



The Uttar Pradesh Land Laws Amendment Act, 1965
Act 12 of 1965

Keyword(s):
Consolidated Area, Amendment of Land Legislation

Amendments appended: 35 of 1970, 34 of 1974, 30 of 1975, 35 of 1976, 8 of 1977, 20 of 1982, 24 of 1986, 30 of 1991, 20 of 1997

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THE UTTAR PRADESH LAND LAWS AMENDMENT ACT, 1965

[U. P. ACT NO. XII OF 1965]

*(Authoritative English Text of the Uttar Pradesh Bhoomi Vidhi Sanshodhan Adhiniyam, 1965)

AN
ACT

further to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956, the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960, the Jaunsar Bawar Zamindari Abolition and Land Reforms Act, 1956, the U. P. Land Revenue Act, 1901, the Uttar Pradesh Consolidation of Holdings Act, 1953 and certain enactments amending the last mentioned Act.

It is hereby enacted in the Sixteenth Year of the Republic of India as follows—

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Land Laws Amendment Act, 1965. Short title and
number 11.

(2) Chapter III shall be deemed to have come into force on March 12, 1957, sections 44, 45, 47 to 49 and 51 on March 8, 1963, and the remaining provisions shall come into force at once.

CHAPTER II

Amendment of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950

2. In sub-section (2) of section 1 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter in this Chapter referred to as the principal Act), the full-stop occurring at the end shall be *substituted* by a colon and thereafter the following proviso shall be *added* and be deemed always to have been *added*:—

“Provided that in relation to areas included in the Rampur Municipality, this sub-section shall have effect as if for the words and figures ‘7th day of July, 1949’ the words and figures ‘31st day of July, 1949’ were *substituted* therein”.

Amendment of
section 1 of U. P.
Act I of 1951.

[*For statement of Objects and Reasons, please see *Uttar Pradesh Gazette* (Extraordinary), dated February 23, 1965].

(Passed in Hindi by the Uttar Pradesh Legislative Council on March 9, 1965 and by the Uttar Pradesh Legislative Assembly on April 7, 1965).

(Received the Assent of the President on June 11, 1965 under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette* (Extraordinary), dated June 18, 1965.)

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Amendment of section 2-A.

3. For sub-section (1) of section 2-A of the principal Act, the following shall be *substituted*:—

“(1) Where any area is added to the territory of Uttar Pradesh by the action of any river or otherwise, the State Government may by notification in the *Gazette* extend this Act to that area.”

Amendment of section 3.

4. In section 3 of the principal Act,—

(i) in clause (14) for the words and figures “except in sections 143 and 144,” the words and figures “except in sections 109, 143 and 144 and Chapter VII” shall be *substituted* and be deemed always to have been *substituted*;

(ii) the word “and” occurring at the end of clause (28) shall be *deleted*, the full-stop occurring at the end of clause (29) shall be substituted by semi-colon followed by the word “and” and thereafter the following new clause shall be *added* and be deemed always to have been *added* :

“(30) any reference to any enactment shall be construed as a reference to that enactment as amended from time to time in its application to Uttar Pradesh, and in the case of the Code of Civil Procedure, 1908, as a reference to that Code subject also to any annulments, alterations and additions to the rules contained in the First Schedule thereto made from time to time under section 122 thereof by the High Court.”

Substitution of new sections for sections 117 and 117-A.

5. (1) For sections 117 and 117-A of the principal Act, the following shall be *substituted*, and any action taken or any notification issued under the said sections of the principal Act, as it stood before the commencement of this Act, shall be construed to have been taken or issued under the provisions of the new sections hereby *substituted* as if this section was in force on all material dates :—

“117. (1) At any time after the publication of the notification referred to in section 4, the State Government may by notification in the *Gazette*, declare that as from a date to be specified in this behalf all or any of the following things, namely—

(i) lands, whether cultivable or otherwise, except lands for the time being comprised in any holding or grove,

(ii) forests,

(iii) trees, other than trees in a holding or on the boundary of a holding or in a grove or *abadi*,

(iv) fisheries,

(v) *hats*, bazars and *melas*, except *hats*, bazars and *melas* held on lands to which the provisions of clauses (a) to (c) of sub-section (1) of section 18 apply or on sites and areas referred to in section 9, and

(vi) tanks, ponds, private ferries, water channels, pathways and *abadi* sites,—

which had vested in the State under this Act shall vest in the Gaon Sabha or any other local authority established for the whole or part of the village in which the said things are situate, or partly in one such local authority (including a Gaon Sabha) and partly in another:

Provided that it shall be lawful for the State Government to make the declaration aforesaid subject to such exceptions and conditions as may be specified in the notification.

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, the State Government may, by notification in the *Gazette*, declare that as from a date to be specified in this behalf, all or any of the things specified in clauses (i) to (vi) of sub-section (1) which after their vesting in the State under this Act had been vested in a Gaon Sabha or any other local authority, either under this Act or under section 126 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, shall vest in any other local authority (including a Gaon Sabha) established for the whole or part of the village in which the said things are situate.

U. P. Act II of 1959.

(3) Where any declaration has been made under sub-section (1) or sub-section (2) vesting any of the things specified in clauses (i) to (vi) of sub-section (1) in any Gaon Sabha, and the village or the part of the village in which that thing is situate lies outside the circle of the Gaon Sabha, such Gaon Sabha or its Land Management Committee shall in respect of that thing perform, discharge and exercise the functions, duties and powers assigned, imposed or conferred by or under this Act or the U. P. Panchayat Raj Act, 1947 on a Gaon Sabha or a Land Management Committee, as the case may be, as if that village or part of village also lay within that circle.

U. P. Act XXVI of 1947.

(4) Where a declaration has been made under sub-section (1) or sub-section (2) vesting any of the things specified in clauses (i) to (vi) of sub-section (1) in a local authority other than a Gaon Sabha and the village or the part of village in which the thing is situate is outside the limits of such local authority, or where after any declaration is made under sub-section (1) or sub-section (2), the thing vests or, as the case may be, had vested in a Nagar Mahapalika under section 126 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, such local authority shall in respect of that thing perform, discharge and exercise the functions, duties and powers assigned, imposed or conferred by or under this Act or the U. P. Panchayat Raj Act, 1947 on a Gaon Sabha or a Land Management Committee :

U. P. Act II of 1959.

U. P. Act XXVI of 1947.

Provided that the local authority shall in the performance, discharge and exercise of its functions, duties and powers under this sub-section follow such procedure as may be prescribed.

(5) Where any of the things specified in clauses (i) to (vi) of sub-section (1) is vested in a local authority other than a Gaon Sabha the provisions of sections 126 and 127 shall

subject to such exceptions and modifications, if any, as the State Government may specify in this behalf by notification in the *Gazette*, apply, *mutatis mutandis*, to such local authority.

(6) The State Government may at any time, by notification in the *Gazette*, amend or cancel any declaration or notification made in respect of any of the things aforesaid, whether generally or in the case of any Gaon Sabha or other local authority, and resume such thing, and whenever the State Government so resumes any such thing, the Gaon Sabha or other local authority, as the case may be, shall be entitled to receive and be paid compensation on account only of the development, if any, effected by it in or over that thing :

Provided that the State Government may after such resumption, make a fresh declaration under sub-section (1) or sub-section (2) vesting the thing resumed in the same or any other local authority (including a Gaon Sabha), and the provisions of sub-sections (3), (4) and (5), as the case may be, shall *mutatis mutandis*, apply to such declaration.

117-A. (1) Where—(a) any village or part of a village situated within the circle of a Gaon Sabha is included after the 7th day of July, 1949 within the limits of any other local authority (not being a Gaon Sabha) ; or

(b) any village or part of a village situated within the limits of any other local authority (not being a Gaon Sabha) is, after the 7th day of July, 1949, included within the circle of a Gaon Sabha; or

(c) any of the things specified in clauses (i) to (vi) of sub-section (1) of section 117 is vested under that section in any Gaon Sabha or other local authority within whose local limits it does not lie,—

then the State Government, may, by notification in the *Gazette* direct that in relation to the holding area within any such village or part thereof or, in the case of clause (c), within the remainder of the village or part thereof to which the thing referred to in that clause appertains, such Gaon Sabha or its Land Management Committee or other local authority as may be specified in the notification shall perform, discharge and exercise, subject to such exceptions, conditions and modifications, if any, as may be specified in this behalf, the functions, duties, and powers assigned, imposed or conferred by or under this Act or the U. P. Panchayat Raj Act, 1947 on a Gaon Sabha or Land Management Committee.

(2) Any Gaon Sabha or other local authority performing, discharging or exercising any of the functions, duties or powers of the nature referred to in sub-section (1) in relation to any area or thing referred to therein on the day immediately before the commencement of the Uttar Pradesh Land Laws Amendment Act, 1965, shall continue to perform, discharge or exercise such functions, duties or powers until

any modification or annulment is made in respect thereof by notification under the said sub-section.

(3) The provisions of this section shall be in addition to and not in derogation of anything contained in sub-sections (3) to (6) of section 117."

(2) In clause (aa) of sub-section (2) of section 128 of the principal Act, for the words and figures "second proviso to sub-section (1) of section 117" the words and figures "sub-section (6) of section 117" shall be *substituted*.

Amendment of section 128.

6. For section 127-B of the principal Act, the following shall be *substituted*, namely—

Substitution of new section for section 127-B.

"127-B. (1) The State Government may, on such terms and conditions and in such manner as may be prescribed, appoint, either generally or in any case or for any specified class of cases, in respect of Gaon Sabhas of such local areas as may be specified, one or more legal practitioners to be called Panel Lawyers.

(2) A Panel Lawyer may, subject to the provisions of sub-section (4), appear, plead and act, without any written authority on behalf of any Gaon Sabha of the area for which he is appointed, before any Court in any suit or other case, of which he has charge, by or against the Gaon Sabha.

(3) A Panel Lawyer in any Court shall be the agent of the Gaon Sabhas of the area for which he is appointed for the purpose of receiving processes against such Gaon Sabhas issued by such Court.

(4) No Panel Lawyer shall, without the prior sanction of the Land Management Committee accorded by its resolution, enter into any agreement or compromise with reference to, or withdraw from, any suit or other proceeding on behalf of a Gaon Sabha."

In section 137 of the principal Act—

Amendment of section 137.

(a) in sub-section (2), for the word and figures "section 134", the words and figures "sub-section (1) of section 134" shall be *substituted*; and

(b) in sub-section (2-A), for the words and figures "sub-section (1)", the words and figures "sub-section (1) of section 134" shall be *substituted*.

8. The proviso to section 139 of the principal Act shall be *omitted*.

Amendment of section 139.

9. In clause (b) of sub-section (1) of section 161 of the principal Act, the word, figures and letter "or 117-A" shall be *omitted*.

Amendment of section 161.

Substitution of
new section for
section 225-A.

10. For section 225-A of the principal Act, the following new section shall be *substituted*, namely—

“225-A. The whole or any part of the arrears of rent, ^{Power to write off} *sayar* or other dues in respect of any land or other property vested in a Gaon Sabha or any other local authority under the provisions of this Act may under such circumstances as may be prescribed be written off as irrecoverable by the Land Management Committee or by the local authority, as the case may be, by resolution passed in that behalf :

Provided that no such resolution shall take effect until it is confirmed by the Collector.”

Amendment of
section 229-B.

11. For sub-section (1) of section 229-B of the principal Act, the following shall be *substituted*, namely—

“(1) Any person claiming to be an *asami* of a holding or ^{Declaratory suit} any part thereof, whether exclusively or jointly with any other person, may sue the landholder ^{by person claiming to be *asami* of a holding or part thereof.} for a declaration of his rights as *asami* in such holding or part, as the case may be.”

Amendment of
section 230.

12. In sub-section (2) of section 230 of the principal Act, for clause (k), the following shall be *substituted*, namely—

“(k) the guidance of courts and officers in suits, applications and other proceedings under, and generally in all matters connected with the enforcement of this Chapter ; and”.

Insertion
new section
274-A.

13. After section 274 of the principal Act, the following new section shall be *inserted*, namely—

“274-A. Notwithstanding anything in this Act, where ^{Rounding off} the amount payable by any person on ^{in multiples of} account of land revenue or any instalment thereof involves a fraction of five paise, such fractional amount shall be rounded off to the nearest multiple of five Paise.”

Amendment of
section 279.

14. The existing section 279 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(i) in the sub-section (1) so renumbered—

(a) in clause (e), for the words “by sale” the words “by lease or sale” shall be *substituted* ;

(b) the full-stop occurring at the end of clause (f) shall be *substituted* by a comma followed by the word “and”, and thereafter the following new clause shall be *added*, namely—

“(g) by appointing a receiver of any property, movable or immovable, of the defaulter ” ; and

(ii) *after* the said sub-section (1) the following shall be *added* and shall be deemed always to have been added as a new sub-section, namely—

“(2) The costs of any of the processes mentioned in sub-section (1) shall be added to and be recoverable in the same manner as the arrear of land revenue.”

15. In section 281 of the principal Act, *for* the words “with costs, if any, of the arrest and detention” the words and figures “including costs, if any, recoverable under sub-section (2) of section 279” shall be *substituted*.

Amendment of section 281. of

16. In section 282 of the principal Act—

Amendment of section 282. of

(i) in sub-section (3), *for* the words and figure “the proviso to section 60” the words and figures “the proviso to sub-section (1) of section 60” shall be *substituted*; and

(ii) sub-sections (4) and (5) shall be *omitted*.

17. *For* section 283 of the principal Act, the following shall be *substituted*, namely—

Substitution of new section for section 283.

“283. Where a Land Management Committee has been charged under section 276 with the duty of collecting and realizing land revenue, the State Government, may, by general or special order published in the *Gazette*, authorize the Committee to recover the arrears by any one or more of the processes mentioned in clauses (a), (c), (d) and (e) of sub-section (1) of section 279, and on being so authorized the Committee shall in making the recovery, follow such procedure as may be prescribed”.

18. *For* section 284 of the principal Act, the following shall be *substituted*, namely—

Substitution of new section for section 284.

“284. (1) The Collector may, in addition to or instead of any of the other processes hereinbefore specified, either of his own motion or on the application of the Land Management Committee, attach the holding in respect of which an arrear is due.

(2) Where any holding is so attached the Collector may, notwithstanding anything contained in this Act, but subject to such conditions as may be prescribed, let out the holding, for such period not exceeding ten years commencing from the first day of July next following as he deems fit, to any person, other than the defaulter, who pays the whole of the arrear due on the holding and agrees to pay the same amount of land revenue during this period of the lease as had been payable by the defaulter in respect of the holding immediately preceding its attachment.

(3) If during the period of lease, the lessee commits default in payment of the land revenue due under the lease, the arrear may be recovered from him by any one or more of the

processes mentioned in clauses (a) to (c), (f) and (g) of sub-section (1) of section 279 and his lease shall also be liable to be determined.

(4) Upon the expiry of the period of lease the holding shall be restored to the tenure-holder concerned free of any claim on the part of the State Government for any arrear of revenue in respect thereof.

(5) If the Collector is satisfied that no suitable person is forthcoming to take the land on lease under sub-section (2), then notwithstanding anything contained in this Act he may sell the holding free from all encumbrances in such manner as may be prescribed and appropriate the proceeds in satisfaction of the arrear, and refund the excess if any, to the defaulter.

(6) The Collector shall report to the Board of Revenue any sale made under sub-section (5)."

Insertion of new section 284-A.

19. After section 284 of the principal Act as *substituted*, the following new section shall be *added*, namely—

"284-A. Any person taking or retaining possession, Ejectment of otherwise than in accordance with persons occupying the attached provisions of this Act, of any land without land attached under this Chapter title. shall be liable to ejectment and to pay damages—

(a) in case of the land being let out or sold under section 284, on the suit of the lessee or purchaser, as the case may be, and

(b) in any other case, on the suit of the Collector or of the Land Management Committee according as the attachment is made by the Collector or the Committee."

Omission of section 285.

20. Section 285 of the principal Act shall be *omitted*.

Amendment of section 286.

21. In section 286 of the principal Act,—

(i) in sub-section (1), *for* the words "from the interest of the defaulter" the words "by attachment and sale of the interest of the defaulter" shall be *substituted*, and the words "as if the said arrears were arrears of land revenue assessed on and due in respect of such other property" shall be *omitted*

(ii) in sub-section (2) *between* the word "recovered" and the words "under this section" the words "by process" shall be *inserted*.

Insertion of new section 286-A.

22. After section 286 of the principal Act, the following new section shall be *added*, namely—

"286-A. (1) Notwithstanding anything in this Act, when an arrear of revenue is due, the Collector, may, in addition to or instead of any of the processes hereinbefore specified, by order—

Appointment of receiver.

(a) appoint, for such period as he may deem fit, a receiver of any movable or immovable property of the defaulter ;

(b) remove any person from the possession or custody of the property ;

(c) commit the same to the possession, custody or management of the receiver ;

(d) confer upon the receiver all such powers, as to bringing and defending suits and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of documents, as the defaulter himself has or such of those powers as the Collector thinks fit.

(2) Nothing in this section shall authorise the Collector to remove from the possession or custody of property any person whom the defaulter has not a present right to remove.

(3) The Collector may from time to time extend the duration of appointment of the receiver.

(4) The provisions of rules 2 to 4 of Order XL contained in the First Schedule to the Code of Civil Procedure, 1908, shall apply in relation to a receiver appointed under this section as they apply in relation to a receiver appointed under the said Code with the substitution of references to the Collector for references to the Court."

23. Sections 289 to 291 of the principal Act shall be *omitted*.

Omission of sections 289 to 291.

24. For section 292 of the principal Act, the following shall be *substituted*, namely—

Substitution of new section for section 292.

"292. No payment on account of rent or other dues in respect of any land attached under this Chapter made after such attachment by the *asami* or any other person in possession thereof to any person other than the Collector shall be valid discharge."

25. In sub-section (2) of section 294 of the principal Act, for the existing clause (*ee*) the following shall be *substituted* and be deemed always to have been *substituted*, namely—

Amendment of section 294.

"(*ee*) the costs to be recovered in respect of the processes mentioned in sub-section (1) of section 279."

26. In section 341 of the principal Act, for the words and figures "Indian Limitation Act, 1908" the words and figures "Limitation Act, 1963" shall be *substituted*.

Amendment of section 341.

27. In Schedule II to the principal Act, after entry no. 42, the following new entry shall be *inserted*, namely—

Amendment of Schedule II.

1	2	3	4	5	6
"43.	284-A	Suit for ejection of persons occupying attached land without title and for damages.	Asstt. Collector I Class.	Commissioner,	Board"

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Saving and validation.

28. Any sum recovered before the commencement of this Act as fee or *talbana* in respect of any process mentioned in section 279 of the principal Act as it stood before the commencement of this Act, shall be deemed to have been validly recovered as costs of that process as if the relevant provisions of the Act were in force on all material dates.

CHAPTER III

Amendment of the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956

Amendment of section 1 of U. P. Act no. IX of 1957.

29. In clause (a) of sub-section (2) of section 1 of the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956 (hereinafter in this Chapter referred to as the principal Act), for the words and letter "Part A" the words and letters "clauses (a) to (d) of Part A" shall be *substituted*, and for the words "notified area, town area or cantonment" the words "a notified area, a town area, not being a town area situate in Rampur as defined in the Rampur (Administration) Order, 1949, or a cantonment" shall be *substituted*.

Amendment of section 2.

30. In section 2 of the principal Act—

(i) in sub-clause (a) of clause (15), for the word and letter "Part A", the words and letters "clauses (a) to (d) of Part A" shall be *substituted*, and for the words "municipality, notified area, town area or cantonment", the words "a municipality, a notified area, a town area, not being a town area situate in Rampur as defined in the Rampur (Administration) Order, 1949, or a cantonment" shall be *substituted* ;

(ii) the full-stop occurring at the end of clause (17) shall be *substituted* by a semi-colon and thereafter the following new clause shall be *inserted*, namely—

"(18) references to the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and to the U. P. Land Revenue Act, 1901 or to rules framed thereunder shall be construed respectively as references to the said Acts or rules as amended from time to time."

Amendment of section 65.

31. In section 65 of the principal Act, for the words and figures "the U. P. Land Revenue Act, 1901 as amended by the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and the rules framed thereunder," the words and figures "the U. P. Land Revenue Act, 1901 as amended from time to time in its application to the areas to which a notification under section 4 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 relates and the rules made or orders issued from time to time thereunder" shall be *substituted*.

Amendment of Schedule.

32. In Part A of the Schedule to the principal Act, for the words "Notified Area, Town Area" the words "a Notified Area, a Town Area, not being a Town Area situate in Rampur as defined in Rampur (Administration) Order, 1949," shall be *substituted*.

CHAPTER IV

Amendment of the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960

33. For sub-section (2) of section 1 of the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960 (hereinafter in this Chapter referred to as the principal Act), the following shall be *substituted*—

Amendment of section 1 of U. P. Act XVII of 1960.

“(2) It extends to the whole of Kumaun and Uttarakhand Divisions except—

(a) the areas in which the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 was in force, with or without any exceptions or modifications, on the day immediately before the commencement of this Act,

(b) the villages of the Tarai and Bhabar Government Estates in the district of Naini Tal,

(c) the Bhabar villages in the Tarai and Bhabar sub-division of district Naini Tal, which are settled with intermediaries, and

(d) the villages, other than those mentioned in clause (d) of section 2, included in Garhwal Bhabar Government Estates in the district of Garhwal.”

34. In section 2 of the principal Act, clause (c) shall be *omitted*.

Amendment of section 2.

35. In section 3 of the principal Act—

Amendment of section 3.

(i) in clause (16) the word “and” occurring at the end shall be *omitted*; and

(ii) the full-stop occurring at the end of clause (17) shall be *substituted* by a semi-colon followed by the word “and” and thereafter the following new clause shall be *added*, namely—

“(18) references to the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and to the U. P. Land Revenue Act, 1901 or to rules framed thereunder shall be construed respectively as references to the said Acts or rules as amended from time to time, and references to enactments relating to acquisition of land for a public purpose shall be construed as references to those enactments as amended from time to time in their application to Uttar Pradesh.”

