, the Board shall make Regulations governing the operations of the Vishwa Vidyalaya Scholarship Fund.

(2) The Vishwa Vidyalaya shall establish a Student Loan Fund, from which funds may be provided as loans to an enrolled student when such assistance is needed to help him to meet the costs of attending the Vishwa Vidyalaya. In accordance with recommendations of the Administrative Council, the Board shall make Regulations governing the operations of the Vishwa Vidyalaya Student Loan Fund.

63. Student Fees. Registration, Course, Laboratory, and others.- (1) At the time of registration in each Trimester, an enrolled student shall pay such registration fee as may be prescribed by Regulations. Save as provided in clause (4), the registration for the Trimester shall not be completed until the fee is paid, and such fee shall not be refunded once the student is accepted by the Vishwa Vidyalaya.

(2) At the time of registration for a course in the Vishwa Vidyalaya, an enrolled student shall pay a course fee which shall be such as may be prescribed by Regulations. Save as provided in clause (4) admission to a Course shall not be permitted until the fee is paid and such fee shall not be refunded except in accordance with Regulations made by the Administrative Council.
(3) The Administrative Council, with the approval of the Vice Chancellor, shall prescribe by Regulation, fees that an enrolled student shall pay for the use of Cafeterias, libraries, laboratories and rather Vishwa Vidyalaya facilities, etc.

(4) The Board, on the recommendations of the Administrative Council, shall make Regulations for exempting indigent persons, referred to in section 9 from the payment of fees prescribed under clause (1), (2) and (3) above. Furthermore, on the recommendations of the Administrative Council the Board may also make regulations regarding exemption of fees for other enrolled students when such exemption is deemed to be in the best interest of the Vishwa Vidyalaya.

CHAPTER VII
VISHWA VIDYALAYA DEGREE, DIPLOMAS, AWARDS
64. Bachelor Degrees, Kinds, Requirements, Destination.

(1) The Vishwa Vidyalaya shall, when so approved by the Board, grant to enrolled student who has fulfilled the requirements of the Vishwa Vidyalaya, a Bachelor degree, as follows:

   (a) Bachelor of Science (Agriculture);
   (b) Bachelor of Veterinary Science and Animal Husbandry.

(2) A Bachelor degree shall require the completion of a series of courses (Curriculum) prescribed by the Faculty and approved by the Academic Council. The Curriculum shall include courses in-

   (a) basic science and humanities;
   (b) basic subject of the Faculty;
   (c) fields related thereto; and
   (d) special professional and/ or vocational subjects;

all of which provide opportunities for a student to gain basic and usable knowledge which should make him capable of dealing reasonably well with all facts of agriculture and rural life and especially with the particular activities for which he has taken special courses.

A student, in order to earn a Bachelor degree shall according to prescribed standards have completed in the Vishwa Vidyalaya, or acquired by Approved Transfer, 192 Course Credits applicable to the particular degree and shall have entered a Credit-Grade Average of at least 3.0 for all courses completed in the Vishwa
Vidyalaya. In addition to the above, the student shall, in the judgment of the Faculty, possess good moral habits and a high standard of honesty.

(3) A student who, in meeting the Vishwa Vidyalaya requirements for a degree, has earned a Credit-Grade Average of 4.5 shall be awarded his degree cum-academic distinction.

65. Advanced Degrees, Kinds and Requirements.- (1) The Vishwa Vidyalaya shall, when so approved by the Board, grant to a student who has fulfilled Vishwa Vidyalaya requirements, a Master Degree, as follows:

(a) Master of Science (Agriculture);

(b) Master of Veterinary Science.

(2) As prescribed by the Council of Post-graduate Studies approved by the Academic Council, a student shall have completed in a creditable manner in the Vishwa Vidyalaya or acquired by Approved Transfer at least 96 Course Credits, after Bachelor Degree, applicable to the particular degree. In addition, he shall have completed a research project and submitted to the Faculty a creditable thesis.

(3) The Vishwa Vidyalaya shall, when so approved by the Board, grant to a Post-graduate student who has fulfilled Vishwa Vidyalaya requirements, the Degree of Doctor of Philosophy. As prescribed by the Council of Post-graduate Studies and approved by the Academic Council, a student shall have completed in a creditable manner in the Vishwa Vidyalaya or acquired by Approved Transfer at least 96 Course Credits, after Master’s Degree, applicable to the Doctor’s Degree. In addition, he shall have completed a comprehensive research project and submitted an acceptable thesis, and in addition he shall have demonstrated in a conclusive manner, by examination by the Faculty, that he possesses outstanding competency in the field of specialization.

66. Honorary Degrees.- A proposal for the award of an Honorary Degree shall first be examined by the Academic Council. The Council, shall, thereafter, forward to the Board through the Vice-Chancellor the results of such examination. The Board shall make such recommendation to the Chancellor as it deems to be in the best interests of the Vishwa Vidyalaya.

67. Diplomas, Medals, Certificates.- The Vice-Chancellor may, in accordance with the Regulations made by the Academic Council and upon a recommendation made to him by the Council in that behalf award to enrolled students and to other persons who have completed non-degree work sponsored by the Vishwa Vidyalaya, appropriate
diplomas, certificates, medals, etc., as deemed by the Council and Vice-Chancellor to be in the best interests of the Vishwa Vidyalaya.

68. Withdrawal of Degrees, Diplomas etc.- The Board may, on the recommendation of the Academic Council, by a resolution passed by a majority of the total membership of the Board and by a majority of not less than two-thirds of the members of the Board present and voting withdraw a degree. diploma, certificate, or other academic distinction conferred by the Vishwa Vidyalaya; provided that the withdrawal of an honorary degree shall have the concurrence of the Chancellor.

CHAPTER VIII
ASSOCIATIONS RELATED TO VISHWA VIDYALAYA

69. Alumni Association.- There may exist within but not as an official authority of the Vishwa Vidyalaya, an organisation to be known as the Vishwa Vidyalaya Alumni Association. Only persons who have received and continue to hold a degree from the Vishwa Vidyalaya shall be eligible for full membership in the Association. Vishwa Vidyalaya Degree holders, under the guidance of the Vice-Chancellor, may establish such an association with constitutional bye-law approved by the Board: Provided that a man of eminence may be adopted as patron of the Alumni Association.

CHAPTER IX
STAFF HOUSING, STUDENT HOSTELS AND OTHER ACCOMMODATIONS

70. Employee Housing and other Accommodations.- (1) The Vishwa Vidyalaya may procure, construct, own, take on lease, maintain and use houses for Vishwa Vidyalaya employees as determined by the Board to be necessary for the proper functioning of the Vishwa Vidyalaya. The Administrative Council shall make up and adopt Regulations for the proper administration of staff housing matters.

(2) As recommended by the Administrative Council the Board may provide and operate for employees of the Vishwa Vidyalaya, health, recreational and other ancillary facilities. All such facilities shall be administered as provided in Regulations prepared and adopted by the Administrative Council.

71. Students quarters, Cafeterias and other accommodation for students.- (1) An enrolled student of the Vishwa Vidyalaya shall live in -

(a) his own home or the home of his parents; or
(b) in a Vishwa Vidyalaya hostel or approved accommodation for students. Regulations on this subject shall be made by the Academic Council.

(2) The Vishwa Vidyalaya shall provide and operate for enrolled student of the Vishwa Vidyalaya such cafeterias, health. Recreational shopping and other ancillary facilities as may be deemed by the Board to be in the best interests of the Vishwa Vidyalaya. The Administrative Council shall, in consultation with the Academic Council make Regulations for such purpose. The Regulations shall be administered by the Dean of Student Welfare and/ or by such other persons as may be designated by him with the approval of the Vice- Chancellor.

72. Vishwa Vidyalaya Hostels for student.- (1) The Vishwa Vidyalaya shall provide and operate as deemed by the Board to be in the best interest of the Vishwa Vidyalaya, student hostels and other housing facilities for enrolled students of the Vishwa Vidyalaya.

(2) Subject to the provisions of clause (3) an enrolled student who occupies a Hostel or other housing facility of the Vishwa Vidyalaya shall, pay to the Vishwa Vidyalaya such hostel fee as may be determined by the Board prior to the beginning of Trimester.

(3) The Board may grant exemption from payment of the hostel fee to an indigent person or such other student as it may deem fit.

(4) The Administrative Council shall, with concurrence of the Academic Council, make Regulations for the management of hostels and other matters related thereto and such Regulations shall be administered by the Dean of Student Welfare. The Regulations so made shall provide for maximum participation of enrolled students in the management of hostels occupied by them as is consistent with good management of a VishwaVidyalaya Faculty.

(5) For the purpose of this Statute the Hostel Fee shall inc
Rajmata Vajaya Raje Scindia Krishi
Vishwavidyalaya Adhiniyam, 2009

MADHYA PRADESH ACT

NO. 4 OF 2009.

[Received the assent of the Governor on the 10th February, 2009; assent first published in the "Madhya Pradesh Gazette (Extraordinary)", dated the 12th February, 2009]

An Act to establish and incorporate an University for agriculture and allied sciences at Gwalior to provide for education and prosecution of research in agriculture and allied sciences, extension and other matters ancillary thereto.

Be it enacted by the Madhya Pradesh Legislature in the Fifty-ninth year of the Republic of India as follows:

CHAPTER I
PRELIMINARY

1. This Act may be called the Rajmata Vijaya Raje Scindia Krishi Vishwavidyalaya Adhiniyam, 2009.

2. In this Act, unless the context otherwise requires,—
(a) "Agriculture science" means the basic and applied science of soil and water management crop and livestock production;
(b) "College" means a college of the University under the direct control and management of the Board and the Principal Executive Officer of the University whether located at the headquarters, campus-or elsewhere;
(c) "Extension" means all educational programmes undertaken for the purpose of ascertaining the Problems of research in agriculture and allied sciences, disseminating the results of research and providing training for the purpose of such dissemination;
(d) "Hostel" means a unit of residence for students of the University provided, maintained or recognized by it;
(e) "Other Backward-Classes" means a member of the Other Backward Classes of citizens as specified by the State Government vide notification No. F 85-XXV-4-84, dated the 26th December, 1984 and as amended from time to time;
(f) "Registered Graduate" means a graduate registered under the Provisions of this Act;
(g) "Scheduled Castes" means the Scheduled Castes specified in relation to this State under Article 341 of the Constitution;
(h) "Scheduled Tribes" means the Scheduled Tribes specified in relation to this State under Article 342 of the Constitution;
(i) "Statutes and Regulations" means respectively the Statutes and Regulations of the University in force for the time being;
(j) "Students of the University" means a person enrolled in the University for taking a course of study for a degree, diploma or other academic distinction duly instituted;
(k) "Teacher of the University" means a person appointed or recognized by the University for the purpose of imparting instructions and / or conducting and guiding research- and / or extension programmes and includes a person who, may be declared by the Statutes to be a Teacher;
(l) "University" means the Rajmata Vijaya Raje Scindia Agriculture University.

