

7.1.1.4 Land Reform

THE LAND REFORMS ORDINANCE, 1984 (Ordinance No. X of 1984)

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

2. **Definitions.-** 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;
- (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 homestead;

6. **No eviction, etc., from homestead.-** 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:

8. Cultivation under barga contract.-(1) Subject to 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.

11. Termination of barga contract.-(1) No owner shall be entitled to terminate a barga contract except in execution of an order, made by the prescribed authority, on the ground that-

- (a) the bargadar has, without any reasonable cause, failed to cultivate the barga land;
- (b) the bargadar has, without any reasonable cause, failed to produce any crop equal to the average output of such crop in any land similar to the barga land in the locality;
- (c) the bargadar has used the barga land wholly or partly for any purpose other than agriculture;
- (d) the bargadar has contravened any provision of this Ordinance or the rules or orders made thereunder;
- (e) the bargadar has surrendered or voluntarily abandoned his right of cultivation;
- (f) the barga land is not under personal cultivation of the bargadar;
- (g) the owner requires the barga land *bona fide* for personal cultivation.

(2) If the owner, without reasonable cause, fails to bring under personal cultivation any land on termination of a barga contract under sub-section (1) (g) or allows such land to be cultivated by some other bargadars within twenty-four months of the date of such termination, the prescribed authority may, on an application made by the evicted bargadar, restore the possession of the land to such bargadar who shall thereupon continue to cultivate the land till the expiry of the period of barga contract or termination of barga contract under this Ordinance.

12. Division of produce of barga land.-(1) The produce of any barga land shall be divided in the following manner, namely:-

- (a) one-third shall be received by the owner of the land;

(b) one-third shall be received by the bargadar for the labour;

(c) one-third shall be received by the owner or the bargadar or by both in proportion to the cost of cultivation, other than the cost of labour, borne by them.

(4) If the owner refuses to accept the share of the produce tendered to him by the bargadar or to give a receipt thereof, the bargadar shall give intimation of such fact in writing to the prescribed authority.

(5) The prescribed authority shall, on receipt of such intimation, serve a notice upon the owner, in such form and manner as may be prescribed, asking him to take delivery of the produce within seven days from the date of service of the notice.