36. In sub-section (1) of section 19 of the principal Act, for the words “the land revenue payable” the words “the land revenue, cesses and local rates payable” shall be *substituted*.

Amendment of section 19.

37. In sub-section (2) of section 48 of the principal Act for the words and figures “the U. P. Land Revenue Act, 1901, as amended by the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and the rules or regulations framed or orders issued thereunder,” the words and figures “the U. P.

Amendment of section 48.

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Land Revenue Act, 1901 as amended from time to time in its application to the areas to which a notification under section 4 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 relates and the rules made or orders issued from time to time thereunder" shall be *substituted*.

CHAPTER V

Amendment of the Jaunsar Bawar Zamindari Abolition and Land Reforms Act, 1956

Amendment of section 2 of U. P. Act no. XI of 1956.

38. In section 2 of the Jaunsar Bawar Zamindari Abolition and Land Reforms Act, 1956—

(i) in clause (n), the word "and" occurring at the end shall be *omitted* ;

(ii) the full-stop occurring at the end of clause (o) shall be *substituted* by a semi-colon followed by the word "and", and thereafter the following new clause shall be *added* and shall be deemed always to have been *added*, namely—

"(p) references to the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and to the U. P. Land Revenue Act, 1901 or to rules framed thereunder shall be construed respectively as references to the said Acts or rules as amended from time to time."

CHAPTER VI

Amendment of the U. P. Land Revenue Act, 1901

Amendment of section 4 of U. P. Act III of 1901.

39. In section 4 of the U. P. Land Revenue Act, 1901 (hereinafter in this Chapter referred to as the principal Act), the full-stop occurring at the end of clause (16) shall be *substituted* by a semi-colon and thereafter the following new clause shall be *added* :—

"(17) any reference to any enactment shall be construed as a reference to that enactment as amended from time to time in its application to Uttar Pradesh, and, in the case of the Code of Civil Procedure, 1908, as reference to that Code, subject also to any annulments, alterations and additions to the rules contained in the First Schedule thereto made from time to time under section 122 thereof by the High Court."

Amendment of section 146:

40. The existing section 146 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(i) in the sub-section (1) so re-numbered—

(a) for clause (h), the following shall be *substituted*, namely—

"(h) by attachment and sale of other immovable property of the defaulter; " and

(b) after clause (h), the following new clause shall be added, namely—

“(i) by appointing a receiver of any property, movable or immovable, of the defaulter” ;

(ii) after the said sub-section (1), the following shall be added as a new sub-section, namely—

“(2) The costs of any of the processes mentioned in sub-section (1) shall be added to and be recoverable in the same manner as the arrear of land revenue.”

41. For sub-section (1) of section 162 of the principal Act, the following shall be substituted, namely—

Amendment of section 162.

“(1) If an arrear cannot be recovered by any of the processes mentioned in clauses (a) to (g) of sub-section (1) of section 146, the Collector may realize the same by attachment and sale of the interest of the defaulter in any other immovable property of the defaulter:

Provided that when such property is sold the provisions of section 161 shall not apply to such sale.”

42. After section 182 of the principal Act, the following new section shall be added, namely—

Addition of new section 182-A.

“182-A. (1) Notwithstanding anything in this Act, Appointment of receiver. of when an arrear of revenue is due, the Collector may, in addition to or instead of any of the processes hereinbefore specified, by order:—

(a) appoint, for such period as he may deem fit, a receiver of any movable or immovable property of the defaulter ;

(b) remove any person from the possession or custody of the property ;

(c) commit the same to the possession, custody or management of the receiver ;

(d) confer upon the receiver all such powers, as to bringing and defending suits and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of documents, as the defaulter himself has or such of those powers as the Collector thinks fit.

(2) Nothing in this section shall authorise the Collector to remove from the possession or custody of property any person whom the defaulter has not a present right to remove.

(3) the Collector may from time to time extend the duration of appointment of the receiver.

(4) The provisions of rules 2 to 4 of Order XL contained in the First Schedule to the Code of Civil Procedure, 1908 shall apply in relation to a receiver appointed under this section as they apply in relation to a receiver appointed under the Code with the substitution of references to the Collector for references to the Court."

Amendment of
section 234.

43. The existing section 234 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(1) in the sub-section (1) so re-numbered—

(a) for the opening paragraph the following shall be substituted, namely—

"(1) The State Government may make rules consistent with this Act in respect of matters under clauses (a) to (f), sub-clause (i) of clause (m), clauses (o) to (s), sub-clause (i) of clause (v), sub-clause (i) of clause (w), sub-clause (i) of clause (x), and clauses (y) and (z), and the Board may with the previous sanction of the State Government make rules consistent with this Act in respect of the matters under clauses (g) to (l), sub-clause (ii) of clause (m), clauses (n), (t) and (u), sub-clause (ii) of clause (v), sub-clause (ii) of clause (w) and sub-clause (ii) of clause (x)—";

(b) the full-stop at the end of clause (y) shall be substituted by semi-colon and thereafter the following new clause shall be added, namely—

"(z) regulating the issue of licences to persons to act as petition writers in the revenue courts, the conduct of business by such persons and the scale of fees to be charged by them, and the cancellation of such licences for breach of the terms and conditions thereof";

(2) after the said sub-section (1), the following shall be added as a new sub-section, namely—

"(2) All rules made by the State Government under this section shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session, for a total period of not less than 14 days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the *Gazette* subject to such modifications or annulments as the two Houses of Legislature may agree to make, so, however, that such modification or annulment shall be without prejudice to the validity of anything previously done thereunder."

CHAPTER VII

Amendment of the U. P. Consolidation of Holdings Act, 1953

44. In section 3 of the Uttar Pradesh Consolidation of Holdings Act, 1953 (hereinafter in this Chapter referred to as the principal Act),—

Amendment of section 3 of U. P. Act no. V of 1954.

(i) *for* clause (11) the following shall be *substituted*, namely—

“(11) ‘Tenure holder’ means a *bhumidhar* or *sirdar*, and includes—

(a) an *asami*,

(b) a Government lessee or Government grantee, or

(c) a co-operative farming society satisfying such conditions as may be prescribed;” and

(ii) the full-stop occurring at the end of clause (12) shall be *substituted* by a semi-colon followed by the word “and”, and the following new clause (13) shall be *added* thereafter, namely—

“(13) the references to the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and the U. P. Land Revenue Act, 1901 shall be construed as references to the said Acts as amended from time to time.”

45. In section 5 of the principal Act—

Amendment of section 5.

(i) in the marginal heading, *for* the word “declaration” the words and figures “notification under section 4(2)” shall be *substituted* ;

(ii) in the opening paragraph, *for* the words and figure “under section 4”, the words and figures “under sub-section (2) of section 4” shall be *substituted*, and *for* the word “declaration”, the words and figures “notification under sub-section (2) of section 4” shall be *substituted* ;

(iii) in sub-clause (ii) of clause (b), *for* the words “shall be acceptable to”, the words “shall be accepted by” shall be *substituted* ;

(iv) in the proviso, *for* the words and figure “under section 4”, the words and figures “under sub-section (2) of section 4” shall be *substituted*.

46. In sub-section (3) of section 23 of the principal Act—

Amendment of section 23.

(i) in clause (i), between the word “shall” and the words “be treated as final allotment orders”, the commas and words “, except as provided by or under this Act,” shall be *inserted* ; and

(ii) in clause (ii), between the word "shall" and the words "be the final allotment orders", the commas and words ", except as otherwise provided by or under this Act," shall be *inserted*.

Amendment of section 27.

47. In section 27 of the principal Act, for sub-sections (2) and (3) the following shall be *substituted* and be deemed always to have been *substituted*, namely—

"(2) All entries in the record of rights prepared in accordance with the provisions of sub-section (1) shall be presumed to be true until the contrary is proved.

(3) After the issue of notification under section 52, the Collector shall, instead of the map, field-book and record of rights previously maintained by him, maintain the map, field-book and record of rights prepared in accordance with the provisions of sub-section (1), and the provisions of sections 28 and 33 of the U. P. Land Revenue Act, 1901 shall apply to the maintenance of such map, field-book and record of rights, as the case may be."

Amendment of section 49.

48. In section 49 of the principal Act, for the words and figure "under section 4", the words and figures "under sub-section (2) of section 4" shall be *substituted*.

Amendment of section 52.

49. In sub-section (1) of section 52 of the principal Act, for the words and figures "under section 27", the words and figures "under sub-section (1) of section 27" shall be *substituted*.

Amendment of section 54.

50. In sub-section (2) of section 54 of the principal Act—

(i) in clause (a), for the words and figure "under section 4", the words and figures "under sub-section (2) of section 4" shall be *substituted* ;

(ii) in clause (d), the word "से" occurring immediately after the word "पुनरीक्षण" shall be *omitted*.

CHAPTER VIII

Amendment of Transitory Provisions in Enactments Amending the U. P. Consolidation of Holdings Act, 1953

Substitution of new section for section 49 of U. P. Act no. XXXVIII of 1958.

51. For section 49 of the Uttar Pradesh Consolidation of Holdings (Amendment) Act, 1958, the following shall be *substituted* and be deemed always to have been *substituted*, namely—

"49. Where consolidation operations are pending in any unit at the commencement of this Act,—

(i) if the operations are at the state of examination of the land records under section 7 of the principal Act, then the Assistant Consolidation Officer shall complete the preparation of the statement mentioned in that section as if this Act had not come into force, and such revision and preparation of statement shall

thereupon be deemed to be the revision and preparation of statement mentioned in sections 7 and 8 of the amended Act, and thereafter all further proceedings shall be conducted and concluded in accordance with the provisions of the amended Act, beginning with the proceedings under section 9 thereof ;

(ii) if the operations are at the stage of proceedings under section 8 of the principal Act, or at any later stage, then all further proceedings shall be continued and concluded in accordance with the principal Act as if this Act had not come into force.

Explanation—In this section ‘amended Act’ means the principal Act as amended by this Act.”

52. In sub-section (1) of section 47 of the Uttar Pradesh Jot Chakbandi (Sanshodhan) Adhiniyam, 1962,—

Amendment of section 47 of U.P. Act no. VIII of 1963.

(a) in the opening paragraph, for the words and figure “under section 4” the words and figures “under sub-section (2) of section 4” shall be *substituted*.

(b) in clause (ii) for the word “प्रस्तावों” the word “सिद्धान्तों” shall be *substituted* ; and

(c) for the words “as if this Act had not come into force” the words “as if the provisions of this Act, excepting section 43, had not come into force” shall be *substituted*.

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THE UTTAR PRADESH LAND LAWS (AMENDMENT) ACT, 1970

[U. P. Act No. 35 of 1970]

[*Authoritative English Text of the Uttar Pradesh Bhoomi Vidhi (Sanshodhan) Adhiniyam, 1970]

AN
ACT

further to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 and the U. P. Land Revenue Act, 1901.

U. P. Act no. I of 1951.
U. P. Act no. I of 1961.
U. P. Act no. III of 1901.

IT IS HEREBY enacted in the Twenty-first year of the Republic of India as follows :

CHAPTER I Preliminary

1. This Act may be called the Uttar Pradesh Land Laws (Amendment) Act, 1970. Short title.

CHAPTER II

Amendment of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950

2. In section 3 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, hereinafter in this Chapter referred to as the principal Act, in clause (8-a), in sub-clause (a), for the figures and words "6.25 acres" the figures and words "1.89 hectares (4.6875 acres)" shall be substituted.

Amendment of section 3 of U. P. Act I of 1951.

3. For section 198 of the principal Act, the following shall be substituted, namely,—

Amendment of section 198.

"198. (1) In the admission of persons to land as *sirdars* or *asami* under section 195 or section 197 (hereinafter in this section referred to as 'allotment of land'), the Land Management Committee shall, subject to any order made by a court under section 178, observe the following order of preference :—

(a) any educational institution recognised by the Director of Education, Uttar Pradesh or by the Board of High School and Intermediate Education, Uttar Pradesh or by a University and imparting instructions in or providing for research in agriculture, horticulture or animal husbandry ;

*(For Statement of objects and reasons, please see Uttar Pradesh Gazette (Extraordinary), dated Dec. 14, 1970).
(Passed in Hindi by the Uttar Pradesh Legislative Assembly on December 15, 1970 and by the Uttar Pradesh Legislative Council on December 22, 1970).

(Received the Assent of the Governor on December 28, 1970 under Article 200, of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated December 29, 1970).

(b) landless widow, sons, unmarried daughters and parents residing in the circle, of a person who has lost his life by enemy action while in active service in the Armed Forces of the Union ;

(c) a person residing in the circle, who has become landless on account of his land having been compulsorily acquired under the provisions of any law relating to acquisition of land on or after the date of vesting ;

(d) a landless person, residing in the circle, retired, released or discharged from service (other than service as an officer) in the Armed Forces of the Union ;

(e) landless political sufferer residing in the circle who has not been granted political pension ;

(f) a landless agricultural labourer residing in the circle and belonging to a scheduled caste or scheduled tribe ;

(g) any other landless agricultural labourer residing in the circle ;

(h) a *bhumidhar*, *sirdar* or *asami* holding land less than 1.26 hectares (3.125 acres) ;

(i) any other person.

Explanation I—For the purposes of this sub-section,—

(i) 'landless' refers to a person who or whose spouse or minor children hold no land as *bhumidhar*, *sirdar* or *asami* ; and except in clause (c), also held no land as such within two years immediately preceding the date of allotment ; and

(ii) 'agricultural labourer' means a person whose main source of livelihood is agricultural labour or assistance or participation with any person in the actual performance of agricultural operations on any land in consideration of a right to share in the produce grown on such land.

Explanation II—For the purposes of clause (e), 'political sufferer' means a person who is certified by the Collector to have undergone either preventive detention or sentence of imprisonment (either as a substantive sentence or in default of payment of fine) for not less than three months for participation in any movement connected with the national struggle for Freedom during the period between 1930 and 1947.

(2) The land that may be allotted to—

(i) an educational institution under clause (a) of sub-section (1) shall not exceed such area as together with the area held by it immediately before the allotment would aggregate to more than 5.04 hectares (12.50 acres) ;

(ii) any person under clause (b), clause (c), clause (d), clause (e), clause (f), clause (g) or clause (i) of sub-section (1) shall not exceed an area of 1.26 hectares (3.125 acres) ; and

(iii) any person under clause (h) of sub-section (1) shall not exceed such area as together with the land held by him as *bhumidhar*, *sirdar* or *asami* immediately before the allotment would aggregate to more than 1.26 hectares (3.125 acres) .

(3) The Collector may of his own motion and shall on the application of any person aggrieved by an allotment of land inquire in the manner prescribed into such allotment and if he is satisfied that the allotment is irregular he may :—

(i) cancel the allotment and the lease, if any, and thereupon the right, title and interest of the allottee or lessee or any person claiming through him in the land allotted or leased shall cease, and such land shall revert to the Gaon Sabha, and

(ii) direct delivery of possession of such land forthwith to the Gaon Sabha after ejection of every person holding or retaining possession thereof, and may for that purpose use or cause to be used such force as may be necessary.

(4) Every order passed by the Collector under sub-section (3) shall, subject to the provisions of section 333, be final."

4. After section 247-A of the principal Act, the following section shall be inserted, namely— Insertion of new section 247-B.

"247-B. (1) Notwithstanding anything in sections 245, 246 and 247, every member of a family, the total area of land held by whose members as *bhumidhars* or *sirdars* at the commencement of any agricultural year in the whole of Uttar Pradesh does not exceed 2.52 hectares (6.25 acres) shall be exempt from the liability to pay land revenue in respect of that year :

Provided that the above exemption shall, during the agricultural year commencing on the first day of July, 1970, apply in respect of only the *rabi* instalment of land revenue.

(2) The share of an individual or any member of his family in a holding shall, for purposes of deciding whether he is entitled to the exemption mentioned in sub-section (1), be determined in such manner and by such authority as may be prescribed, but no such determination shall be binding on any court or tribunal in any suit or other proceeding relating to the holding.

(3) The prescribed authority shall prepare and publish a list, in respect of each circle, of persons entitled to the exemption mentioned in sub-section (1), containing such particulars, in such form and manner, and before such dates, as may be prescribed and shall cause relevant extracts from the list to be delivered to persons concerned.

(4) The determination of shares under sub-section (2) shall, subject to the decision of any competent court, be final for the purposes of this section.

(5) Notwithstanding the provisions of this section, the land revenue assessed for a holding shall be recorded in full in the record-of-rights, and shall, for all purposes, and in particular, in the case of a *sirdar*, for purposes of section 134, be deemed to be the land revenue payable by him.

Explanation—For the purposes of this section, 'family' consists of an individual, his or her spouse, and minor children, whether they are joint or not with the individual."

5. In sub-section (2) of section 294 of the principal Act, after clause (aa), the following clause shall be inserted, namely— Amendment of section 294 of U. P. Act no. I of 1951.

"(aaa) the authority which shall prepare and publish the list of tenure-holders entitled to the exemption mentioned in section 247-B, the particulars that shall be entered in such list, the form of the list, the manner of its publication, the dates before which it shall be published, the manner in which and the time within which objections may be made against any omission from or against the particulars entered in such list, and the manner in which and the authority by which those objections shall be disposed of, and matters relating to the determination of shares under sub-section (2) of the section ;".

6. In section 337 of the principal Act, clause (aa) shall be omitted. Amendment of section 337.

7. In Schedule II to the principal Act, the serial numbers 20 and 20-A and the entries relating thereto shall be omitted. Amendment of Schedule II.

CHAPTER III

Amendment of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 U. P. Act I of 1961.

8. In section 13 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, hereinafter in this Chapter referred to as the principal Act, in sub-section (3) the following proviso thereto shall be inserted, namely :— Amendment of section 13.

"Provided that the enforcement of the order appealed against shall not be stayed in respect of that part of the land the surplus character of which was either not disputed in an objection under sub-section (2) of

section 10 or under sub-section (2) of section 11 or is not disputed in the appeal and any stay order passed under this sub-section before twenty-eighth day of September, 1970, shall, on an application being made in that behalf to the appellate court by the State Government, be modified by that court accordingly.

Explanation—For the purposes of this proviso any dispute respecting the regularity, validity or legality of a notice under section 9 or section 10 or of the proceedings before the prescribed authority shall not, by itself, be deemed to be a dispute respecting the surplus character of land."

Amendment of section 26-A. 9. For section 26-A of the principal Act, the following section shall be substituted, namely—

"26-A. The surplus land let out to any person for an interim period Settlement of land under sub-section (2) of section 26, as it stood immediately before the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1969, shall at the end of such period, be resumed by the Collector, and, thereafter, settled in accordance with the provisions of section 27 :
1969.

Provided that where such person is a person who would if the surplus land so let out were excluded from consideration and if he were a resident of the circle would have fallen under any of the clauses (b) to (h) of sub-section (1) of section 198 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, then so much of such land, as together with the area, if any, otherwise held by him aggregate to not more than 1.26 hectares (3.125 acres), shall, at the desire of that person, either before or at the end of such period, be settled by the Collector with that very person."

Amendment of section 27. 10. In section 27 of the principal Act, for sub-section (3) the following sub-section shall be substituted, namely—

"(3) Any remaining surplus land shall be settled by the Collector in accordance with the order of preference, and subject to the limits, specified respectively in sub-sections (1) and (2) of section 198 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, except that the qualification of residence in the circle, specified therein, shall not be applicable."

CHAPTER IV

U. P. Act III
of 1901.

Amendment of the U. P. Land Revenue Act, 1901

Amendment of section 40-A.

11. For section 40-A of the U. P. Land Revenue Act, 1901, hereinafter in this Chapter referred to as the principal Act, the following section shall be substituted, namely—

"40-A. No order passed under section 33, section 35, section 39, section 40, section 41 or section 54 shall bar any suit in title suits. a competent court for relief on the basis of a right in a holding."

Amendment of section 54.

12. For section 54 of the principal Act, the following section shall be substituted, namely—

"54. (1) The Record Officer shall issue in the form prescribed Undisputed extracts of the entries in the annual register and the entries and disposal lists of mistakes and disputes to the persons concerned. of disputes regarding entries by Record Officer.

(2) If no objection is received within such period as may be prescribed the entry shall be deemed to be undisputed.

(3) The Record Officer, of his own motion or on an objection being received within the period prescribed as aforesaid, shall decide any dispute regarding any entry in accordance with the provisions of section 40, section 41 or section 43, as the case may be, and in case the dispute involves a question of title, he shall decide the same after a summary inquiry."

CHAPTER V

Repeal

13. The Uttar Pradesh Land Laws (Amendment) Ordinance, 1970 is hereby repealed. Repeal of Uttar Pradesh Ordinance no. 18 of 1970.

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विधान पुस्तकालय
(राजकीय प्रकाशन)
उत्तर प्रदेश, लखनऊ

THE UTTAR PRADESH LAND LAWS (AMENDMENT) ACT, 1974
(U. P. ACT NO. 34 OF 1974)

[*Authoritative English Text of the Uttar Pradesh Bhoomi Vidhi (Sanshodhan) Adhiniyam, 1974

AN

ACT

further to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956, the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960, U. P. Consolidation of Holdings Act, 1953 and U. P. Land Revenue Act, 1901.

IT IS HEREBY enacted in the Twenty-fifth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. This Act may be called the Uttar Pradesh Land Laws (Amendment) Act, 1974.

Short title.

CHAPTER II

Amendment of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950

2. In section 2 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, hereinafter in this Chapter referred to as the principal Act, in sub-section (I), after the existing proviso, the following proviso thereto shall be inserted, namely:—

Amendment of section 2 of U.P. Act I of 1951.

* Provided further that a notification under this sub-section in respect of any estate or part thereof owned by the Central Government shall not issue except in consultation with such Government."

*(For Statement of Objects and Reasons please see Uttar Pradesh Gazette (Extraordinary), dated June 18, 1974.)

(Passed in Hindi by the Uttar Pradesh Legislative Council on June 21, 1974 and by the Uttar Pradesh Legislative Assembly on August 14, 1974.)

(Received the Assent of the President on December 3, 1974 under Article 201 of the Constitution of India and was published in the Uttar Pradesh Gazette, Extraordinary, dated, December 7, 1974.