CHAPTER II
THE UNIVERSITY
3. (1) The Chancellor and first Vice-Chancellor of the University and the first members of the Board and of the Academic Council of the University and all persons who may hereafter become such officers or members are, so long as they continue to hold such office or membership, hereby constituted a body corporate by the name of the Rajmata Vijaya Raje Scindia Agriculture University.
(2) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.
(3) The headquarters of the University shall be located at Gwalior,
4. Objects of University. The University shall, among others, have the following purposes :—
(a) making provision for education in agriculture and other allied sciences;
(b) furthering the prosecution of research, particularly in agriculture and other allied sciences;
(c) undertaking field extension programmes; and
(d) such other purposes related to the aforesaid with the object of improving the level of living of rural people as the State Government may, by notification, direct.
5. The University shall have the following powers, namely :—
(a) to acquire and hold property both movable and immovable, to lease, sell or otherwise transfer any movable property vesting in or acquired by it for the purposes of the University;
(b) to cultivate and promote the study of and to provide for instruction, teaching and training in,
   (i) agriculture, agricultural engineering, animal husbandry, rural industry and business, and other allied sciences; and
   (ii) such other branches of learning as the University may deem fit;

(a) to make provision for research and for the advancement and dissemination of knowledge in agriculture and allied sciences and to institute and manage Agricultural and Extension Service including Krishi Vigyan Kendras and rural youth programmes;
(b) to institute degrees, diplomas and other academic distinctions;
(c) to maintain colleges, schools of studies and hostels in the manner prescribed in the Statutes;
(d) to institute teaching research and extension posts required by the University and to appoint persons to such posts;
(e) to determine qualifications for and to recognize teachers as qualified to give instructions in a college or to carry out research and extension work in agriculture and allied sciences;
(f) to provide such lectures and instructions for and to grant such diplomas to field workers and other persons, not being enrolled students of the University as the University may determine;
(g) to set up laboratories, libraries, agricultural research stations, museums, agricultural farms, including breeding farms, poultry farms, fish farms and the like, agricultural workshop and such other equipments as the University may consider it necessary to set up in field of agriculture and allied sciences;
(h) to hold examinations, and to grant diplomas and confer degrees and other academic distinctions on persons, who have pursued a course of study under the University;
(i) to confer degrees and / or other academic distinctions on persons who have carried on independent research under conditions prescribed in the Statutes;
(j) to confer honorary degrees or other academic distinctions on approved persons, in the manner and under conditions prescribed in the Statutes;

(k) to hold and manage trusts and endowments and to institute and award fellowships (including traveling fellowships), scholarships, exhibitions, bursaries, medals and other rewards in accordance with conditions prescribed in the Statutes;

(l) to arrange for inspection of colleges and other branches of the University and to take measures to ensure that proper standards of instruction, teaching or training, research and extension are maintained; (m) to fix, demand and receive payment of such fees and other charges as may be prescribed by the Statutes;

(n) to supervise and control the residence, conduct and discipline of students of the University and to make arrangements for promoting their health development and general welfare;

(o) to create administrative, ministerial and other necessary posts and to make appointments thereto;

(p) to institute and manage—

   (i) Information Bureau;
   (ii) Printing and Publication Department; and
   (iii) Employment Bureau:

(q) to make provision—

   (i) for extra-mural, teaching and research;
   (ii) for physical and military training;
   (iii) for sports and athletic activities;

(r) to co-operate with other Universities and authorities in such manner, to extent and for such purposes as the University may determine;

(s) to do all such other acts and things, whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University.

6. (1) **Territorial jurisdiction**.-Save as otherwise provided in this Act, the powers conferred on the University by or under this Act, shall extend to the areas comprised within the limits of revenue districts of Sheopur, Morena, Bhind, Gwalior, Shivpuri, Guna, Ashoknagar, Datia, Dewas, Ratlam, Shajapur, Mandsaur, Neemuch, Ujjain, Indore, Dhar, Jhabua, Alirajpura, Khargone, Baidwan, Khandwa, Burhanpur, Bhopal, Sehore and Rajgarh.
(2) Notwithstanding anything contained in any other law for the time being in force, no college or educational institution situated within the areas specified in sub-section (1) imparting instructions in agriculture and other allied sciences for bachelors degree and / or above, shall be associated in any way with or be admitted to any privilege of any other University incorporated by law in India and any such privilege granted by any such other University to any educational institution within those limits prior to the commencement of this Act, shall be deemed to be withdrawn on the commencement of this Act and such institution shall stand affiliated to the University till the date they are transferred to the University under Section 57.

(3) The research and extension work undertaken or conducted by or on behalf of the Jawaharlal Nehru Krishi Vishwavidyalaya in the field of agriculture and allied sciences within the areas specified in sub-section (1) shall be coordinated with and integrated into the activities of the University—

(a) with effect from such date or dates as the State Government may, by notification, specify and different dates may be specified for co-ordination and integration;

(b) and in such manner and to such extent as may be determined by the State Government.

7. (1) University to have exclusive jurisdiction to provide for instruction, and teaching etc. agriculture in allied sciences-. The University, shall have exclusive jurisdiction throughout the area specified in sub-section (1) of Section 6 to provide for instruction, teaching and training in agriculture and allied sciences and notwithstanding anything contained in the law relating to incorporation of any other University in the State, no other University shall be competent to provide for instruction, teaching and training in agriculture and allied sciences.

(2) Notwithstanding anything contained in this Act or Statutes and Regulations made thereunder any student of the College of Agriculture, Gwalior, Indore, Sehore, Khandwa, Ganjbasoda, College of Horticulture, Mandsaur and College of Veterinary Science and Animal Husbandry, Mhow (Indore) who immediately prior to the date of coming into force of this, Act was studying for or was eligible to appear in any examination, as the case may be, in Agriculture and other allied Sciences of the Jawaharlal Nehru Krishi Vishwavidyalaya, shall be permitted to complete his course in preparation therefor, and the University shall provide for such period not exceeding
five years and in such manner as may be prescribed by the Statutes for the instruction, teaching; training and examination of such students in accordance with the course of studies of the Jawaharlal -Nehru Krishi Vishwavidyalaya.

17-A. New colleges to require permission For establishment and affiliation.--

(1) Every person desired of establishing any college for instructions, teaching and training in Agriculture and allied Sciences within the jurisdiction of the University shall make an application containing detail information to the State Government or such authority as the State Government may, by order, specify, for grant of permission to establish and administer or run such college.

(2) On receipt of application, the State Government or the authority specified by it, shall, after making such enquiry as it may deem fit, grant permission subject to such terms and conditions, if any, as it may deem fit to impose.

(3) Every college established after obtaining permission shall be affiliated to the University and such college shall be admitted to the privileges of the University under the provisions of the Act."

8. Completion of courses of Students in Colleges affiliated to other University in State- Notwithstanding anything contained in this Act or Statutes and Regulations made hereunder-

(i) any student of a college situated within the State and affiliated to any other University; or

(ii) any other student who immediately prior to the date of the coming into force of this Act was studying or was eligible, as the case may be, for any examination in agriculture and other allied sciences of such other University, shall be permitted to complete his course in preparation therefor and the University shall provide for such period not exceeding five years and in such manner as may be prescribed by the Statutes for the instruction teaching, training and examination of such students in accordance with the course of studies of such other University.

shall be permitted to complete his course in preparation therefor and the University shall provide for such period not exceeding five years and in such manner as may be prescribed by the Statutes for the instruction teaching, training and examination of such students in accordance with the course of studies of such other University.

1 Ins. by Act No. 21 of 2011 dated 7th May, 2011
9. University open to all irrespective of religion, caste, sex, place of birth or opinion.- It shall not be lawful for the University to impose any test or condition whatsoever relating to religion, caste, sex, place of birth or other opinion in order to entitle any person—
(a) to hold any office in the University; or
(b) to be a member of any authority of the University; or
(c) to "be appointed or admitted as a teacher; or
(d) to be admitted to any degree, diploma or other academic distinctions or course of study or to qualify for any degree, diploma or other academic distinction; or
(e) to enjoy or exercise any privileges of the University or beneficition thereof:
Provided that the University may subject to the previous sanction of the State Government, maintain any college or institution exclusively for women either for education, instruction or residence, or reserve for women or members of Scheduled Castes: or Scheduled Tribes or of Other Backward Classes and communities which are educationally backward, seats for the purposes of admission as students in any college or institution maintained or controlled by the University:
Provided further that nothing in this section shall be deemed to require the University to admit to any course of study students larger in number than, or with academic or other qualifications lower than those prescribed in the Statutes:
Provided also that nothing in this section shall, be deemed to prevent the University from exempting indigent persons belonging to the Scheduled Pastes or Scheduled Tribes or to any Other Backward Classes or communities which are socially and educationally backward from attending courses of study or from the fees levied in whole or in part for attending such courses.

Explanation,—A person shall, for the purposes of this proviso, be deemed to be an "indigent person" if the annual income of such person or his guardian (where such person is for his livelihood and education dependent upon, such guardian) is less than such amount as may be specified by the State Government, by notification, in this behalf.

10 Teaching in University-. (1) All recognized teaching in connection with the University courses shall be conducted by the teachers of the University in accordance with such scheme as may be framed, for each academic year by this Academic
Council and shall include lecturing, tutorial classes, laboratory work, field work and
other teaching conducted in accordance with the course of study prescribed by the
Regulations.

(2) The authorities responsible for organizing such teaching and the maximum
number of students that shall be admitted to a course shall be prescribed by the Statutes.

(3) The courses and curricula shall be prescribed by the Regulations.

11. Inspection and Inquiry of University.—(1) The State Government shall have the
right to cause an inspection to be made such person as it may direct, of the University
generally and other matters particularly such as its buildings, laboratories, libraries,
museums, Agricultural Research Stations and farms, workshops and equipments and of
any college or hostel, maintained by the University, of the teaching and other work
conducted by the University or any college or institution and of the conduct of
examinations held by the University and to cause an inquiry to be made of any matter
connected with the University:

Provided that the State Government shall, in every case, give notice to the University of
its intention to cause an inspection or inquiry to be made, and the University shall be
entitled to be represented thereat.

(2) Such person shall report to the State Government, the result of such inspection or
inquiry, and the State Government shall communicate to the Board his views with
reference to the results of such inspection or inquiry and the Board shall thereupon
communicate its view to the Chancellor, who may advise the University upon the action
to be taken, if any.

(3) Where the Board does not, within a reasonable time, take action to the satisfaction of
the Chancellor, the Chancellor may, after considering any explanation furnished or
representation made by the Board, issue such directions as he may think fit, and the
Board shall comply therewith.

(4) The report of the inspection and of the directions issued by the Chancellor as a result
of such inspection or inquiry shall be laid on the table of the Legislative Assembly.

CHAPTER—III

OFFICERS OF THE UNIVERSITY

12. Officers of the University. The following shall be the officers of the
University, namely:—
(a) the Chancellor;
(b) the vice-Chancellor;
(c) the Registrar;
(d) the Comptroller;
(e) the Deans of the Faculties;
(f) the Director of Research Services;
(g) the Director of Extension Services;
(h) the Director of Instructions and Student Welfare;
(i) the Deans of the Colleges;
(j) such other officers in the service of the University as may be declared by the statutes to be officers of the University.

