

# **INTERNATIONAL JOURNAL OF LEGAL STUDIES AND SOCIAL SCIENCES [IJLSSS]**

ISSN: 2584-1513 (Online)

Volume 2 | Issue 3 [2024] | Page 56- 72

© 2024 International Journal of Legal Studies and Social Sciences

Follow this and additional works at: <https://www.ijlsss.com/>

In case of any queries or suggestions, kindly contact [editor@ijlsss.com](mailto:editor@ijlsss.com)

# SCRUTINIZING THE SIMILARITIES IN LAND LAWS OF CHHATTISGARH AND MADHYA PRADESH

- Pragati Rajak<sup>1</sup>

## ABSTRACT

**From rural fields to urban sprawl, Land laws guide, ensuring for all. Equitable access, ownership secure, Upholding rights, our land's allure.**

It is prolific to pay gratitude towards this prominent component of our life which is not only a piece of land but also a significant part of our livelihood. 'Land' is a subject matter of State list under the Constitution of India and therefore, the legislature of the State to make laws in this regard. Till 2000, the heart of India was the largest state in India area wise and after its reorganization on 1<sup>st</sup> November 2000, a new State known as the state of Chhattisgarh was carved out of this state and formed as a new State by the virtue of the Madhya Pradesh Reorganization Act, 2000 passed by the Parliament of India

A comparative analysis of legislations related to land of the state of Chhattisgarh and Madhya Pradesh are taken wherein the scope of study is limited to legislations viz. The Chhattisgarh Land Revenue Code, 1959, The Chhattisgarh Rent Control Act, 2011, Madhya Pradesh Accommodation Control Act, 1961 and the Madhya Pradesh Land Revenue Code, 1959.

The objective of paper is mainly to analyze the similarities and differences in the land laws of both the aforementioned States. Along with, identifying the areas of improvement to facilitate policy recommendations and proposing suggestions for better governance. To promote sustainable land managements and equitable development is a paramount consideration and fostering laws that reduces the chaos

---

<sup>1</sup> Student at Amity Law School, Amity University Chhattisgarh, Raipur.

of pertinent problems of contemporary time.

**Keywords:** Chhattisgarh, Constitution of India, land laws, Madhya Pradesh, similarities.

## INTRODUCTION

In every acre, a promise lies, of futures bright, beneath blue skies. Laws nurture this promise strong and true. For land is our lifeline, through and through. Land is the important component of statehood as well as a significant protagonist in the life of a person. This forms the basis of the basic amenities required for the survival i.e., food, *shelter* and clothing. The perusal of critical role of land in our life, the laws in regard are must to be addressed upon. Herein the land laws acquire a sight in this landscape. Before, beginning with land laws, it is vital to understand the meaning of land. “*Land means the surface of the earth that is not covered by water.*” There are many inferences that can be drawn from the word land as defined by various eminent personalities<sup>2</sup> and traces can be found in statute.<sup>3</sup>

For this research paper, the land laws of the state of Madhya Pradesh and Chhattisgarh are taken into for critical comparative analysis of the same. Till 2000, the heart of India was the largest state in India area wise and after its reorganization on 1<sup>st</sup> November 2000, a new State known as the state of Chhattisgarh was carved out of this state and formed as a new State. This separation of Chhattisgarh and Madhya Pradesh was a pacific process and not the outcome of any traumatic situation which was a prominent strand in the political and administrative landscape of Indian history. The reasons for this separation were: ***Streamlining administrative processes***, wherein the creation of new state aimed to enhance governance efficiency and decentralize power,

---

<sup>2</sup> Coke stated that, Land in the legal signification comprehendeth any ground, soil or earth whatsoever, as meadows, pastures, woods, moors, waters, marshes, furzes and heath. It legally includeth also all castles, houses and other buildings.

<sup>3</sup> State Acquisition and Tenancy Act, 1950, § 2(16), No. XXVIII, Acts of Parliament, 1950 (India); “land” means land which is cultivated, uncultivated or covered with water at any time of the year, and includes benefits to arise to land, houses or buildings and also things attached to the earth, or permanently fastened to anything attached to the earth;

*Addressing disparities in regional development*, this division addressed longstanding economic and social development grievances in the region, promoting its overall growth and *to empower indigenous cultural heritage*, since Chhattisgarh's significant tribal population sought representation of their distinct cultural identity through a separate state, the separation was seen as a way to empowering and uplifting the tribal communities.

