



**The Uttar Pradesh Malguzari Tatha Lagan Par Apatik Adhibhar Adhiniyam,
1965
Act 22 of 1965**

Keyword(s):

Intermediary, Khaikar, Land, Land-Holder, Proclamation of Emergency, Rent Sub-Divisional Officer, Tahsildar, Hissedar, Grove, Sub-Agricultural, Bhumidhar Sirdar

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THE UTTAR PRADESH MALGUZARI TATHA LAGAN PAR APATIK ADHIBHAR ADHINIYAM, 1965

(U. P. ACT No. XXII OF 1965)

[*Authoritative English Text of the Uttar Pradesh Malguzari Tatha Lagan Par Apatik Adhibhar Adhiniyam, 1965]

AN
ACT

to provide for the levy of emergency surcharge on land revenue and rent payable or deemed to be payable by land-holders in Uttar Pradesh.

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

1. (1) This Act may be called the Uttar Pradesh Malguzari Tatha Lagan Par Apatik Adhibhar Adhiniyam, 1965.

Short title and extent.

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

2. In this Act, unless the context otherwise requires,—

Definition

(1) "intermediary" means a proprietor, under-proprietor, sub-proprietor, *thekedar*, permanent lessee in Avadh, permanent tenure-holder, *hissedar* (other than a *hissedar* in Pargana Askot) in respect of his land not held by a *khaikar*, *hissedar* in Pargana Askot in respect of his land not held by a *guzaredar* or *khaikar*, or a *guzaredar* in Pargana Askot ;

(2) "khaikar" has the meaning assigned to the expression in the existing law relating to land tenures applicable to Kumaun and Uttarakhand Divisions, but does not include a *maurusidar* or a *halbandi muafidar* ;

(3) "land" means land, including cultivated land, in respect of which revenue or rent is assessed or paid or is liable to be assessed or paid, and which is held or occupied for purposes connected with agriculture, horticulture, animal husbandry, pisciculture or poultry farming ;

(4) "land-holder" means—

- (i) a *bhumidhar* or *sirdar* ;
- (ii) an intermediary where the land is in his personal cultivation or is held as his *sir* or *khudkasht* or grove ; or

*[For statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated September 27, 1965.]

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on September 28, 1965 and by the Uttar Pradesh Legislative Council on October 13, 1965.]

†[Received the Assent of the Governor on October 23, 1965 under Article 200, of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated October 29, 1965.]

(iii) any other person who holds or occupies land otherwise than as—

- (a) an *asami*,
- (b) a sub-tenant,
- (c) a tenant of *sir*, or
- (d) a *sirtan* ;

(5) “prescribed” means prescribed by rules made under this Act ;

(6) “Proclamation of Emergency” means the Proclamation of Emergency issued by the President of India under clause (1) of Article 352 of the Constitution of India on the 26th October, 1962;

(7) “rent” has the meaning assigned to the expression in the U.P. Tenancy Act, 1939, except in the case of a *khaikar* where it means the land revenue plus the *malikana* payable by him ;

(8) “State Government” means the Government of Uttar Pradesh ;

(9) “Sub-Divisional Officer” means the Sub-Divisional Officer of the sub-division in which the land is situate ;

(10) “Tahsildar” means the Tahsildar of the tahsil in which the land is situate ;

(11) the expressions “*hissedar*”, and “*sirtan*” have the meanings assigned to them in the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960 ;

(12) the expressions “grove”, “*khudkasht*”, “permanent lessee in Avadh”, “permanent tenure-holder”, “*sir*” and “*thekedar*” have the meanings assigned to them in the U. P. Tenancy Act, 1939 ;

(13) the expressions “sub-proprietor” and “underproprietor” have the meanings assigned to them in the U. P. Land Revenue Act, 1901 ; and

(14) the expressions “agricultural year”, “*bhumidhar*”, “*sirdar*”, “*asami*” and “proprietor”, have the meanings assigned to them in the U. P. Zamindari Abolition and Land Reforms Act, 1950.

Levy of surcharge.

3. (1) There shall be levied and paid for the agricultural year commencing on the first day of July, 1965, and for each subsequent agricultural year during which or part of which the Proclamation of Emergency is in operation, a surcharge—

(a) in the case of a *bhumidhar* or *sirdar*, on the land revenue payable by him ;

(b) in the case of an intermediary, on the land revenue payable or deemed to be payable by him in respect of the land in his personal cultivation or held by him as his grove or *sir* or *khudkasht* ; and

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(c) in the case of any other land-holder, on the rent payable or deemed to be payable by him ;

the rate of one-fourth of such land revenue or rent :

Provided that the surcharge shall not be payable by —

(i) a land-holder who, being engaged in the defence of the country, has been permanently disabled in action forced by the Chinese or the Pakistani aggression ; or

(ii) the heirs of a land-holder killed in such action ; or

(iii) such other land-holder who is or has been engaged in such combatant service as may be *prescribed*.

(2) For the purposes of this Act, the land revenue or rent deemed to be payable" shall be worked out in the manner *prescribed*.

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4. The amount of surcharge on land revenue payable by a land-holder shall be paid as land revenue and be added to each instalment of the land revenue in the same proportion as such instalment bears to the total demand of the land revenue for the agricultural year.

Mode of recovery of surcharge on land revenue payable by a land-holder.

5. (1) The amount of surcharge on rent payable or deemed to be payable or on the land revenue deemed to be payable shall be determined in every agricultural year by the Tahsildar after making such inquiry, if any, as he considers necessary, and be paid in two instalments.

Mode of determination and recovery of surcharge in other cases.

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(2) A notice of demand in respect of each instalment shall be served on the land-holder by or under the authority of the Tahsildar, as far as possible, by the end of November and May in each agricultural year.

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1939.

(3) The land-holder may file objections before the Tahsildar within fifteen days from the date of receipt of the notice under sub-section (2) and the order of the Tahsildar on such objections shall, subject to the result of appeal, if any, be final and not liable to be questioned in any civil court.

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(4) An appeal against an order of the Tahsildar may be filed, within a month from the date of the order, before the Sub-Divisional Officer who may pass thereon such order as he thinks fit.

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1951.

(5) The amount payable under a notice of demand shall be paid within fifteen days from the date of its receipt, and in case objections are filed under sub-section (3), within fifteen days from the date of the order of the Tahsildar thereon or of the order in appeal, as the case may be.

(6) The surcharge on rent which is payable or deemed to be payable or on land revenue which is deemed to be payable, if not paid by the due date, shall be recoverable as arrears of land revenue.

6. The State Government, may, on the occurrence of any agricultural calamity affecting crops, remit or suspend, in such manner as may be *prescribed*, the whole or any part of the surcharge payable in respect of any land the crop whereof is affected by such calamity.

Remission and suspension of surcharge on account of agricultural calamity.

Surcharge to be a charge on land.

Act to over-ride other laws, etc.

Power to make rules

7. The surcharge on land revenue or rent shall be a charge on the land to which such land revenue or rent relates.

8. The provisions of this Act shall have effect notwithstanding anything consistent therewith in any law or contract or grant

9. (1) The State Government may, after previous publication in the *Gazette*, make rules to carry out the purposes of this Act

(2) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session or more than one successive sessions and shall, unless some later date is appointed by the State Government, 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 agree to make, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder

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