UTTAR PRADESH
India

The U.P. Zamindari Abolition and Land Reforms Act, 1950

Act 1 of 1951

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The U.P. Zamindari Abolition and Land Reforms Act, 1950

(U.P. Act No. 1 of 1951)

UP0205

Received the assent of the President on 24.01.1951 and published in the U.P. Gazette, Extra., dated 26.01.1951.

(As passed by the Uttar Pradesh State Legislature)

[As amended upto date]

An Act to provide for the abolition of the Zamindari system which involves intermediaries between the tiller of the soil and the State in Uttar Pradesh and for the acquisition of their rights, title and interest and to reform the law relating to land tenure consequent upon such abolition and acquisition and to make provision for other matters connected therewith

Whereas it is expedient to provide for the abolition of the Zamindari system which involves intermediaries between the tiller of the soil and the State in Uttar Pradesh and for the acquisition of their rights, title and interest and to reform the law relating to land tenure consequent on such abolition and acquisition and to make provision for other matters connected therewith;

It is hereby enacted as follows :

Part 1 – Chapter I

Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.

(2) It extends to the whole of the Uttar Pradesh except the areas which, on the 7th day of July, 1949, were included in a municipality or a notified area under the provisions of the United Provinces Municipalities Act, 1916 (U.P. Act II of 1916) or a Cantonment, under the provisions of the Cantonment Act, 1924 (U.P. Act II of 1924) or a Town Areas under the provisions of the United Provinces Town Areas Act, 1914 (U.P. Act I of 1914)[:] *[Substituted by U.P. Act No. 12 of 1965 for the full stop and shall be deemed always to have been substituted.]*

[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 '3lst day of July, 1949', were substituted therein :] *[Added by U.P. Act No. 12 of 1965 and shall be deemed always to have been added.]*

Provided further that where any area which on July 7, 1949 was included in a Municipality, Notified Area, Cantonment or Town Area, cease to be so included therein at any time after that date and no notification has been made in respect thereof under Section 8 of the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956-

(i) in case it has ceased to be so included at any time before June 29, 1971, this Act shall extend to such area from June 29, 1971; and

(ii) in any other case, this Act shall extend to such area from the date on which the area ceases to be so included.

(3) It shall come into force at once except in the areas mentioned in Clauses (a) to (f) of sub-section (1) of Section 2 where it shall, subject to any exception or modification under sub-section (1) of Section 2, come into force on such date as the State Government may by notification in the Gazette appoint and different dates may be appointed for different areas and different provisions of this Act.

[Uttarakhand] *[The word 'Uttaranchal' Substituted by See. 3 of Act No. 52 of 2006 (w.e.f. 01.01.2007).]* Amendment

[1. Short title and commencement. - (1) This order may be called the Uttar Pradesh Zamindari Abolition and Land Reforms Act (Uttaranchal Adaptation and Modification) Order, 2001.

(2) It shall come into force at once.

2. In the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 wherever the expression "Uttar Pradesh" occurs, it shall be read as "Uttaranchal".

3. In the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 wherever the expression 'Board', 'Board of Revenue' or 'Member Board of Revenue' occurs, in its place word "Chief Revenue Commissioner/Additional Revenue Commissioner", whichever is appropriate shall be deemed to have been substituted.

4. The headquarter of the office of Chief Revenue Commissioner/Additional Revenue Commissioner shall be at Dehradun.

5. For the purposes of judicial work at the level of Chief Revenue Commissioner/Additional Revenue Commissioner there shall be Circuit Courts at Pauri and Nainital.] ***[Vide Notification No. 2241/Revenue/2001, dated 16.07.2001.]***

2. Modification of the Act, in its application to certain areas.

(1) The State Government may by notification in the Gazette apply the whole or any provision of this Act to any of the following areas or estates subject to such exceptions of modifications, not affecting the substance, as the circumstances of the case may require-

(a) the areas specified in the First Schedule to the United Provinces Tenancy Act, 1939 (U.P. Act XVII of 1939);

(b) any estates or parts thereof owned by the Central Government, State Government or any Local Authority;

(c) areas held and occupied for a public purpose or a work of public utility and declared as such by the State Government or acquired under the Land Acquisition Act, 1894 (1 of 1894), the United Provinces Land Acquisition (Rehabilitation of Refugees) Act, 1948 (U.P. Act XXVI of 1948), the United Provinces Acquisition of Property (Food Relief) (Temporary Powers) Act, 1948 (U.P. Act XXXIX of 1948) or any other enactment other than this Act, relating to acquisition of land for a public purpose;

(d) Pargana Kaswar Raja of Benares District;

(e) any area which, on the 30th day of November, 1949, was included in-

(i) Benares State as defined in the Benares State (Administration) Order, 1949;

(ii) Rampur as defined in the Rampur (Administration) Order, 1949;

(iii) Tehri-Garhwal as defined in the Tehri-Garhwal (Administration) Order, 1949.