In the Republic of India, land is a subject matter of State list and the grundnorm of laws in India has empowered the legislature of the State to make laws in this regard.<sup>4</sup> Article 300A of the Indian Constitution mentions about Right to Property.<sup>5</sup> The right to property is now considered to be not only a constitutional or a statutory right, but also a human right. Though, it is not a basic feature of the constitution or a fundamental right, human rights are considered to be in realm of individual rights, such as the right to health, the right to livelihood, the right to shelter and employment, etc. Now human rights are gaining an even greater multi-faceted dimension The right to property is considered, very much to be a part of such new dimension.<sup>6</sup> Herein, the reference of property in the Constitution signifies that it is states obligation to look upon this concerned arena and thus, the State legislature of the State of Madhya Pradesh and Chhattisgarh have made laws in this regard. A comparative analysis of legislations related to land of the state of Chhattisgarh and Madhya Pradesh are taken wherein the scope of study is limited to legislations viz. The Chhattisgarh Land Revenue Code, 1959, The Chhattisgarh Rent Control Act, 2011, Madhya Pradesh Accommodation Control Act, 1961 and the Madhya Pradesh Land Revenue Code,

---

<sup>4</sup> I INDIA CONST. art. 246, cl. 2 read with Schedule VII: 18. Land, that is to say, right in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization. 45. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues.

<sup>5</sup> Article 300A of the Indian Constitution- Persons not to be deprived of property save by authority of law (RIGHT TO PROPERTY) No person shall be deprived of his property save by authority of law. Chapter IV (contained article 300A) ins. by the Constitution (Forty-fourth Amendment) Act, 1978, sec. 34 (w.e.f. 20-6-1979).

<sup>6</sup> Tukaram Kanna Joshi v. M.I.D.C., AIR 2013 SC 565.

1959.

Thus, the analysis of these laws offers a comprehensive landscape of the land governance and this helps to understand the administrative structures and socio-economic dimensions that underpin land tenure and revenue systems in the region.

## **RESEARCH OBJECTIVE**

- To identify the similarities and difference in lands laws of the state of Madhya Pradesh and Chhattisgarh and critically analyzing the same.
- To highlight the areas of improvement to facilitate policy recommendations and proposing suggestions for better governance.

## **STATEMENT OF PROBLEM**

The laws of both the States are comprehensive and pivotal for maintenance of land, land revenue and areas encompassing it. It is well said that the comparison is always between the like things i.e., the dimensions of comparisons which are taken into consideration must be similar to know the difference. Herein, the paper aims to undergo a comparative analysis of land legislations of Chhattisgarh and Madhya Pradesh wherein the latter is the parent State. In this way, the paper aims to develop an understanding of both the legislations and scrutinizing the same.

## **LAND LEGISLATIONS IN MADHYA PRADESH**

### **MADHYA PRADESH LAND REVENUE CODE, 1959**

The act aims to consolidate and amend the laws relating to land revenue, the powers of Revenue Officers, rights and liabilities of holders of land from the State Government agricultural tenures and other matters relating to land and the liabilities incidental thereto in Madhya Pradesh. Gwalior has been appointed as the principal seat of the Board, while Bhopal, Indore, Jabalpur, Rewa and Ujjain holding the circuit

courts. The Board is regarded as the highest court of appeal in revenue concerning matters. The Code has seen multiple of amendments with the prominent ones being the amendment of 2011 and 2018. Presently, the Code contains 264 sections and 3 schedules. Chapter 1 of the Code deals with the extent and applicability of the Act. It is applicable to the whole of the territory of Madhya Pradesh ***except for areas which have been recognized as reserved under the Indian Forest Act, 1927.*** The Code provides for the creation of the Board, constituting President along with two or more members appointed by State government and the office of Revenue Officers wherein office of Commissioner has been conferred with the highest authority, unless State government comes up with any direction to the contrary. The Code determines the scope of the duties of the Revenue Officers and precludes them from enquiring into matters outside their jurisdiction. Other than this, the provisions about land and land revenue, land survey, land records can be traced in the Act as well. The provisions embody all the important aspects in the area of the revenue to ease out the administration of land revenue system in Madhya Pradesh.

