

The Land Reforms Ordinance, 1984

(Ordinance NO. X OF 1984)

An Ordinance to reform the law relating to land tenure, land holding and land transfer with a view to maximising production and ensuring a better relationship between land owners and bargadars.

WHEREAS it is expedient to reform the law relating to land tenure, land holding and land transfer with a view to maximising production and ensuring a better relationship between land owners and bargadars;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

CHAPTER I PRELIMINARY

Short title and

1. (1) This Ordinance may be called the Land Reforms Ordinance, 1984.

commencement

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, specify.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) "bargadar" means a person who under the system generally known as adhi, barga or bhag cultivates the land of another person on condition of delivering a share of produce of such land to that person;

(b) "barga contract" means the contract under which any land is cultivated by a person as a bargadar;

(c) "barga land" means any land under cultivation of any person as a bargadar;

(d) "family", in relation to a person, includes such person and his wife, son, unmarried daughter, son's wife, son's son and son's unmarried daughter:

Provided that an adult or married son who has been living in a separate mess independent of his parents and pays union rate in his own name and his wife, son and unmarried daughter shall be deemed to constitute a separate family;

(e) "homestead" means a dwelling house with out-houses, tanks and enclosures immediately connected with it covering an area of not more than one standard bigha:

Provided that where such area exceeds one standard bigha, the excess land shall not be deemed to be homestead;

(f) "malik" means a person or an organisation, body or authority holding agricultural land;

(g) "owner" in relation to a barga land, means the person from whom the bargadar gets the land for cultivation under a barga contract;

(h) "personal cultivation" means cultivation by a person of his own land or barga land on his own account-

(i) by his own labour, or

(ii) by the labour of any member of his family, or

(iii) by the labour of any servant or labourer employed on wages to supplement his own labour or labour of any member of his family;

(i) "prescribed" means prescribed by rules made under this Ordinance;

(j) "prescribed appellate authority" means an authority appointed by the Government, by notification in the official Gazette, for the purpose of hearing all or any of the appeals under this Ordinance, or an authority specified in the rules for such purpose;

(k) "prescribed authority" means an authority appointed by the Government, by notification in the official Gazette, for all or any of the purpose of this Ordinance, except for the purpose of hearing appeals, or an authority specified in the rules for such purposes;

(l) "produce" includes straw, stalk of any crop and any other crop residue;

(n) "rural area" means any area which is not included within a municipality.

Ordinance to override other laws, etc.

3. The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any custom or usage or in any contract or instrument.

CHAPTER II

LIMITATION ON ACQUISITION OF AGRICULTURAL LAND

Limitation on acquisition of agricultural land

4. (1) No malik who or whose family owns more than sixty standard bighas of agricultural land shall acquire any new agricultural land by transfer, inheritance, gift or any other means.

(2) A malik who or whose family owns less than sixty standard bighas of agricultural land may acquire new agricultural land by any means, but such new land, together with the agricultural land owned by him, shall not exceed sixty standard bighas.

(3) If any malik acquires any new agricultural land in contravention of the provisions of this section, the area of land which is in excess of sixty standard bighas shall vest in the Government and no compensation shall be payable to him for the land so vested, except in the case where the excess land is acquired by inheritance, gift or will.

(4) Compensation for the excess land payable under sub-section (3) shall be assessed and paid in such manner as may be prescribed:

Provided that where such compensation is payable only for a portion of the excess land, the assessment and payment of compensation shall be made for such portion of the excess land as the malik may specify in this behalf.

CHAPTER III

PROHIBITION OF BENAMI TRANSACTION OF IMMOVABLE PROPERTY

No benami transaction

5. (1) No person shall purchase any immovable property for his own benefit in the name of another person.

(2) Where the owner of any immovable property transfers or bequeaths it by a registered deed, it shall be presumed that he has disposed of his

beneficial interest therein as specified in the deed and the transferee or legatee shall be deemed to hold the property for his own benefit, and no evidence, oral or documentary, to show that the owner did not intend to dispose of his beneficial interest therein or that the transferee or legatee holds the property for the benefit of the owner, shall be admissible in any proceeding before any Court or authority.

(3) Where any immovable property is transferred to a person by a registered deed, it shall be presumed that such person has acquired the property for his own benefit, and where consideration for such transfer is paid or provided by another person it shall be presumed that such other person intended to pay or provide such consideration for the benefit of the transferee, and no evidence, oral or documentary, to show that the transferee holds the property for the benefit of any other person or for the benefit of the person paying or providing the consideration shall be admissible in any proceeding before any Court or authority.

CHAPTER IV

HOMESTEADS

No eviction, etc., from homestead

6. Any land used as a homestead by its owner in the rural area shall be exempted from all legal processes, including seizure, distress, attachment or sale by any officer, Court or any other authority and the owner of such land shall not be divested or dispossessed of the land or evicted therefrom by any means:

Provided that nothing in this section shall apply to the acquisition of such homestead under any law.

Settlement of khas land for homestead

7. (1) Where in the rural areas any khas land fit for being used as homestead is available, the Government shall, in setting such land, give preference to landless farmers and labourers:

Provided that not more than five kathas of such land shall be allotted for such purpose to any individual.

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(2) Any land settled under sub-section (1) shall be heritable but not transferable.

CHAPTER V

BARGADARS

Cultivation under barga contract

8. (1) Subject to the other provisions of this Ordinance, no person shall allow another person to cultivate his land and no person shall cultivate the land of another person on condition of sharing the produce of such land between them unless they execute a contract for such cultivation in such form and manner as may be prescribed.

(2) A barga contract shall be valid for a period of five years commencing from such date as may be specified in the barga contract.

Recognition of existing bargadars

9. (1) Any person cultivating the land of another person as a bargadar immediately before the commencement of this Ordinance shall be deemed to be a bargadar in respect of such land under this Ordinance.

(2) The owner and the bargadar of any land referred to in sub-section (1) shall execute a contract as required under section 8 within ninety days from the date of commencement of this Ordinance.

(3) If the parties fail to execute the contract within the specified period, any of them may make an application to the prescribed authority for getting a contract executed.

(4) The prescribed authority shall, after making such enquiry as it deems fit, within sixty days of receipt of the application, decide whether or not the applicant is entitled to get such contract executed.

(5) If the prescribed authority decides that the applicant is entitled to get a contract executed in respect of any property mentioned in the application, it shall direct the opposite party to execute the contract within two weeks from the date of receipt of the direction and, if such party fails to execute, the authority shall execute it on behalf of such party.

(6) A barga contract executed under this section shall be deemed to be effective from the date of commencement of this Ordinance, and shall be