Amendment of
section 3.

3. In section 3 of the principal Act—

(i) for sub-section (4), the following sub-section shall be *substituted* namely:—

“(4) ‘Collector’ means an officer appointed as Collector under the provisions of the U. P. Land Revenue Act, 1901, and includes an Assistant Collector of the first class empowered by the State Government by a notification in the *Gazette* to discharge all or any of the functions of a Collector under this Act.”

(ii) in sub-section (27), the word “Collector” where it first occurs shall be *omitted*.

Amendment of
section 123.

4. Section 123 of the principal Act shall be re-numbered as sub-section (1) thereof, and *after* sub-section (1) as so re-numbered, the following sub-section shall be *inserted*, namely:—

“(2) Where any person referred to in sub-section (3) of section 122-C has built a house on any land held by a tenure-holder (not being a Government lessee) and such house exists on the fifteenth day of March, 1974, the site of such house shall, notwithstanding anything contained in this Act, be deemed to be settled with the owner of such house by the tenure-holder on such terms and conditions as may be prescribed.

Explanation—For the purposes of sub-section (2), a house existing on the fifteenth day of March, 1974, on any land held by a tenure-holder shall, unless the contrary is proved, be presumed to have been built by the occupant thereof, and where the occupants are members of one family, by the head of that family.”

Substitution of
section 154.

5. For section 154 of the principal Act, the following section shall be *substituted*, namely:—

“154. (1) Save as provided in sub-section (2), no *bhumidhar* shall have the right to transfer by sale or gift, any land other than tea gardens to any person where the transferee shall, as a result of such sale or gift, become entitled to land which together with land, if any, held by his family will in the aggregate, exceed 5.04 hectares (12.50 acres) in Uttar Pradesh.

(2) Subject to the provision of any other law relating to the land tenures for the time being in force, the State Government may authorise a transfer in excess of the limit prescribed in sub-section (1), if it is of the opinion that such transfer is in favour of a registered co-operative society or an institution established for a charitable purpose, which does not have land sufficient for its needs, or that the transfer is in the interest of general public.

Explanation—For the purposes of this section, the expression ‘family’ shall mean the transferee, his or her wife or husband (as the case may be), and minor children, and where the transferee is a minor, also his or her parents.”

Amendment of
section 156.

6. In section 156 of the principal Act, in sub-section (2); the Explanation thereto shall be *omitted*.

Amendment of
section 157-A.

7. In section 157-A of the principal Act,—

(i) in the marginal heading, for the words “Scheduled Tribes”, the words “Scheduled Castes and Scheduled Tribes” shall be *substituted*;

(ii) in sub-section (1), for the words “Scheduled Tribe” wherever occurring, the words “Scheduled Caste or Scheduled Tribe” shall be *substituted*;

(iii) *after* sub-section (1), the following proviso thereto shall be *inserted*, namely:—

“Provided that a *bhumidhar*, *sirdar* or *asami* belonging to a Scheduled Caste or Scheduled Tribe may, without such approval, transfer by way of mortgage without possession, his interest in any holding as security for a loan taken by way of financial

assistance for agricultural purposes (as defined in Uttar Pradesh Agricultural Credit Act, 1973) from the State Government by way of *Taqavi*, or from a co-operative land development bank, or from the State Bank of India or from any other bank which is a Scheduled Bank within the meaning of clause (e) of section 2 of the Reserve Bank of India, 1934, or from the U. P. State Agro-Industrial Corporation Limited.”;

(iv) for the Explanation thereto, the following Explanation shall be substituted, namely:—

“Explanation—In this Chapter, the expressions ‘Scheduled Castes’ and ‘Scheduled Tribes’ respectively mean the Scheduled Castes and Scheduled Tribes specified in relation to Uttar Pradesh under Articles 341 and 342 of the Constitution.”

8. In section 169 of the principal Act, in sub-section (2-A), for the words “Scheduled Tribe”, the words “Scheduled Caste or Scheduled Tribe” shall be substituted. Amendment of section 169.

9. For section 198 of the principal Act, the following section shall be substituted, namely:— Substitution of section 198.

“198. (1) In the admission of persons to land as *sirdar* or *asami* under section 195 or section 197 (hereinafter in this section referred to as allotment of Land), the Land Management Committee shall, subject to any order made by a Court under section 178, observe the following order of preference—

Order of preference in admitting persons to land under sections 195 and 197.

(a) any educational institution recognised by the Director of Education, Uttar Pradesh or by the Board of High School and Intermediate Education, Uttar Pradesh, or by a University and imparting instructions in or providing for research in agriculture, horticulture or animal husbandry;

(b) landless widow, sons, unmarried daughters or parents residing in the circle, of a person who has lost his life by enemy action while in active service in the Armed Forces of the Union;

(c) a person residing in the circle, who has become wholly disabled by enemy action while he was in active service in the Armed Forces of the Union;

(d) a person residing in the circle, who has become landless on account of his land having been compulsorily acquired under the provisions of any law relating to acquisition of land on or after the date of vesting;

(e) a landless person other than a person referred to in clause (c) residing in the circle—

(i) who is an agricultural labourer and who belongs to a Scheduled Caste or Scheduled Tribe;

(ii) who is retired, released or discharged from service, other than service as an officer in the Armed Forces of the Union;

(iii) who is a freedom-fighter and who has not been granted political pension;

(f) any other landless agricultural labourer residing in the circle;

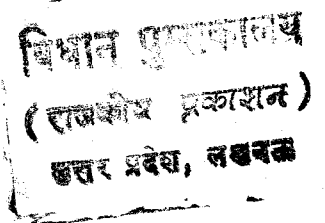
(g) a *bhumidhar*, *sirdar* or *asami* residing in the circle and holding land less than 1.26 hectares (3.125 acres);

(h) any other landless agricultural labourer belonging to a Scheduled Caste or Scheduled Tribe, not residing in the circle but residing in the Nyaya Panchayat Circle referred to in section 12 of the U. P. Panchayat Raj Act, 1947;

(i) any other person.

Explanation—For the purposes of this sub-section—

(1) ‘landless’ refers to a person who or whose spouse or minor children hold no land as *bhumidhar*, *sirdar* or *asami*,



and except in clause (d), also held no land as such within two years immediately preceding the date of allotment; and

(2) 'agricultural labourer' means a person whose main source of livelihood is agricultural labour;

(3) 'Freedom-Fighter' means an inhabitant of Uttar Pradesh who is certified by the Collector to have participated in the National struggle for freedom during the period between 1930 and 1947 and who, in connection with such participation, is similarly certified to have—

(a) undergone a sentence of imprisonment for a period of at least two months; or

(b) been in jail for a period of at least three months by way of preventive detention or as an undertrial; or

(c) been subjected to at least ten stripes in execution of a sentence of whipping; or

(d) been declared an absconding offender; or

(e) suffered a bullet injury;

and includes a person who was involved in the Peshwar-Kand or who was a recognised member of the Indian National Army or former India Independence League; but does not include a person who was granted pardon on account of his tendering apology or expressing regret for such participation.

(2) Where the land available for allotment to person falling under clause (e) of sub-section (1) is not less than 2 hectares (4.94210 acres) and there are applicants available falling under more than one sub-clauses of that clause, then separate lists shall be prepared for the applicants belonging to each of the sub-clauses (i), (ii) and (iii) of the said clause (hereinafter called List One, List Two and List Three respectively) and allotment shall be made in favour of two persons from List One, one person from List Two and one person from List Three, and the same process shall be repeated till the land available is exhausted:

Provided that where List Two or List Three contains names of more than one person or List One contains names of more than two persons, the persons in whose favour the allotment is to be made on each successive occasion shall be chosen by lot.

(3) The land that may be allotted to—

(i) an educational institution under clause (a) of sub-section (1) shall not exceed such area as together with the area held by it immediately before the allotment would aggregate to more than 5.04 hectares (12.50 acres);

(ii) any person under clause (b), clause (c), clause (d), clause (e), clause (f), clause (h), or clause (i) of sub-section (1) shall not exceed an area of 1.26 hectares (3.125 acres);

(iii) any person under clause (g) of sub-section (1) shall not exceed such area as together with the land held by him as *bhumidhar*, *sirdar* or *asami*, immediately before the allotment would aggregate to more than 1.26 hectares (3.125 acres).

(4) The Collector may of his own motion and shall on the application of any person aggrieved by an allotment of land inquire in the manner prescribed, into such allotment, and if he is satisfied that the allotment is irregular, he may,—

(i) cancel the allotment and the lease, if any, and thereupon the right, title and interest of the allottee or lessee or any person claiming through him in the land allotted or leased shall cease, and such land shall revert to the Gaon Sabha, and

(ii) direct delivery of possession of such land forthwith to the Gaon Sabha after ejection of every person holding or retaining possession thereof, and may for that purpose use or cause to be used such force as may be necessary.

(5) Every order made by the Collector under sub-section (4) shall, subject to the provisions of section 333, be final."

10. For section 241 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 241.

"241. The land revenue assessed on any holding shall be first charge on such holding and also on trees or buildings standing thereon or the rents, profits or produce thereof."

11. In section 243 of the principal Act—

Amendment of section 243.

(a) in sub-section (1), for the word "village" the word "holding" shall be substituted;

(b) sub-section (2) shall be omitted.

12. In section 257 of the principal Act—

Amendment of section 257.

(i) the first proviso thereto shall be omitted;

(ii) in the second proviso, the word "further" shall be omitted.

13. Section 258 of the principal Act shall be omitted.

Omission of section 258.

14. Section 259 of the principal Act shall be omitted.

Omission of section 259.

15. Section 274 of the principal Act shall be omitted.

Omission of section 274.

16. In section 286-A of the principal Act—

Amendment of section 286-A.

(a) in sub-section (1), for the words "an arrear of revenue," the words "an arrear of revenue or any other sum recoverable as an arrear of revenue" shall be substituted and be deemed always to have been substituted;

(b) after sub-section (3), the following sub-section shall be inserted and be deemed always to have been inserted, namely:—

"(3-A) No order under sub-section (1) or sub-section (3) shall be made except after giving notice to the defaulter to show cause, and after considering any representations that may be received by the Collector in response to such notice:

Provided that an interim order under sub-section (1) or sub-section (3) may be made at any time before or after the issue of such notice:

Provided further that where an interim order is made before the issue of such notice the order shall stand vacated if no notice is issued within two weeks from the date of the interim order."

17. After section 287 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 287-A.

"287-A. (1) Whenever proceedings are taken under this Chapter against any person for the recovery of any arrear of revenue, he may pay the amount claimed under protest to the officer taking such proceedings, and upon such payment, the proceedings shall be stayed and the person against whom such proceedings were taken may sue the State Government in the Civil Court for the amount so paid, and in such suit the plaintiff may, notwithstanding anything contained in section 278, give evidence of the amount, if any, which he alleges to be due from him.

(2) No protest under this section shall enable the person making the same to sue in the Civil Court, unless it is made at the time of payment in writing and signed by such person or by any agent duly authorised in this behalf."

18. For section 330 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 330.

"330. Save as otherwise provided by or under this Act, no suit or other proceeding shall lie in any civil court in respect of—

(a) any entry in or omission from a Compensation Assessment Roll; or

- (b) any order passed under Part I of this Act; or
 (c) the assessment or collection of land revenue under Chapter X or recovery of sum of money recoverable as arrears of revenue."

CHAPTER III

Amendment of the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956

Amendment of section 1 of U.P. Act IX of 1957.

19. In section 1 of the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956, in sub-section (3), the following proviso thereto shall be *inserted*, namely:—

"Provided that a notification under this sub-section in respect of any estate or part thereof owned by the Central Government shall not issue except in consultation with such Government."

CHAPTER IV

Amendment of the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960

Amendment of section 2 of U.P. Act XVII of 1960.

20. In section 2 of the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960, after the existing proviso, the following proviso thereto shall be *inserted*, namely:—

"Provided further that a notification under this sub-section in respect of any estate or part thereof owned by the Central Government shall not issue except in consultation with such Government."

CHAPTER V

Amendment of the U. P. Consolidation of Holdings Act, 1953

Amendment of section 5 of the U. P. Act V of 1954.

21. In section 5 of the U. P. Consolidation of Holdings Act, 1953, hereinafter in this Chapter referred to as the principal Act:—

(1) In sub-section (1), in clause (c) for sub-clause (ii), the following sub-clause shall be *substituted*, namely:—

"(ii) Transfer by way of sale, gift or exchange his holding or any part thereof in the consolidation area:";

(2) after sub-section (2), the following Explanation shall be *inserted* and be deemed always to have been *inserted*, namely:—

"*Explanation*—For the purpose of sub-section (2), a proceeding under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, shall not be deemed to be a proceeding in respect of declaration of rights or interest in any land."

Insertion of section 11-C.

22. After section 11-B of the principal Act, the following section shall be *inserted*, namely:—

"11-C. In the course of hearing of an objection under section 9-A or an appeal under section 11, or in proceedings under section 48, the Consolidation Officer, the Settlement Officer (Consolidation) or the Director of Consolidation, as the case may be, may direct that any land which vests in the State Government or the Gaon Sabha or any other local body or authority may be recorded in its name, even though no objection, appeal or revision has been filed by such Government, Gaon Sabha, body or authority."

Amendment of section 27.

23. In section 27 of the principal Act, in sub-section (3), for the words and figures "and provisions of sections 28 and 33 of the U. P. Land Revenue Act, 1901, shall apply to the maintenance of such map, field-book and record of rights, as the case may be," the words and figures "and the provisions of the U. P. Land Revenue Act, 1901 relating to the maintenance and correction of such map, field-book and record-of-rights shall *mutatis mutandis* apply" shall be *substituted*.

CHAPTER VI

उत्तर प्रदेश, लखनऊ

Amendment of the U. P. Land Revenue Act, 1901

24. In section 182-A of the U. P. Land Revenue Act, 1901—

Amendment of
section 182-A
of U.P. Act
III of 1901.

(a) in sub-section (1), for the words "an arrear of revenue," the words "an arrear of revenue or any other sum recoverable as an arrear of revenue" shall be *substituted* and be deemed always to have been *substituted*;

(b) after sub-section (3), the following sub-section shall be *inserted* and be deemed always to have been *inserted*, namely:—

"(3-A) No order under sub-section (1) or sub-section (3) shall be made except after giving notice to the defaulter to show cause, and after considering any representations that may be received by the Collector in respect to such notice:

Provided that an interim order under sub-section (1) or sub-section (3) may be made at any time before or after the issue of such notice:

Provided further that where an interim order is made before the issue of such notice the order shall stand vacated if no notice is issued within two weeks from the date of the interim order."

THE UTTAR PRADESH LAND LAWS (AMENDMENT) ACT, 1975

(U. P. ACT NO. 30 OF 1975)

*[Authoritative English text of the Uttar Pradesh Bhoomi Vidhi (Sanshodhan) Adhiniyam, 1975]

AN ACT

further to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956, the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960, the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956, the U. P. Land Revenue Act, 1901 and the U. P. Consolidation of Holdings Act, 1953.

IT IS HEREBY enacted in the Twenty-sixth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. This Act may be called the Uttar Pradesh Land Laws (Amendment) Act, 1975.

Short title,

CHAPTER II

AMENDMENT OF THE UTTAR PRADESH ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1950

2. In section 3 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, hereinafter in this Chapter referred to as the principal Act, in clause (25), for the words "published in the Gazette", the words "published in the manner prescribed" shall be substituted.

Amendment of section 3 of U. P. Act I of 1951.

3. In section 117 of the principal Act, for the words "by notification in the Gazette" wherever occurring, the words "by general or special order to be published in the manner prescribed" shall be substituted.

Amendment of section 117.

4. In section 117-A of the principal Act, in sub-section (1) —

Amendment of section 117-A.

(a) for the words "by notification in the Gazette" the words "by general or special order to be published in the manner prescribed" shall be substituted ;

(b) for the words "specified in the notification", the words, "specified in such order" shall be substituted.

5. In section 119 of the principal Act, for the words "by notification in the Gazette", the words "by general or special order to be published in the manner prescribed" shall be substituted.

Amendment of section 119.

6. In section 122-B of the principal Act, for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely :—

Amendment of section 122-B.

"(2) Where the Land Management Committee or the local authority has failed to take action in accordance with the provisions of sub-section (1) within a period of two months from the date of causing of damage or of misappropriation or, as the case may be, the date of wrongful occupation, the Collector shall proceed to take action in accordance with sub-sections (3) to (4-D).

(3) Where the Collector is of opinion that any property referred to in sub-section (1) has been damaged or misappropriated, or any person is in occupation of any land referred to in that sub-section in contravention of the provisions of this Act, he shall issue notice to the person

Price 55 nP.

*(For Statement of Objects and Reasons, please see Uttar Pradesh Gazette, Extraordinary dated August 1, 1975).

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on August 1, 1975 and by the Uttar Pradesh Legislative Council on August 7, 1975).

(Received the assent of the Governor on August 14, 1975, under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated August 19, 1975).

concerned to show cause why compensation for damage or misappropriation not exceeding the amount specified in the notice be not recovered from him, or, as the case may be, why he should not be evicted from such land.

(4) If the person to whom a notice has been issued under sub-section (3), fails to show cause within the time specified in the notice or within such extended time as the Collector may allow in this behalf, or if the cause shown is found to be insufficient, the Collector may direct that such person shall be evicted from the land and may, for that purpose, use or cause to be used such force as may be necessary and may also direct that the amount of compensation for damage or misappropriation of the property or for wrongful occupation as the case may be, be recovered from such person as arrears of land revenue.

(4-A) If the Collector is of opinion that the person showing cause is not guilty of causing the damage or misappropriation referred to in the notice under sub-section (3) or, as the case may be, is not in occupation of the land in contravention of the provisions of the Act, he shall discharge the notice.

(4-B) If during the course of inquiry in proceedings under this section, the person in occupation of the land referred to in sub-section (1) has produced any evidence of title to such land which appears to the Collector to raise *bona fide* question of title, then the Collector shall, by order, require such person to file a suit for declaration of his title under section 229-B in a competent court within a period of one month from the date of such order, and stay further proceedings in the meantime.

(4-C) The suit referred to in sub-section (4-B) may be filed notwithstanding anything contained in the U. P. Panchayat Raj Act, 1947.

(4-D) Where the person referred to in sub-section (4-B) fails to file such suit within the said period or where the suit, if filed, is dismissed, the Collector shall direct that such person shall be evicted and may for that purpose use or cause to be used such force as may be necessary and where such person succeeds in the suit wholly or partly, the Collector shall either drop or hold further proceedings under this section accordingly.

(4-E) Every order of the Collector under this section shall be final and shall not be called in question in any court.

(4-F) Notwithstanding anything in the foregoing sub-sections, where any person who is a landless agricultural labourer belonging to a Scheduled Caste or Scheduled Tribe, is in occupation of any land vested in a Gaon Sabha under section 117 (not being land mentioned in section 132), having occupied it from before June 30, 1975, and the land so occupied together with any land held by him from before the said date as *bhumidhar*, *sirdar* or *asami* does not exceed 1.26 hectares (3.125 acres), then no action under this section shall be taken by the Land Management Committee or the Collector against such person and it shall be deemed that such person has been admitted as *sirdar* of that land under section 195.

Explanation—The expression 'landless' and 'agricultural labourer' shall have the meaning respectively assigned to them in section 198."

Amendment of
section 124.

7. In section 124 of the principal Act, in sub-section (1), the following proviso thereto shall be *inserted*, namely :—

"Provided that the amount of damages or compensation recoverable under section 122-B shall be credited to the Consolidated Gaon Fund."

Amendment of
section 125-A.

8. In section 125-A of the principal Act—

(i) for sub-section (1), the following sub-section shall be *substituted*, namely :—

"(1) There shall be constituted for each district, a Consolidated Gaon Fund to which shall be credited—

(a) the amount of damages or compensation referred to in the proviso to sub-section (1) of section 124; and

(b) all contributions payable under sub-section (2)."

(ii) in sub-section (2), for the words 'fifteen per centum', the words 'twenty-five per centum', shall be *substituted*.

9. In section 131 of the principal Act, for clause (b), the following clause shall be substituted, namely :—

Amendment of section 131.

“(b) every person who is admitted as *sirdar* of any land under or in accordance with the provisions of section 195 or section 196 ; and”

10. In section 134 of the principal Act,—

Amendment of section 134.

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) If a *sirdar*, not being a *sirdar*, referred to in clause (b) of section 131, deposits to the credit of the State Government, an amount equal to twenty times the land revenue payable or deemed to be payable on the date application for the land of which he is the *sirdar*, he shall, upon an application duly made in that behalf to an Assistant Collector, be entitled, with effect from the date on which the amount has been so deposited, to a declaration that he has acquired the rights mentioned in section 137 in respect of such land.

Explanation I—For the purposes of this sub-section, the expression ‘land’ includes share in land.

Explanation II—For the purposes of this sub-section, the land revenue payable shall—

(a) in respect of land referred to in the proviso to clause (a) of sub-section (1) of section 246, be an amount arrived at after all the increases have been given effect to ; and

(b) in respect of land to which the proviso to section 247 applies be an amount determined at hereditary rates under that section.”

(ii) after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) All applications for the acquisition of *bhumidhari* rights under sub-section (1) by a *sirdar* referred to in clause (b) of section 131 pending on the date immediately before the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1975 (hereinafter in this section referred to as the said date) shall abate, and the amount deposited shall be refunded to such *sirdar* or his heir, as the case may be.

Explanation—For the purposes of sub-section (3), an application shall be deemed to be pending if on the said date, the certificate referred to in sub-section (1) of section 137 has actually not been issued.”

11. In section 138 of the principal Act—

Amendment of section 138.

(a) in sub-section (1), for the words “the *bhumidhar* may sue”, the words and figures “the *bhumidhar* may, subject to the provisions of section 178, sue” shall be substituted ;

(b) in sub-section (2), for the words “subject to the payment of court fees”, the words “subject to the provisions of section 178 and the payment of court fees” shall be substituted.

12. Section 139 of the principal Act shall be omitted.

Omission of section 139.

13. In section 145 of the principal Act, for the word “Collector”, the words “Assistant Collector incharge of the sub-division” shall be substituted.