13. Chancellor- The Governor of Madhya Pradesh shall be the Chancellor of the University, he shall, by virtue of his office, be the Head of the University and shall, when present, preside at any convocation of the University.

14. (1) Powers of Chancellor- The Chancellor may—
(a) call, for any papers for information relating to the affairs of the University:
(b) and for reasons to be recorded, refer any matter except a matter falling under section .43, for reconsideration to any officer or authority of the University that has previously considered such matter.

(2) The Chancellor may by an order in writing, annul any proceedings of any officer or authority of the University which is not in conformity with the Act, the Statutes or the Regulation:
Provided that before making any such order he shall call upon the officer or authority concerned to show cause why such an order should not be made and if any cause is shown within the time specified by him in this behalf, he shall consider the same.

(3) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.

(4) The Chancellor shall exercise such powers as may be conferred on him by or under this Act.

15. (1) Vice-Chancellor.- The Vice-Chancellor shall be appointed by the Chancellor from a panel of not less than three persons recommended by me committee constituted under sub-section (2):
Provided that if the Chancellor does not approve of any of the persons so recommended or the person or persons approved by the Chancellor out of those recommended by such committee are not willing to accept the appointment, the Chancellor may call for fresh recommendations from such committee:

Provided further that the first Vice-Chancellor shall be directly appointed by the Chancellor.

(2) The Chancellor shall appoint a committee consisting of the following persons, namely:

(i) one person elected by the Board from amongst persons not employed by or on behalf of the University or a college;
(ii) one person nominated by the Chancellor; and
(iii) one person nominated by the State Government.

The Chancellor shall appoint one of the three persons to be the Chairman of the Committee.

(3) The Chancellor shall constitute the committee under sub-section (2) before the expiry of the term of the Vice-Chancellor, call upon the Board and the State Government to choose their nominees and if any one of them or both fail to do so within one month of the receipt of the Chancellor's communication in this regard, the Chancellor may nominate any one or two persons, as the case may be, not employed by or on behalf of the University, or college and the persons so nominated shall be deemed to be the persons elected or nominated by the Board or the State Government, as the case may be.

(4) The Committee shall submit the panel within six weeks from the date of its constitution or such further time not exceeding four weeks as may be extended by the Chancellor.

(5) If the Committee shall to submit the panel within the period specified in sub-section (4), the Chancellor may appoint any person whom he deems fit to be the Vice-Chancellor.

(6) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of 65 years, whichever is earlier, and shall be eligible for re-appointment:
Provided that notwithstanding the expiry of his term, he shall continue in office until his successor is appointed and enters upon his office, but this period shall not exceed six months.

(7) In the event of occurrence of any vacancy in the office of Vice-Chancellor, by reason of his death, resignation or otherwise, a Dean of Faculty nominated by the Chancellor shall act as Vice-Chancellor for until the date on which a new Vice-Chancellor, appointed under sub-section (1) to fill such vacancy enters upon his office:

Provided that the person so nominated shall not hold office for a period of more than six months.

(8) Where any temporary vacancy in the office of Vice-Chancellor occurs by reasons of leave, illness or other cause, the Chancellor shall, as soon as possible, make such arrangements for carrying on the office of the Vice-Chancellor as he may think fit.

(9) Until the nomination has made under sub-section (7) or arrangements have been made under sub-section (8), the Registrar and if no Registrar has been appointed or if there be vacancy in the office of the Registrar for any reason whatsoever, such officer of the University as the Chancellor may direct, shall carry on the current duties of the Vice-Chancellor.

(10) All acts done by the person appointed under sub-section (8) or by the Registrar under sub-section (9) or by the officer directed by the Chancellor under sub-section (9) to carry on the current duties of the Vice-Chancellor shall be deemed to be acts done by the Vice-Chancellor.

16. Emoluments and conditions of service of Vice-Chancellor.- The emoluments and conditions of service of the Vice-Chancellor shall be such as may be prescribed by Statutes but shall not be varied to his disadvantage after his appointment.

17. (1) Powers and duties of Vice-Chancellor.- The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall, in the absence of the Chancellor preside at any convocation of the University, and he shall be an ex-officio member and Chairman of the Board and of the Academic Council and Chairman of such other authorities of the University of which he is a member and he shall be entitled to be present and to speak at any meeting of any authority or other body of the University but shall not be entitled to vote thereat unless he is member of the authority or body concerned.
(2) It shall be the duty of the Vice-Chancellor to ensure that this Act, the Statutes and the Regulations are faithfully observed and he shall have all powers necessary for this purpose.

(3) The Vice-Chancellor shall have power to convene meetings of the Board and the Academic Council.

(4) In any emergency which in the opinion of the Vice-Chancellor requires that immediate action should be taken, the Vice-Chancellor shall take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority or body as would have in the ordinary course dealt with the matter:

Provided that the action taken by the Vice-Chancellor shall not commit the University to any recurring expenditure for a period of more than three months.

(5) When action taken by the Vice-Chancellor under sub-section (4) affects any person in the service of the University, such person shall be entitled to prefer an appeal to the Board through the officer, authority or body mentioned in the said sub-section within thirty days from the date on which such action is communicated to him.

(6) The action taken by the Vice-Chancellor shall be deemed to be the action taken by the appropriate authority until it is set aside by such officer, authority or body after considering the report made by the Vice-Chancellor under sub-section (4) or is modified or set aside by the Board under sub-section (5).

(7) The Vice-Chancellor shall exercise general control over the affairs of the University and shall give effect of the decisions of the authorities of the University.

(8) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and Regulations.

18. (1) **Removal of Vice-Chancellor.** If at any time upon representation made or otherwise and after making such enquires as may be deemed necessary, it appears to the Chancellor that the Vice-Chancellor-

(i) has made default in performing any duty imposed on him by or under this Act; or

(ii) has acted in a manner prejudicial to the interest of the University; or

(iii) is incapable of managing the affairs of the University, the Chancellor may, notwithstanding the fact that the term of office of the Vice-Chancellor has not expired, by an order in writing stating
the reasons therein, requires the Vice-Chancellor to relinquish his office as from such date as may be specified in the order.

(2) No order under sub-section (1) shall be passed unless the particulars of the grounds on which such action is proposed to be taken are communicated to the Vice-Chancellor and he is given a reasonable opportunity of showing cause against the proposed order.

(3) As from the date specified in the order under sub-section (1) the Vice-Chancellor shall be deemed to have relinquished office and the office of the Vice-Chancellor shall fall vacant.

19. (1) Comptroller-. The Comptroller shall be a whole time salaried officer of the University, and he shall be appointed by the Vice-Chancellor in accordance with the Statutes to be made in this behalf and his emoluments and conditions of service shall be such as may be prescribed by the Statutes.

(2) Where any vacancy in the office of the Comptroller occurs by reason of leave, illness or any other cause, the Vice-Chancellor shall make arrangements as he deems fit, to carry on the current duties of the Comptroller.

(3) The Comptroller shall—
(a) exercise general supervision over the funds of the University and shall advise the Board in regard to its financial policy;
(b) subject to the control of the Board, manage the property and investment of the University;
(c) be responsible for seeing that all moneys are expended on the purpose for which they are granted or allotted and no expenditure not authorized in the budget, is incurred by the University:
(d) exercise such other powers as may be conferred on him by the Statutes.

20. Registrar.- The Registrar shall be whole-time salaried officer and shall act as the Secretary of the Board and of the Academic Council and he shall be appointed by the Vice-Chancellor with the prior approval of the Board in accordance with the Statutes to be made in this behalf and his emoluments and conditions of service shall be such as may be prescribed by the Statutes and he shall exercise such powers and perform such duties as may be conferred or imposed on him by the Statutes and the Regulations.
21. Director of Research Service, Director of Extension Services and Director of Instructions and Student Welfare.-

(1) There shall be a Director of Research Services, Director of Extension Services and Director of Instructions and Student Welfare who shall be whole-time salaried officers of the University appointed by the Vice-Chancellor with the prior approval of the Board in accordance with the Statutes made in this behalf.

(2) The emoluments and conditions of service of the officers appointed under sub-section (1) shall be such as may be prescribed by the Statutes.

(3) The Director of Research Services, the Director of Extension Services and the Director of Instructions and Student Welfare shall exercise such powers and perform such duties as may be conferred or imposed on them by the Statutes.

22. Other Officers- The appointment of other officers of the University referred to in Section 12 shall be made in such manner and the conditions of their service and their powers and duties shall be such as may be prescribed by the Statutes and Regulations.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

23. Authorities of University. The following shall be the authorities of the University :-

(i) the Co-ordination Council;
(ii) the Board;
(iii) the Academic Council;
(iv) the Faculties; and
(v) such other authorities as may be declared by the Statutes to be the authorities of the University-

24. Constitution of Coordination Council-. There shall be a council for co-ordinating the activities of the agricultural Universities in the State, and the council shall be constituted by an order of the State Government and shall comprise of the following :

(i) The minister in charge of Agriculture, Government of Madhya Pradesh, Chairman
(ii) Agriculture Production Commissioner, Member
(iii) Vice-Chancellors of Agriculture Universities, Member
(iv) Director of Extension and Director of Research of respective Universities.

(v) All Deans of Faculties of Agricultural Universities


(vii) Registrars of the respective Universities.

(viii) Comptrollers of the respective Universities.

(ix) A representative of the Indian Council of Agriculture Research to be nominated by the Director General- 25.

Meeting of coordination council and quorum thereat.- (1) The coordination council shall meet twice in a calendar year and at such intervals as may be determined by the coordination council.

(2) One third members of the Coordination Council shall form quorum.

(3) The Secretary to the Government of Madhya Pradesh, Farmer Welfare and Agriculture Development Department shall be the convener.

(4) Any of the members of the Coordination Council may send items for inclusion in the agenda to the convener.

26. Powers and duties of Coordination Council.- Subject to the provisions of this Act, the Coordination Council shall exercise the following powers and perform the following duties, namely:

(i) to act as an advisory body in all matters relating to the agricultural university;
(ii) to review the broad policies of agricultural Universities and to suggest measures for their improvement and development of such universities;
(iii) to act as coordinating body between agricultural universities established in the State by law;
(iv) to exercise such other powers and perform such other duties as may be notified by the State Government.

27. (1) Constitution of Board.- The Chancellor, shall constitute the Board within two months of the establishment of the University.
(2) The Board shall consist of the following persons, namely:—

**Ex-officio members**

(i) the Vice-Chancellor—Chairman;

(ii) the Secretary to Government of Madhya Pradesh

(a) Farmer Welfare and Agriculture Development Department;

(b) Finance Department,

or an officer not below the rank of Deputy Secretary of above departments designated/nominated by the concerning Secretary;

**Members nominated by the Chancellor,**—

(iii) two eminent agriculturist with background of agricultural research or education;

(iv) two progressive farmers from the State who shall not be the members of any political party or its body;

(v) one outstanding woman social worker having background of rural advancement;

(vi) one eminent Veterinary or Animal Husbandry scientist with experience of veterinary or Animal Husbandry research or education;

**Members nominated by the State Government,**—

(vii) a distinguished industrialist or manufacturer having special knowledge in agricultural development;

(viii) one eminent engineer preferably with agricultural engineering background;

**Members elected by the State Legislative Assembly,**—

(ix) three members from amongst members of the State Legislative Assembly to be elected by the State Legislative Assembly;

**Other member** -

(x) one representative of Indian Council of Agricultural Research to be nominated by the Director General of that Council.