## **MP ACCOMMODATION CONTROL ACT, 1961**

Receiving the assent of the President on the 25<sup>th</sup> December. 1961, this Act came up to provide for the regulating and controlling letting and rent of accommodations for expeditious trial of eviction cases on ground of “bona fide” requirement and generally to regulate and control eviction of tenants from accommodations and for other matters connected. In this act various definitions have been provided such as accommodation, landlord, tenant, lease which forms an important part in the land regulation system moreover it also mentions about the provisions regarding rent trend controlling authority fixation of interim rent standard rent along with this the act mentions about control of eviction of tenants and when tenants get benefit of protection against eviction. On the grounds of bona fide requirement and eviction of tenant can be made appointment of rent control in authorities their power functions and appeals are also mentioned under the act and provisions regarding special

obligations of landlords and penalties is mentioned and the act has total 51 sections and two schedules.

## **LAND LEGISLATIONS IN CHHATTISGARH**

### **THE CHHATTISGARH RENT CONTROL ACT, 2011**

With the aim to provide for adjudication of matters relating to rent by a tribunal and to promote leasing of accommodation by balancing the interests of landlords and tenants. The Act came as a successor of the Chhattisgarh Accommodation Control Act, 1961 which the Act mentions as repealed Act and old Act. Moreover, in this Act, constitution of rent control authority and establishment of rent controller that also provides about the powers and functions of these particular authorities along with this obligations and rights of landlord and tenants has been also provided and the schedule provides description for the same. Appealing provisions are also provided in the Act and in this way, there are total 14 sections and four schedules.

### **CHHATTISGARH LAND REVENUE CODE**

The Chhattisgarh land revenue code of 1959 is an Act i.e., just another nomenclature of the Madhya Pradesh revenue code of 1959 the preamble of both the legislations is similar that is to make laws regarding land revenue powers of revenue officer rights and liabilities of land holders and many others act provides about the board of revenue its constitution powers of the revenue officer and their functions the procedure of revenue officer and revenue courts along with appealing provisions are also mentioned in this particular act land and land revenue land survey and land revenue assessment are another provisions provided here in after it assessment and re assessment of land in urban areas maintenance of land record boundaries and boundary mark survey marks are also dealt with about the tenure holders this particular legislation mention the same and in toto there are 264 sections and 4 schedules. The Circuit Court is in Raipur and Jagdalpur. Revenue Board, has been constituted under Madhya and Chhattisgarh Land Revenue Code 1959. It is the Highest Court of appeal/ revision in revenue cases. In addition to this under other acts like C.G. Excise Act and Indian Stamp Act etc., Revenue Board has been appointed to act as the Chief Revenue Controlling Authority. Thus, for the state of Chhattisgarh this is a major Act in this domain for regulation and maintenance purpose.

## COMPARATIVE ANALYSIS (REFER ANNEXURE ALONG WITH)

After understanding the attributes of the aforesaid legislations that are the subjects of our research, now scrutinizing the same by analyzing their objective and statutory provisions. In the legislations of Madhya Pradesh and Chhattisgarh, it can be seen that two central Indian states, offer a fascinating terrain for comparative analysis. Despite their unique historical trajectories and socio-economic contexts, these states exhibit notable similarities in their legislative frameworks governing land ownership, use, and transfer. This essay delves into the shared features of land laws between Madhya Pradesh and Chhattisgarh, highlighting their significance in shaping land governance and agrarian dynamics in the region.

The ***Land Revenue Code forms the cornerstone*** of land legislation in Madhya Pradesh and Chhattisgarh. Enacted in 1959, these codes establish uniform procedures for land administration, revenue assessment, and dispute resolution. They delineate the rights and responsibilities of landholders, classify land categories, and prescribe mechanisms for revenue collection and land records maintenance. This shared legislative framework reflects a concerted effort to streamline land governance and promote agricultural development across the two states. Both Madhya Pradesh and Chhattisgarh have established similar administrative structures for land management. Revenue departments oversee the implementation of land laws at the state level, while revenue officials at the district and sub-district levels are responsible for land administration and revenue collection. Additionally, the digitization of land records and cadastral surveys has been prioritized in both states to enhance transparency, efficiency, and accountability in land governance.

Thus, it can be analyzed that the parallels between the land laws of Madhya Pradesh and Chhattisgarh underscore the interconnectedness of land governance practices in central India. Despite their distinct identities and administrative structures, these states



share common legislative frameworks, administrative mechanisms, and socio-economic imperatives in managing their land resources.