Amendment of section 145.

14. In section 156 of the principal Act, after sub-section (2), the following Explanation thereto shall be inserted, namely :—

Amendment of section 156.

“*Explanation*—Where a tenure-holder has transferred possession over the whole or part of his holding under any arrangement whereby the tenure-holder becomes entitled to any money, or to any share in the produce grown in such holding or part, then the transferor shall be deemed to have let such holding or part to the transferee.”

15. In section 157 of the principal Act—

Amendment of section 157

(i) in sub-section (1), in clause (e), for the words “recognised institution”, the words “recognised educational institution” shall be substituted and the Explanation shall be omitted ;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1-A) Where any Bank, as defined in clause (c) of section 2 of the Uttar Pradesh Agricultural Credit Act, 1973, acquires any land through proceedings under the said Act, it may let the whole or part of such land for a period not exceeding one year at a time and after the expiry of the said period, the lessee shall cease to have any right, title or interest in the land so let.”

Amendment of section 159. 16. In section 159 of the principal Act, for the word and figures “section 167”, the words and figures “sections 166 and 167” shall be substituted.

Amendment of section 160. 17. In section 160 of the principal Act, for the word and figures “section 157”, the words and figures “sections 156 and 157” shall be substituted.

Amendment of section 161. 18. In section 163 of the principal Act—

(i) in sub-section (1), for the word “transferee” where it occurs for the first time, the words “transferee and every person who may have thus obtained possession of the whole or part of the holding”, shall be substituted ;

(ii) after sub-section (2), the following sub-section shall be inserted namely :—

“(3) A decree for ejectment under sub-section (1) may direct the ejectment of the *bhumidhar* from the whole or part of the holding as the court may, having regard to the circumstances of the case, direct.”

Amendment of section 166. 19. In section 166 of the principal Act, for the words “in contravention of the provisions of this Chapter”, the words “in contravention of the provisions of this Act” shall be substituted.

Amendment of section 167. 20. In section 167 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) To every suit for ejectment under this section, the transferor shall be made a party.”

Amendment of section 169. 21. In section 169 of the principal Act—

(i) in sub-section (1), for the words, brackets, letter and figures “sub-sections (2) and (2-A)”, the words, brackets, figure and letter “sub-section (2-A)” shall be substituted ;

(ii) sub-section (2) shall be omitted.

Amendment of section 178. 22. In section 178 of the principal Act, for sub-section (3) the following sub-section shall be substituted, namely :—

“(3) Where a co-tenure-holder has—

(a) let out only a share in any holding under sub-section (2) of section 157 ; or

(b) duly acquired *bhumidhari* rights under section 134 with respect only to a share in any holding ;

the court shall divide the holding by separating the share aforesaid, but in respect of the remainder of the holding, the provisions of sub-section (1), if applicable, shall be followed.”

Amendment of section 194. 23. In section 194 of the principal Act—

(i) in clause (a), for the word, brackets and letter “clause (a)”, the words, brackets and letters “clause (a) or clause (aa)” shall be substituted ;

(ii) in clause (b), for the words, brackets and letters “clauses (a), (b), (c) or (e)” the words, brackets and letters “clause (a), clause (b), clause (c), clause (cc) or clause (e)” shall be substituted.

Amendment of section 198. 24. In section 198 of the principal Act—

(a) in sub-section (1) —

(i) for clauses (a) to (i), the following clauses shall be substituted, namely :—

“(a) landless widow, sons, unmarried daughters or parents residing in the circle of a person who has lost his life by enemy action while in active service in the Armed Forces of the Union ;

(b) a person residing in the circle, who has become wholly disabled by enemy action while in active service in the Armed Forces of the Union ;

(c) a landless agricultural labourer residing in the circle and belonging to a Scheduled Caste or Scheduled Tribe ;

(d) any other landless agricultural labourer residing in the circle ;

(e) a *bhumidhar*, *sirdar* or *asami* residing in the circle and holding land less than 1.26 hectares (3.125 acres) ;

(f) a landless person residing in the circle who is retired, released or discharged from service other than service as an officer in the Armed Forces of the Union ;

(g) a landless freedom fighter residing in the circle who has not been granted political pension ;

(h) any other landless agricultural labourer belonging to a Scheduled Caste or Scheduled Tribe, not residing in the circle but residing in the Nyaya Panchayat Circle referred to in section 42 of the U. P. Panchayat Raj Act, 1947.” ;

(ii) in the Explanation thereto in clause (1), the words, brackets and letter “except in clause (d)” shall be omitted ;

(b) sub-section (2) shall be omitted ;

(c) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) The land that may be allotted under sub-section (1) shall not exceed—

(i) in the case of a person falling under clause (e), such area as together with the land held by him as *bhumidhar*, *sirdar* or *asami*, immediately before the allotment would aggregate to 1.26 hectares (3.125 acres) ;

(ii) in any other case, an area of 1.26 hectares (3.125 acres)” ;

(d) in sub-section (4), for clauses (i) and (ii), the following clauses shall be substituted, namely :—

“(i) in the case of an allotment of land made before the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1975, cancel the allotment and the lease, if any, within five years from the date of such commencement ; and

(ii) in the case of an allotment of a land made on or after the date of such commencement, cancel the allotment and the lease, if any, within five years from the date of such allotment or lease.” ;

(e) after sub-section (4), the following sub-section shall be inserted, namely :—

“(4-A) Where the allotment or lease of any land is cancelled under sub-section (4), the following consequences shall ensue, namely :—

(i) The right, title and interest of the allottee or lessee or any person claiming through him in such land shall cease, and the land shall revert to the Gaon Sabha ;

(ii) The Collector may direct delivery of possession of such land forthwith to the Gaon Sabha after ejection of every person holding or retaining possession thereof, and may, for that purpose use or cause to be used such force as may be necessary.”

25. In section 331 of the principal Act, for sub-section (3), the following sub-section shall be substituted and be deemed always to have been substituted, namely :—

Amendment
section 331

“(3) An appeal shall lie from any decree or from an order passed under section 47 or an order of the nature mentioned in section 104 of the Code of Civil Procedure, 1908 or in Order 43, Rule 1 of the First Schedule to that Code passed by a court mentioned in column no. 4 of Schedule II to this Act in proceedings mentioned in column no. 3 thereof, to the court or authority mentioned in column no. 5 thereof.”

Insertion of new section 333-A.

26. After section 333 of the principal Act, the following section shall be inserted, namely:—

“333-A. The Commissioner or the Additional Commissioner may call for and examine the record of any suit or proceeding referred to in section 333 decided by any court subordinate to him for the purpose of satisfying himself as to the legality or propriety of any order passed in such suit or proceeding, and if he is of opinion that such order should be varied, cancelled or reversed, he shall refer the case with his opinion thereon for the orders of the Board, and the Board shall thereupon pass such orders as it thinks fit.”

Amendment of section 344.

27. In section 344 of the principal Act, for sub-sections (2), (3) and (4), the following sub-section shall be substituted, namely:—

“(2) All rules made under this section shall as soon as may, after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of not less than thirty days comprised in its one session or two or more successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the *Gazette*, subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.”

CHAPTER III

AMENDMENT OF THE UTTAR PRADESH URBAN AREAS ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1956

Amendment of section 86 of U.P. Act IX of 1957.

28. In section 86 of the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956, for sub-sections (4), (5) and (6), the following sub-section shall be substituted, namely:—

“(4) All rules made under this section shall as soon as, may, after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of not less than thirty days comprised in its one session or two or more successive sessions and shall unless some later date is appointed, take effect from the date of their publication in the *Gazette*, subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.”

CHAPTER IV

AMENDMENT OF THE KUMAUN AND UTTARAKHAND ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1960

Amendment of U.P. Act no. XVII of 1960

29. In the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960, hereinafter in this Chapter referred to as the principal Act, for the words “Kumaun and Uttarakhand Divisions” wherever occurring (except in section I thereof), the words “Kumaun and Garhwal Divisions” shall be substituted and be deemed to have been substituted with effect from December 20, 1968.

Amendment of section 3.

30. In section 3 of the principal Act, for sub-section (9), the following sub-sections shall be substituted and be deemed to have been substituted with effect from December 20, 1968, namely:—

“(9) ‘Kumaun Division’ means the districts of Naini Tal, Almora and Pithoragarh;

(9-A) ‘Garhwal Division’ means the districts of Garhwal, Tehri-Garhwal, Uttarkashi and Chamoli”;

Amendment of section 56.

31. In section 56 of the principal Act—

(a) in sub-section (3), in clause (vi), for the words and figures “Indian Limitation Act, 1908” the words and figures “the Limitation Act, 1963” shall be substituted;

(b) for sub-sections (4), (5) and (6), the following sub-section shall be substituted, namely:—

“(4) All rules made under this section shall as soon as may, after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of not less than thirty days

... some later date is appointed, take effect from the date of their publication in the *Gazette*, subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder."

CHAPTER V

AMENDMENT OF THE JAUNJAR-BAWAR ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1956

32. In section 43 of the Jaunjar-Bawar Zamindari Abolition and Land Reforms Act, 1956, for sub-sections (4), (5) and (6), the following sub-section shall be substituted, namely:—

Amendment of section 43 of U.P. Act no. XI of 1956.

"(4) All rules made under this section shall as soon as may, after they are made be laid before each House of the State Legislature, while it is in session, for a total period of not less than thirty days comprised in its one session or two or more successive sessions and shall unless some later date is appointed take effect from the date of their publication in the *Gazette*, subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder."

CHAPTER VI

AMENDMENT OF THE U. P. LAND REVENUE ACT, 1901

33. For section 5 of the U. P. Land Revenue Act, 1901 (hereinafter in this Chapter referred to as the principal Act), the following section shall be substituted, namely:—

Substitution of section 5 of U. P. Act III of 1901.

"5. Subject to the superintendence, direction and control of the State Controlling powers of State Government and Board respectively. Government, the Board shall be the chief controlling authority in the matters provided under the Act, excepting matters relating to disposal of cases, appeals, references and deviations."

34. In section 8 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 8.

"(1) Where a proceeding coming under the consideration of the Board on appeal or reference or in revision is heard by a Division Bench composed of two or more members, the case shall be decided in accordance with the opinion, of such members or of the majority, if any, of such members."

35. In section 33 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of section 33.

"(2) The Collector shall cause to be recorded in the annual register—

(a) all successions and transfers in accordance with the provisions of section 35; or

(b) other changes that may take place in respect of any land; and shall also correct all errors and omissions in accordance with the provisions of section 39:

Provided that the power to record a change under clause (b) shall not be construed to include the power to decide a dispute involving any question of title."

36. Section 33-A of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment of section 33-A

"(2) The provisions of sub-section (1) shall *mutatis mutandis* apply to a person who has been admitted to any land as a *sirdar* under section 195 or 196 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 or as an *asami* under section 197 of the said Act."

Amendment of section 34.

37. In section 34 of the principal Act—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Every person obtaining possession of any land by succession or transfer (other than a succession or transfer which has already been recorded under section 33-A), shall report such succession or transfer to the Tahsildar of the Tahsil in which the land is situate.”;

(b) sub-section (2) shall be omitted;

(c) for the Explanation thereto, the following Explanation shall be substituted, namely :—

“Explanation—For the purposes of this section, the word ‘transfer’ includes—

(i) a family settlement by which the holding or part of the holding recorded in the record-of-rights in the name of one or more members of that family is declared to belong to another or other members; or

(ii) an exchange of holding or part thereof under section 161 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.”

Substitution of section 35.

38. For section 35 of the principal Act, the following section shall be substituted, namely :—

“35. On receiving a report of succession or transfer under section 34, Procedure on or upon facts otherwise coming to his knowledge, the report. Tahsildar shall make such inquiry as appears necessary, and if the succession or transfer appears to have taken place, he shall direct the annual registers to be amended accordingly.”

Amendment of section 39.

39. In section 39 of the principal Act, in sub-section (2), the following proviso thereto shall be inserted, namely :

“Provided that nothing in this sub-section shall be construed to empower the Collector to decide a dispute involving any question of title.”

Substitution of section 191.

40. For section 191 of the principal Act, the following section shall be substituted, namely :—

“191. The Board or a Commissioner may transfer any case or proceeding arising under the provisions of this Act, including a partition case, from any subordinate Revenue Court or Revenue Officer to any other court or officer competent to deal therewith.”

Amendment of section 210.

41. In section 210 of the principal Act, in sub-section (6), the figures “35” shall be omitted.

Substitution of section 218.

42. For section 218 of the principal Act, the following section shall be substituted, namely :—

“218. The Commissioner, the Additional Commissioner, the Collector, the Record Officer or the Settlement Officer may call for and examine the record of any case decided or proceedings held by any officer subordinate to him for the purpose of satisfying himself as to the legality or propriety of the order passed and as to the regularity of proceedings, and, if he is of opinion that the proceeding taken or order passed by such subordinate officer should be varied, cancelled or reversed, he shall refer the case with his opinion thereon for the orders of the Board and the Board shall thereupon pass such orders as it thinks fit.”

Substitution of section 219.

43. For section 219 of the principal Act, the following section shall be substituted, namely :—

“219. The Board may call for the record of any case decided by any subordinate court, and if the subordinate court appears—
the Board

(a) to have exercised a jurisdiction not vested in it in law, or

(b) to have failed to exercise a jurisdiction so vested, or

(c) to have acted in the exercise of jurisdiction illegally or with material irregularity.

the Board may pass such order as it thinks fit.”

44. In section 227 of the principal Act—

Amendment of
section 227.

(a) before clause (2), the following clause shall be *inserted*, namely :—

“(i) to exercise all or any of the powers of an Assistant Collector of the Second Class or a Tahsildar ;”

(b) clause (5) shall be *omitted*.

45. For section 234 of the principal Act, the following section shall be *substituted*, namely :—

Substitution of
section 234.

“234. (1) The Board may, with the previous sanction of the State Government, make rules consistent with this Act in respect of all or any of the following matters, namely :—

(a) prescribing the duties of tahsildars and naib-tahsildars and regulating their postings and transfers and their appointment in temporary vacancies ;

(b) prescribing the forms, contents, methods of preparation, attestation and maintenance of the record-of-rights and other records, maps, field-books, registers, and lists made or kept under this Act and prescribing the kind of land, if any, in respect of which any such record need not be prepared under section 32 ;

(c) regulating the imposition of fines, under section 38, for failure to notify successions and transfers ;

(d) regulating the costs which may be recovered in or in respect of any proceeding under this Act ;

(e) regulating the procedure to be followed by any officer (or other person), who under any provision of this Act is required or empowered to take action in any case or proceeding under this Act ;

(f) generally for the guidance of all persons in a case or proceeding under this Act, and for carrying out the provisions of this Act in respect of such case or proceeding ;

(g) regulating the issue of licences to persons to act as petition writers in the revenue courts, the conduct of business by such persons and the scale of fees to be charged by them, and the cancellation of such licences for breach of the terms and conditions thereof.

(2) Notwithstanding anything in sub-section (1), all rules made by the State Government or the Board under this section as it stood immediately before the date of commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1975, and in force on such date shall continue in force until repealed, amended or altered by the competent authority.”

46. All cases referred to the State Government under section 218, and all revisions filed before the State Government under section 219 of the principal Act, as they stood immediately before the date of commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1975, and pending before the State Government on the said date, shall, notwithstanding anything in any judgment, decree or order of any court or authority, stand transferred to the Board and be decided by the Board, and the decision of the Board shall be final.

Transitory pro-
visions.

CHAPTER VII

AMENDMENT OF THE UTTAR PRADESH CONSOLIDATION OF HOLDINGS ACT, 1953

47. In section 54 of the Uttar Pradesh Consolidation of Holdings Act, 1953,—

Amendment of
section 54
of
U.P. Act V of
1954.

(i) in sub-section (1), for the words “may make rules” the words “may by notification in the *Gazette* make rules” shall be *substituted* ;

(ii) for sub-sections (3), (4) and (5) the following sub-section shall be *substituted*, namely :—

“(3) All rules made under this section shall, as soon as, may, after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of not less than thirty days

comprised in its one session or two or more successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the *Gazette* subject to such modification or annulments as the two Houses of the Legislature may, during the said period agree to make so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder."

CHAPTER VIII

REPEAL

Repeal of U.P.
Ordinance no. 20
of 1975.

48. (1) The Uttar Pradesh Land Laws (Amendment) Ordinance, 1975 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act was in force at all material times.

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THE UTTAR PRADESH LAND LAWS (AMENDMENT) ACT, 1976

[U. P. ACT NO. 35 OF 1976]

[Authoritative English Text of the Uttar Pradesh Bhoomi Vidhi (Sanshodhan) Adhiniyam, 1976]

AN
ACT

विधान प्रस्ताव
(राजकीय प्रस्ताव)
उत्तर प्रदेश, लख

further to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, the Uttar Pradesh Consolidation of Holdings Act, 1953, the U. P. Village Abadi Act, 1947, the U. P. Land Revenue Act, 1901, the Uttar Pradesh Land Development Tax Act, 1972, and the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960.

IT IS HEREBY enacted in the Twenty-seventh Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Land Laws (Amendment) Act, 1976.

Short title, extent and commencement.

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

(3) It shall be deemed to have come into force on June 15, 1976, except Chapters VI and VII which shall be deemed to have come into force on July 1, 1976.

CHAPTER II

Amendment of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950

2. In section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, hereinafter in this Chapter referred to as the principal Act,—

Amendment of section 117 of U.P. Act 1 of 1951.

(i) in sub-section (1), for the words "specified in the notification", the words "specified in such order" shall be substituted;

(ii) in sub-section (6), for the words "declaration or notification", the words "declaration, notification or order" shall be substituted.

3. In section 117-A of the principal Act, in sub-section (2), for the word "notification", the words "notification or order" shall be substituted.

Amendment of section 117-A.

[For Statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary), dated November 11, 1976].

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on November 3, 1976 and by the Uttar Pradesh Legislative Council on November 8, 1976).

(Received the Assent of the Governor on November 18, 1976 under Article 200 of the Constitution of India and was published in Part I (a) of the Legislative Supplement of the Uttar Pradesh Gazette, Extraordinary, dated November 18, 1976).

Amendment of section 119.

4. In section 119 of the principal Act, for the words "District Board" the words "Zila Parishad" shall be substituted.

Amendment of section 122-B.

5. In section 122-B of the principal Act—

(i) for sub-section (4-B), the following sub-section shall be substituted, namely :—

"(4-B) If during the course of inquiry in proceedings under this section, the person showing cause has produced any evidence which appears to the Collector to raise any *bona fide* question of title, then the Collector shall, by order require such person to file a suit for declaration of his title in a court of competent jurisdiction within a period of three months from the date of such order, and stay further proceedings in the meantime."

(ii) for sub-section (4-D), the following sub-section shall be substituted, namely :—

"(4-D) Where the person referred to in sub-section (4-B) succeeds in the suit wholly or partly the Collector shall either drop or hold further proceedings under this section accordingly.

(4-DD) Where the person referred to in sub-section (4-B) fails to file such suit within the said period, or where the suit, if filed is dismissed, the Collector shall direct that—

(i) such person shall be evicted, and may for that purpose use or cause to be used such force as may be necessary; and

(ii) the amount of compensation for damage or misappropriation of the property or for wrongful occupation, as the case may be, be recovered from such person as arrears of land revenue."

(iii) for sub-section (4-F) and the Explanation thereto, the following sub-section and Explanation shall be substituted, namely :—

"(4-F) Notwithstanding anything in the foregoing sub-sections, where any agricultural labourer belonging to a Scheduled Caste or Scheduled Tribes is in occupation of any land vested in a Gaon Sabha under section 117 (not being land mentioned in section 132) having occupied it from before June 30, 1975 and the land so occupied together with land, if any, held by him from before the said date as *bhumidhar*, *sirdar* or *asami* does not exceed 1.26 hectares (3.125 acres), then no action under this section shall be taken by the Land Management Committee or the Collector against such labourer, and it shall be deemed that he has been admitted as *sirdar* of that land under section 195.

Explanation—The expression agricultural labourer shall have the meanings assigned to it in section 198."

(iv) for sub-section (5), the following sub-section shall be substituted and be deemed always to have been substituted, namely :—

"(5) Rules 115-C to 115-H of the U. P. Zamindari Abolition and Land Reforms Rules, 1952, shall be and be always deemed to have been made under the U. P. Zamindari Abolition and Land Reforms Act, 1950 as amended by the Uttar Pradesh Land Laws (Second Amendment) Act, 1961, as if this section has been in force on all material dates and shall accordingly continue in force until altered or repealed or amended in accordance with the provisions of this Act."

Amendment of section 122-C.

6. In section 122-C of the principal Act—

(i) in sub-section (3), for Explanation II, the following Explanation shall be substituted, namely :—

"*Explanation II*—The expression 'village artisan' means a person who does not hold any agricultural land and whose main source of livelihood is manufacture or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary

thereto and includes a carpenter, weaver, potter, blacksmith, silver-smith, goldsmith, barber, washerman, cobbler or any other person who normally earns his livelihood by practising a craft either by his own labour or by the labour of any member of his family in any rural area :

Provided that no person shall be deemed to be a village artisan whose total income (including income of his or her spouse and minor children) exceeds two thousand four hundred rupees in a year."

(i) after sub-section (8), the following sub-section shall be inserted, namely :—

"(9) In rule 115-L of the U. P. Zamindari Abolition and Land Reforms Rules, 1952, sub-rule (2) shall be deemed always to have been omitted."

7. After section 123-A of the principal Act, the following section shall be inserted, namely—

Insertion of new section 123-B

"123-B. (1) Where any person has been evicted under this Act from any land vested in a Gaon Sabha, and such person or any other person, whether claiming through him or otherwise, thereafter occupies such land or any part thereof without lawful authority, such occupant shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(2) Any court convicting a person under sub-section (1) may make an order for evicting the person summarily from such land, and such person shall be liable to such eviction, without prejudice to any other action that may be taken against him under any law for the time being in force.