(3) The Registrar shall be the non-member Secretary of the Board.

(4) The term of office of members of the Board other than Ex-officio members shall be three years:

Provided that the member of the Board elected under item (ix) of sub-section (1) shall cease to hold office as such member if he ceases to be a member of the Legislative Assembly.
(5) No actor proceeding of the Board shall be invalid merely on the ground of existence of any vacancy in, or defect in the constitution of the Board.

(6) The members of the Board shall receive such travelling and daily allowance as may be prescribed by Statutes.

28. (1) Meeting Board. The Board shall meet as often as may be considered necessary on such dates as may be fixed by the Vice-Chancellor:
Provided that a period of three months shall, as far as may be, not intervene between the last sitting of the Board and, the date fixed for its first sitting in the next meeting.

(2) A meeting of the Board fixed by the Vice-Chancellor under sub-section (1) normally shall not be cancelled or postponed, but the Vice-Chancellor may, for sufficient cause, postpone the meeting to any date not later than fifteen days from the date originally fixed originally.

(3) The Vice-Chancellor shall upon a requisition, in writing, signed by not less than five members of the Board, convene a special meeting of the Board within twenty one days of the receipt of such requisition.

(4) When a date has been fixed for the meeting of the Board by the Vice-Chancellor under sub-section (1) or sub-section (3), the Registrar shall give ten clear days’ notice, in writing, to the members of the Board of such a meeting.

(5) The quorum for every meeting of the Board shall be six.

29. **Powers and duties of the Board.**— The Board shall be executive authority of the University and shall, subject to such conditions as may be prescribed by or under the provisions of this Act and the Statutes, exercise the following powers and perform the following duties, namely:—

(i) to approve and sanction the budget of the University;
(ii) to consider the annual accounts and the annual financial estimates placed before it by the Vice-Chancellor and pass them with such modification as it may deem fit;
(iii) to lay before the State Government annually a full statement of the financial requirement of all branches of the University;
(iv) to make provision for instruction, teaching and training in such branches of learning and courses of study, as it may think fit, for research and for the advancement and dissemination of knowledge;
(v) to provide for the establishment and maintenance of colleges, departments, hostels and institutions of research and specialized studies and to manage them;

(vi) to organize and make provision for laboratories, libraries, agricultural research stations, museums, agricultural farms including breeding farms, poultry farms, fish farms and the like, agricultural workshops and such other equipments as the University may consider it necessary to organize and provide for in the field of agriculture and allied science;

(vii) to institute Agricultural Rural Life Research and Extension service;

(viii) to make provision for,—

(a) (i) extra-mural teaching and research; and

(ii) University extension activities;

(b) physical and military training;

(c) sports and athletic activities; and

(d) students union and their welfare

(ix) to make provision for the control of admission, conduct and discipline of the students of the University and to make arrangements for promoting their health and general welfare;

(x) to institute and confer degrees, diplomas and other academic distinctions;

(xi) to recommend the conferment of honorary degrees and other academic distinction in the manner prescribed by Statutes;

(xii) to provide for the institution, maintenance and award of fellowships, scholarships, studentships, exhibitions and medals;

(xiii) to approve the schedule of fees and other charges as may be prescribed by the Statutes upon recommendation of the Vice-Chancellor;

(xiv) to make, amend or repeal Statutes;

(xv) to consider and cancel, modify or refer back, Regulations;

(xvi) to determine the form of provide for the custody and regulate the use of the common seal of the University;

(xvii) to hold, control and administer the property and funds of the University;

(xviii) to transfer any movable or immovable property on behalf of the University subject to the provisions of the Act and the Statutes;

(xix) to accept on behalf of the" University trusts, bequests, donations and transfers of movable and immovable property to the University;
(xx) to enter into, vary, carry out and cancel contracts on behalf of the University in the exercise of powers conferred on it by this Act and the Statutes;

(xxii) to make provisions for building, premises, furniture, apparatus, books and other means needed for carrying on the work of the University; (xxii) save as otherwise provided by this Act, or the Statutes, to approve the appointments of officers (other than the Vice-Chancellor), teachers and other servants of the University, to define their duties and conditions of their service and to provide for the filling of temporary vacancies in their posts;

(xxiii) to institute,—
   (a) a Printing and Publication Department;
   (b) an Information Bureau; and
   (c) an Employment Bureau;

(xxiv) to approve such teaching posts as may be proposed by the Academic Council with the approval of the State Government;

(xxv) to abolish or suspend, after report from the Academic Council thereon any teaching post in the University with the approval of the State Government;

(xxvi) to lay down scales of salaries and conditions of the employment of member of the staff in the various branches of the University and to ensure the observance of the same;

(xxvii) to delegate by regulation any of its powers to the Vice-Chancellor, the Registrar or such other officer of University or a Committee appointed by it as it may deem fit;

(xxviii) to exercise such other powers and perform such other duties not inconsistent with the provisions of this Act or Statutes as may be necessary for carrying out the purposes of this Act.

30. Academic Council— (1) The Academic Council shall be in charge of the academic affairs of the University and shall consist of the following members, namely:—

(i) the Vice-Chancellor;

(ii) the Director of Research Services;
(iii) the Director of Extension Services;
(iv) the Director of Instructions and Student Welfare;
(v) the Dean of Faculties:
(vi) one teacher from each faculty of the University to be elected from amongst themselves in the manner prescribed by Statutes:
(vii) two persons, not being employees of the University co-opted by the Academic Council for their special knowledge in subject recognized by the University.

(2) Not less than half of the number of members of the Academic Council for the time, being shall form a quorum:

Provided that the quorum shall not any time be less than four.

(3) The Academic Council shall have power to co-opt as members two persons having special knowledge or experience in the subject, matter of any particular business, which may come before the Academic Council for consideration and the members so co-opted shall have all the rights of the members of the Academic Council in regard to the transaction of the business in relation to which they may be co-opted.

(4) All members of the Academic Council other than Ex-officio members and members referred to in sub-section (3) shall hold office for a term of three years.

31. Power and duties of Academic Council. The Academic Council,

(a) shall, subject to the provisions of this Act and the Statutes, generally regulate and have the control of, and be responsible for, the maintenance of standard of teaching, research and examination of the University and for the fulfillment of recruitments for obtaining degrees;

(b) shall advise the Board and other authorities of the University on all academic matters;

(c) shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by, or under this Act.

32. (1) Faculties.- The University shall have such Faculties as may be prescribed by the Statutes.

(2) Each Faculty shall consist of such members and shall have such powers and perform
such duties as may be prescribed by the Statutes.

(3) There, shall be a Dean for each Faculty who shall be appointed by the Vice-Chancellor in such manner and for such period as may be prescribed by the Statutes.

33. Department of Studies. (1) Each Faculty shall comprise of such Department of Study as may be prescribed by the Statutes.

(2) There shall be a Head of the Department for each Department of Study.

(3) The Vice-Chancellor shall nominate one of the Professors as Head of the Department and if there is no Professor, the Dean of the Faculty shall act as the Head of such Department until a duly qualified person is available.

(4) The terms and conditions of appointment, duties and functions of the Head of the Department shall be prescribed by the Statutes.

34. Other Authorities of University.- The constitution, powers and duties of such other authorities as may be declared by the Statutes to be the authorities of the University shall be provided for in the manner prescribed by the Statutes.

35. Agricultural Research Station and Agricultural Rural Life and Extension Services. (1) The University shall establish and/or maintain a Central or Stale Agricultural Research Station with appropriate regional and other sub-stations for conducting research, both fundamental and applied, in all faculties within its territorial jurisdiction.

(2) The University shall also establish an Agricultural Rural Life and Extension Service which shall, subject to the provisions of this Act and the Statutes, make available useful information to the farmers and house wives to help them, solve their problems and take all necessary measures, for developing in young people interest in agriculture and rural life.

CHAPTER—V

UNIVERSITY FUND ETC.

36. University Fund. (1) The University shall establish a fund to be called the University Fund.

(2) The following shall form part of or be paid into, the University Fund:—

(a) any loan, contribution or grant by Central or State Government or any body corporate;
(b) the income of the University from all sources including income from fees and charges;
   
   (c) trusts, bequests, donations, endowments and other grants, if any;
   
   (d) all other sums received by the University.

(3) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (No. 2 of 1934), or such other Bank as may be approved by the Reserve Bank of India or invested in securities authorised by the Indian Trust Act, 1882 (No. 2 of 1882), at the discretion of the Board.

(4) Nothing in this section shall in any way affect any obligations accepted by or imposed upon the University by any declaration of trust executed by or on behalf of the University for the administration of any trust.

37. Object to which University Fund may be applicable.- The University Fund shall be applicable to the following objects:

   (a) to the repayment of debts incurred by the University for the purposes of this Act and the Statutes and the Regulations made thereunder;
   
   (b) to the expenses of any suit or proceedings to which the University is a party;
   
   (c) to the payment of the salaries and allowances of the officers and servants of the University, members of the teaching staff and the establishment employed in the colleges and the department of University for and in furtherance of the purposes of this Act and the Statutes, and the Regulations made thereunder and to the payment of pension or any Provident Fund contribution to any such officers and servants, members of the teaching staff or the members of such establishments;
   
   (d) to the payment of the travelling and other allowances of the members of the Board and the Academic Council and any other authority of the University or the members of any Committee appointed by any of the authorities of the University in pursuance of any provision of the Act and the Statutes and the Regulation made thereunder;
   
   (e) to the payment of fellowships, scholarships, studentships and other awards to students;
(f) to the upkeep of colleges departments, residences and hostels established by the University;

(g) to the payment of the cost of audit of the University Fund;

(h) to the payment of any expense incurred by the University in carrying out the provisions of this Act, and the Statutes and the Regulations made thereunder; and

(i) to the payment of any other expense, not specified in any of the preceding clauses declared by the Board to be the expense for the purpose of the University.