## CONCLUSION AND SUGGESTIONS

*Land, a canvas of colors bright, Harmony's symphony, day and night Laws orchestrate this wondrous scene, where balance reigns, and nature preens.*

It can be inferred that the land laws of both the State have center focus upon consolidating and amending laws related to land revenue, the powers of Revenue Officers, rights and liabilities of land holders from the State Government agricultural tenures and other matters relating to land and the liabilities.<sup>7</sup> Besides this, these legislations also deal with tenancy related matters to regulate and control this domain.<sup>8</sup> Following India's independence, various Indian states, including Madhya Pradesh, Vindhya Pradesh, and Bhopal, enacted the Zamindari Abolition Act to abolish the zamindari system. This significant legislative move aimed to dismantle the entrenched feudal structure and promote equitable distribution of land rights among the rural populace. Subsequently, to oversee the transition and implementation of the abolition act, the State government constituted a Board of Revenue through a notification issued on 1st November 1956.

Through this notification, the State government delegated the appellate and executive powers to the Board of Revenue, effective from the year 1959 onwards. This delegation empowered the Board to effectively exercise the delegated powers, ensuring the smooth execution of land reforms and the protection of the rights of landholders. By entrusting the Board with these crucial responsibilities, the State government demonstrated its commitment to institutionalizing a fair and transparent

---

<sup>7</sup> The Chhattisgarh Land Revenue Code, 1959 No.20, Acts of Chhattisgarh State Legislature, 1959 (India) and the Madhya Pradesh Land Revenue Code, 1959 No.20, Acts of Madhya Pradesh State Legislature, 1959 (India).

<sup>8</sup> The Chhattisgarh Rent Control Act, 2011 No.19, Acts of Chhattisgarh State Legislature, 2011 (India) and the Madhya Pradesh Accommodation Control Act, 1961 & Rules, 1966, No.41, Acts of Madhya Pradesh State Legislature, 1966 (India).

mechanism for land administration and dispute resolution, thereby advancing the broader objectives of agrarian reform and social justice. Additionally, right not to be deprived of property save by authority of law is no longer a fundamental right, though it is still a constitutional right.<sup>9</sup>

The similarities in land laws between Madhya Pradesh and Chhattisgarh have significant socio-economic implications for rural livelihoods and agrarian relations. Land reforms aimed at redistributing land to landless and marginalized communities have been pursued in both states to address historical injustices and promote social equity. However, **challenges** such as land fragmentation, landlessness, and inequitable access to resources persist, highlighting the need for continued policy interventions and community empowerment initiatives.

After analyzing the current legal framework with respect to land and its encompassing areas in the state of Madhya Pradesh and Chhattisgarh brings to the conclusion that the laws need to be as per the requirement of the society as the jurisprudence rightly points out that a good law is one which meets the needs of the society or **law must change with the changing needs of the society**. As comprehensive legislations which are also inclusive in nature are paramount consideration in this regard the adjudication mechanism must also include practices such as **alternate dispute resolution mechanism** in order to avoid the multiplicity of proceeding and to adjudicates the matter without delay as litigation takes a lot of time since ADR is a good solution in this regard. Moreover, provisions for digital transactions must also be inculcated in this particular legislation which are not derogatory to other legislations in force.

These are the practices which can make this legislation revolutionary one which can make the challenges face into an opportunity to the landlessness and equitable distribution of resources truth. These similarities are essential for formulating inclusive

---

<sup>9</sup> Bishamber v. State of Uttar Pradesh, AIR 1982 SC 33.

land policies, promoting sustainable rural development, and advancing social justice agendas in the region. By building upon their shared experiences and learning from each other's successes and challenges, Madhya Pradesh and Chhattisgarh can chart a course towards more equitable and resilient land governance systems in the 21st century. The Constitution of India portrays about the justice, social economic and political and the reformative measures in these land reforms will definitely turn the ideal principles into reality.

## ANNEXURE I

### COMPARATIVE ANALYSIS OF THE LEGISLATIONS

<b>MADHYA PRADESH ACCOMMODATION CONTROL ACT, 1961</b>		<b>THE CHHATTISGARH RENT CONTROL ACT, 2011</b>	
<b>Sections No.</b>	<b>Heading of Section</b>	<b>Sections No.</b>	<b>Heading of Section</b>
1.	Short title, extent and commencement	1.	Short title, extent and commencement
2.	Definitions	2.	Definitions
3.	Act not to apply to certain accommodations	3.	Exemptions
4.	Provisions of the Chapter not to apply to certain accommodations for specified period	4.	Tenancy Agreement
		5.	Rent to be as agreed
		6.	Constitution of the Rent