(iv) [* * *] *[Omitted by U.P. Act No. 20 of 1954.]*

(ee) [any area, which on the 25th day of January, 1950, was included in an enclave as defined in the Provinces and States (Absorption of Enclaves) Order, 1950, absorbed in Uttar Pradesh under the said order; or] *[Added by U.P. Act No. 20 of 1954.]*

(f) Pargana Jaunsar-Bawar of Dehra Dun District and portion of the Mirzapur District South of the Kaimur Range :

Provided that, when this Act or its provisions are so extended to such areas or estates, with or without exceptions or modifications, so much of any Act or Regulation in force therein as is inconsistent with this Act or the provisions so extended or with any modification made therein, shall be deemed to have been repealed :

[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.] *[Inserted by U.P. Act No. 34 of 1974.]*

[(1-A) The power of the State Government under sub-section (1) to make exceptions or modifications in the provisions of this Act may be exercised from time to time.] *[Inserted by U.P. Act No. 15 of 1978.]*

Substituted by U.P. Act No. 15 of 1978.

[(2) Where the declaration made by the State Government under Clause (c) of sub-section (1) is in respect of any area held on the seventh day of July, 1949, for the purposes of a housing scheme by a Co-operative Society registered under the U.P. Co-operative Societies Act, 1965 or a society registered under the Societies Registration Act, 1860 or a limited liability company under the Companies Act, 1956, the State Government may by notification, in public interest, rescind or supersede the declaration in respect of such area as has not actually been utilised in execution of a housing scheme till the date of the notification whether on account of any default on the part of such society or company or for any other reason whatsoever.

Explanation. - An area shall, for purposes of this sub-section, be deemed to have not been actually utilised, in execution of a housing scheme if on the date of the notification under this sub-section :-

(a) in the case of a building site, constructions have not been made at least up to the stage of completion of foundation; and

(b) in any other case, the land is not covered by any road or park.

(3) The area of land in respect of which a notification under sub-section (2) is issued may be utilised by the State Government for purposes of housing and urban development in such manner as may be prescribed.] *['Validation. - Notwithstanding*

any judgment, decree or order of any Court a notification made by the State Government discontinuing or purporting to discontinue any exemption from the operation of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 in respect of an area as had not actually been utilised in execution of a housing scheme before the date of such notification shall be deemed to be and always to have been made in exercise of powers under sub-section (2) of Section 2 of that Act, as hereby amended where the area to which the notification relates was such as had, within the meaning of sub-section (2) of Section 2 of the said Act, as amended by Chapter II of this Act not been actually utilised for execution of a housing scheme till the date of the notification so made.']

2A. [Extension of the Act to new territories. ***[Inserted by U.P. Act No. 21 of 1962.]***

- [(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.]

(2) The State Government may, by the same or any subsequent notification, make such modifications in this Act, in its application to that area as it may consider necessary in the circumstances existing in the area :

Provided that no such modification shall be made after the expiry of one year from the date of extension of this Act to the area, or remain in force for a period exceeding two years.]

3. Definitions.

- In this Act, unless there is anything repugnant in the subject or context:

(1) "Beneficiary" means as respects a waqf, trust or endowment the person for whose benefit a waqf, trust or endowment is exercised;

(2) "Central Government" has the meaning assigned to it in Section 3 of the General Clauses Act, 1897 (X of 1897);

(3) "Charitable purpose" includes relief of the poor, education, medical relief or the advancement of any other object of general public utility but does not include a purpose which relates exclusively to religious teaching or worship;

[(3-A) "Circle" means any area for which a Gaon Sabha has been established under the United Provinces Panchayat Raj Act, 1947] *[Inserted by Section 273 read with Schedule VIII of U.P. Act No. 33 of 1961.]*;

(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;] *[Inserted by U.P. Act No. 34 of 1974.]*

(5) "Compensation Commissioner" means the Compensation Commissioner appointed under Section 319 and includes an Assistant Compensation Commissioner;

(6) "Compensation Officer" means a Compensation Officer appointed under Section 319;

[(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;] *[Substituted by U.P. Act No. 30 of 1991 (w.e.f. 19.02.1991).]*

[(6-b) ["Consolidated Gaon Fund"] *[Added by U.P. Act No. 37 of 1958.]* means the Consolidated Gaon Fund constituted under Section 125-A];

(7) "Decree" has the meaning assigned to it in the Code of Civil Procedure, 1908 (V of 1908);

(8) ["Estate" means and shall be deemed to have always meant the area included under one entry in any of the registers described in Clause (a), (b), (c) or (d) and in so far as it relates to a permanent tenure holder in any register described in Clause (e) of Section 32 of the U.P. Land Revenue Act, 1901, as it stood immediately prior to the coming into force of this Act, or, subject to the restriction mentioned with respect to the register described in Clause (e), in any of the registers maintained under Section 33 of the said Act or in a similar register described in or prepared or maintained under any other Act, Rule, Regulation or Order relating to the preparation or maintenance of record-of-rights in force at any time and includes share in, or of an "estate".] *[Substituted by U.P. Act No. 14 of 1958.]*

[Provided that in Mirzapur District each of the areas bounded as given in Schedule VII shall, notwithstanding anything contained in the foregoing definition, be deemed to be an estate] *[Added by U.P. Act No. 1 of 1964.]*

Explanation. - The Act, Rule, Regulation or Order referred to in this clause shall include, Act, Rule, Regulation or Order made or promulgated by the erstwhile Indian States' whose territories were merged or absorbed in the State of Uttar Pradesh prior to the date of vesting notified under Section 4 of this Act;]