CHAPTER—VI

STATUTES AND REGULATIONS

38. Statutes.- Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

(i) the constitution, powers and duties of authorities of the University;

(ii) the manner of election or appointment and term of office of the members of the authorities referred to in clause (i) including the continuance or retirement in the office of the first members, and filling of vacancies of members and all other matters relating to those bodies for which it may be necessary or desirable to provide;

(iii) allowances payable to the members of the Board;

(iv) emoluments and conditions of service of the Vice-Chancellor and his powers;

(v) appointment of Comptroller, Registrar, Dean of Faculties, Director of Research Services, Director of Extension Services, Director of Instructions and Student Welfare and other officers of the University, their powers and duties and the emolument, terms and conditions of their service;

(vi) the contribution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the officers, teachers and other employees of the University;

(vii) the holding of convocation to confer degrees;

(viii) conferment of honorary degrees and other academic distinctions;

(ix) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(x) the establishment, amalgamation, sub-division and abolition of Faculties;
(xi) the establishment and abolition of departments of teaching in Faculties;
(xii) the establishment and abolition of hostels maintained by the University;
(xiii) qualifications, classification and mode of appointment of teachers of the University;
(xiv) the administration of endowments, and the institution and conditions of award of fellowships, scholarships, studentships, exhibitions, bursaries, medals, prizes/and other award;
(xv) the maintenance of a register of registered graduates;
(xvi) the admission of students of the University and their enrolment and continuance, as such;
(xvii) the fees that may be charged by the University for any purpose;
(xviii) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
(xix) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications- for the same, and the steps to be taken relating, to the granting and obtaining of the same;
(xx) laying down conditions for conferral of degrees and other academic distinctions for research;
(xxi) the maintenance of discipline among the students of the University;
(xxii) the conditions of residence of the students of the University and the levy of fees for residence in hostels;
(xxii) the recognition and management of hostels not maintained by the University;
(xxiv) the special arrangements, if any,- which may be made for the residence, discipline and teaching of women students, and prescribing for them special courses of study;
(xxv) the management of colleges and other institutions founded or maintained by the University;
(xxvi) constitution of a Selection Committee for appointment of teachers;  (xxvii) number, qualifications and conditions of appointment including pay scales and other emoluments of teachers of the University;
(xxviii) the duties of teachers of the University;
(xxix) the. date on or before which the annual report shall be submitted to the Board;
(xxx) the mode of execution of contracts or agreements by or on behalf of the University;

(xxxi) all other matters which by this Act are to be or may be provided for by the Statutes.

39. Statutes how made. (1) The first Statutes with regard to matters set out in Section 38 shall be made by the State Government and a copy thereof shall be laid on the table of the Legislative Assembly and they shall be subject to such additions and alterations as may be agreed to by the Legislative Assembly but without prejudice to the validity of anything previously done thereunder.

(2) The Board may from time to time make new or additional Statutes and may amend or repeal the Statutes in the manner hereinafter in this section provided.

(3) The Academic Council may propose to the Board the draft of any new Statute or amendment of any existing Statutes to be passed by the Board and such draft shall be considered by the Board at its next meeting:

Provided that the Academic Council shall not propose the draft of any Statutes or of any amendment of a Statute affecting the status, power or constitution of any existing authority of the University until such authority has been given an opportunity to express its opinion upon the proposal and any opinion so expressed shall be considered by the Board.

(4) The Board may approve any such draft as is referred to in sub-section (3) and pass the Statute or reject it or return it to the Academic Council for reconsideration, either in whole or in part, together with any amendments which it may suggest.

(5) Any member of the Board may propose to the Board, the draft of any new Statute or amendment to existing Statute and the Board may either accept or reject the proposal, if it relates to a matter not falling within the purview of the Academic Council, and in case such draft relates to a matter within the purview of the Academic Council, the Board shall refer it for consideration to the Academic Council, which may either report to the Board that it does not approve the proposal, which shall then be deemed to have been rejected by the Board, or submit the draft to the Board in such form as the Academic Council may approve, and the provisions of this section
shall apply in the case of a draft so submitted as they apply in the case
of a draft proposed to the Board by the Academic Council:

(6) A new Statute or addition to the Statutes or any amendment
or repeal of a Statute shall require the previous approval of the
Chancellor who may sanction, disallow or remit it for further-
consideration.

40. Regulations. (1) The authorities and other bodies of the University may make
Regulations consistent with this Act and the Statutes for:—

(a) laying down the number of members required to form a quorum and the procedure
to be observed at the meeting;

(b) providing for all matters which by this Act, and the Statutes are to be provided 
for by the Regulations; and

(c) providing for any other matters solely concerning such authorities and bodies and
not provided for by this Act and the Statutes.

(2) Every authority of the University shall make regulations
providing for the giving of notice to the members of such authority of
the dates of meetings and of the business to be considered at meetings
and for the keeping of a record of the proceedings of meetings.

(3) The Board may direct the amendment, in such manner as it
may specify, or any Regulations made under this section on the
annulment of any Regulations made under sub-section (1) by any
authority of the University.

(4) The Academic Council may, subject to the provisions of the
Statutes, make Regulations, providing for course of study for the
various examinations and degrees of the University after receiving
drafts of the same from the Faculty concerned.

(5) The Academic Council may either approve or reject or alter
the draft received from the Faculty or return it to the Faculty for
further consideration together with its own suggestions.

CHAPTER—VII

ANNUAL REPORTS AND ACCOUNTS ETC.
41. **Annual report.** The annual report of the University shall be prepared under the direction, of the Vice-Chancellor and shall be submitted to the Chancellor and the State Government and shall be placed before the State Legislature.

42. **Accounts and audit.** (1) The annual accounts and balance sheet of the University shall be prepared by the Comptroller under the direction of the Vice-Chancellor and all moneys accruing to or received by the University from whatever sources and all amounts disbursed or paid shall be entered in the accounts.

   (2) The annual accounts and balance sheet shall be submitted by the Board to the State Government which shall cause an audit to be carried out by such person as it may direct.

   (3) The accounts when audited shall be printed and copies thereof shall, together with the copies of the Audit Report, be submitted by the Vice-Chancellor to the Board, which shall forward them to the State Government with such comments as may be deemed necessary and audit report with comments of the Board shall be placed before the State Legislature.

**CHAPTER—VIII**

**SUPPLEMENTARY PROVISIONS**

43. **Disputes as to constitution of University Authorities and Bodies.**- If any question arises regarding the interpretation of any provision of this Act or of any statute, or regulation or as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final:

Provided that before taking any such decision the Chancellor shall give the person or persons affected thereby reasonable opportunity of being heard.

*Explanation.*-In this Section, the expression “body” includes any committee constituted by or under this Act

44. **constitution of committee.**- Where any authority of the University is given power by this Act or the Statutes to appoint committees, such committees shall, save as otherwise provided, consist of members of the authority concerned and of such other persons, if any, as the authority in each case may think fit.

45. **Filling of casual vacancies.**- Save as otherwise provided in this Act, all casual vacancies among the members other than ex-officio members of any authority or other body of the University shall be filled, as soon as convenient by the person or
body who appointed, elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member. 

46. **Vacancy etc. not to invalidate proceedings**. No act of the University or any authority or other body thereof shall be invalid merely by reason of -

(a) any vacancy in, or defect in the constitution of; or

(b) any defect in the election, nomination or appointment of a person acting as a member thereof; or

(c) any irregularity in its procedure not affecting the merits of the case.

47. (1) **Conditions of services**. Every salaried officer and teacher of the University shall be appointed under a written Conditions of contract which shall be lodged with the Vice-Chancellor and a copy thereof shall be furnished to services, the officer or teacher concerned.

(2) No such officer or teacher as is referred to in .sub-section f 1) shall be offered nor shall he accept any remuneration for any work in or outside the University except as may be provided by the Statutes.

(3) Any dispute arising out of n contract, between the University and any of its officers or teachers shall, at the request of officer or the teacher concerned or at the instance of the University be referred by the Chancellor to a Tribunal of arbitration consisting of one member appointed by the Board, one nominated by the officer, or teacher concerned and. an umpire appointed by the Chancellor, and the decision of the Tribunal shall be final and no. suit shall lie. in any civil court in respect of the matters decided by the Tribunal.

(4) Every request under sub-section (3) shall be deemed to be submission to arbitration upon the terms of this Section within the meaning of the Arbitration and Conciliation Act, 1996 (No. 26 of 1996) and all the provisions of that Act shall apply accordingly.

48. (1) **Pension and provident fund**. University shall constitute for the benefit of its officers, teachers, clerical staff and employees in such, manner and subject to such conditions as may be prescribed by the Statutes such pension, insurance and provident fund as it may deem fit.
(2) Where any such provident fund has been so constituted, the Chancellor may declare that the provisions of the Provident Fund Act, 1925 (No. 19 of 1925), shall apply to such fund as if it were a Government Provident Fund.

49. Protection of acts and orders. All acts and orders in good faith done and passed by University shall be final and no suit shall be instituted or damage claimed for anything done or committed in pursuance of the Act, Statutes and Regulations.

50. (1) Appointed of The first Vice-Chancellor and his extra-ordinary Power. The first Vice-Chancellor shall be directly appointed by the Chancellor in consultation with the State Government as soon as practicable after the commencement of this Act for a period not exceeding eighteen months.

(2) The first Vice-Chancellor shall have the following powers, namely:

(a) with the previous approval of the Chancellor to make additional Statutes to provide for any matter not provided for by the First Statutes;

(b) with the previous approval of the Chancellor to constitute provisional authorities and bodies and on their recommendations to make rules providing for conduct of the work of the University;

(c) subject to the control of the Chancellor to make such financial arrangements and to incur such expenditure as may be necessary to enable this Act or any part thereof to be brought into operation;

(d) with the sanction of the Chancellor to make such appointments as may be necessary to enable this Act or any part thereof to brought into operation;

(e) with the previous sanction of the Chancellor to appoint committees, as he may think fit, to discharge such of his functions, as he may direct; and

(f) generally to exercise all or any of the powers conferred on the Board by this Act or the Statutes.

(3) Any order passed by the Vice-Chancellor in exercise of the powers conferred by items (b), (d) and (e) of sub-section (2) shall continue to have effect until it is modified or set aside by the authority or body competent to deal with it in accordance with the provisions of this Act.
51. Appointed of teachers Board. No person shall be appointed by the Board as a salaried teacher of the University except on the recommendation of a selection committee constituted for the purpose in accordance with the provisions of the Statutes.

52. Salaries of teachers. The payment of salaries to the teachers of the University shall be in accordance with the scales fixed by Statute-with prior approval of the State Government.

53. Term of office of member of the authority of the University.- (1) Whenever any person becomes a member of any authority by virtue of the office held by him he shall forthwith cease to be a member of such authority if he ceases to hold such office before the expiry of the term of his membership:
Provided that he shall not be deemed to have ceased to hold his office merely by reason of his proceeding on leave for a period not exceeding four months.
(2) Whenever any person becomes a member of any authority, as a representative of another body, whether of this University or not, he shall cease to be a member of such authority, if before the expiry of his term he cease to be a member of the body by which he was nominated, appointed or elected.

54. Resignation of member or officer of University.- (1) Any member, other than an ex-officio member of the Board, Academic Council or any other University Authority or Council or any Dean of a Faculty, may resign by letter addressed to the Registrar, and the resignation shall take effect as soon as the letter is received by the Registrar.
(2) Any officer of the University whether salaried or otherwise other than a Dean, may resign his office by letter addressed to the Registrar and such resignation shall take effect from the date on which the same is accepted by the authority competent to fill the vacancy or automatically on the expiry of the three months from the date of the receipt of resignation by the Registrar whichever is earlier.