(3) Without prejudice to the provisions of sub-sections (1) and (2), the Collector may, whether or not a prosecution is instituted under sub-section (1), retake possession of any land, referred to in that sub-section and may, for that purpose, use or cause to be used such force as may be necessary for evicting any person found in occupation thereof."

8. In section 128 of the principal Act, in sub-section (2) —

Amendment of section 128.

(i) in clause (b), for the words "District Board", the words "Zila Parishad" shall be substituted ;

(ii) after clause (b), the following clause shall be inserted and be deemed always to have been inserted, namely :—

"(c) the procedure for recovery of compensation or possession of the land together with damages ;"

9. For sections 134 to 137-A of the principal Act, the following sections shall be substituted, namely :—

Substitution of new sections 134 to 137.

"134. (1) A *sirdar*, not being a *sirdar* referred to in clause (b) of section 131, may apply to an Assistant Collector for declaration of his *bhumidhari* rights in respect of the land specified in the application.

(2) An application under sub-section (1) may be made by one or more of the co-*sirdars* and in respect of the entire holding or any part thereof or any share therein.

(3) No application under sub-section (1) shall be entertained unless an amount equal to ten times the land revenue payable or deemed to be payable on the date of application for such holding, part or share has been deposited in the manner prescribed.

135. (1) If the Assistant Collector is satisfied that the application referred to in section 134 has been duly made, he shall, by order, declare the applicant to be the *bhumidhar* of the land specified in such order.

(2) Before making an order under sub-section (1), the Assistant Collector may make such inquiry as may be prescribed.

136. Where a declaration under section 135 has been duly made, the *sirdar* shall, from the date thereof, be deemed to be the consequences of a *bhumidhar* of the land specified in the declaration, and shall have all the rights and be subject to all the liabilities conferred or imposed upon *bhumidhars* by or under this Act.

137. (1) A declaration granted under section 135 may, on the application of any person interested (including the State Government), be cancelled or modified by the Assistant Collector on any of the following grounds, namely—

(a) that the declaration was obtained fraudulently by making of a false suggestion, or by the concealment from the Assistant Collector of something material to the case;

(b) that the declaration was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant thereof, though such allegation was made in ignorance or inadvertently;

(c) that a decree or order passed by a competent Court in a suit or other proceedings with respect to the holding for which declaration was made shows that the applicant was not entitled thereto.

(2) Where the declaration is cancelled under sub-section (1), the person depositing the amount shall be entitled to its refund."

Amendment of section 138.

10. In section 138 of the principal Act, in sub-section (1), for the figures "134", the figures "136" shall be substituted.

Substitution of section 154.

11. For section 154 of the principal Act, the following sections shall be substituted, namely:—

"154. (1) Save as provided in sub-section (2), no *bhumidhar* shall have the right to transfer by sale or gift, any land other than tea gardens to any person where the transferee shall, as a result of such sale or gift, become entitled to land which together with land, if any, held by his family will in the aggregate, exceed 5.0586 hectares (12.50 acres) in Uttar Pradesh.

(2) Subject to the provisions of any other law relating to the land tenures for the time being in force, the State Government may, by general or special order, authorise transfer in excess of the limit prescribed in sub-section (1) if it is of the opinion that such transfer is in favour of a registered co-operative society or an institution established for a charitable purpose, which does not have land sufficient for its need, or that the transfer is in the interest of general public.

Explanation—For the purposes of this section, the expression 'family' shall mean the transferee, his or her wife or husband (as the case may be) and minor children, and where the transferee is a minor also his or her parents.

154-A. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, no person shall have the right to acquire any land by sale or gift without prior permission in writing from the State Government, unless he is an Indian citizen.

(2) No *bhumidhar* shall have the right to transfer any land to any person in contravention of sub-section (1).

(3) Every transfer made in contravention of the provisions of this section shall be void."

Amendment of section 156.

12. In section 156 of the principal Act, in sub-section (2), the Explanation shall be omitted.

Substitution of new section for section 163.

13. For section 163 of the principal Act, the following section shall be substituted, namely:—

"163. (1) Where any holding or part thereof has been transferred in contravention of section 154 or section 154-A or section 157-A, then notwithstanding anything contained in any law for the time being in force or any contract, decree or order of any court, the Assistant Collector First Class may, either

suo motu or on the application of any person, and after making such inquiry as he thinks fit, by order declare such transfer to be void :

Provided that no order under this sub-section shall be made without affording an opportunity of hearing to the transferer as well as to the transferee.

(2) Where the transfer of any holding or part has been declared to be void under sub-section (1), the following consequences shall ensue, namely :—

(a) the subject-matter of transfer shall with effect from the date of such order, be deemed to have vested in the State Government free from all encumbrances ;

(b) the trees, crops and wells existing in the holding on the date of the order shall with effect from the said date be deemed to have been vested in the State Government free from all encumbrances ;

(c) the transferee may remove other movable property or the materials of any immovable property existing on the holding on the date of the order, within such time as may be prescribed.

(3) Where any holding or part thereof or other property has vested in the State Government under sub-section (2), and any person is in unauthorised occupation thereof, it shall be lawful for the Collector to direct that such person be evicted therefrom and for that purpose he may use or cause to be used such force as may be necessary."

14. For section 167 of the principal Act, the following section shall be substituted, namely :—

Substitution of new section for section 167.

"167. The consequences specified in clauses (a) to (c) of sub-section (2) of section 163 shall ensue in respect of every transfer which is void by virtue of section 166 with the substitution of references to the date of the order under sub-section (1) of section 163 by references to the date of such transfer."

15. For section 210 of the principal Act, the following section shall be substituted and be deemed always to have been substituted, namely :—

Amendment of section 210.

"210. If a suit for eviction from any land under section 209 is not instituted by a *bhumidhar*, *sirdar* or *asami*, or a decree for eviction obtained in any such suit is not executed by him, within the period of limitation provided for the institution of such suit or the execution of such decree, as the case may be, the person taking or retaining possession shall—

(i) where the land forms part of the holding of a *bhumidhar* or *sirdar*, become a *sirdar* of such land, and the rights, title and interest of an *asami*, if any, in such land shall be extinguished ;

(ii) where the land forms part of the holding of an *asami*, on behalf of the Gaon Sabha, become an *asami* thereof holding from year to year."

16. Section 211-A of the principal Act shall be omitted.

Omission of section 211-A.

17. In section 230 of the principal Act, in sub-section (2) —

Amendment of section 230.

(i) for clauses (a) to (c), the following clauses shall be substituted, namely :—

(a) the form and procedure of making the application under sub-section (1) of section 134 ;

(b) the manner of making the deposit under sub-section (3) of section 134 ;

(c) the procedure for making inquiry and declaration under section 135."

(ii) after clause (e), the following clause shall be inserted, namely :—

"(ee) the procedure for making inquiry and declaration under sections 163 and 167 ;"

Substitution of new sections 245, 246 and 247. 18. For sections 245, 246, 247 and 247-A of the principal Act, the following sections shall be substituted, namely:—

"245. (1) Subject to the provisions of this Act, every *bhumidhar* or Land revenue payable by *Bhumidhars* and *Sirdars* shall for every agricultural year commencing on or after July 1, 1976, be liable to pay to the State Government, for land held by him, land revenue determined in accordance with the provisions of sub-section (2) and sections 246 and 247.

(2) The amount of land revenue payable by a *bhumidhar* or *sirdar* shall be equal to an amount computed at double the hereditary rates applicable to the respective plots of land comprised in his holding:

Provided that the land revenue so computed shall not be—

(i) less than rupees five per acre or more than rupees ten per acre in respect of an unirrigated plot of land;

(ii) less than rupees ten per acre or more than rupees twenty per acre in respect of an irrigated plot of land.

Explanation I—A plot of land means land to which a separate Khasra number is assigned.

Explanation II—For the purposes of this section, the expression 'irrigated plot of land' means a plot of land at least half the area whereof was irrigated by any source in at least one crop in each of any three agricultural years between 1379 Fasli to 1383 Fasli (both inclusive) and the expression 'unirrigated plot of land' means every plot of land other than an irrigated plot of land.

Explanation III—For the removal of doubts, it is hereby declared that every *bhumidhar* or *sirdar* shall continue to be liable to pay land revenue for the period ending on June 30, 1976, in accordance with the provisions of Chapter X as they stood before the commencement of this section.

246. (1) For the purposes of determining the land revenue payable by *bhumidhars* and *sirdars* under section 245, the Assistant Collector shall cause to be prepared a Provisional Statement for each village.

(2) The Provisional Statement shall be published in such form as may be prescribed.

(3) Any person aggrieved by any entry in the Provisional Statement may file an objection to the Assistant Collector incharge of the Sub-Division within fifteen days from the date of publication of the Provisional Statement under sub-section (2).

(4) The Assistant Collector incharge of the Sub-Division shall, after affording reasonable opportunity of being heard, decide the objection, and his decision shall be final.

(5) The Provisional Statement shall, if necessary, be revised in accordance with an order under sub-section (4), and thereupon it shall be signed and sealed by the Assistant Collector incharge of the Sub-Division and shall become final and conclusive.

(6) The Assistant Collector incharge of the Sub-Division may correct any clerical or arithmetical mistakes in the Statement referred to in sub-section (5) or any error arising therein from any accidental slip or omission.

247. The amount specified in the Final Statement referred to in section 246 shall be and continue to be the land revenue payable by a *bhumidhar* or *sirdar*, as the case may be, until the same is duly altered in accordance with the provisions of this Chapter."

Amendment of section 249.

19. In section 249 of the principal Act, the words "except as provided in section 247-A" shall be omitted.

Omission of section 251.

20. Section 251 of the principal Act shall be omitted.

21. In section 252 of the principal Act—
 (i) in sub-section (1), for the words "forty years", the words "twenty years" shall be *substituted*, and the proviso thereto shall be *omitted*;
 (ii) sub-section (2) shall be *omitted*. Amendment of section 252.
22. In section 253 of the principal Act, for the words "forty years", the words "twenty years" shall be *substituted*, and the proviso thereto shall be *omitted*. Amendment of section 253.
23. In section 257 of the principal Act, for the words "forty years", the words "twenty years" shall be *substituted*. Amendment of section 257.
24. In section 264 of the principal Act, sub-section (3) shall be *omitted*. Amendment of section 264.
25. Section 267 of the principal Act shall be *omitted*. Omission of section 267.
26. In section 287-A of the principal Act, in sub-section (1), after the words "for the recovery of any arrear of revenue", the words "or for the recovery of any sum of money recoverable as arrear of revenue" shall be *inserted*. Amendment of section 287-A.
27. In section 294 of the principal Act, in sub-section (2)—
 (i) clause (aa) shall be *omitted*;
 (ii) clause (c) shall be *omitted*. Amendment of section 294.
28. In Schedule II to the principal Act—
 (a) in serial No. 7, for the figures and letter "137-A" in column No. 2, the figures "137" shall be *substituted*;
 (b) against serial No. 14, for the existing entry in column No. 3, the following entry shall be *substituted*, namely:—
 "Application for declaration of any transfer to be void."
 (c) the existing entries at serial numbers 40 and 41 shall be *omitted*. Amendment of Schedule II.
29. Notwithstanding anything contained in this Chapter, every proceeding under any of the sections 134 to 137-A of the principal Act, as they stood before the commencement of this Chapter, shall be deemed to be a proceeding under the corresponding provision of the principal Act as amended by this Chapter and shall be disposed of accordingly. Transitory provisions.

CHAPTER III

Amendment of Uttar Pradesh Consolidation of Holdings Act, 1953

30. After section 4 of the Uttar Pradesh Consolidation of Holdings Act 1953, hereinafter in this Chapter referred to as the principal Act, the following section shall be *inserted*, namely:— Insertion of new section 4-A in U.P. Act V of 1954.
- "4-A. (1) Where the State Government is of opinion that in the case of a district or part thereof in respect of which a notification has already been issued under section 52, it is expedient in public interest so to do, it may make a declaration by notification in the *Gazette* that such district or part thereof may again be brought under consolidation operation:
- Provided that no such declaration shall be issued within ten years from the date of the notification referred to in the said section.
- (2) The provisions of this Act shall *mutatis mutandis* apply to every notification issued under sub-section (1) as they apply to a notification under section 4."
31. In section 5 of the principal Act, in sub-section (2), for the Explanation thereto, the following Explanation shall be *substituted* and shall be deemed always to have been *substituted*, namely:— Amendment of section 5.
- "*Explanation*—For the purposes of sub-section (2), a proceeding under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 or an uncontested proceeding under sections 134 to 137 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, shall not be deemed to be a proceeding in respect of declaration of rights or interest, in any land."

Amendment of section 52. 32. In section 52 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Where the allotment or lease of any land made before the consolidation scheme becomes final under section 23, is cancelled by an order under sub-section (4) of section 198 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and such order becomes final, then, notwithstanding anything contained in the provisions of this Act, such order shall be given effect to by such authorities, as may be prescribed, in the following manner, and the consolidation operation shall, for that purpose, be deemed to have not closed, namely—

(a) the value of the land which was the subject-matter of such allotment or lease shall first be ascertained in the manner prescribed;

(b) the value referred to in clause (a) shall be deducted from the total value of land allotted to the tenure-holder concerned during consolidation proceedings;

(c) the tenure-holder shall be entitled, during consolidation proceeding, to land equivalent in valuation to the said land.”

Amendment of section 54. 33. In section 54 of the principal Act, in sub-section (2), after sub-clause (c), the following sub-clause shall be inserted and be deemed always to have been inserted, namely:—

“(cc) the conditions to be observed by the Settlement Officer (Consolidation) in granting permission referred to in clause (c) of sub-section (1) of section 5, for transfer of holdings in the Consolidation area ;”.

CHAPTER IV

Amendment of U. P. Village Abadi Act, 1947

Amendment of section 1 of U.P. Act 3 of 1948. 34. In section 1 of the U. P. Village Abadi Act, 1947, hereinafter in this Chapter referred to as the principal Act, for sub-sections (2) and (3), the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of Uttar Pradesh.”

Amendment of section 2. 35. In section 2 of the principal Act—
(a) in clause (1), for the words ‘an agricultural village’, the words ‘a village’ shall be substituted;

(b) after clause (3), the following clause shall be inserted, namely:—

“(4) ‘village’ means any local area whether compact or otherwise recorded as a village in the revenue records of the district concerned and includes an area declared under clause (25) of section 3 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, to be a village.”

Amendment of section 4. 36. In section 4 of the principal Act—
(i) for the words “agricultural village”, the word “village” shall be substituted;

(ii) after clause (b), the following clause shall be inserted, namely:—

“(c) rebuild or renovate his house whether *kachcha* or *pucca* or both, subject to any other law for the time being in force.”

CHAPTER V

Amendment of the U. P. Land Revenue Act, 1901

A mendment of section 33 of U.P. Act III of 1901. 37. In section 33 of the U. P. Land Revenue Act, 1901, hereinafter in this Chapter referred to as the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every time when annual register is prepared under sub-section (1), the Collector shall, as soon as may be after its preparation, cause to be prepared and supplied to every person recorded as *bhumidhar*, *sirdar*, *asami* or Government lessee a *Jot Bahi* (Pass Book) which shall contain such extract from the annual register

relating to all holdings of which he is so recorded (either solely or jointly with others) and in such manner and on payment of such fee, which shall be realisable as arrears of revenue, as may be prescribed :

Provided that in the case of joint holdings it shall be sufficient for the purposes of this sub-section if the Jot Bahi (Pass Book) is supplied only to such one or more of the recorded co-sharers as may be prescribed.

Explanation—The Jot Bahi (Pass Book) shall be a consolidated pass book for all the holdings of a tenure-holder in respect of land held by him as *bhumidhar, sirdar, asami* or Government lessee ;”

(b) in sub-sections (5) and (6), for the words ‘Jot Bahi’ wherever occurring, the words ‘Jot Bahi (Pass Book)’ shall be substituted.

38. For section 183 of the principal Act, the following section shall be substituted, namely :—

Substitution of section 183.

“183. (1) Whenever proceedings are taken under this Chapter against any person for the recovery of any arrear of revenue or for the recovery of any sum of money recoverable as arrear of revenue he may pay the amount claimed under protest to the officer taking such proceedings, and upon such payment the proceedings shall be stayed and the person against whom such proceedings were taken may sue the State Government in the Civil Court for the amount so paid, and in such suit the plaintiff may, notwithstanding anything contained in section 145, give evidence of the amount, if any, which he alleges to be due from him.

(2) No protest under this section shall enable the person making the same to sue in the Civil Court, unless it is made at the time of the payment in writing and signed by such person or by an agent duly authorized in his behalf.”

CHAPTER VI

Amendment of the Uttar Pradesh Land Development Tax Act, 1972

39. In section 2 of the Uttar Pradesh Land Development Tax Act, 1972, hereinafter in this Chapter referred to as the principal Act, clause (aa) shall be omitted.

Amendment of section 2 of U.P. Act 35 of 1972.

40. In section 5 of the principal Act,—

Amendment of section 5.

(i) in sub-section (4), for clause (a), the following clause shall be substituted, namely—

“(a) out of an amount equivalent to ten per cent of the sum so received, pay a sum of rupees eighty lakh to the Uttar Pradesh Jal Nigam for preparing, executing, promoting, operating and maintaining drinking water schemes in the villages, and place the balance to the credit of the Zila Nidhis established under section 99 of the Uttar Pradesh Kshetra Samities and Zila Parishads Adhiniyam, 1961 in such proportions as the State Government may by general or special order determine ;”

(ii) in sub-section (6), in clause (b), the words “such drinking water schemes as may be approved by the State Government and” shall be omitted.

41. For the Schedule to the principal Act, the following Schedule shall be substituted, namely :—

Substitution of Schedule.

“SCHEDULE

(See SECTION 5)

The land development tax shall be payable at the rates specified below :—

A. In the case of a *bhumidhar, sirdar* or Government lessee—

(i) The total area of land held Nil.
in Uttar Pradesh by whom and by
members of whose family does not
exceed 1.2647 hectares (3.125
acres).

(ii) The total area of land held in Uttar Pradesh by whom and by members of whose family exceeds 1.2647 hectares (3.125 acres) but does not exceed 2.5293 hectares (6.25 acres).

An amount equal to one-third of the land revenue or rent payable by him or by members of his family.

(iii) The total area of land held in Uttar Pradesh by whom and by members of whose family exceeds 2.5293 hectares (6.25 acres) but does not exceed 5.0586 hectares (12.50 acres).

An amount equal to one-half of the land revenue or rent payable by him or by members of his family.

(iv) The total area of land held in Uttar Pradesh by whom and by members of whose family exceeds 5.0586 hectares (12.50 acres).

An amount equal to the land revenue or rent payable by him or by members of his family.

B. In the case of an intermediary—

An amount equal to land revenue or rent payable by him.

Explanation—For the purposes of this Schedule, 'family' consists of an individual, his or her spouse and minor children, whether they are joint or not with the individual."

CHAPTER VII

Amendment of the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960

Amendment of section 47 of U.P. Act XVII of 1960.

42. In section 47 of the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960, in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that section 245 of the said Act shall, in relation to such area, apply with the following modifications:—

(i) one and a half acres of land in areas to which this Act applies shall count as one acre;

(ii) in a district where there are no hereditary rates, the reference to "hereditary rates" shall be construed as a reference to 'village land revenue rates';

(iii) in relation to any district in which the maximum hereditary rates or village land revenue rates do not exceed rupee one per acre, the words 'rupees five' and 'rupees ten' in clause (i) of the proviso to sub-section (2) of the said section 245 shall be substituted by the words 'rupees three' and 'rupees five' respectively, and the words 'rupees ten' and 'rupees twenty' in clause (ii) thereof shall be substituted by the words 'rupees six' and 'rupees ten' respectively."

CHAPTER VIII

Miscellaneous

Repeal and savings.

43. (1) The Uttar Pradesh Land Laws (Amendment) Ordinance, 1976 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Acts as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of the principal Acts as amended by this Act, as if this Act were in force at all material times.

U. P. Ordinance no. 17 of 1976.

L.A.
15/77-8
Cap. 3

157832

THE UTTAR PRADESH LAND LAWS (AMENDMENT) ACT, 1977
(U. P. ACT NO. 8 OF 1977)

(Authoritative English Text of the Uttar Pradesh Bhoomi Vidhi (Sanshodhan) Adhiniyam, 1977]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

Further to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956, Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960, U. P. Land Revenue Act, 1901, Uttar Pradesh Land Development Tax Act, 1972, Uttar Pradesh Bhoodan Yagna Act, 1952, and to repeal Kumaun Nayabad and Waste Land Act, 1948.

IT IS HEREBY enacted in the Twenty-eighth Year of the Republic of India as follows :

CHAPTER I
Preliminary

1. (1) This Act may be called the Uttar Pradesh Land Laws (Amendment) Act, 1977.

Short title and commencement.

(2) It shall be deemed to have come into force on January 28, 1977.

CHAPTER II

Amendment of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950

2. In section 129 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter in this chapter referred to as the principal Act) for clauses (1) and (2), the following clauses shall be substituted, namely :—

Amendment of section 129 of U. P. Act 8 of 1951.

“(1) *bhumidhar* with transferable rights:

(2) *bhumidhar* with non-transferable rights;”

(For Statement of Objects and Reasons please see *Uttar Pradesh Gazette* (Extraordinary) dated July 13, 1977-

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on July 20, 1977 and by the Uttar Pradesh Legislative Council on July 22, 1977).

(Received the Assent of the Governor on July 24, 1977 under Article 200 of the Constitution of India, and was published in Part I (a) of the Legislative supplement of the *Uttar Pradesh Gazette Extraordinary* dated July 24, 1977).

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Substitution of sections 130 and 131.]

3. For sections 130 and 131 of the principal Act, the following section shall be *substituted*, namely:—

“130. Every person belonging to any of the following classes not being a person referred to in section 131, shall be called a *bhumidhar* with transferable rights, the rights and be subject to all the liabilities conferred or imposed upon such *bhumidhars* by or under this

Act, namely—

(a) every person who was a *bhumidhar* immediately before the date of commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977 ;

(b) every person who, immediately before the said date, was a *sirdar* referred to in clause (a) or clause (c) of section 131, as it stood immediately before the said date ;

(c) every person who in any other manner acquires on or after the said dates the right of such a *bhumidhar*, under or in accordance with the provisions of this Act.