(8-a) [***] *[Omitted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]*

(9) ["Gaon Fund", "Gaon Panchayat", "Gaon Sabha" and "Bhumi Pra-bandhak Samiti" (Land Management Committee) shall have the meanings assigned to them in the United Provinces Panchayat Raj Act, 1947] *[Substituted by Section 273 of U.P. Act No. 33 of 1961.]*;

(10) [* * *] *[Deleted by ibid.]*

(10-a) [***] *[Deleted by ibid.]*

(11) [***] *[Deleted by U.P. Act No. 16 of 1953.]*

(12) "Intermediary" with reference to any estate means a proprietor, under proprietor, sub-proprietor, thekedar, permanent lessee in Avadh and permanent tenure-holder of such estate or part thereof;

(13) "Intermediary's grove" means grove land held or occupied by an intermediary as such;

(14) "Land" [except in Sections 109, 143 and 144 and Chapter VII] *[Substituted for the words 'except in Sections 143 and 144' by U.P Act No. 12 of 1965.]* means land held or occupied for purposes connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming;

(14-a) [***] *[Deleted by Section 273 of U.P Act No. 33 of 1961.]*

(15) "lease" in relation to mines and minerals shall include a sub-lease, a prospecting lease and an agreement to lease or sublet, and "lessee" shall be construed accordingly;

(16) "legal representative" has the meaning assigned to it in the Code of Civil Procedure, 1908 (V of 1908);

(17) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, but does not include any works, machinery, tramways, or sidings appertaining to mines, and a mine shall be deemed to be in operation if a notice of the commencement of its operation has been given under Section 14 of the Indian Mines Act, 1923, to the District Magistrate of the district in which such mine is situate and the discontinuance of the operation thereof has not been notified to the Competent Authority;

(18) "prescribed" means prescribed by rules made under this Act;

(19) "previous agricultural year" means the agricultural year immediately preceding that in which the date of vesting falls;

(20) "property" in Chapter V, means property other than estates;

(21) "proprietor" means as respects an estate a person owning, whether in trust or for his own benefit, the estate and includes the heirs and successor-in-interest of a

proprietor;

(22) "State Government" means the Government of Uttar Pradesh;

[(22-A) "recognized educational institution" means an educational institution or a class of institutions declared as such by the State Government by notification in the Official Gazette;] *[Added by U.P. Act No. 20 of 1954.]*

(23) "religious purpose" includes a purpose connected with religious worship, teaching or service or with the performance of religious rites;

(24) "Rehabilitation Grants Officer" means a Rehabilitation Grants Officer appointed under Section 319;

(25) "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 which the State Government may, by a general or special order [published in the manner prescribed] *[Substituted by U.P Act No. 30 of 1975.]* declare to be a village;

(26) words and expression [land-holder] *[Inserted by U.P Act No. 16 of 1953 (w.e.f. 01.07.1952).]*, permanent tenure-holder, thekedar, permanent lessee in Avadh, grove-holder, rent, cess, sayar, sir, [tenant] *[Inserted by ibid.]* hereditary tenant, khudkasht, fixed-rate tenant, rent-free grantee, exproprietory tenant, occupancy tenant, non-occupancy tenant, sub-tenant holding and crops, not defined in this Act, and used in the United Provinces Tenancy Act, 1939 (U.P. Act XVII of 1939), shall have the meaning assigned to them in that Act;

(27) words and expressions, under-proprietor, sub-proprietor, revenue, mahal, [* * *] *[The word 'Collector' omitted by U.P. Act No. 34 of 1974.]*, Assistant Collector, Assistant Collector in charge of sub-division, Commissioner, Board, Tahsildar and miner, not defined in this Act and used in the United Provinces Land Revenue Act, 1901 (U.P. Act III of 1901), shall have the meaning assigned to them in that Act;

(28) [any reference in Part I to "land in personal cultivation" shall mean land in the personal cultivation of permanent lessee in Avadh as such [;] *[Added by U.P Act No. 16 of 1953 (w.e.f. 01.07.1952).]*

(29) any reference in Part I to "record of rights" shall include references as may be necessary to "annual registers' prepared under Section 33 of the U.& Land Revenue Act, 1901 (U.P. Act III of 1901); and]

(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 Scheduled thereto made from time to time under Section 122 thereof by the High Court.] *[Added by U.P. Act No. 12 of 1965.]*

Chapter II
Acquisition of the Interests of Intermediaries and its Consequences

4. Vesting of estates in the State.

(1) As soon as may be after the commencement of this Act, the State Government may, by notification, declare that, as from a [date] *[Vesting took effect from 01.07.1952, vide Notification No. 4094/1-A-450-l951, dated 01.07.1952.]* to be specified, all estates situate in Uttar Pradesh shall vest in the State and as from the beginning of the date so specified (hereinafter called the date of vesting), all such estates shall stand transferred to and vest, except as hereinafter provided, in the State free from all encumbrances.

(2) It shall be lawful for the State Government, if it so considers necessary, to issue, from time ta time, the notification referred to in sub-section (1) in respect only of such area or areas as may be specified and all the provisions of subsection (1) shall be applicable to and in the case of every such notification.