55. Removal from membership of any authority or Board of University.- The Chancellor may on the request of the Board remove any person from the membership of any authority including the Board, of the University on the ground that such person has been convicted of any offence involving moral turpitude:
Provided that no order for removal shall be passed against any person without giving him an opportunity of being heard.
Provided further that nothing in this Section shall apply where the person concerned is a member in his capacity as a member of the Legislative Assembly of the State.

56. Removal of difficulties. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulties:

Provided that no order shall be made under this Section after the expiry of two years from the commencement of this Act.

(2) Every order under this Section shall be laid, as soon as may be after it is made, on the table of the Legislative Assembly.

57. Transfer of property personnel. (1) As from such date as the State Government may, by notification, specify in this behalf all constituent colleges of the Jawaharlal Nehru Krishi Vishwavidyalaya situated in the areas specified in sub-section (1) of Section 6 imparting instruction in Agriculture, Horticulture, Veterinary Science and Animal Husbandry or any other allied subjects for bachelors degree or higher and all research stations within those areas which are operated for carrying out research in agriculture and allied sciences together with lands, hostels and other buildings, furniture, library books, laboratories, stores, instruments, apparatus, appliances and equipments and livestock belonging to such colleges and stations and the budget programme made for them shall be transferred to and vest in the University.

(2) On and from the date of transfer of any college or research station under sub-section (1) the following consequences shall ensue, namely:

(a) the employees of the Jawaharlal Nehru Krishi Vishwavidyalaya—

   (i) who were working in or were attached to the colleges or research stations situated within the jurisdiction of the University on the said date; or

   (ii) who but for their temporary absence from such colleges or research stations on account of any cause would have been working in or remained attached thereto on the said date; or

   (iii) except the employees who have been recruited against the separate cadre posts, created in College of Horticulture, Mandsaur, College of Agriculture, Tikamgarh and Ganjbasoda and College of Veterinary Science and Animal Husbandry, Rewa, who opt for transfer to the University and are permitted by the Committee constituted by the State Government for the
purpose within a period of six months or a period as extended by the State Government, shall become the employees of the University and shall be thereafter be governed by the terms and conditions governing the services under the University:

Provided that the terms and conditions offered by the University to such employees consequent upon their absorption in the service of the University shall not be less favourable than those applicable to such employees prior to the said date;

(b) any right, privilege, obligation or liability acquired accrued or incurred by the Jawaharlal Nehru Krishi Vishwavidyalaya in respect of the college or research station, as the case may be, shall be deemed to be the right, privilege obligation or liability acquired, accrued or incurred by the University;

(c) any contract entered into by the Jawaharlal Nehru Krishi Vishwavidyalaya in respect of the college or research station, as the case may be, shall be deemed to be contract entered into by the University.

(3) Nothing in this section shall be deemed to authorise the University to sell, lease, exchange, or otherwise dispose of any land or building of any college or research station, transferred to the University under sub-section (1) except with the prior concurrence of the State Government.

58. State government to assume financial control in circumstances-. (1) If the State Government is satisfied that owing to maladministration or financial mismanagement in the University a situation has arisen whereby financial stability of University has become insecure, it may, by a notification, declare that the finances of the University shall be subject to the control of the State Government.

(2) Every notification issued under sub-section (1) shall, in the first instance, remain in-operation for a period of one year form the date specified in the notification and the State Government may, from time to time, by a like notification, extend the period of operation by such further period as it may think fit, provided that the total period of operation does not exceed three years.

(3) During the period the notification issued under sub-section (1) remains in operation, the executive authority of the State Government shall extended to the giving of directions to the said University to observe such canons of financial propriety as may be specified in the direction and to the giving of such other directions as the State Government may deem necessary and adequate for the purpose.
(4) Notwithstanding anything contained in this Act, any such directions may include:

(i) a provision requiring the submission of the budget to the State Government for sanction;

(ii) a provision requiring the University to submit every proposal involving financial implications to the State Government for sanction;

(iii) a provision requiring the submissions of every proposal for revision of scales of pay and rates of allowances of the officers, teachers and other persons employed, by the University to the State Government for sanction;

(iv) a provision requiring the reduction of salaries and allowances of all or any class of persons employed by University;

(v) a provision requiring the reduction in the number of officers, teachers and other persons employed by University;

(vi) a provision requiring the lowering down of scales of pay and rates of allowances;

(vii) a provision in regard to such other matters as may have the effect of reducing the financial strength on the University.

(5) Notwithstanding anything contained in this Act, it shall be binding on every authority of the University and every officer of the University to give effect to the direction given under this section.

(6) Every officer of the University shall be personally liable for misapplication of any fund or property of the University as a result of non-compliance of the direction given under this section to which he shall have been a party or which shall have happened through or been facilitated by gross neglect of his duty as such officer, and the loss so incurred shall, on a certificate issued by the Secretary to Government Madhya Pradesh. Farmer's Welfare and Agriculture Development Department, be recovered from such officer as an arrear of land revenue:

Provided that no action to recover the amount of loss as an arrear of land revenue shall be taken until reasonable opportunity has been given to the person concerned to furnish an explanation and such explanation has been considered by the State Government.
59. Special Provision for better administration of University in certain circumstances.- (1) If the State Government on receipt of a report or otherwise, is satisfied that a situation has arisen in which the administration of the University cannot carried out in accordance with the provisions of the Act, without detriment to the interests of the University, and it is expedient in the interest of the University so to do, it may by notification for reasons to be mentioned therein, direct that the provisions of sub-section (2), (3), (4) and (5) shall, as from the date specified in the notification (hereinafter in this section referred to as the appointed date), apply to the University.

(2) The notification issued under sub-section (1) (hereinafter referred to as the notification) shall remain in operation for a period of one year from the appointed date and the State Government may, from time to time, extend the period by such further period as it may think fit so however that the total period of operation of the notification does not exceed three years.

(3) As from the appointed date the Vice-Chancellor, holding office immediately before the appointed date, shall notwithstanding that the term of office has not expired vacate his office, and the Chancellor shall immediately after the issue of the notification appointed the Vice-Chancellor who shall hold, office during the period of operation of the notification;

Provided that the Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government and may be, removed by the Chancellor in the like manner:

Provided further that the Vice-Chancellor may notwithstanding the expiration of the period of operation of the notification, continue to hold office thereafter until his successor enters upon office but this period shall not exceed one year.

(4) As from the appointed date the following consequences shall ensue, namely:

(i) every person holding office as a member of the Board or the Academic Council, as the case may be, immediately before the appointed date shall cease to hold that office;

(ii) until the Board or Academic Council, as the case may be, is reconstituted, Vice-Chancellor appointed under sub-section (3) shall exercise the powers and perform the duties conferred or imposed by or under this Act, on the Board or Academic Council:
Provided that the Chancellor may, if he considers it necessary so to do, appoint a Committee consisting of an educationist, and administrative expert and a financial expert to assist the Vice-Chancellor so appointed in exercise of such powers and performance of such duties

(5) Before the expiration of the period of operation of the notification or immediately as early as practicable, thereafter, the Vice-Chancellor shall take steps to constitute the Board and Academic Council in accordance with the provisions of the Act, and the Board and Academic Council as so constituted shall begin to function on the date immediately following the date of expiry of the period of operation of the notification or the date on which the respective bodies are so constituted whichever is later:

Provided that if the Board and Academic Council are not constituted before the expiration of the period of operation of the notification, the Vice-Chancellor shall on such expiration, exercise the powers of each of these authorities subject to prior approval of the Chancellor till the Board or Academic Council, as the case may be, is to constituted.

60. Overriding effect regarding territorial jurisdiction-. Notwithstanding anything contained in the Jawaharlal Nehru Krishi Vishwavidyalaya Adhiniyam, 1963 (No. 12 of 1963), the Jawaharlal Nehru Krishi Vishwavidyalaya shall cease its territorial jurisdiction on the area enumerated in section 6 of this Act.

61. Repeal and Saving-. (1) The Gwalior Krishi Vishvavidyalaya Adhyadesh, 2008 (No. 4 of 2008) is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the co-responding provision of this Act.
The Jaora Sugar Mills tatha Seth Govindram Sugar Mill (Upkram ka Arjan aur Antaran) Adhiniyam, 1984

(M. P. Act No. 12 of 1984)

PREAMBLE

An Act to provide in public interest for the acquisition and transfer of the industrial undertakings known as the Jaora Sugar mills Limited, Jaora, and the Seth Govindram Sugar Mills, Mahidpur Road with a view to securing the proper management of such industrial undertakings so as to subserve the interest of the general public by ensuring the continuity of production of sugar which is vital to the needs of the country and for matters connected therewith or incidental thereto;

Whereas the Jaora Sugar Mills Limited, Jaora and the Seth Govindram Sugar Mills, Mahidpur Road had been engaged in the manufacture and production of Sugar mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951;

And whereas the management of the undertakings of the Jaora Sugar Mills Limited, Jaora and Seth Govindram Sugar Mills, Mahidpur Road were taken over by the Central Government under section 18AA of the Industries (Development and Regulation) Act, 1951;

And whereas it is necessary in public interest to acquire the undertakings of the Jaora Sugar Mills Limited, Jaora and the Seth Govindram Sugar Mills, Mahidpur Road inter-alia to ensure that the interest of the general public are served by the continuance by the undertakings of the Company, of the production of sugar which is vital to the needs of the country and to prevent labour unrest;

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fifth Year of the Republic of India as follows: -

CHAPTER I

PRELIMINARY

1. Short title and commencement. - (1) This Act may be called the Jaora Sugar Mills Tatha Seth Govindram Sugar Mills (Upkramon Ka Arjan Aur Antaran) Adhiniyam, 1984.

(2) It shall come into force at once.
2. Definitions.-In this Act, unless the context otherwise requires,-

(a) "appointed day" means the 17th February, 1984.

(b) "Commissioner" means the Commissioner of Payments appointed under Section 15;

(c) "Company" means-
    (i) the Jaora Sugar Mills Limited, Jaora a company within the meaning of the Companies Act, 1956 (No. 1 of 1956) and having its registered office at Jaora district Ratlam. in the State of Madhya Pradesh, or
    (ii) Seth Govindram Sugar Mills, Mahidpur Road a branch of properties of Messrs. Kaluram Govindram Bajaj Khana Jaora district Ratlam in the State of Madhya Pradesh.

(d) "custodian" means the Custodian appointed under sub-section (2) of section 9 to take over and to carry on, the management of the undertakings, of the Company.

(e) "co-operative society" means a co-operative society of the workers of the respective company employed in relation to its undertakings and of the cane growers of the respective assigned and reserved areas of the factory within the meanings of clause (j) of section 2 and sections 15 and 16 of the Madhya Pradesh Sugar Cane (Regulation of Supply and Purchase) Act, 1958 (No. 1 of 1959) formed and registered under the Madhya Pradesh Co-operative Societies Act. 1960 (No. 17 of 1961) with a view to secure distribution of ownership for common good of cane growers and workers and with the object of securing participation of workers in the management of the respective company, and in which the undertakings of the Company are directed to vest under sub-section (1) of section 6.

