The Chhattisgarh Land Revenue Code (Amendment) Adhiniyam, 2002

Act 31 of 2002

Keyword(s):
Rights in Fruit Bearing Trees, Chotte Jhad Ka Jungle

Amendment appended: 11 of 2003

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5. (1) This Adhiniyam may be called the Chhattisgarh Land Revenue Code (Amendment) Adhiniyam, 2002.

(2) It shall come into force from the date of its publication in the Gazette.

2. After entry (vii) of clause (Z-1) of Sub-section (1) of Section 2 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), (Here in after referred as the Principal Act) the following entries shall be inserted, namely:

(vii) Adina cardifolia (Haldoo)
(ix) Mitragyna parviflora (Mundi)
(x) Terminalia arjuna (Arjun)
(xi) Diospyros melanoxylon (Tendu)
(xii) Onelina arborea (Khanhar)

3. (1) In Section 239 of the Principal Act, for the previous marginal heading "rights in fruit bearing trees planted in unoccupied land" the marginal heading "rights in fruit bearing trees and other trees planted in unoccupied land and Bada Jhadi Chhoti Jhad Ka Jungle" shall be substituted.

(2) In Sub-section (1) and (2) of Section 239 after the words "unoccupied Land" wherever it occurs the words "land and Bada Jhadi Chhoti Jhad Ka Jungle" shall be added.
4. After Sub-section (5) of Section 239 of the Principal Act, the following Sub-section shall be inserted, namely:

"(5. A) Permanent lease for such Bhata Land, on which the provisions of the Forest, Conservation Act, 1980 (No. 69 of 1980) shall not apply may be granted.

(5. B) An agreement can be executed for plantation on Bade Jhad/Chhote Jhad Ka Jungle. No Bhumiswami right shall accrue to the agreement holder or his/her heir of the Land of Bade Jhad/Chhote Jhad Ka Jungle and on the trees planted on the above land. The agreement holder or his/her heir shall be entitled to only usufruct of the trees"

5. (1) In the Sub-section (4) of Section 241 of the Principal Act for the words "One thousand rupees" the words "Five thousand rupees" shall be substituted.

(2) At the end of Sub-section (5) of Section 241, of the Principal Act, the following words shall be added, namely:

"However such person shall be required to get his land demarcated by the competent authority and to inform in writing the Revenue Officer and Range Forest Officer having Jurisdiction at least 10 days before felling of removal of such trees"
CHHATTISGARH ACT (No. 11 of 2003)

CHHATTISGARH LAND REVENUE CODE (AMENDMENT) ACT, 2003

An Act to further amend the Chhattisgarh Land Revenue Code 1959 (No. 20 of 1959).

Be it enacted by the Chhattisgarh Legislature in the fifty-fourth year of the Republic of India as follows:—

Short Title and Commencement.

1. (1) This Act may be called the Chhattisgarh Land Revenue Code (Amendment) Act, 2003.

(2) It shall come into force from 23rd November 2002 (Twenty third November Two Thousand Two).

Amendment in Section 3.

2. Section 3 of the Chhattisgarh Land Revenue Code 1959 (No. 20 of 1959) (Here in after referred as the Code) shall be substituted by the following:—

(1) There shall be a Board of Revenue for Chhattisgarh having a President.

(2) In addition to the President, the State Government may appoint as many members as it may deem fit.

Substitution of Section 10.

3. Section 10 of the Code shall be substituted by the following:—

"10 (1) All appeals, applications for revision, review and other proceedings under the Code pending before the Board of Revenue of Madhya Pradesh, relating to the State of Chhattisgarh on 31st October 2002 shall stand transferred to and, be heard and decided by the Board of Revenue of Chhattisgarh.

(2) All appeals, applications for revision, review and other proceedings under the Code pending as on 23rd November, 2002 before the Commissioners or the Additional Commissioners appointed under the Code after the 22nd November, 2002 until they relinquished their office, shall be deemed to be legal and valid.

Provided that all bona fide decisions, proceedings and actions taken by the Commissioners or the Additional Commissioners appointed under the Code after the 22nd November, 2002 shall be deemed to be legal and valid.
4. The following words appearing in Section 11 of the Code shall be omitted:—
   Commissioner (including Additional Commissioners);
5. Sub-section (2) of Section 12 of the Code shall be omitted.
6. Section 14 of the Code shall be omitted.
7. Section 15 of the Code shall be omitted.
8. Sub-section (2) of Section 29 of the Code shall be omitted.
9. The words "Commissioner, a" appearing in Sub-section (2) of Section 30 of the code shall be omitted.
10. (1) In clause (c) of Sub-section (1) of Section 44 of the Code, for the word "Commissioner" the words "Board of Revenue" shall be substituted.
   (2) In clause (g) of Sub-section (1) of Section 44, of the Code the word "Commissioner or the" shall be omitted.
   (3) In clause (i) of Sub-section (2) of Section 44, of the code for the word "Commissioner" the words "Board of Revenue" shall be substituted.
   (4) clause (iii) of Sub-section (2) of Section 44 of the code shall be omitted.
11: Sub-section (b) of Section 47 of the Code shall be omitted.
12. Sub-section (3) of Section 49 of the Code shall be substituted by the following:—
   "(3) After hearing the parties, the Appellate Authority may confirm, vary or reverse the order appealed against; or may take such additional evidence as it may consider necessary for passing its order.
   Provided that the Appellate Authority shall not remand the case for disposal by any Revenue Officer subordinate to it."
13. (1) In Sub-section (1) of Section 50 of the Code the words "or Commissioner" appearing before the words "or the Settlement Commissioner" shall be omitted.
   (2) In sub-clause (c) of clause (i) of the proviso to Sub-section (1) of Section 50 of the Code, the words "Commissioner or" appearing before the words "the Settlement Commissioner" shall be omitted.
   (3) In clause (ii) of the proviso to Sub-section (1) of Section 50 of the Code, the words "Commissioner or" appearing before the words "the Settlement Commissioner," shall be omitted.
   (4) In clause (i) of Sub-section (2) of Section 50 of the Code, the words "the Commissioner or" appearing before the words "the Settlement Commissioner," shall be omitted.
   (5) In clause (ii) of Sub-section (2) of Section 50 of the Code, the words "the Commissioner or" appearing before the words "the Settlement Commissioner," shall be omitted.
   (6) In clause (iii) of Sub-section (2) of Section 50 of the Code the word "Commissioner" appearing before the words "Settlement Commissioner," and the words "the Commissioner or" appearing before the words "the Settlement Commissioner" shall be omitted.
(7) In clause (iv) of Sub-section (2) of Section 50 of the Code, the words "the Commissioner or" appearing before the words "the Settlement Commissioner" shall be omitted.

Amendment in Section 51.

14. In clause (i) of the proviso of Sub-section (1) of the Section 51 of the Code the word "Commissioner" appearing before the words, "Settlement Commissioner" shall be omitted.

Amendment in Section 114-A.

15. (1) In Section 114-A of the Code, for the marginal heading "Bhoo Adhikar Avam Rin Pustika" the new marginal heading "Kisan Kitab" shall be substituted.

(2) In Sub-section (1), (2) and (3) of Section 114-A of the Code, for the words "Bhoo Adhikar Avam Rin Pustika", wherever it occurs the word "Kisan Kitab" shall be substituted.