5. Notification to be published in the Gazette.

- The notification referred to in Section 4 shall be published in the Gazette and such publication shall be conclusive proof of the due publication thereof

6. Consequences of the vesting of an estate in the State.

- When the notification under Section 4 has been published in the Gazette, then, notwithstanding anything contained in any contract or document or in any other law for the time being in force and save as otherwise provided in this Act, the consequences as hereinafter set forth shall, from the beginning of the date of vesting, ensure in the area to which the notification relates, namely :

(a) all rights, title and interest of all the intermediaries-

(i) in every estate in such area including land (cultivable or barren), grove-land, forests whether within or outside village boundaries trees (other than trees in village abadi, holding or grove), fisheries, [* * *] *[Deleted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*, tanks, ponds, water-channels, ferries, pathways, abadi sites, hats, bazars and melas (other than hats, bazars and melas held upon land to which Clauses (a) to (c) of sub-section (1) of Section 18 apply; and

(ii) in all sub-soil in such estates including rights, if any, in mines and minerals, whether being worked or not;

shall cease and be vested in the State of Uttar Pradesh free from all encumbrances;

(b) all grants and confirmations of title of or to land in any estate so acquired, or of or to any right or privilege in respect of such land or its land revenue shall, whether liable to resumption or not, determine;

(c) (i) all rents, cesses, local rates and sayar in respect of any estate or holding therein for any period after the date of vesting and which, but for the acquisition would be payable to an intermediary, shall vest in and be payable to the State Government and not to the intermediary and any payment made in contravention of this clause shall not be valid discharge of the person liable to pay the same;

(ii) where under an agreement or contract made before the date of vesting any rent, cess, local rate or sayar for any period after the said date has been paid to or compounded or released by an intermediary the same shall, notwithstanding the agreement or the contract, be re-coverable by the State Government from the intermediary and may without prejudice to any other mode of recovery, be realized by deducting the amount from the compensation money payable to such intermediary under Chapter III;

(d) all arrears of revenue, cesses or other dues in respect of any estate so acquired and due from the intermediary [or an arrear on account of tax on agricultural income assessed under the U.P. Agricultural Income Tax Act, 1948] *[Inserted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* (U.P. Act III of 1949) for any period prior to the date of vesting shall continue to be recoverable from such intermediary and may, without prejudice to any other mode of recovery, be realized by deducting the amount from the compensation money payable to such intermediary under Chapter III;

(e) all amounts ordered to be paid by an intermediary to the State Government under Sections 27 and 28 of the U.P. Encumbered Estates Act, 1934 (U.P. Act XXV of 1934) and all amounts due from him under the Land Improvement Loans Act, 1883 (U.P. Act XIX of 1883), or the Agricultural Loans, Act, 1884 (U.P. Act XIX of 1884), shall notwithstanding any thing contained in the said enactments, become due forthwith and may, without prejudice to any other mode of recovery provided therefor, be realized by deducting the amount from the compensation money payable to such intermediary under Chapter III;

(f) the interest of the intermediary so acquired in any estate shall not be liable to attachment or sale in execution of any decree or other process of any Court, Civil or Revenue and any attachment existing at the date of vesting or any order for attachment passed before such date shall, subject to the provisions of Section 73 of the Transfer of Property Act, 1882 (IV of 1882), cease to be in force;

(g) (i) every mortgage with possession existing on any estate or part of an estate on the date immediately preceding the date of vesting shall, to the extent of the amount secured on such estate or part, be deemed, without prejudice to

the rights of the State Government under Section 4, to have been substituted by a simple mortgage;

(ii) notwithstanding anything contained in the mortgage deed or any other agreement, the amount declared due on a simple mortgage substituted under sub-clause (i) shall carry such rate of interest and from such date as may be prescribed;

(h) no claim or liability enforceable or incurred before the date of vesting by or against such intermediary for any money, which is charged on or is secured by mortgage of such estate or part thereof shall, except as provided in Section 73 of the Transfer of Property Act, 1882 (IV of 1882), be enforceable against his interest in the estate;

(i) all suits and proceedings of the nature to be prescribed pending in any Court at the date of vesting and all proceedings upon any decree or order passed in any such suit or proceeding previous to the date of vesting shall be stayed;

(j) all mahals and their sub-divisions existing on the date immediately preceding the date of vesting and all engagements for the payment of land revenue or rent by a proprietor, under-proprietor, sub-proprietor, co-sharer or lambardar as such shall determine and cease to be in force.

7. Saving in respect of certain rights.

- Nothing contained in this chapter shall in any way affect the right of any person-

(a) to continue to work any mines comprised in any estate hereinbefore acquired which shall be governed by the law for the time being in force;

(aa) [being a bhumidhar, sirdar, adhivasi or asami of any land, to continue to enjoy any easement or any similar right for the more beneficial enjoyment of the land, as he was enjoying on the date immediately preceding the date of vesting;] *[Inserted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*

(b) to recover any arrears of rent, cesses, sayar or other dues which accrued before the date of vesting and the same shall, notwithstanding anything contained in this Act, be recoverable as hereto before by the person entitled thereto :

Provided that no decree for an arrear of rent or order for ejectment in default of an arrear of rent shall be executed by ejectment of the judgment debtor from his holding :

Provided further that rent, ceases, local rates, sayar or other dues as aforesaid which are payable by an intermediary, whose interest in the state in respect of which the arrear is due has been acquired under the provisions of this Act, may in addition to any other remedy open to the person entitled, be realized from or paid out of the compensation money payable to such intermediary.