(f) "date of taking over" means the date on which the management of the Seth Govindram Sugar Mills Mahidpur Road, District Ujjain or the Jaora Sugar Mills Ltd. Jaora District Ratlam, as the case may be, was taken over by an authorised person by virtue of the order of the Government of India in the Ministry of Industry, Department of Industrial Development No. S.O. 774(E) 18AA/IDRA/80, dated the 12th September, 1980 and S.O. 775(E) I 8AA/IDRA/80, dated the 12th September 1980 respectively made under sub-section (1) of section 18AA of the Industries (Development and Regulation) Act, 1951 (No. 65 of 1951);

(g) "Government Company" means the Government Company or a co-operative society, as the case may be, in which the undertakings of the company are directed to vest under sub-section (1) of section 6;
(h) "specified date" in relation to any provision of this Act, means such date as the State Government may, by notification specify for the purposes of that provision and different dates may be specified for different provisions of this Act;
(i) "owner in relation to "Company" means the person to whom the concerned undertaking belongs and who is in the ultimate control over the affairs of the company with reference to the concerned undertaking;
(j) words and expressions used herein and not defined but defined in the Companies Act, 1956 (No. 1 of 1956) shall have the meanings respectively, assigned to them in that Act.

CHAPTER II
ACQUISITION AND TRANSFER OF THE UNDERTAKINGS
OF THE COMPANY

3. Transfer to, and vesting in, the State Government of the undertaking of each company.- On the appointed day, the undertakings of either company, and the right, title and interest of the owners of the company in relation to its undertakings, shall, by virtue of this Act, stand transferred to, and shall vest in, the State Government.

4. General effect of vesting.- (1) The undertakings of either company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all properties movable and immovable, including lands, buildings, workshops, stores, instruments, plant and machinery and equipments, cash balances, cash on hand, cheques, demand drafts reserve funds, investments, book debts and all other rights title and interests in, or arising out of, such properties as were immediately before the appointed day in the ownership, possession, power or control of the company, whether within or outside India, and all books of accounts, registers and all other documents of whatever nature relating thereto.
(2) All properties as aforesaid which have vested in the State Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other encumbrances affecting them, and any attachment, injunction, decree or order of any court, tribunal or other authority restricting the use or enjoyment of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties, shall be deemed to have been withdrawn.
(3) Every mortgagee of any property which has vested under this Act in the State Government and every person holding any charge, lien or other interest in, or in relation to, any
such property shall give, within such time and in such manner as may be prescribed, an
intimation to the Commissioner of such mortgage charge, lien or other interest.
(4) For the removal of doubts, it is hereby declared that the mortgagee of any property
referred to in sub-section (3) or any other person holding any charge, lien or other interest in,
or in relation to, any, such property shall be entitled to claim, in accordance with his rights and
interests, payment of the mortgage money or other dues, in whole or in part, out of the amount
determined under section 7 but no such mortgage charge, lien or other interest shall be
enforceable against any property which has vested in the State Government.
(5) any licence or other instrument granted to, the company in relation to any undertaking which
has vested in the State Government under section 3 at any time before the appointed day and in
force immediately before that day shall continue to be in force on and after such day in
accordance with its tenor in relation to and for the purposes of such undertaking, and, on and
from the date of vesting of such undertaking under section 6 in a Government company, such
Government company shall be deemed to be substituted in place of the company referred to
therein in such licence or other instrument as if such licence or other instrument had been
granted to such Government company and that Government company shall hold it for the
remainder of the period for which the company would have held it under the terms thereof.
(6) If, on the appointed day, any suit, appeal or other legal proceeding of whatever nature in
relation to any property which has vested in the State Government, under section 3, instituted
or preferred by or against the company is pending, the same shall not abate, be discontinued or
be, in any way, prejudicially affected by reason of the transfer of the undertakings of the
company or of anything contained in this Act, but the suit, appeal or other legal proceeding
maybe continued, prosecuted or enforced by or against the State Government, or where the
undertakings of the company are directed, under section 6, to vest in a Government company,
by or against such Government company.
5. **Company to be liable for certain prior liabilities.** - (1) Every liability of the company in
respect of any period prior to the appointed day, shall be the liability of the company and
shall be enforceable against the owners of the company and not against the State Government, or,
where the undertakings of the company are directed, under section 6, to vest in a Government
company, against that Government company.
(2) For the removal of doubts, it is hereby declared that-
a) save as otherwise expressly provided in this section or in any other provision of this
Act no liability of the company in respect of any period prior to the appointed day, shall
be enforceable against the State Government, or, where the undertakings of the company are directed, under section 6, to vest in a Government company, against such Government company;
b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the company, passed after the appointed day, in respect of any matter, claim cause of action or dispute which in each case arose before that day, shall be enforceable against the State Government, or, where the undertakings of the company are directed, under section 6, to vest in a Government company, against such Government company.
c) no liability incurred by the company before the appointed day, for the contravention of any provision of law for the time being in force, shall be enforceable against the State Government, or, where the undertakings of the company are directed, under Section 6, to vest in a Government Company against such Government, company.

6. Power of State Government to direct vesting of the undertakings of each company in a Government company or co-operative society.

- (1) Notwithstanding anything contained in sections 3 and 4 the State Government may, subject to such terms and conditions as it may think fit to impose, direct, by notification, that the undertakings of the company and the right, title and interest of the company in relation to its undertakings, which have vested in that Government, under section 3, shall, instead of continuing to vest in the State Government, vest in a Government company or a co-operative society either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the company, in relation to its undertakings, vest in a Government company or a Co-operative Society under sub-section (1), the Government company or the co-operative society, as the case may be, shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings and all the rights and liabilities of the State Government in relation to such undertakings shall on and from the date of such vesting, be deemed to have become the right and liabilities as the case may be of the Government Company or the co-operative society.
CHAPTER III

PAYMENT OF AMOUNTS

7. Payment of amount. -(l) For the transfer, to, and vesting in the State Government, under section 3, of the undertakings of the company and the right, title and interest of the company in relation, to its undertakings, there shall be, given by the State Government to the company, amount calculated and determined in accordance with the provisions of this Chapter.

(2) The amount payable to the company in relation to the concerned undertaking shall be calculated and determined as under:

a) value of sugar stocks calculated at ex-factory market price prevailing immediately before the appointed day, minus basic excise duty in lieu of sales tax leviable thereon;

b) value of stock of molasses at the price prevailing immediately before the appointed day;

c) value of actual stock of sugarcane at the actual cost of purchase;

d) value of sugar in the process of production or any bagasse or press mud at the market value;

e) book value of the other assets as shown in the last balance sheet;

Provided that whenever sugar stocks are disposed of, so much of the sale proceeds as are referable to quantity pledged or hypothecated with any banking institution or financier, and against which such institution or financier may have made advances, shall be payable to such institution or financier as the case may be, in discharge of advances inclusive of interest and other incidental charges if any, and the balance, if any, remaining thereafter shall be payable to the Commissioner for payments.

8. Appointments of Special Officer determination of amount payable.-(1) The State Government for the purpose of calculating and determining the amount payable to the company under section 7, shall appoint by order in writing, a person as Special Officer. The Special Officer shall have the power to regulate his procedure in all matters arising out of the discharge of his functions including the place or places at which he will hold his sittings and shall, for the purpose of making any investigation under this Act, have the same powers as vested in a civil court in the Code of Civil Procedure, 1908 (No. 5 of 1908) while trying a suit in respect of the following matters, namely:-

a) the summoning and enforcing the attendance of any witness and examining him on oath;

b) the discovery and production of any document, or other material object producible as
evidence;
c) the reception of evidence on affidavits;
d) the issuing of any commission for the examination of witnesses.

(2) Any investigation before the Special Officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (No. 45 of 1860) and the Special Officer shall be deemed to be a Civil Court for the purposes of section 195, section 345 and section 346 of the Code of Criminal Procedure, 1973 (No. 2 of 1974).

CHAPTER IV
MANAGEMENT, ETC. OF THE UNDERTAKINGS
OF THE COMPANY

9. Management etc. of the undertakings of the Company.- (1) The general superintendence, direction, control and management of the affairs and business of the undertakings of the company the right, title and interest in relation to which have vested in the State Government under section 3, shall,--
a) where a direction has been made by the State Government under sub-section (1) of section 6, vest in the Government company specified in such direction; or
b) where no such direction has been made by the State Government, vest in one or more Custodians appointed by the State Government sub-section (2), of this section and thereupon the Government company so specified or the Custodian or Custodians so appointed, as the case may be, shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Company is authorised to exercise and do in relation to its undertakings.

2) The State Government may appoint one or more individuals as the Custodian or Custodians of the undertakings of the company in relation to which no direction has been made by it under sub-section (1) of section 6.

3) The Custodian or Custodians so appointed shall receive; from the funds of the undertakings of the company such remuneration and allowances as the State Government may fix and shall hold office during the pleasure of the State Government.

10. Duty of persons in charge of management of the undertakings in the company to deliver all assets, etc.--(1) On the vesting of the management of the undertakings of the company in a Government company or on the appointment of a Custodian or Custodians all persons in charge of the management of the undertakings of the company
immediately before such vesting or appointment, shall be bound to deliver to the Government company or the Custodian or Custodians, as the case may be, all assets

(2) The State Government may issue such directions as it may deem desirable in the circumstances of the case to the Government company or the Custodian or Custodians, and such Government company or the custodian or custodians may also, if it is considered necessary so to do apply to the State Government at any time for instructions as to the manner in which the management of the undertakings of the company shall be conducted or in relation to any other matter arising in the course of such management.

11. Duty of persons to account for assets, etc. in their possession.- (1) Any person who has, on the appointed day, in his possession or under his control, any assets, books, documents or other papers relating to any undertaking owned by the Company, which have vested in the State Government or in a Government company under this Act and which belong to the company, or would have so belonged, if the undertakings owned by the company had not vested in the State Government or such Government company, shall be liable to account for the said assets, books, documents and other papers to the State Government or the Government company and shall deliver them up to the State Government or such Government company or to such person or persons as the State Government or the Government Company may specify in this behalf.

(2) The State Government or the Government company aforesaid may take or cause to be taken all necessary steps for securing possession of the undertakings of the Company which have vested in the State Government or the Government company under this Act.

(3) The company shall, within such period as the State Government may allow in this behalf, furnish to that Government a complete inventory of all its properties and assets, as on the appointed day, pertaining to the undertakings which have vested in the State Government under section 3 and, for this purpose, the State Government or the Government company aforesaid shall afford to the company all reasonable facilities.

12. Accounts and audit.- The Custodian or Custodians of the undertaking of the company shall maintain an account of the undertakings of the company in such form and manner and under such conditions as may be prescribed and the provisions of the Companies Act,
1956 (No. 1 of 1956) shall apply to the audit of the accounts so maintained as they apply to the audit of the accounts of a company.