131. Every person belonging to any of the following classes shall be called a *bhumidhar* with non-transferable rights, and shall have all the rights and be subject to all the liabilities conferred or imposed upon such *bhumidhars* by or under this Act, namely—

(a) every person admitted as a *sirdar* of any land under section 195 before the date of commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977, or as a *bhumidhar*, with non-transferable rights under the said section on or after the said date ;

(b) every person who in any other manner acquires on or after the said date, the right of such a *bhumidhar* under or in accordance with the provisions of this Act ;

(c) every person who is, or has been allotted any land under the provisions of the Uttar Pradesh Bhoodan Yagna Act, 1952.”

Amendment of section 132.

4. In section 132 of the principal Act, for the word *sirdar*, wherever occurring, the words '*bhumidhari*' shall be *substituted*.

Amendment of section 133.

5. In section 133 of the principal Act, for clause (b), the following clause shall be *substituted*, namely—

“(b) every person, who was admitted before the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977 by a *bhumidhar* or *sirdar* or, after such commencement, by a *bhumidhar* as a lessee of land comprised in his holding, in accordance with the provisions of this Act.”

Omission of section 134.

6. Section 134 of the principal Act shall be *omitted*.

Omission of section 135.

7. Section 135 of the principal Act shall be *omitted*.

Omission of section 136.

8. Section 136 of the principal Act shall be *omitted*.

Amendment of section 137.

9. In section 137 of the principal Act, in sub-section (1), after the word and figures “section 135” the word and figures “as it stood immediately before the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977”, shall be *inserted*.

Omission of section 138.

10. Section 138 of the principal Act shall be *omitted*.

Amendment of section 146.

11. In section 146 of the principal Act, the words “A *sirdar* or *asami*” wherever occurring the words “an *asami*” shall be *substituted*.

Substitution of sections 152 and 153.]

12. For sections 152 and 153 of the principal Act, the following sections shall be *substituted*, namely—

“152. (1) The interest of a *bhumidhar* with non-transferable rights shall, subject to the conditions hereinafter contained, be transferable.
Certain transfers by *bhumidhar* with non-transferable rights permissible.

(2) A *bhumidhar* with non-transferable rights may, in such circumstances as may be prescribed, mortgage, without possession, his interest in his holding, as security for a loan taken from the State Government by way of *taqavi* or from a co-operative society or from the State Bank of India, or from any other bank, which is a scheduled bank, within the meaning of clause (e) of section 2 of the Reserve Bank of India Act, 1934, or from the Uttar Pradesh State Agro-Industrial Corporation Limited and may also transfer, by way of gift, the interest in his holding, except the part thereof which has been so mortgaged, to a recognised educational institution for any purpose connected with instructions in agriculture, horticulture and animal husbandry.

153. Except as expressly permitted by this Act, the interest of an *asami* Interest of an *asami* shall not be transferable." *asami* not transferable.

13. In section 156 of the principal Act, the word "*sirdar*" shall be *omitted*. Amendment of section 156.
14. In section 157 of the principal Act, the words "or *sirdar*" shall be *omitted*. Amendment of section 157.
15. In section 157-A of the principal Act,—
 (a) the word "*sirdar*" where it occurs for the first time shall be *omitted*.
 (b) in the proviso, for the words "*bhumidhar, sirdar* or *asam*." the words "*bhumidhar* with transferable rights or *asami*" shall be *substituted*. Amendment of section 157-A.
16. In section 160 of the principal Act, the words "or *sirdar*, as the case may be" shall be *omitted*. Amendment of section 160.
17. In section 161 of the principal Act, for the words "*bhumidhar* or *sirdar*" wherever occurring the word "*bhumidhar*" shall be *substituted*. Amendment of section 161.
18. In section 165 of the principal Act,—
 (i) for the words "when a *bhumidhar* other than one referred to in section 157 has let out his holding or any part thereof" the words "where a *bhumidhar* has let out his holding or any part thereof in contravention of the provisions of section 156 or section 157" shall be *substituted* ;
 (ii) In clause (a) for the word "*sirdar*" the words "*bhumidhar* with non-transferable rights" shall be *substituted*. Amendment of section 165.
19. In section 166 of the principal Act, for the word "*sirdar*", the words "*bhumidhar* with non-transferable rights" shall be *substituted*. Amendment of section 166.
20. Section 168 of the principal Act shall be *omitted*. Omission of section 168.
21. In section 168-A of the principal Act, in sub-section (3), the word and figures "and 168" shall be *omitted*. Amendment of section 168-A.
22. In section 169 of the principal Act for the word "*bhumidhar*" wherever occurring the words "*bhumidhar* with transferable rights" shall be *substituted*. Amendment of section 169.
23. In section 170 of the principal Act, for the word "*sirdar*", the words "*bhumidhar* with non-transferable rights" shall be *substituted*. Amendment of section 170.
24. In section 171 of the principal Act, the word "*sirdar*" shall be *omitted*. Amendment of section 171.
25. In section 172 of the principal Act, the word "*sirdar*" and the words "or *sirdar*" wherever occurring shall be *omitted*. Amendment of section 172.
26. Section 172-A of the principal Act shall be *omitted*. Omission of section 172-A.
27. In section 174 of the principal Act, the word "*sirdar*" wherever occurring shall be *omitted*. Amendment of section 174.

- Amendment of section 176. of 28. In section 176 of the principal Act, the word "or *sirdar*" shall be *omitted*.
- Amendment of section 178. of 29. In section 178 of the principal Act, in sub-section (3), in clause (b), after the word and figures "section 134", the words and figures "as it stood immediately before the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977" shall be *inserted*.
- Amendment of section 182-B. of 30. In section 182-B of the principal Act, the words "or *sirdar*" shall be *omitted*.
- Amendment of section 183. of 31. In section 183 of the principal Act, for the word "*sirdar*", wherever occurring, the words "*bhumidhar* with non-transferable rights", shall be *substituted*.
- Amendment of section 185. of 32. In section 185 of the principal Act, for the word "*sirdar*", the words "*bhumidhar* with non-transferable rights" shall be *substituted*.
- Amendment of section 186. of 33. In section 186 of the principal Act, for the word "*sirdar*" wherever occurring the words "*bhumidhar* with non-transferable right", shall be *substituted*.
- Amendment of section 187. of 34. In section 187 of the principal Act for the word "*sirdar*" wherever occurring, the words "*bhumidhar* with non-transferable rights" shall be *substituted*.
- Amendment of section 187-A. of 35. In section 187-A of the principal Act, the words "or *sirdar*" wherever occurring shall be *omitted*.
- Amendment of section 189. of 36. In section 189 of the principal Act, for the word "*bhumidhar*" wherever occurring the words "*bhumidhar* with transferable rights" shall be *substituted*.
- Amendment of section 190. of 37. In section 190 of the principal Act, for the word "*sirdar*" wherever occurring the words "*bhumidhar* with non-transferable rights" shall be *substituted*.
- Amendment of section 191. of 38. In section 191 of the principal Act, the words or "*sirdar*" shall be *omitted*.
- Amendment of section 193. of 39. In section 193 of the principal Act, for the word "*sirdar*" the word "*bhumidhar*" shall be *substituted*.
- Amendment of section 194. of 40. In section 194 of the principal Act, for clauses (a) and (b), the following clause shall be *substituted*, namely—

"(a) the land was held by a *bhumidhar*, and his interest in such land is extinguished under clause (a) or clause (aa) of section 189 or clause (a), clause (b), clause (c), clause (cc) or clause (e) of section 190."

- Amendment of section 195. of 41. In section 195 of the principal Act, for the word "*sirdar*" the words "*bhumidhar* with non-transferable rights" shall be *substituted*.

- Omission of section 196. of 42. Section 196 of the principal Act shall be *omitted*.

- Amendment of section 198. of 43. In section 198 of the principal Act—
- (i) for the word "*sirdar*" where it occurs for the first time, the words "*bhumidhar* with non-transferable rights", shall be *substituted* ;
- (ii) in Explanation, in clause (1), the word "*sirdar*" shall be *omitted*;
- (iii) in sub-section (3), the word "*sirdar*" shall be *omitted*.

- Substitution of section 199, 200, and 201. of 44. For sections 199, 200 and 201 of the principal Act, the following sections shall be *substituted*, namely:—

"199. No *bhumidhar* shall be liable to ejection from his holding, Eviction of *bhumidhar* except as provided in this Act.

200. No *asami* shall be liable to ejection from his holding except Eviction of as provided in this Act.
asami.

201. A *bhumidhar* with non-transferable rights shall be liable to Eviction on the ejection from his holding in the suit of the Gaon suit of Gaon Sabha on any of the grounds mentioned in section 206 or 212."

45. In section 202 of the principal Act, in clause (a) figures "167" shall be omitted. Amendment of section 202.
46. In section 206 of the principal Act, the words "sirdar or" shall be omitted. Amendment of section 206.
47. In section 207 of the principal Act, the words "sirdar or", wherever occurring, shall be omitted. Amendment of section 207.
48. In section 209 of the principal Act, the word "sirdar" wherever occurring, shall be omitted. Amendment of section 209.
49. For section 210 of the principal Act, the following section shall be substituted, namely:— Substitution of section 210.
- "210. If a suit for eviction from any land under section 209 is not instituted by a *bhumidhar* or *asami*, or a decree for eviction obtained in any such suit is not executed within the period of limitation provided for institution of such suit or the execution of such decree, as the case may be, the person taking or retaining possession shall—
- Consequence of failure to file suit under section 209.
- (a) where the land forms part of the holding of a *bhumidhar* with transferable rights, become a *bhumidhar* with transferable rights of such land and the right, title and interest of an *asami*, if any, in such land shall be extinguished ;
- (b) where the land forms part of the holding of a *bhumidhar* with non-transferable rights, become a *bhumidhar* with non-transferable rights and the right, title and interest of an *asami*, if any, in such land shall be extinguished ;
- (c) where the land forms part of the holding of an *asami* on behalf of the Gaon Sabha, become an *asami* of the holding from year to year."
50. Section 211 of the principal Act shall be omitted. Omission of section 211.
51. In section 228 of the principal Act the words "sirdar and" shall be omitted, and in the Explanation thereto, the words "or sirdar" shall be omitted. Amendment of section 228.
52. In section 229-B of the principal Act the words "or sirdar" as the case may be, shall be omitted. Amendment of section 229-B.
53. In section 229-C of the principal Act, the words "or sirdar" shall be omitted. Amendment of section 229-C.
54. In section 230 of the principal Act, in sub-section (2)— Amendment of section 230.
- (i) clauses (a), (b), (c) and (d) shall be omitted.
- (ii) in clause (g), the words "of sirdar and asami" shall be omitted.
55. In section 240-B of the principal Act, for the word "sirdar", wherever occurring the words "bhumidhar with non-transferable rights" shall be substituted. Amendment of section 240-B.
56. In section 250 of the principal Act, for the word "sirdar", the words "bhumidhar with non-transferable rights" shall be substituted. Amendment of section 250.
57. In section 267-A of the principal Act, for the word, "bhumidhar" the words "bhumidhar with transferable right" shall be substituted. Amendment of section 267-A.

Amendment of Chapter X

58. In Chapter X of the principal Act, all references to *sirdars*, wherever occurring, shall be *omitted*:

Amendment of Schedule II.

59. In Schedule II to the principal Act—

- (i) the existing entries at serial numbers 6 and 8 shall be *omitted* ;
- (ii) in serial number 15, for the word "*sirdar*" in column no. 3, the words "*bhumidhar with non-transferable rights*" shall be *substituted* ;
- (iii) in serial number 16. the words "*or sirdar*" in column 3, shall be *omitted*;
- (iv) in serial number 22, for the word "*sirdar*" in column 3, the words "*bhumidhar with non-transferable rights*" shall be *substituted*.
- (v) the existing entries at serial number 25 shall be *omitted*.

CHAPTER III

Amendment of the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956

Amendment of section 31 of U.P. Act XI of 1956.

60. In section 31 of the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956 (hereinafter in this Chapter referred to as the principal Act), for clauses (a) and (b) the following clauses shall be *substituted*, namely—

- "(a) *bhumidhar with transferable rights* ;
- (b) *bhumidhar with non-transferable rights* ;"

Substitution of section 32 and 33.

61. For sections 32 and 33 of the principal Act, the following sections shall be *substituted*, namely—

"32. Every person belonging to any of the following classes not being a person referred to in section 33, shall be called a *bhumidhar with transferable rights* and shall have all the rights and be subject to all the liabilities conferred or imposed upon such *bhumidhars* by or under this Act, namely—

- (a) every person who was a *bhumidhar* immediately before the date of commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977 ;
- (b) every person who immediately before the said date was a *sirdar* referred to in clause (a) or clause (c) of section 33, as it stood immediately before the said date ;
- (c) every person who in any other manner acquires on or after the said date the rights of such a *bhumidhar* under or in accordance with the provisions of this Act.

33. Every person belonging to any of the following classes shall be called a *bhumidhar with non-transferable rights*, and shall have all the rights and be subject to all the liabilities conferred or imposed upon such *bhumidhars* by or under this Act, namely—

- (a) every person admitted as a *sirdar* of any vacant land before the date of commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977 ;
- (b) every person who in any other manner acquires on or after the said date, the rights of such a *bhumidhar* under or in accordance with the provisions of this Act ;
- (c) every person who is or has been allotted any land under the provisions of the Uttar Pradesh Bhoodan Yagna Act, 1952 "

Amendment of section 35.

62. In section 35 of the principal Act, the word "*sirdar*" shall be *omitted*.

CHAPTER IV

Amendment of the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960

63. In section 42 of the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960 (hereinafter in this Chapter referred to as the principal Act), for clauses (a) and (b), the following clauses shall be substituted, namely—

Amendment of section 42 of U. P. Act no. 17 of 1960.

- “(a) *bhumidhar* with transferable rights ;
 (b) *bhumidhar* with non-transferable rights;”

64. For sections 43 and 44 of the principal Act, the following sections shall be substituted, namely—

Substitution of sections 43 and 44.

“43. Every person belonging to any of the following classes not being *Bhumidhar* with a person referred to in section 44, shall be called a transferable *bhumidhar* with transferable rights and shall have all the rights and be subject to all the liabilities conferred or imposed upon such *bhumidhars* by or under this Act, namely—

(a) every person who was a *bhumidhar* immediately before the date of commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977 ;

(b) every person who is the purchaser of the rights of such a *bhumidhar* under section 34, either before or after the said date ;

(c) every person who, immediately before the said date was a *sirdar* referred to in clause (a) of section 36 ;

(d) every person who in any other manner acquires on or after the said date the rights of such a *bhumidhar* under or in accordance with the provisions of this Act.

44. Every person belonging to any of the following classes shall be called *Bhumidhar* with a *bhumidhar* with non-transferable rights and shall have all the rights and be subject to all the liabilities conferred or imposed upon such *bhumidhars* by or under this Act, namely—

(a) every person who was a *sirdar* under clause (a) of section 44, as it stood immediately before the date of commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977 ;

(b) every person who in any other manner acquires on or after the said date the rights of such a *bhumidhar* under or in accordance with the provisions of this Act ;

(c) every person who is or has been allotted any land under the provisions of the Uttar Pradesh Bhoodhan Yagna Act, 1952.”

65. In section 45 of the principal Act, for the word “*sirdari*” wherever occurring, the word “*bhumidhari*” shall be substituted.

Amendment of section 45.

CHAPTER V

Amendment of U. P. Land Revenue Act, 1901

66. In section 33 of the U. P. Land Revenue Act, 1901 (hereinafter in this Chapter referred to as the principal Act), in sub-section (4)—

Amendment of section 33 of U. P. Act III of 1901.

(a) for the words “*bhumidhar* or *sirdar*”, the word “*bhumidhar*” shall be substituted ; and

(b) in the Explanation, for the words “for *sirdari* as well as *bhumidhari* holdings of a tenure-holder”, the words “for all the holdings of a *bhumidhar* whether held with or without transferable rights” shall be substituted.

67. In section 33-A of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely—

Amendment of section 33-A.

“(2) The provisions of sub-section (1) shall *mutatis mutandis* apply to a person who has been admitted as a *sirdar* of any land under section 195 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act,

1930 before the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977, or as a *bhumidhar* with non-transferable rights under the said section after such commencement, or as an *asami* of any land under section 197 of the first mentioned Act."

Substitution of section 50.

68. For section 50 of the principal Act, the following section shall be substituted, namely—

"50. When any local area is under survey operations the Record Officer may issue a proclamation directing all Gaon Sabhas and *bhumidhars* to erect, within fifteen days such boundary marks, as he may think necessary to define the limits of the villages and fields and in default of their compliance within the time specified in the proclamation, he may cause such boundary marks to be erected, and the Collector shall recover the cost of their erection from the Gaon Sabhas or *bhumidhars* concerned."

Insertion of new section 231.

69. After section 230 of the principal Act, the following section shall be inserted, namely—

"231. Where any powers are to be exercised or duties to be performed by any officer or authority under this Act, such powers or duties may also be exercised or performed by an officer or authority superior to him or it."

CHAPTER VI

Amendment of the Uttar Pradesh Land Development Tax Act, 1972

Insertion of new section 5-A in U. P. Act no. 35 of 1972.

70. After section 5 of the Uttar Pradesh Land Development Tax Act, 1972, the following new section shall be inserted, namely—

"5-A. (1) As from the date to be notified by the State Government, there shall be constituted a Committee known as Gramin Vikas Nidhi Samiti which shall consist of the following members, namely—

(a) The Revenue Minister in the State Government who shall be the Chairman thereof ;

(b) The Secretary to the State Government in the Irrigation Department ;

(c) The Secretary to the State Government in the Medical Department ;

(d) The Secretary to the State Government in the Public Works Department ;

(e) The Secretary to the State Government in the Local Self-Government Department ;

(f) The Secretary to the State Government in the Power Department ;

(g) The Secretary to the State Government in the Revenue Department ;

(h) The Secretary to the State Government in the Finance Department ;

(i) The Secretary to the State Government in the Planning Department.

(2) In the beginning of each financial year the Secretaries of the departments mentioned in sub-section (1) shall prepare their respective proposals for the development of rural areas and submit the actual plan showing the estimated expenditure to the Committee mentioned in the said sub-section.

(3) The Committee shall after considering the proposals make necessary allotment of funds for each item."

CHAPTER VII

Amendment of Uttar Pradesh Bhoodan Yagna Act, 1952

71. In section 2 of the Uttar Pradesh Bhoodan Yagna Act, 1952 (hereinafter in this Chapter referred to as the principal Act), in clause (c), in sub-clause (i) for the words "bhumidhar or sirdar", the words "bhumidhar or Government Lessee" shall be substituted.

Amendment of section 2 of U.P. Act X of 1953.

72. In section 14 of the principal Act—

Amendment of section 14.

(a) in sub-section (1), in clause (i), for the word "sirdar", the words "bhumidhar with non-transferable rights" shall be substituted ;

(b) sub-section (3) shall be omitted ;

(c) in the Explanation, the word "sirdar" shall be omitted.

CHAPTER VIII

Miscellaneous

73. (1) Notwithstanding anything contained in any other law for the time being in force all proceedings for acquisition of *bhumidhari* rights under sections 134 and 135 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, as they stood immediately before January 28, 1977 and all proceedings arising therefrom, pending on such date before any court or authority shall abate.

Transitory provisions.

(2) Where any proceeding has abated under sub-section (1) the amount deposited for the acquisition of such rights shall be refunded to the person depositing the same or to his legal representatives as the case may be.

74. The Kumaun Nayabad and Waste Lands Act, 1948 is hereby repealed.

Repeal of U.P. Act no. 32 of 1948.

75. (1) The Uttar Pradesh Zamindari Abolition and Land Reforms (Third Amendment) Ordinance, 1977 is hereby repealed.

Repeal of U.P. Ordinance no. 9 of 1977.

(2) Notwithstanding such repeal, anything done or any action taken under the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of the said Act as amended by this Act, as if this Act, were in force at all material times.

Dated Lucknow, August 20, 1982

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Bhoomi Vidhi (Sanshodhan) Adhiniyam, 1982 (Uttar Pradesh Adhiniyam Sankhya 20 of 1982), as passed by the Uttar Pradesh Legislature and assented to by the President on May 11, 1982.

**THE UTTAR PRADESH LAND LAWS (AMENDMENT) ACT,
1982
(U. P. ACT NO. 20 OF 1982)**

[As passed by the Uttar Pradesh Legislature].

AN

ACT

to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, U. P. Land Revenue Act, 1901, the Jaunsar Bawar Zamindari Abolition and Land Reforms Act, 1956, the Uttar Pradesh Consolidation of Holdings Act, 1953, the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 and the Uttar Pradesh Laws (Extension to Territories Transferred from Bihar) Act, 1976.

IT IS HEREBY enacted in the Thirty Second Year of the Republic of India as follows :

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Land Laws (Amendment) Act, 1982.

Short title and commencement.

(2) Section 9 shall be deemed to have come into force on August 18, 1980, section 19 shall be deemed to have come into force on July 1, 1976, sections 2 to 7 and 12 to 14 and 27 shall be deemed to have come into force on June 3, 1981 and sections 8, 10, 11, 15 to 18 and 20 to 26 shall be deemed to have come into force on November 10, 1980 and the remaining provisions shall come into force at once.

CHAPTER II

Amendment of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950

Amendment of section 122-B of U. P. Act I of 1951.

2. In section 122-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, hereinafter in this Chapter referred to as the principal Act, for sub-sections (1) to (4-E), the following sub-sections shall be substituted, namely:

“(1) Where any property vested under the provisions of this Act in a Gaon Sabha or a local authority is damaged or misappropriated or where any Gaon Sabha or local authority is entitled to take or retain possession of any land under the provisions of this Act and such land is occupied otherwise than in accordance with the provisions of this Act, the Land Management Committee or Local Authority, as the case may be, shall inform the Assistant Collector concerned in the manner prescribed.