8. Contract entered into after August 8, 1946, to become void from the date of vesting.

- Any contract for grazing or gathering of produce from land or the collection of forest produce or fish from any forest or fisheries entered into after the eighth day of August, 1946, between an intermediary and any other person in respect of any private forest, fisheries or land lying in such estate shall become void with effect from the date of vesting.

9. Private wells, trees in abadi and buildings to be settled with the existing owners or occupiers thereof.

- [All wells] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*, trees in abadi and all buildings situate within the limits of an estate belonging to or held by an intermediary or tenant or other person whether residing in the village or not, shall continue to belong to or be held by such intermediary tenant or person, as the case may be, and the site of the wells or the buildings within the area appurtenant thereto shall be deemed to be settled with him by the State Government on such terms and conditions as may be prescribed.

10. Tenants of sir.

(1) Every tenant of land recorded as sir of an intermediary who on the date immediately preceding the date of vesting is assessed in Uttar Pradesh to a land revenue of more than Rs. 250 annually or where no land revenue is assessed, is assessed to a larger amount of local rate than would be payable on a land revenue of Rs. 250 annually or in the case of an under proprietor, sub-proprietor or permanent tenure-holder the rent payable by him is more than Rs. 250 annually shall be deemed to be a hereditary tenant thereof at the rate of the rent payable by him on the said date; and such land shall not for the purpose of Section 18 be deemed to be sir.

[(1-A) Where the land is a joint sir of two or more intermediaries some of whom only belong to the class mentioned in sub-section (1) the tenant shall be deemed to be hereditary tenant in respect of such part of the land as is proportionate to the share of the intermediaries mentioned in sub-section (1) in such land] *[Inserted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*.

(2) Nothing in [sub-section (1) and (1-A)] *[Substituted for the words and figures 'sub-section (1)' by U.P Act No. 16 of 1953 (w.e.f. 01.07.1952).]* shall apply to a tenant of sir if his land-holder was-

(i) a woman;

(ii) a minor;

(iii) a lunatic;

(iv) an idiot;

(v) a person incapable of cultivation by reason of blindness or physical infirmity; or

(vi) a person in military, naval or air force of Indian Union,

11. Sir or khudkasht allotted in lieu of maintenance allowance.

- Notwithstanding anything contained in Section 10, where sir or khudkasht has been allotted by the sir or khudkasht-holder thereof to a person in lieu of maintenance allowance, such person shall be deemed to be the asami hereof entitled to hold the land for so long as the right of maintenance allowance subsists.

12. Thekedars to be hereditary tenants in certain circumstances.

(1) Where any land was in the personal cultivation of a person on the 1st day of May, 1950, as thekedar thereof and the theka was made with a view to the cultivation of the land by such thekedar personally, then notwithstanding anything in any law, document or order of Court, he shall be deemed to be a hereditary tenant thereof entitled to hold and when he has been ejected from the land after the said date, to regain possession as a hereditary tenant thereof liable to pay rent at hereditary rates.

(2) The fact that the land comprised in the theka has been in the personal cultivation of the thekedar since the commencement of the theka shall, notwithstanding anything contained in Section 91 and 92 of the Indian Evidence Act, 1872 (I of 1872), be receivable in evidence for showing that the theka was of the nature referred to in sub-section (1).

13. Estate in possession of a thekedar.

(1) Subject to the provisions of Section 12 and sub-section (2) of this section a thekedar of an estate or share therein shall, with effect from the date of vesting, cease to have any right to hold or possess as such any land in such estate.

(2) Where any such land was in the personal cultivation of the thekedar on the date immediately preceding the date of vesting, the same shall-

(a) if it was sir or khudkasht of the lessor on the date of the grant of the theka, be deemed for purposes of Section 18, to be the sir or khudkasht of the lessor on the date immediately preceding the date of vesting and the thekedar shall, with effect from the date of vesting, become the asami thereof liable to pay rent at hereditary rates applicable on the date immediately preceding the date of vesting and entitled to hold the land as

such for the unexpired period of the theka or for a period of five years from the date of vesting whichever is less;

(b) if it was not sir or khudkasht of the lessor on the date of the grant of the theka and-

(i) its area does not exceed thirty acres, be deemed for purposes of Section 19 to have been held by the thekedar as a hereditary tenant liable to pay rent which shall be equal to the rent calculated at hereditary rates applicable on the date immediately preceding the date of vesting; and

(ii) its area exceeds thirty acres, be deemed to the extent of thirty acres for purposes of Section 19 to have been held as a hereditary tenant as aforesaid and the remainder shall be deemed to be vacant land and the thekedar shall be liable to ejectment therefrom in accordance with the provisions of Section 209.