CHAPTER V

PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

13. Continuance of employees.-(1) every person who has been, immediately before the appointed day, employed in any undertaking of the company shall become,-

a) on and from the appointed day, an employee of the State Government, and

b) where the undertakings of the company are directed, under sub-section (1) of section 6 to vest in a Government company, an employee of the Government company on and from the date of such vesting, and shall hold office or service under the State Government, or the Government company, as the case may be, with the same rights and privileges, if any, as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the State Government or the Government company, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the State Government or the Government company, as the case may be.

(2) Notwithstanding anything contained in the Madhya Pradesh Audhyogik Sambandh Adhiniyam, 1960 (No. 17 of 1960) or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking of the Company, to the State Government or the Government company, as the case may be shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

Explanation.-"Person employed in any undertaking of the company" shall not include (i) casual labour, or (ii) persons in part-time employment, or (iii) persons in employment not during the whole year but only during the crushing season.

14. Provident fund and other funds. (1) Where the Company has established a provident fund, superannuation, welfare or other fund for the benefit of the persons employed in any of its undertakings the moneys relatable to the officers or other employees whose services have become transferred by or under this Act to the State Government or the Government company, shall out of the moneys standing, on the appointed
day, to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vest in, the State Government or the Government company, as the case may be.

(2) The moneys which stand transferred under sub-section (1) to the State Government or the Government Company, as the case may be, shall be dealt with by that Government or Government Company in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

15. Appointment of Commissioner of Payments.-(1) The State Government shall, for the purpose of disbursing the amounts payable to the Company under section 7 by notification, appoint a Commissioner of Payments.

(2) The State Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the power exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of the State.

16. Payment by State Government to the Commissioner. (1) The State Government shall, on determination of the amount by Special Officer under section 8 pay in cash to the Commissioner, for payment to the Company, an amount so determined.

2) A deposit account shall be opened by the State Government in favour of the Commissioner in the Public Account of State and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by Commissioner.

3) Records shall be maintained by the Commissioner in respect of the undertakings of the Company in relation to which payments have been made to him under this Act.

4) Interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall ensured to the benefit of the Company.
17. Central powers of the State Government or Government Company.- (1) The State Government or the Government company, as the case may be, shall be entitled to receive, up to the specified date to the exclusion of all other persons, any money due to the Company in relation to its undertakings which have vested in the State Government or the Government company, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

2) The State Government or the Government company as the case may be, may make a claim to the Commissioner with regard to every payment made by that Government or Government company after the appointed day, for discharging any liability of the Company in relation to any period prior to the appointed day, and every such claim shall have priority, in accordance with the priorities attaching under this Act, to the matter in relation to which such liability has been discharged by the State Government or the Government company.

3) Save as otherwise provided in this Act, the liabilities of the Company in respect of any transaction prior to the date of taking over which have not been discharged shall be the liabilities of the owner of the Company.

18. Claims to be made to the Commissioner. - Every person having a claim against the Company with regard to any of the matters specified in the Schedule pertaining to any undertaking owned by it shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

19. Priority of claims. - The claims made under section 18 shall have priorities in accordance with the following principles, namely:-

a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;

b) the claims specified in each of the categories shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall be paid "pro rata";

and

c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.
20. **Examination of claims**.-(1) On receipt of the claims made under section 18, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

21. **Admission or rejection of claims**. -(1) After examining the claims with reference to the priorities specified in the Schedule, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim and issue a notice to that end.

2) Not less than fourteen days notice of the date so fixed shall be given by advertisement in one issue of any daily newspaper in the English language having circulation in the major part of the country and in one issue of any Hindi newspaper with daily circulation and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

3) Every claimant who fails to file the proof of his claim within the period specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing, admit or reject the claim in whole or in part.

5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold his sitting and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:-

a) the summoning and enforcing the attendance of any witness and examining him on oath;

b) the discovery and production of any document or other material object producible as evidence;

c) the reception of evidence on affidavits;

d) the issuing of any commission for the examination of witnesses.
(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code 1860 (No. 45 of 1860) and the Commissioner shall be deemed to be a Civil Court for the purposes of section 195, Section 345 and section 346 of the Code of Criminal Procedure, 1973 (No. 2 of 1974).

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against such decision within a period of thirty days from the date thereof to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated.

(8) The appellate court referred to in sub-section (7) shall send for the record of the case and hear and decide the appeal and towards this end it shall as far as may be exercise the same powers and follow the same procedure as it can exercise and following in relation to an appeal from a decree of a civil court subordinate to it, under the Code of Civil Procedure 1908 (No. V of 1908).

(9) The High Court may call for the record of the appeal which has been decided by the appellate authority under sub-section (8), as well as the record of the original case and may make such order in the case as it thinks fit and for this purpose may exercise revisional jurisdiction on grounds analogous to those specified in section 115 of the Code of Civil Procedure 1908 (No. V of 1908).

Provided that the power of revision at the instance of any person aggrieved shall not be exercised unless such person submit a petition for revision within ninety days of the date of decision in appeal.

(10) The order of the Commissioner, subject to decision in appeal or revision as the case may be, shall be final and conclusive.

22. Disbursement money by Commissioner. -After admitting a claim under this Act the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due, and on such payment, the liability of the Company in respect of such claim shall fully discharged.

23. Disbursement of amounts to the Company- If, out of the moneys paid to him, in relation to the undertakings of the company, there is a balance left after meeting the liabilities as specified in the Schedule, the Commissioner shall disburse such balance to the owner of the company.

24. Undisbursed un-claimed amount to be deposited with the general revenue account- Any money paid to the commissioner which remains undisbursed or unclaimed
on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner before his office is finally wound up, to the general revenue account of the State Government; but a claim to any money so transferred may be preferred to the State Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for the payment of the claim being treated as an order for the refund of revenue.

CHAPTER VII
MISCELLANEOUS

25. Act to have overriding effect.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act or in any decree or order of any court, tribunal or other authority.

26. Contracts to cease to have effect unless ratified by State Government or Government Company.- Every contract entered into by the Company in relation to any of its undertakings, which has vested in the State Government under section 3, for any service, sale or supply, and in force immediately before the date of taking over shall, on and from the expiry of a period of thirty days from the date of commencement of this Act cease to have effect unless such contract is before the expiry of that period, ratified in writing, by the custodian on behalf of the State Government or Government company in which such undertaking has been vested under this Act and in ratifying any such contract the custodian or the Government company may make such alterations or modifications therein as he or it may think fit:

Provided that the custodian or the Government Company shall not omit to ratify a contract and shall not make any alteration or modification in a contract-

a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the State Government or the Government company; and

b) except after giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

27. Penalties. - Any person who,

a) having in his possession, custody or control any property forming part of the
undertakings of the Company, wrongfully withholds such property from the State Government or the Government company; or

b) wrongfully obtains possession of, or retains, any property forming part of the undertakings of the company; or

c) willfully withholds or fails to furnish to the State Government or the Government company or any person or body of persons specified by the Government or Government company, any document relating to such undertakings, which may be in his possession, custody or control, or

d) fails to deliver to the State Government or the Government company or any person or body of persons specified by that Government or Government company, any assets, books of account, register or other documents in his possession, custody or control, relating to the undertakings of the Company; or

e) wrongfully removes or destroys any property forming part of the undertakings of the Company or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate;

Shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

28. Offences by companies.- (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. -For the purposes of this section, -
a) "Company" unless the context otherwise requires, means any body corporate and includes a firm or other association of individual; and
b) "director" in relation to a firm, means a partner in the firm.

29. Protection of action taken in good faith.-(1) No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or the other employee of the Government or Custodian or the Government company or other person authorised by the Government, Custodian or Government company for anything which is in good faith done or intended to be done under this Act.
(2) No suit or other legal proceeding shall lie against the State Government or any officer or other employee of the Government or the Custodian or the Government company or other person authorised by that Government, Custodian or Government company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

30. Delegation of powers.-(1) The State Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by this section and section 31 may also be exercised by such person or persons as may be specified in the notification.
(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control, and supervision of the State Government.

31. Power to make rules.-(1) The State Government may, by notification, make rules for carrying out the provisions 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 time within which, and the manner in which, an intimation referred to in sub-section (3) of section 4 shall be given;
b) the form and manner in which, and the conditions under which, the Custodian or Custodians shall maintain the accounts as required by section 12;
c) the manner in which the moneys in any provident fund or other fund referred to in section 14 shall be dealt with any other matter which is required to be, or may be, prescribed.
2) Every rule made by the State Government under this Act shall laid on the table of the Legislative Assembly.
32. **Power to remove difficulties.**- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by-order, not inconsistent with the provisions of this Act, remove the difficulty.

33. **Amendment of Madhya Pradesh Ordinance, No. 4 of 1984.**- For sub-clause (ii) of clause (c) of Section 2 of the Ordinance repealed by Section 34 the sub-clause (ii) of clause (c) of Section 2 of this Act shall be deemed to have been substituted with effect from the 17th February 1984.

34. **Repeal**- The Jaora Sugar Mills Tatha Seth Govindram Sugar Mills (Upkramon Ka Arjan Aur Antaran) Adhyadesh, 1984 (No. 4 of 1984) is hereby repealed.

**THE SCHEDULE**

[See sections 18, 20(1), 21(1) and 231

ORDER OF PRIORITIES FOR THE DISCHARGE OF

LIABILITIES OF THE COMPANY

CATEGORY.-(i) Advances by Bank on stock of sugar made after take over of management under section 18AA of the Industries (Development and Regulation) Act, 1951 (No. 65 of 1951).

(ii) Wages, salaries, arrears in relation to contributions to be made by the company to the provident fund and other dues of the employees of the company for the period before and after take over of management under section 18AA of the Industries (Development and Regulation) Act, 1951 (No. 65 of 1951.)

(iii) Amount payable to cane growers in respect of price of sugar cane for the period after takeover of management under section 18AA of the Industries (Development and Regulation) Act, 1951 (No. 65 of 1951).

(iv) Amount due to cane growers for the period before take over of management under section 18AA of the Industries (Development and Regulation) Act, 1951 (No. 65 of 1951).

CATEGORY II.-Loans advanced by the Central Government or the State Government, or any credit availed of by the company for the purpose of carrying on any trading or manufacturing operation during the period of takeover of management under section 18AA of the Industries (Development and Regulation) Act, 1951 (No. 65 of 1951).,
CATEGORY III.-Revenue taxes, cesses, rates or any other dues to the Central Government or a State Government for the period of takeover of management under section 18AA of the Industries (Development and Regulation) Act 1951 (No. 65 of 1951).

CATEGORY IV.-Advances by Bank before takeover of management under section 18AA of the Industries (Development and Regulation) Act 1951 (No. 65 of 1951) on stock of sugar.

CATEGORY V.- (i) Any credit availed of by the company for the purpose of carrying on any trading or manufacturing operation before take over of management under section 18AA of the Industries (Development and Regulation) Act, 1951 (No. 65 of 1951).

(ii) Any other dues for the period before take over of management under section 18AA of the Industries (Development and Regulation) Act, 1951 (No. 65 of 1951).