5.	Rent in excess of standard rent not recoverable		Control Tribunal
6.	Unlawful charges not to be claimed or received	7.	Establishment of Rent Controller
7.	Standard rent	8.	Powers and functions of RCT
8.	Lawful increase of standard rent in certain cases and recovery of other charges	9.	Powers and functions of RC
9.	Notice of increase of rent	10.	Procedure to be followed by RC(s)& RCT
10.	Rent Controlling Authority to fix standard rent, etc.	11.	Execution of the Order
11.	Fixation of interim rent	12.	Rights and Obligations of Landlords and Tenants
11A.	Certain provisions not to apply to certain categories of landlords	13.	Appeal
12.	Restriction on eviction of tenants	13A.	Power to make rules.
13.	When tenant can get benefit of	14.	Repeals and Savings

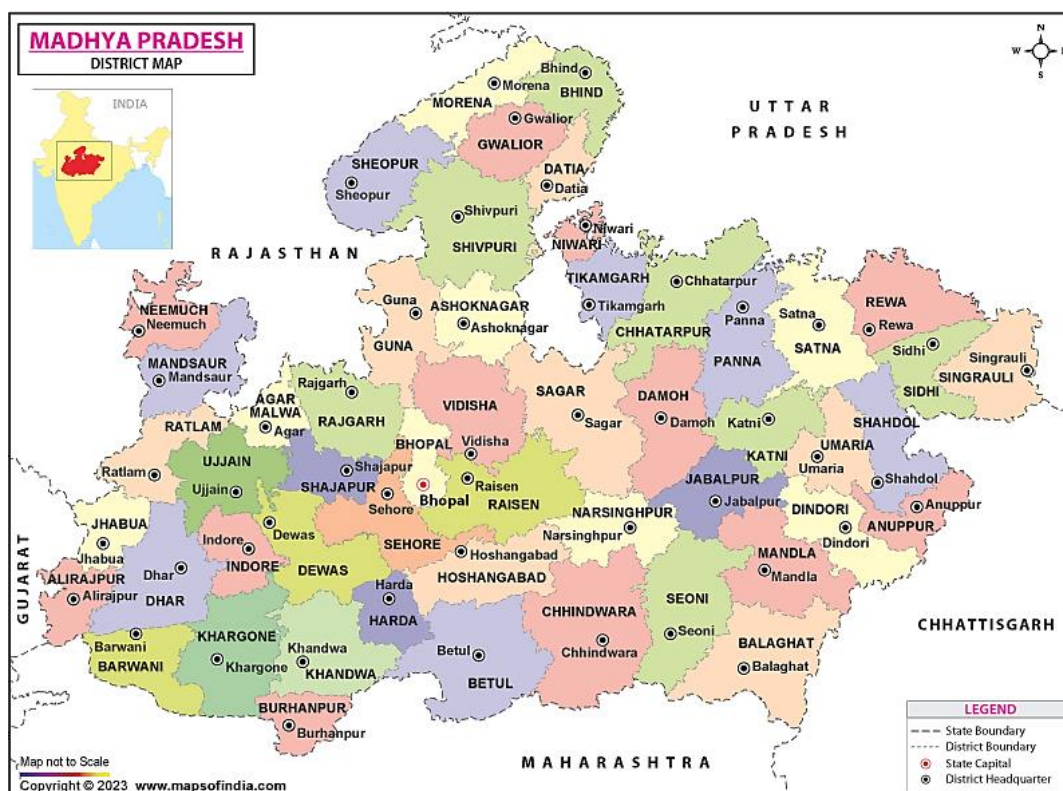
	protection against eviction	<b>SCHEDULE 1</b> (Sec. 12 (1)) Tenant's Rights available under the Act  <b>SCHEDULE 2</b> (Sec. 12 (2)) Landlord's Rights available under the Act  <b>SCHEDULE 3</b> (Sec. 12 (3)) Landlord's obligations under the Act  <b>SCHEDULE 4</b> (Sec. 12 (4)) Tenant's obligations under the Act	
14.	Restrictions on sub- letting		
Sec. 23 A- Sec. 23 J – Eviction of tenants on grounds of 'Bona fide' Requirements  Sec. 24 - Sec. 27 – Deposit of Rent  Sec. 28 - Sec. 36 – Appointment of Rent Controlling Authorities, their Powers, functions and Appeals  Sec. 37 - Sec. 44 – Provisions regarding special obligations of landlords and penalties  Sec. 45- Sec. 51 – Miscellaneous  <b>FIRST SCHEDULE</b> (Sec. 3 (1)) Name of districts and divisions  <b>SECOND SCHEDULE</b> (Sec. 23 B) Form of summons in a case where recovery of possession of accommodation is prayed for on grounds of 'bona fide' requirement.			
<b>THE MADHYA PRADESH LAND REVENUE CODE, 1959</b>		<b>THE CHHATTISGARH LAND REVENUE CODE, 1959</b>	
<b>Sections No.</b>	<b>Heading of</b>	<b>Sections No.</b>	<b>Heading of</b>