(3) Notwithstanding any restriction contained in Clauses (a) and (b) of subsection (2), the Collector may, on the application of the thekedar and after such enquiry as may be prescribed, and if he is satisfied that it is in the interest of efficient and successful working of an existing agricultural farm, permit the thekedar to retain land-

(a) if it is land falling under Clause (a) of sub-section (2), for a longer period than five years; and

(b) if it is land falling under Clause (b) of the said sub-section, in excess of thirty acres :

Provided that the thekedar shall not be entitled to retain the land so allowed beyond the term of the theka, and he shall, in the case of any area in excess of thirty acres allowed to him under Clause (b), be an asami thereof on behalf of the Gaon Sabha and liable to pay rent at hereditary rate applicable on the date immediately preceding the date of vesting.

(4) To every application under sub-section (3) the lessor and the Gaon Sabha concerned shall be made parties.

14. Estate in possession of a mortgagee with possession.

(1) Subject to the provisions of sub-section (2), a mortgagee in possession of an estate or share therein shall, with effect from the date of vesting, cease to have any right to hold or possess as such any land in such estate.

(2) Where any such land was in the personal cultivation of the mortgagee on the date immediately proceeding the date of vesting-

(a) if it was sir or khudkasht of the mortgagor on the date of the mortgage, the same shall, for purposes of Section 18 be deemed to be the sir or khudkasht of the mortgagor or his legal representative;

(b) if it was not sir or khudkasht of the mortgagor on the date of the mortgage, the mortgagee shall, subject to his paying to the State Government within six months from the date of vesting an amount equal to five times the rent calculated at hereditary rates applicable on the date immediately preceding the date of vesting, be deemed, for purposes of Section 19 to have held such land on the date aforesaid as a hereditary tenant thereof at the said rate of rent:

Provided that if the mortgagee fails to pay the amount aforesaid within the time allowed, he shall thereupon lose all rights in such land which shall be deemed to be vacant land and he shall be liable to ejectment on the suit of the Gaon Sabha [or the Collector] *[Inserted by U.P. Act No. 5 of 1957.]* under Section 209 as if he were a person in possession thereof otherwise than in accordance with the provisions of this Act.

Explanation [I] *[Renumbered by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*. - For the purposes of this section a mortgagee in possession includes a thekedar of his rights as mortgagee in the land.

[Explanation II. - Where any land has been mortgaged with possession and the mortgagor makes a second or subsequent mortgage of such land in favour of the same or different person, the expression "on the date of the mortgage" shall mean the date of the mortgage in pursuance of which the mortgagor first transferred possession to mortgagee.] *[Added by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*

15. Demarcation of sir, khudkasht, etc. in joint estates.

(1) Where, on the date immediately preceding the date of vesting, an intermediary other than a thekedar held land in his personal cultivation or as sir, khudkasht or intermediary's grove [other than land in which hereditary rights accrue under Section 10 or 16 and land held on Patta Dawami for Istamrari] *[Inserted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* in any estate or estates belonging to him jointly with others, in excess of his proportionate share in the estate or estates concerned, the Prescribed Authority shall, as soon as may be, proceed to demarcate the land proportionate to the share of such intermediary.

(2) (a) The land so demarcated shall alone, for purposes of Section 18, be deemed to be his sir, khudkasht or intermediary's grove; and

(b) The land held in excess of his share shall, for purposes of Section 19, be deemed to have been held by him as an ex-proprietary tenant thereof liable

to pay rent at ex-proprietary rates applicable on the date immediately preceding the date of vesting.

16. Occupant of land in which no superior rights exist to be a hereditary tenant.

- Every person who was recorded as occupant of any land-

(i) in a record revised under Chapter IV of the United Provinces Land Revenue Act, 1901 (U.P. Act III of 1901), or corrected by an officer specially appointed by the State Government for the correction of annual registers in any tract and who. on the date immediately preceding the date of vesting, was in possession of the land or was entitled to regain possession thereof under Clause (c) of sub-section (1) of Section 27 of the United Provinces Tenancy (Amendment) Act, 1947 (U.P. Act X of 1947); or

(ii) in the record of rights prepared under Clause (e) of Section 32 of the United Provinces Land Revenue Act, 1901 (U.P. Act III of 1901) for the year 1356 fasli and who, on the date aforesaid, was in possession of the land,

shall be deemed to be a hereditary tenant of the land liable to pay rent on the said date at rates applicable to such tenants.

Explanation. - For the purposes of this section the term "land" does not include-

(i) land recorded as sir and land recorded as khudkasht but which had, under the provisions of the United Provinces Tenancy Act, 1939 (U.P. Act XVII of 1939), acquired the character of sir, of-

(a) an intermediary paying Rs. 250 or less annually as land revenue or, where no land revenue is assessed in whole or part, is assessed to a local rate which would be payable on a land revenue not exceeding Rs. 250 annually, [or and under proprietor, sub-proprietor or permanent tenure-holder payable Rs. 250 or less annually as rent] *[Inserted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*; or

(b) [an intermediary who, on the date of vesting, was a person belonging to any of the classes specified in Clauses (i) to (vi) of sub-section (2) of Section 10] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*,

(ii) land recorded as grove land; or

(iii) land included in the holding of-

(a) a person referred to in Clauses (i) to (vi) of Section 19;

(b) a fixed-rate tenant; or

(c) a rent-free grantee; or

(d) a tenant on Patta Dawami or Istamrari referred to in Section 17.