(2) Where from the information received under sub-section (1) or otherwise, the Assistant Collector is satisfied that any property referred to in sub-section (1) has been damaged or misappropriated or any person is in occupation of any land, referred to in that sub-section, in contravention of the provisions of this Act, he shall issue notice to the person concerned to show cause why compensation for damage, misappropriation or wrongful occupation as mentioned in such notice be not recovered from him or, as the case may be, why he should not be evicted from such land.

(3) If the person to whom a notice has been issued under sub-section (2) fails to show cause within the time specified in the notice or within such extended time not exceeding three months from the date of service of such notice on such person, as the Assistant Collector may allow in this behalf, or if the cause shown is found to be insufficient, the Assistant Collector may direct that such person may be evicted from the land and may for that purpose, use, or cause to be used such force as may be necessary and may direct that the amount of compensation for damage, misappropriation or wrongful occupation be recovered from such person as arrears of land revenue.

(4) If the Assistant Collector is of opinion that the person showing cause is not guilty of causing the damage or misappropriation or wrongful occupation referred to in the notice under sub-section (2) he shall discharge the notice.

(4-A) Any person aggrieved by the order of the Assistant Collector under sub-section (3) or sub-section (4) may, within thirty days from the date of such order prefer, a revision before the Collector on the grounds mentioned in clauses (a) to (e) of section 333.

(4-B) The procedure to be followed in any action taken under this section shall be such as may be prescribed.

(4-C) Notwithstanding anything contained in section 333 or section 333-A, but subject to the provisions of this section—

(i) every order of the Assistant Collector under this section shall, subject to the provisions of sub-sections (4-A) and (4-D), be final.

(ii) every order of the Collector under this section shall, subject to the provisions of sub-section (4-D), be final.

(4-D) Any person aggrieved by the order of the Assistant Collector or Collector in respect of any property under this section may file a suit in a court of competent jurisdiction to establish the right claimed by him in such property.

(4-E) No such suit as is referred to in sub-section (4-D) shall lie against an order of the Assistant Collector if a revision is preferred to the Collector under sub-section (4-A).

Explanation—For the purposes of this section, the expression ‘Collector’ means the officer appointed as Collector under the provisions of the U.P. Land Revenue Act, 1901 and includes an Additional Collector.”

3. For section 157-A of the principal Act, the following section shall be substituted, namely:—

Substitution of section 157-A.

“157-A. (1) Without prejudice to the restrictions contained in sections 153 to 157, no *bhumidhar* or *asami* belonging to a Scheduled Caste shall have the right to transfer any land by way of sale, gift, mortgage or lease to a person not belonging to a Scheduled Caste, except with the previous approval of the Collector:

Restrictions on transfer of land by members of Scheduled Castes

Provided that no such approval shall be given by the Collector in case where the land held in Uttar Pradesh by the transferor on the date of application under this section is less than 1.26 hectares or where the area of land so held in Uttar Pradesh by the transferor on the said date is after such transfer, likely to be reduced to less than 1.26 hectares.

(2) The Collector shall, on an application made in that behalf in the prescribed manner, make such inquiry as may be prescribed.”

4. After section 157-A of the principal Act, the following sections shall be inserted, namely:

Insertions section 7 and 157-C.

“157-B. (1) Without prejudice to the restrictions contained in sections 153 to 157, no *bhumidhar* or *asami* belonging to a Scheduled Tribe shall have the right to transfer by way of sale, gift, mortgage or lease or otherwise any land to a person not belonging to a Scheduled Tribe.

157-C. Notwithstanding anything contained in sections 157-A and 157-B, a *bhumidhar* or *asami* belonging to a Scheduled Caste or Scheduled Tribe may mortgage without possession his holding or part thereof in the circumstances specified in sub-section (3) of section 152.

Mortgage of holdings by members of Scheduled Caste or Scheduled Tribe in certain circumstances.

Explanation—In this Chapter, the expressions ‘Scheduled Castes’ and ‘Scheduled Tribes’ shall mean respectively the Scheduled Castes and the Scheduled Tribes specified in relation to Uttar Pradesh under Articles 341 and 342 of the Constitution.”

5. Section 163 of the principal Act, shall be omitted.

Omission of section 163.

6. For sections 166 and 167 of the principal Act, the following sections shall be substituted, namely:—

Substitution of sections 166 and 167.

“166. Every transfer made in contravention of the provisions of this Act shall be void.

167. (1) The following consequences shall ensue in respect of every transfer which is void by virtue of section 166, namely—

(a) the subject-matter of transfer shall, with effect from the date of transfer, be deemed to have vested in the State Government free from all encumbrances;

(b) the trees, crops and wells existing on the land on the date of transfer shall, with effect from the said date, be deemed to have vested in the State Government free from all encumbrances;

(c) the transferee may remove other movable property or the materials of any immovable property existing on such land on the date of transfer within such time as may be prescribed.

(2) Where any land or other property has vested in the State Government under sub-section (1), it shall be lawful for the Collector to take over possession over such land or other property and to direct that any person occupying such land or property be evicted therefrom. For the purposes of taking over such possession or evicting such unauthorised occupants, the Collector may use or cause to be used such force as may be necessary.”

Amendment of section 169.

7. In section 169 of the principal Act, in sub-section (2-A), for the words, figures and letters "section 157-A", the words, figures and letters "sections 157-A and 157-B" shall be substituted.

Amendment of section 197.

8. Section 197 of the principal Act, shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:

"(2) Notwithstanding anything contained in any other provision of this Act, the right to admit any person as *asami* of any tank, pond or other land, covered by water shall be regulated by the rules made under this Act."

Amendment of section 198.

9. In section 198 of the principal Act, for sub-sections (4), (4-A) and (5), the following sub-sections shall be substituted, namely:

"(4) The Collector may of his own motion and shall on the application of any person aggrieved by an allotment of land inquire in the manner prescribed into such allotment and if he is satisfied that the allotment is irregular, he may cancel the allotment and the lease, if any.

(5) No order for cancellation of an allotment or lease shall be made under sub-section (4), unless a notice to show cause is served on the person in whose favour the allotment or lease was made or on his legal representatives :

Provided that no such notice shall be necessary in proceedings for the cancellation of any allotment or lease where such proceedings were pending before the Collector or any other court or authority on August 18, 1980.

(6) Every notice to show cause mentioned in sub-section (5) may be issued—

(a) in the case of an allotment of land made before November 10, 1980 (hereinafter referred to as the said date), before the expiry of a period of two years from the said date; and

(b) in the case of an allotment of land made on or after the said date, before the expiry of a period of five years from the date of such allotment or lease.

(7) Where the allotment or lease of any land is cancelled under sub-section (4), the following consequences shall ensue, namely—

(i) the right, title and interest of the allottee or lessee or any other person claiming through him in such land shall cease and the land shall revert to the Gaon Sabha;

(ii) the Collector may direct delivery of possession of such land forthwith to the Gaon Sabha after ejection of every person holding or retaining possession thereof and may for that purpose use or cause to be used such force as may be necessary.

(8) Every order made by the Collector under sub-section (4) shall, subject to the provisions of section 333, be final.

(9) Where any person has been admitted to any land specified in section 132 as a *siddar* or *bhumidhar* with non-transferable rights at any time before the said date and such admission was made with the previous approval of the Assistant Collector in-charge of the Sub-Division in respect of the permissible area mentioned in sub-section (3), then notwithstanding anything contained in other provisions of this Act or in the terms and conditions of the allotment or lease under which such person was admitted to that land, the following consequences shall, with effect from the said date ensue, namely—

(a) the allottee or lessee shall be deemed to be an *asami* of such land and shall be deemed to be holding the same from year to year, and the allotment or lease of the land to the extent mentioned above shall not be deemed to be irregular for the purposes of sub-section (4);

(b) the proceedings, if any, pending on the said date before the Collector or any other court or authority for the cancellation of the allotment or lease of such land, shall abate."

10. For section 198-A of the principal Act, the following section shall be substituted, namely:

Substitution of section 198-A.

"198-A. (1) Where any land referred to in section 195 or section 197 is allotted to any person whether as a possession to *Bhumidhar* with non-transferable rights or as an *Asami*, and any person other than the allottee is in occupation of such land in contravention of the provisions of this Act, the Assistant Collector may of his own motion and shall on the application of the allottee, put him in possession of such land and may, for that purpose use or cause to be used such force as he considers necessary.

(2) Where any person, after being evicted under this section, re-occupies the land or any part thereof without lawful authority, he shall be punishable with imprisonment for a term which may extend to two years but which shall not be less than three months and also with fine which may extend to three thousand rupees :

Provided that the court convicting the accused may while passing the sentence direct that the whole or such portion of the fine that may be recovered as the court considers proper be paid to the allottee as damages for use and occupation.

(3) Where in any proceeding under [sub-section (2)], the court, at any stage after cognizance of the case has been taken, is satisfied by affidavit or otherwise—

(a) that the accused is in occupation of the land to which such proceeding relates, in contravention of the provisions of the Act, and

(b) that the allottee is entitled to the possession of such land the court may summarily evict the accused from such land pending the final determination of the case, and may put the allottee in possession of such land.

(4) Where in any proceeding under sub-section (2) the accused is convicted, the interim order passed under sub-section (3) shall be confirmed by the court.

(5) Where in any proceeding under sub-section (2) the accused is acquitted or discharged and the court is satisfied that the person so acquitted or discharged is entitled to be put back in possession over such land the court shall, on the application of such person, direct that delivery or possession be made to him.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under sub-section (2) may be tried summarily.

(7) For the purpose of speedy trial of offence under this section, the State Government may, in consultation with the High Court, by notification, constitute special courts consisting of an officer not below the rank of Sub-Divisional Magistrate, which shall, subject to the provisions of the Code of Criminal Procedure, 1973, exercise in relation to such offences the powers of a Judicial Magistrate of the First Class.

(8) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under sub-section (2) shall be cognizable and non-bailable."

11. In section 201 of the principal Act, for the words and figures "section 206 or 212", the word and figure "section 212" shall be substituted.

Amendment of section 201.

12. In section 204 of the principal Act,—

(a) for the word "*sirdar*", the words "*bhumidhar* with non-transferable rights," shall be substituted;

Amendment of section 204.

(b) the following proviso shall be inserted at the end, namely:

"Provided that no such rights shall accrue to an *asami* in respect of any land held by a person belonging to a Scheduled Tribe."

Amendment of section 210.

13. In section 210 of the principal Act, the following proviso shall be inserted, namely :

“Provided that the consequences mentioned in clauses (a) to (c) shall not ensue in respect of any land held by a *bhumidhar* or *asami* belonging to a Scheduled Tribe.”

Insertion of section 211.

14. After section 210 of the principal Act, the following section shall be inserted, namely :—

“211. (1) Where any land held by a tenure-holder belonging to a Scheduled Tribe is in occupation of any person other than such tenure-holder, the Assistant Collector may *suo motu* or on the application of such tenure-holder, put him in possession of such land after evicting the occupant and may, for that purpose use or cause to be used such force as may be considered necessary, anything to the contrary contained in this Act notwithstanding.

(2) Where any person, after being evicted from any land under sub-section (1), re-occupies the land or any part thereof without any lawful authority, he shall be punishable with imprisonment for a term which may extend to two years but which shall not be less than three months and also with a fine which may extend to three thousand rupees but which shall not be less than one thousand rupees.

(3) Any court convicting a person under sub-section (2) may make an order to put the tenure-holder in possession of such land after evicting the person summarily from such land or any part thereof and such person shall be liable to eviction without prejudice to any other action that may be taken against him under any other law for the time being in force.

(4) Every offence punishable under sub-section (2) shall be cognizable and non-bailable and notwithstanding anything contained in the Code of Criminal Procedure, 1973, may be tried summarily.

(5) For the purpose of speedy trial of offence, under this section, the State Government may, in consultation with the High Court, by notification constitute special courts consisting of an officer not below the rank of Sub-Divisional Magistrate, which shall, subject to the provisions of the Code of Criminal Procedure, 1973, exercise in relation to such offences the powers of Judicial Magistrate of the first class.

Amendment of section 229-D.

14-A. Section 229-D of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

“(2) Nothing in sub-section (1) shall apply to a suit filed under sub-section (4-D) of section 122-B.”

Amendment of section 287-A.

15. In section 287-A of the principal Act, for the words “arrear of revenue” wherever occurring the words “arrears of land revenue” shall be substituted and be deemed always to have been substituted.

Amendment of section 330.

16. In section 330 of the principal Act, for clause (c), the following clause shall be substituted and be deemed always to have been substituted namely—

“(c) the assessment or collection of land revenue under Chapter X or the recovery of any sum of money recoverable as arrears of land revenue.”

CHAPTER III

Amendment of the U. P. Land Revenue Act, 1901

Amendment of section 33 of U. P. Act no. III of 1901.

17. In section 33 of the U. P. Land Revenue Act, 1901 hereinafter in this Chapter referred to as the principal Act, for sub-section (4), the following sub-section shall be substituted, namely :

“(4) Every time when annual register is prepared under sub-section (1) the Collector shall, as soon as may be after its preparation, cause to be prepared and supplied to every person recorded as *bhumidhar* whether with or without transferable rights, *assami* or

Government Lessee a Jot Bahi (Pass Book) which shall contain such extract from the annual register relating to all holdings of which he is so recorded (either solely or jointly with others) and in such manner and on payment of such fee, which shall be realisable as arrears of land revenue, as may be prescribed:

Provided that in the case of joint holdings it shall be sufficient for the purposes of this sub-section if the Jot Bahi (Pass Book) is supplied only to such one or more of the recorded co-sharers as may be prescribed.

Explanation—The Jot Bahi (Pass Book) shall be consolidated pass-book for all the holdings of a tenure-holder in respect of land held by him as *bhumidhar* whether with or without transferable rights, *asami* or Government Lessee.”

18. In section 183 of the principal Act, for the words ‘arrears of revenue’ wherever occurring the words ‘arrears of land revenue’ shall be substituted and be deemed always to have been substituted.

Amendment of section 183.

CHAPTER IV

Amendment of the Jaunsar Bawar Zamindari Abolition and Land Reforms Act, 1956

19. In section 36 of the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956, in sub-section (1), the following proviso shall be inserted, namely:

Amendment of section 36 of U. P. Act no. XI of 1956.

“Provided that section 245 of the said Act shall, in relation to such Pargana, apply with the following modification, namely—

- (i) one and a half acres of land shall count as one acre;
- (ii) in relation to any local area in which the maximum rent rates sanctioned at the settlement carried out under Chapter II of this Act, do not exceed rupee one per acre, the words ‘rupees five’ and ‘rupees ten’ in clause (i) of the proviso to sub-section (2) of the said section 245 shall be substituted by the words ‘rupees three’ and ‘rupees five’ respectively, and the words ‘rupees ten’ and ‘rupees twenty’ in clause (ii) thereof shall be substituted by the words ‘rupees six’ and ‘rupees ten’ respectively.”

CHAPTER V

Amendment of the Uttar Pradesh Consolidation of Holdings Act, 1953

20. In section 48 of the Uttar Pradesh Consolidation of Holdings Act, 1953 hereinafter in this Chapter referred to as the principal Act, —

Amendment of section 48 of U.P. Act no. V of 1954.

(i) in sub-section (1), after the words “propriety of any order” the words “other than an interlocutory order” shall be inserted;

(ii) the existing Explanation shall be re-numbered as Explanation (1) and after the Explanation as so re-numbered the following Explanation shall be inserted, namely:—

“*Explanation (2)*— For the purposes of this section the expression ‘interlocutory order’ in relation to a case or proceeding, means such order deciding any matter arising in such case or proceeding or collateral thereto as does not have the effect of finally disposing of such case or proceeding.”

21. In section 49 of the principal Act, the following proviso shall be inserted, namely:—

Amendment of section 49.

“Provided that nothing in this section shall preclude the Assistant Collector from initiating proceedings under section 122-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 in respect of any land possession over which has been delivered or deemed to be delivered to a Gaon Sabha under or in accordance with the provisions of this Act.”

CHAPTER VI

Amendment of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960

Amendment of
section 27 of
U.P. Act no.
1 of 1961.

22. In section 27 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960—

(i) in sub-section (6), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) in the case of any settlement made or lease granted before November 10, 1980, before the expiry of a period of two years from the said date, and;

(b) in the case of any settlement made or lease granted on or after the said date, before the expiry of a period of five years from the date of such settlement or lease.”;

(ii) after sub-section (6), the following sub-section shall be inserted, namely:—

“(6-A) Where any surplus land has been settled by the Collector under sub-section (3), and any person other than the person in whose favour such settlement was made is in occupation of such land in contravention of the provisions of this Act, the Collector may, of his own motion and shall on the application of the person in whose favour such settlement was made, put him in possession of such land and may for that purpose use or cause to be used such force as he considers necessary.

(6-B) Where any person, after being evicted under this section, re-occupies the land or any part thereof without lawful authority, he shall be punishable with imprisonment for a term which may extend to two years but which shall not be less than three months and also with fine which may extend to three thousand rupees:

Provided that the court convicting the accused may while passing the sentence direct that the whole or such portion of the fine that may be recovered as the court considers proper, be paid to the person in whose favour such settlement was made as damages for use and occupation.

(6-C) Where in any proceeding under sub-section (6-B), the court, at any stage after cognizance of the case has been taken is satisfied by affidavit or otherwise—

(a) that the accused is in occupation of the land to which such proceeding relates, in contravention of the provisions of the Act; and

(b) that the person in whose favour such settlement was made is entitled to the possession of such land;

the court may summarily evict the accused from such land pending the final determination of the case, and may put the person in whose favour such settlement was made in possession of such land.

(6-D) Where in any such proceeding, the accused is convicted the interim order passed under sub-section (6-C) shall be confirmed by the court.

(6-E) Where in any such proceeding, the accused is acquitted or discharged and the court is satisfied that the person so acquitted or discharged is entitled to be put back in possession over such land, the court shall, on the application of such person, direct that delivery of possession be made to him.

(6-F) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under sub-section (6-B) shall be cognizable and non-bailable and may be tried summarily.

(6-G) For the purpose of speedy trial of offences under this section, the State Government may, in consultation with the High Court, by notification, constitute, special courts consisting of an officer not below the rank of Sub-Divisional Magistrate, which shall, subject to the provisions of the Code of Criminal Procedure, 1973, exercise in relation to such offences the powers of a Judicial Magistrate of the first class.”

CHAPTER VII

Amendment of the Uttar Pradesh Laws (Extension to Territories Transferred from Bihar) Act, 1976

23. In section 2 of the Uttar Pradesh Laws (Extension to Territories Transferred from Bihar) Act, 1976, hereinafter in this Chapter referred to as principal Act, after clause (a), the following clause shall be inserted, namely:—

Amendment of section 2 of U.P. Act 52 of 1976.

“(aa) ‘Scheduled Village’ means a village comprised in the transferred territories and specified in the Second Schedule.”

24. In section 3 of the principal Act, in sub-section (1) for the words “The Schedule” the words “the first Schedule” shall be substituted.

Amendment of section 3.

25. After section 3 of the principal Act, the following section shall be inserted, namely:—

Insertion of section 3-A.

“3-A. (1) *Conferment of tenurial rights on certain occupants*—Where any person is in occupation of any land, situate in a Scheduled village, on October 15, 1976 as well as on the date of commencement of this section, and such land is a land to which the provisions of section 132 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950—

(a) apply such person shall, with effect from the date of such commencement become and be deemed to have become an *asami* holding land on behalf of the Gaon Sabha concerned ;

(b) do not apply, such person shall, with effect from the date of such commencement, become and be deemed to have become *bhumidhar* with transferable rights in respect of such land.

(2) The provisions of this section shall have effect, anything to the contrary contained in any law for the time being in force notwithstanding.”

26. The existing Schedule to the principal Act, shall be re-numbered as the First Schedule, and after the First Schedule as so re-numbered, the following Schedule shall be inserted, namely:—

Insertion of the Second Schedule.

“THE SECOND SCHEDULE

(See SECTION 3-A)

Names of the Scheduled villages

- | | |
|---|--|
| 1. Bhikhanpura or Bhikharipura | 16. Naubarar of 1873 appg. to Belsipah |
| 2. Shahpur Dighwara | 17. Naubarar I appg. to Sarwanpur |
| 3. Arazi Mafi Anjorpur | 18. Naubarar I appg. to Palia |
| 4. Sheopur Gangabarar | 19. Sobhapur |
| 5. Bijaura Gangabarar | 20. Pandari |
| 6. Sital Patti Gangabarar | 21. Paikauli |
| 7. Chaturbhujtari Gangabarar | 22. Asmanpur |
| 8. Govindpur Gangabarar | 23. Govindpur |
| 9. Dangrabad | 24. Chaturbhujpur |
| 10. Bulapur | 25. Alakh Diara |
| 11. Hardeo Chhapra | 26. Pokhara |
| 12. Harsewak Chhapra | 27. Tola Bare Babu |
| 13. Chaubechhapra | 28. Tulapur II Portion |
| 14. Kaulapat Chhapra <i>urf</i> Dubeychhapra. | 29. Durjanpur |
| 15. Naubarar I appg. to Belsipah | 30. Udhapur.” |

CHAPTER VIII

Miscellaneous

Transitory provision. 18

27. Notwithstanding anything contained in the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950—

(a) all proceedings under section 122-B of the said Act as it existed immediately before the commencement of this section and pending before any officer, court or authority on the date of such commencement shall be disposed of in accordance with the provisions of the said Act as if this Act had not been passed ;

(b) all proceedings for the cancellation of allotment or lease of land under section 198 of the said Act as it existed on August 18, 1980 and pending before an officer, court or authority on the date of commencement of this section shall be disposed of in accordance with the provisions of the said Act as amended by this Act.

Repeal and savings.

28. (1) The Uttar Pradesh Land Laws (Second Amendment) Ordinance, 1981 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the enactments referred to in Chapters II, III, IV, V, VI and VII as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of such enactments as amended by this Act as if the provisions of this Act were in force at all material times.

By order,

G. B. SINGH,

Sachiv.