	Section		Section
1 and 2	Preliminary	1 and 2	Preliminary
3- 10	Board of Revenue	3- 10	Board of Revenue
11-26	Revenue Officers, their Classes and Powers	11-26	Revenue Officers, their Classes and Powers
<b>Sec. 13 A and 13 B</b>	<b>Cyber Tahsil and Appointment of Principal Revenue Commissioner and his powers and duties.</b>		
27-43	Procedure of Revenue Officers and Revenue Courts	27-43	Procedure of Revenue Officers and Revenue Courts
44-56	Appeal, Revision and Review	44-56	Appeal, Revision and Review
<b>Sec. 55</b>	<b>Appeal review or revision of order passed by Cyber Tahsildar</b>		
57-60	Land and Land Revenue	57-60	Land and Land Revenue
<b>61- 77</b>	<b>Land Survey</b>	61-91A	Land Survey and Land Revenue Assessment
104-123	Land Records	104-123	Land Records
<b>114 A</b>	<b>Bhoo-Adhikar Pustika</b>	<b>114 A</b>	<b>Kisan Kitab</b>
124-136	Boundaries and		

	boundary Marks, Survey Marks	124-136	Boundaries and boundary Marks, Survey Marks
137-156	Realization of Land Revenue	137-156	Realization of Land Revenue
157-180	Tenure Holders	157-180	Tenure Holders
181-184	Government lessees and service land	181-184	Government lessees and service land
203 and 204	Alluvion and Diluvion	203 and 204	Alluvion and Diluvion
205-221	Consolidation of Holdings	205-221	Consolidation of Holdings
222-232	Village Officers	222-232	Village Officers
233-254	Rights in abadi and unoccupied land and its produce	233-254	Rights in abadi and unoccupied land and its produce
255-264	Miscellaneous	255-264	Miscellaneous
<b>SCHEDULE 1</b> (Sec. 258 (2A) and (2C) Rules of procedure of Revenue officers and revenue courts  <b>SCHEDULE II</b> (Sec. 261) Repealed Act and their extent  <b>SCHEDULE III</b> (Sec. 262(3) Name of Law		<b>SCHEDULE 1</b> (Sec. 41) Rules of procedure of Revenue officers and revenue courts  <b>SCHEDULE II</b> (Sec. 261) Repealed Act and their extent  <b>SCHEDULE III</b> (Sec. 262(3) Name	

	<p>of Law</p> <p><b>SCHEDULE IV</b> (Sec. 59(2) Name of Schemes</p>
--	---

## ANNEXURE II







## REFERENCES

## STATUTES

- The Constitution of India, 1950, Acts of Parliament, 1950 (India).
- The Chhattisgarh Rent Control Act, 2011 No.19, Acts of Chhattisgarh State Legislature, 2011 (India).
- The Chhattisgarh Land Revenue Code, 1959 No.20, Acts of Chhattisgarh State Legislature, 1959 (India).
- The Madhya Pradesh Land Revenue Code, 1959 No.20, Acts of Madhya Pradesh State Legislature, 1959 (India).
- Madhya Pradesh Accommodation Control Act, 1961 & Rules, 1966, No.41, Acts of Madhya Pradesh State Legislature, 1966 (India).

## **BOOKS**

- M.P. Jain Indian Constitutional Law, Mahabir Prashad Jain, Lexis Nexis, Sixth edition.
- Dr. Anukriti Mishra, Lands Laws, Abhigyan law Publication.

## **CASES**

- Tukaram Kanna Joshi v. M.I.D.C., AIR 2013 SC 565.
- Bishamber v. State of Uttar Pradesh, AIR 1982 SC 33.
- K.T. Plantation Pvt. Ltd. V. State of Kerala, AIR 2011 SC 3430.