17. Sir land held by tenant on Patta Dawami or Istamrari.

- Any land which was sir of an intermediary on the date immediately preceding the date of vesting but was held on the said date by a tenant on Patta Dawami or Istamrari shall not, for the purpose of Section 18 [* * *] *[Deleted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* be deemed to be the sir of such intermediary.

18. Settlement of certain lands with intermediaries or cultivators as Bhumidhar.

(1) Subject to the provisions of Sections 10, 15, 16 and 17, all lands-

(a) in possession of or held or deemed to be held by an intermediary as sir, khudkasht or an intermediary's grove;

(b) held as a grove by or in the personal cultivation of a permanent lessee in Avadh;

(c) held by a fixed-rate tenant or rent-free grantee as such; or

(d) held as such by-

(i) an occupancy tenant;	possessing the right to transfer the holding by sale,
(ii) a hereditary tenant;	
(iii) a tenant on Patta	
Dawami or Istamrari referred to in Section 17;	

(e) [held a grove holder] *[Added by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*

on the date immediately preceding the date of vesting shall be deemed to be settled by the State Government with such intermediary, [lessee, tenant, grantee or grove-holder,] *[Substituted by U.P Act No. 16 of 1953 (w.e.f 01.07.1952).]* as the case may be, who shall, subject to the provisions of this Act, be entitled to take or retain possession as bhumidhar thereof.

(2) Every person belonging the class mentioned in [Section 3 or sub-section (2) of Section 3-A] *[Substituted by U.P Act No. 16 of 1953 (w.e.f 01.07.1952).]* of the United Provinces Agricultural Tenants (Acquisition of Privileges) Act. 1949 (U.P. Act X of 1949), who has been granted the declaration referred to in Section 6 of the said Act, in respect of any holding or share thereof shall, unless the declaration is subsequently set aside, be deemed to be the bhumidhar of the holding or the share in respect of which the declaration has been made and continues in force.

(3) Notwithstanding anything contained in the United Provinces Agricultural Tenants (Acquisition of Privileges) Act, 1949 (U.P. Act X of 1949), any declaration granted under Section 6 of the said Act, in favour of a tenant whom subsection (2) of Section 10 applies, shall be and is hereby cancelled and the amount deposited by him under Section 3 or 6 of the said Act, shall, after deducting the amount which might have been paid or be payable by the State Government to his land-holder under Section 7 and 8 of the said Act, be refunded to the person entitled in such manner as may be prescribed.

19. Land in the holdings to be settled with the tenants thereof as sirdar.

- All land held or deemed to have been held on the date immediately preceding the date of vesting by any person as-

(i) a tenant holding on special terms in Avadh;

(ii) an ex-proprietary tenant;

(iii) an occupancy tenant;

(iv) a hereditary tenant;

(v) a grantee at favourable rate of rent;

(vi) a non-occupancy tenant of tea estates notified as such in a notification issued under sub-section (5) of Section 30 of the United Provinces Tenancy Act, 1939 (U.P. Act XVII of 1939);

(vii) a sub-tenant referred to in sub-section (4) of Section 47 of the United Provinces Tenancy Act, 1939, [and] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).];*

(viii) [* * *] *[Deleted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*

(ix) all land referred to in Section 17 held on the said date by any person on Patta Dawami or Istamrari,

shall save in cases provided for in Clause (d) of sub-section (1) of Section 18, be deemed to be settled by the State Government with such person, who shall sub-

20. [A tenant of Sir, sub-tenant or an occupant to be an adhivasi. ***[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]***

- [Every person who-

(a) on the date immediately preceding the date of vesting was or has been deemed to be in accordance with the provisions of this Act]-

(i) except as provided in [sub-clause (i) of Clause (b)] *[Substituted by U.P Act No. 20 of 1954.]*, a tenant of sir other than a tenant referred to in Clause (ix) of Section 19 or in whose favour hereditary rights accrue in accordance with the provisions of Section 10; or

(ii) except as provided in [sub-clause (i) of Clause (b)] *[Substituted by U.P Act No. 20 of 1954.]*, a sub-tenant other than a sub-tenant referred to in proviso to sub-section (3) of Section 27 of the United Provinces Tenancy (Amendment) Act, 1947 (U.P. Act X of 1947), or in sub-section (4) of Section 47 of the United Provinces Tenancy Act, 1939 (U.P. Act XVII of 1939) of any land other than grove land,

(b) was recorded as occupant,-

(i) of any land [other than grove land or land to which Section 16 applies or land referred to in the proviso to sub-section (3) of Section 27 of the U.P. Tenancy (Amendment) Act, 1947] *[Substituted by U.P. Act No. 20 of 1954.]* in the khasra or khatauni of 1356-F prepared under Section 28 [33] *[Substituted by U.P Act No. 20 of 1954, for '32'.]* respectively of the U.P. Land Revenue Act, 1901 (U.P. Act III of 1901), or who was on the date immediately preceding the date of vesting entitled to regain possession thereof under Clause (c) of sub-section (1) of Section 27 of the United Provinces Tenancy (Amendment) Act, 1947 (U.P. Act X of 1947); or

(ii) of any land to which Section 16 applies, in the [khasra or khatauni of 1356 fasli prepared under Sections 28 and 33 respectively of] *[Substituted by U.P Act No. 20 of 1954.]* the United Provinces Land Revenue Act, 1901 (U.P. Act III of 1901), but who was not in possession in the year 1356-F;

shall, unless he has become a bhumidhar of the land under sub-section (2) of Section 18 or an asami under Clause (h) of Section 21, be called adhivasi of the land and shall, subject to the provisions of this Act, be entitled to take or retain possession thereof.