U. P. O
n a n c e n
of 1981

No. 2005(2)/XVII-V-1—1 (KA)-11-1986

Dated Lucknow, December 4, 1986

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Bhumi Vidhi (Sanshodhan) Adhiniyam, 1986 (Uttar Pradesh Adhiniyam Sankhya 24 of 1986) as passed by the Uttar Pradesh Legislature and assented to by the President on November 28, 1986:

THE UTTAR PRADESH LAND LAWS (AMENDMENT) ACT, 1986

(U. P. Act no. 24 of 1986)

(As passed by the U. P. Legislature)

AN

ACT

further to amend the U. P. Land Revenue Act, 1901, the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, the Uttar Pradesh Land Laws (Amendment) Act, 1982, the Jaunsar Bawar Zamindari Abolition and Land Reforms Act, 1956, the Kumaon and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960, the Uttar Pradesh Consolidation of Holdings Act, 1953 and the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960.

IT IS HEREBY enacted in the Thirty-seventh Year of the Republic of India as follows :

CHAPTER-I

Preliminary

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Land Laws (Amendment) Act, 1986.

(2) It shall come into force at once except Chapter IV, which shall be deemed to have come into force on August 20, 1982.

CHAPTER-II

Amendment of the U. P. Land Revenue Act, 1901

2. In section 33-A of the U. P. Land Revenue Act, 1901, for sub-section (2) the following sub-section shall be substituted, namely :

Amendment of section 33-A of U. P. Act no. 3

“(2) The provisions of sub-section (1) shall *mutatis mutandis* apply— of

(i) to a person, who has been admitted as a *sirdar* of any land under section 195 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 before the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977, or as a *bhumidhar* with non-transferable rights under the said section after such commencement, or as an *asami* of any land under section 197 of the first mentioned Act,

(ii) to every settlement of land made under sub-section (3) of section 27 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960.”

CHAPTER-III

Amendment of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950

3. In section 122-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, hereinafter in this Chapter referred to as the principal Act, for sub-section (4-F), the following sub-section shall be substituted, namely :

Amendment of section 122-B of U. P. Act 1 of 1951

“(4-F) Notwithstanding anything in the foregoing sub-sections, where any agricultural labourer belonging to a Scheduled Caste or Scheduled Tribe is in occupation of any land vested in a Gaon Sabha under section 117 (not being land mentioned in section 132) having occupied it from before June 30, 1985 and the land so occupied together with land, if any, held by him from before the said date as *bhumidhar*, *sirdar* or *asami*, does not exceed 1.26 hectares (3.125 acres), then no action under this section shall be taken by the Land Management Committee or the Collector against such labourer, and it shall be deemed that he has been admitted as *bhumidhar* with non-transferable rights of that land under section 195.”

4. In section 122-C of the principal Act—

(i) in sub-section (7), for the word and figure “section 333”, the words and figures “section 333 and section 333-A”, shall be substituted ;

Amendment section 122-C

(ii) sub-section (8) shall be omitted.

5. After section 122-C of the principal Act, the following section shall be inserted, namely :

Insertion of section 122-D

“122-D. (1) where any land, referred to in sub-section (2) of section 122-C, is allotted to any person for the purposes of building of house and any person other than the allottee is in occupation of such land in contravention of the provisions of this Act, the Assistant Collector may, of his own motion, and shall, on the application of the allottee, put the allottee in possession of such land may, for that purpose, use or cause to be used such force, as he considers necessary.

(2) Where any person, after being evicted under this section, re-occupies the land or any part thereof without lawful authority, he shall be punishable with imprisonment for a term which may extend to two years but which shall not be less than three months and also with fine which may extend to three thousand rupees :

Provided that the court convicting the accused may, while passing the sentence, direct that the whole or such portion of the fine, that may be recovered, as the court considers proper, be paid to the allottee as damages for use and occupation.

(3) Where in any proceeding under sub-section (2), the court, at any stage after cognizance of the case has been taken, is satisfied by affidavit or otherwise that—

(a) the accused is in occupation of the land to which such proceeding relates, in contravention of the provisions of this Act, and

(b) the allottee is entitled to the possession of such land, the court may, summarily, evict the accused from such land pending the final determination of the case, and may put the allottee in possession of such land.

(4) Where in any proceeding under sub-section (2), the accused is convicted, the interim order passed under sub-section (3) shall be confirmed by the court.

(5) Where, in any proceeding under sub-section (2), the accused is acquitted or discharged and the court is satisfied that the person so acquitted or discharged is entitled to be put back in possession over such land, the court shall, on the application of such person, direct that delivery of possession be made to him.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under sub-section (2) may be tried summarily.

(7) For the purpose of speedy trial of offences under this section, the State Government, may in consultation with the High Court, by notification, constitute special courts consisting of an officer not below the rank of sub-divisional magistrate, which shall, subject to the provisions of the Code of Criminal Procedure, 1973, exercise, in relation to such offence, the powers of a Judicial Magistrate of the First Class.

(8) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under sub-section (2) shall be cognizable and non-bailable."

Amendment of section 123

6. In section 123 of the principal Act—

(1) In sub-section (1), for the words and figures "24th day of May, 1971" the words and figures "30th day of June, 1985" shall be substituted.

(2) in sub-section (2) and explanation thereto, for the words and figures "fifteenth day of March, 1974" the words and figures "30th day of June, 1985" shall be substituted.

Amendment of section 129

7. In section 129 of the principal Act, after clause (3), the following cause shall be inserted, namely:

"(4) Government lessee"

Amendment of section 131

8. In section 131 of the principal Act, after clause (c), the following clause shall be inserted namely:

"(d) with effect from July 1, 1981 every person with whom surplus land is or has been settled under section 26-A or sub-section (3) of section 27 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960."

Substitution of section 142

9. For section 142 of the principal Act, the following section shall be substituted, namely:

142. (1) A *bhumidhar* with transferable rights shall, subject to the provisions of this Act, have the right to exclusive possession of all land of which he is a *bhumidhar* and to use it for any purpose whatsoever.

(2) A *bhumidhar* with non-transferable rights shall, subject to the provisions of this Act, have the right to exclusive possession of all land of which he is such *bhumidhar* and to use such land for any purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture, poultry farming and social forestry".

10. In section 143 of the principal Act—

Amendment of section 143

(i) in sub-section (1), for the word "bhumidhar" the words "bhumidhar with transferable rights" shall be substituted;

(ii) in sub-section (2), for the word "bhumidhar" the words "bhumidhar with transferable rights" shall be substituted.

11. In section 198 of the principal Act, in sub-section (6),—

Amendment of section 198

(i) in clause (a), for the words "two years", the words "seven years" shall be substituted and be deemed always to have been substituted;

(ii) in clause (b), for the words "five years from the date of such allotment or lease", the words "five years from the date of such allotment or lease or upto November 10, 1987, whichever be later" shall be substituted and be deemed always to have been substituted.

12. For section 198-A of the principal Act, the following section shall be substituted, namely.

Substitution of section 198-A

"198-A. (1) Where any person is admitted as a *bhumidhar* with non-transferable rights of any land, under section 195, or as an *asami* of any land, under section 197, (such person hereinafter referred to in this section as the allottee) or where any land is let out to any person by the State Government (such person hereinafter referred to in this section as the lessee) and any person other than the allottee or lessee is in occupation of such land in contravention of the provisions of this Act, the Assistant Collector may of his own motion and shall on the application of the allottee or lessee, as the case may be, put him in possession of such land and may, for that purpose, use or cause to be used such force as he considers necessary;

(2) Where any person, after being evicted under this section, re-occupies the land or any part thereof without lawful authority, he shall be punishable with imprisonment for a term which may extend to two years but which shall not be less than three months and also with fine which may extend to three thousand rupees;

Provided that the court convicting the accused may, while passing the sentence, direct that the whole or such portion of the fine that may be recovered as the court considers proper be paid to the allottee or lessee, as the case may be, as damages for use and occupation.

(3) Where in any proceeding under sub-section (2), the court, at any stage after cognizance of the case has been taken, is satisfied by affidavit or otherwise that—

(a) the accused is in occupation of the land to which such proceeding relates, in contravention of the provisions of this Act, and

(b) the allottee or lessee, as the case may be, is entitled to the possession of such land,

the court may summarily evict the accused from such land pending the final determination of the case, and may put the allottee or lessee, as the case may be, in possession of such land.

(4) Where in any proceeding under sub-section (2), the accused is convicted, the interim order passed under sub-section (3) shall be confirmed by the court.

(5) Where in any proceeding under sub-section (2), the accused is acquitted or discharged and the court is satisfied that the person so acquitted or discharged is entitled to be put back in possession over such land, the court shall, on the application of such person, direct that delivery of possession be made to him.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, offence under sub-section (2) may be tried summarily.

(7) For the purpose of speedy trial of offence under this section, the State Government may, in consultation with the High Court, by notification, constitute special courts consisting of an officer not below the rank of sub-Divisional Magistrate, which shall, subject to the provisions of the Code of Criminal Procedure, 1973, exercise in relation to such offences the powers of a Judicial Magistrate of the First Class.

(8) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under sub-section (2) shall be cognizable and non-bailable."

CHAPTER IV

Amendment of the Uttar Pradesh Land Laws (Amendment) Act, 1982

Amendment of section 28 of U.P. Act no. 20 of 1982

13. In the Uttar Pradesh Land Laws (Amendment) Act, 1982, hereinafter in this chapter referred to as the principal Act, for section 28, the following section shall be substituted, namely:—

"28. For the removal of doubts, it is hereby declared that anything done Validation or any action taken under the enactments referred to in chapters II, III, IV, V, VI and VII, as amended by any of the Ordinances specified in the Schedule shall be deemed to have been done or taken under the corresponding provisions of such enactments as amended by this Act, as if the provisions of this Act were in force at all material times."

Insertion of Schedule

14. In the principal Act, after section 28, the following Schedule shall be inserted, namely:—

SCHEDULE

"(See SECTION 28)

1. The Uttar Pradesh Land Laws (Amendment) Ordinance, 1981 (U. P. Ordinance no. 3 of 1981).
2. The Uttar Pradesh Land Laws (Second Amendment) Ordinance, 1981 (U. P. Ordinance no. 3 of 1981).
3. The Uttar Pradesh Land Laws (Amendment) Ordinance, 1982 (U. P. Ordinance no. 8 of 1982).
4. The Uttar Pradesh Land Laws (Amendment) (Second) Ordinance, 1982 (U. P. Ordinance no. 15 of 1982)."

CHAPTER V

Amendment of the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956

Amendment of section 31 of U.P. Act no. XI of 1956

15. In section 31 of the Jaunsar Bawar Zamindari Abolition and Land Reforms Act, 1956, hereinafter in this Chapter referred to as the principal Act, after clause (c), the following clause shall be inserted, namely:—

"(d) Government lessee."

Amendment of section 36

16. In section 36 of the principal Act, for the words and figures "sections 134 to 139," the words and figures "sections 133-A, 137, 137-A" shall be substituted.

CHAPTER VI

Amendment of the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960

Amendment of section 42 of U.P. Act no. XVII of 1960

17. In section 42 of the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960, hereinafter in this Chapter referred to as the principal Act, after clause (c), the following clause shall be inserted, namely:—

"(d) Government lessee."

Amendment of section 47

18. In section 47 of the principal Act, in sub-section (1), for the words and figures "sections 134 to 139", the words and figures "Sections 133-A, 137, 137-A," shall be substituted.

CHAPTER VII

Amendment of the Uttar Pradesh Consolidation of Holdings Act, 1953

19. For the proviso to sub-section (1) of section 4-A of the Uttar Pradesh Consolidation of Holdings Act, 1953, the following proviso shall be substituted, namely :—

Amendment of section 4-A of U. P. Act No. 5 of 1954

“Provided that no such declaration shall be issued within twenty years from the date of the notification referred to in the said section, but in special circumstances the State Government may, in public interest, issue such declaration after ten years from the said date.”

CHAPTER VIII

Amendment of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960

20. In section 27 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, in sub-section (6),—

Amendment of section 27 of U. P. Act no. 1 of 1961

(i) in clause (a), for the words “two years”, the words “seven years” shall be substituted and be deemed always to have been substituted;

(ii) in clause (b), for the words “five years from the date of such settlement or lease”; the words “five years from the date of such settlement or lease or upto November 10, 1987, whichever be later” shall be substituted and be deemed always to have been substituted.

By order,
S. N. SAHAY,
Sachiv.

No. 1534 (2)/XVII-V-1--1 (KA)-18-1991

Dated Lucknow, August 22, 1991

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Bhumi Vidhi (Sanshodhan) Adhiniyam, 1991 (Uttar Pradesh Adhiniyam Sankhya 30 of 1991) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 23, 1991.

THE UTTAR PRADESH LAND LAWS (AMENDMENT) ACT, 1991

(U. P. ACT NO. 30 OF 1991)

(As passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and the Uttar Pradesh Consolidation of Holdings Act, 1953

IT IS HEREBY enacted in the Forty-second Year of the Republic of India as follows :—

CHAPTER—I

Preliminary

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Land Laws (Amendment) Act, 1991.

(2) Sections 2 to 14 shall be deemed to have come into force on February 19, 1991. and the remaining provisions shall come into force at once.

CHAPTER—II

Amendment of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950

Amendment of section 3 of U. P. Act no. 1 of 1951

2. In section 3 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, for clause (6-a), the following clause shall be substituted, namely :—

“(6-a) ‘Consolidated area’ means the area in respect of which the final consolidation scheme has been enforced under section 24 of the Uttar Pradesh Consolidation of Holdings Act, 1953, and the notification under section 4 of that Act has not been cancelled under section 6 of that Act in respect of such area;”

CHAPTER—III

Amendment of the Uttar Pradesh Consolidation of Holdings Act, 1953

Amendment of section 3 of U. P. Act no. 5 of 1954

3. In section 3 of the Uttar Pradesh Consolidation of Holdings Act, 1953, hereinafter in this chapter referred to as the principal Act—

(a) in clause (2-A), after the words and figures “the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950” the words “or any other Law by which Zamindari System has been abolished” shall be inserted ;

(b) in clause (11), for the words “*bhumidhar* or *sirdar*” the words “*bhumidhar* with transferable rights or *bhumidhar* with non-transferable rights” shall be substituted.

Amendment of section 4

4. In section 4 of the principal Act, in sub-section (2), for clause (b), the following clause shall be substituted, namely :—

“(b) Every such notification shall be published in the *Gazette* and in a daily newspaper having circulation in the said area and shall also be published in each unit in the said area in such manner as may be considered appropriate”.

Amendment of section 5

5. In section 5 of the principal Act, in sub-section (1), in clause (c) sub-clause (ii) shall be omitted.

6. In section 8 of the principal Act, in sub-section (2) *after* the words "showing the mistakes" the words, "undisputed cases of succession" shall be *inserted*. Amendment of section 8

7. In section 9 of the principal Act, in sub-section (1), in clause (a), in sub-clause (ii), *after* the word "mistakes" the words "undisputed cases of succession" shall be *inserted*. Amendment of section 9

8. In section 9-A of the principal Act, in sub-section (1), the following proviso shall be *inserted* at the end, namely : Amendment of section 9-A

"Provided that where the Assistant Consolidation Officer, after making such enquiry as he may deem necessary, is satisfied that a case of succession is undisputed, he shall dispose of the case on the basis of such enquiry."

9. In section 19-A of the principal Act, in sub-section (2), *after* the words "determining its valuation", the word "any land belonging to the State Government, or" shall be *inserted*. Amendment of section 19-A

10. In section 28 of the principal Act,— Amendment of section 28

(a) in sub-section (1), *for* the words "may, within six months of the date on which the said Scheme has come into force, put the tenure-holder or the Land Management Committee, as the case may be, in actual physical possession of the chak or lands allotted to the applicant," the following words shall be *substituted*, namely :—

"may, and where any land has been allotted to the State Government shall, without any application of the State Government, within six months of the date on which the said Scheme has come into force, put the tenure-holder or the Land Management Committee or the State Government, as the case may be, in actual physical possession of the allotted chak or lands,";

(b) in sub-section (2), *after* the words "Land Management Committee" wherever they occur the words "or the State Government" shall be *inserted*.

11. In section 29-B of the principal Act,— Amendment of section 29-B

(a) in sub-section (1), in clause (a), —

(i) in sub-clause (i), *for* the word "bhumidhar" the words "bhumidhar with transferable rights" shall be *substituted*;

(ii) in sub-clause (ii), *for* the word "sirdar" the words "bhumidhar with non-transferable rights" shall be *substituted*;

(b) in sub-section (3), *for* the words "bhumidhar or sirdar", the words "bhumidhar with transferable rights or bhumidhar with non-transferable rights" shall be *substituted*.

12. In section 29-C of the principal Act,— Amendment of section 29-C

(a) in sub-section (1), *after* the words "vested in the Gaon Sabha" the following words shall be *inserted*, namely :—

"in an area in which section 117 of the Uttar Pradesh Zamin-dari Abolition and Land Reforms Act, 1950 applies and in the State Government in any other area,";

(b) in sub-section (2), *after* the words "apply to such land" the words "vested in the Gaon Sabha" shall be *inserted*.

13. In section 46 of the principal Act,— Amendment of section 46

(a) in the marginal heading, *after* the word "survey" the words "or boundary" shall be *inserted* ;

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(b) in sub-section (1), after the word "survey" the words "or boundary" shall be inserted and for the words "fifty rupees" the words "one thousand rupees" shall be substituted.

Amendment of section 52.

14. In section 52 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

“(1-A) The notification issued under sub-section (1) shall be published also in a daily newspaper having circulation in the area and in such other manner as may be considered proper.”

CHAPTER IV

Miscellaneous

Repeal and saving.

15. (1) The Uttar Pradesh Land Laws (Amendment) (Second) Ordinance, 1991 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Acts referred to in Chapters II and III as amended by the Ordinance referred to in sub-section (1) or by the Uttar Pradesh Land Laws (Amendment) Ordinance, 1991 shall be deemed to have been done or taken under the corresponding provisions of the principal Acts, as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
NARAYAN DAS,
Sachiv.

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Dated Lucknow, August 18, 1997

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Bhumi Vidhi (Sanshodhan) Adhiniyam, 1997 (Uttar Pradesh Adhiniyam Sankhya 20 of 1997) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 16, 1997.

THE UTTAR PRADESH LAND LAWS (AMENDMENT) ACT, 1997

[U.P. ACT No. 20 OF 1997]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the U. P. Land Revenue Act, 1901 and the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.

IT IS HEREBY enacted in the Forty-eighth year of the Republic of India as following :—

CHAPTER I

PRELIMINARY

1. This Act may be called the Uttar Pradesh Land Laws (Amendment) Act, 1997. Short Title

CHAPTER II

AMENDMENT OF U. P. LAND REVENUE ACT, 1901

2. In section 5 of the U. P. Land Revenue Act, 1901, hereinafter in this chapter referred to as the principal Act, for the words "appeals, references", the word "appeals" shall be substituted. Amendment of section 5 of U.P. Act No. III of 1901

Amendment of section 8

3. In section 8 of the principal Act, for the words "appeal or reference", the word "appeal" shall be substituted.

Substitution of the heading of Chapter X

4. In the principal Act, for the heading of Chapter X, the following heading shall be substituted, namely :—

"APPEAL AND REVISION"

Omission of section 218

5. Section 218 of the principal Act shall be omitted.

Substitution of section 219

6. For section 219 of the principal Act, the following section shall be substituted, namely :—

"219 (1) The Board or the Commissioner or the Additional Commissioner or the Collector or the Record Officer, or the Settlement Officer, may call for the record of any case decided or proceeding held by any revenue court subordinate to him in which no appeal lies or where an appeal lies but has not been preferred, for the purpose of satisfying himself as to the legality or propriety of the order passed or proceeding held and if such subordinate revenue court appears to have—

(a) exercised a jurisdiction not vested in it by law, or

(b) failed to exercise a jurisdiction so vested, or

(c) acted in the exercise of jurisdiction illegally or with material irregularity,

the Board or the Commissioner or the Additional Commissioner or the Collector or the Record Officer, or the Settlement Officer, as the case may be, may pass such order in the case as he thinks fit.

(2) If an application under this section has been moved by any person either to the Board, or to the Commissioner, or to the Additional Commissioner, or to the Collector or to the Record Officer or to the Settlement Officer, no further application by the same person shall be entertained by any other of them."

CHAPTER III

AMENDMENT OF THE UTTAR PRADESH ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1950

Amendment of section 154 of U.P. Act no. I of 1951

7. In section 154 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, hereinafter in this chapter referred to as the principal Act, in sub-section (1) at the end, the following Explanation and proviso shall be inserted namely :—

"Explanation—For the removal of doubt it is hereby declared that in this sub-section the expression "person" shall include and be deemed to have included on June 15, 1976 a "Co-operative Society" ;

Provided that where the transferee is a Co-operative society, the land held by it having been pooled by its members under clause (a) of sub-section (1) of section 77 of the Uttar Pradesh Co-operative Societies Act, 1965 shall not be taken into account in computing the 5.0586 hectares (12.50 acres) land held by it."

Substitution of section 333

8. For section 333 of the principal Act, the following section shall be substituted, namely :—

"333 (1) the Board or the Commissioner or the Additional Commissioner may call for the record of any suit or proceeding decided by any court subordinate to him in which no appeal lies or where an appeal lies but has not been preferred, for the purpose of satisfying himself as to the legality or propriety of any order passed in such suit or proceeding and if such subordinate court appears to have ;

(a) exercised a jurisdiction not vested in it by law; or

(b) failed to exercise a jurisdiction so vested; or

(c) acted in the exercise of jurisdiction illegally or with material irregularity;

the Board or the Commissioner or the Additional Commissioner, as the case may be, may pass such order in the case as he thinks fit.

(2) If an application under this section has been moved by any person either to the Board or to the Commissioner or to the Additional Commissioner, no further application by the same person shall be entertained by any other of them."

9. Section 333-A of the principal Act shall be *omitted*.

10. Notwithstanding anything contained in this Act all cases referred to the Board under section 218 of the U. P. Land Revenue Act, 1901, or under section 333-A of Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 as they stood immediately before the commencement of this Act and pending before the Board on the date of such commencement shall continue to be heard and decided by the Board as if this Act has not been enacted.

Omission of
section 333-A
Transitory Pro-
visions

By order,
G. S. PANDEY,
Vishesh Sachiv.