Explanation I. - Where a person referred to in Clause (b) was evicted from the land after June 30, 1948, he shall notwithstanding anything in any order, be deemed to be a person entitled to regain possession of the land.

Explanation II. - Where any entry in the records referred to in Clause (b) has been corrected before the date of vesting under or in accordance with the provisions of the

U.P. Land Revenue Act, 1901 (U P. Act III of 1901), the entry so corrected shall for the purposes of the said clause, prevail].

[Explanation III. - For the purposes of Explanation II an entry shall be deemed to have been corrected before the date of vesting if an order or decree of a competent Court requiring any correction in records had been made before the said date and had become final even though the correction may not have been incorporated in the record.

Explanation IV. - For purposes of this section 'occupant' as respects any land does not include a person who was entitled as an intermediary to the land or any share therein in the Year 1356 fasli.] *[Added by U.P. Act No. 20 of 1954.]*

21. Non-occupancy tenants, sub-tenants of grove-lands and tenant's mortgagees to be asamis.

- [(1)] *[Renumbered by U.P. Act No. 16 of 1953 (w.e.f. 01.07 1952).]* Notwithstanding anything contained in this Act, every person who, on the date immediately preceding the date of vesting, occupied or held land as-

(a) a non-occupancy tenant of an intermediary's grove-land;

(b) a sub-tenant of a grove-land;

(c) a sub-tenant referred to in the proviso to sub-section (3) of Section 27 of the United Provinces Tenancy (Amendment) Act, 1947 (U.P. Act X of 1947);

(d) [a mortgagee in actual possession] *[Substituted by U.P. Act No. 20 of 1954 for the words 'a mortgagee'.]* from a person belonging, to any of the classes mentioned in [Clauses (b) to (e) of sub-section (1) of Section 18 or Clauses [(i) to (vii) and (ix)] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* of Section 19;

(e) a non-occupancy tenant of pasture land or of land covered by water and used for the purpose of growing singhara or other produce or of land in the bed of a river and used for casual or occasional cultivation;

(f) a non-occupancy tenant of land declared by the State Government by notification in the Gazette, to be intended or set apart for taungya plantation; or

(g) a tenant of land, which the State Government has, by a notification in the Gazette declared to be part of tract of shifting or unstable cultivation;

(h) [a tenant of sir of land referred to in sub-clause (a) of Clause (i) of the explanation under Section 16, a sub-tenant referred to in sub-clause (ii) of Clause (a) of Section 20 or an occupant referred to in sub-clause (i) of Clause (b) of the said section where the land-holder or if there are more than one land-holders, all of them were person or persons belonging- *[Substituted by U.P. Act No. 20 of 1954 (w.e. f. 26.01.1951).]*

(a) if the land was let out or occupied prior to the ninth day of April, 1946, both on the date of letting or occupation, as the case may be and on the ninth day of April, 1946; and

(b) if the land was let out or occupied [on or] after the ninth day of April, 1946, on the day of letting or occupation, to any one or more of the classes mentioned in sub-section (1) of Section 157;]

(i) [a lessee holding under a lease from a Court under sub-section (1) of Section 252 of the U.P. Tenancy Act, 1939] *[Inserted by U.P Act No. 20 of 1954.]*,

shall be deemed to be an asami thereof.

Explanation. - The expression "taungya plantation" means the system of afforestation in which the plantation of trees is, in the earlier stages, done simultaneously with the cultivation of agricultural crops which ceases when the trees so planted begin to form a canopy rendering the cultivation of agricultural crops impossible.

(2) [Occupants of grove land. - Every person, who, on the date immediately preceding the date of vesting was a person recorded, in the manner stated in Clause (b) of Section 20, as occupant of any grove land, shall be called an asami of the land and shall, subject to the provisions of this Act, be entitled to take or retain possession thereof] *[Added by U.P Act No. 16 of 1953 (w.e.f. 01.07.1952).]* [as an asami from year to year.] *[Inserted by U.P Act No. 20 of 1954.]*

22. Variation in rent on or alter July 1, 1948 not to be recognized.

- Notwithstanding any contract made, or anything done or permitted to be done, on or after the first day of July, 1948, by or on behalf of an intermediary or a tenant, in respect of any land forming part of an estate acquired under this Act, the rent payable therefor by the tenant on the date immediately preceding the date of vesting shall be deemed to be an amount equal to the rent payable by the tenant or his predecessor-in-title on the date aforesaid and any reduction or remission made therein after the said date, otherwise than in pursuance of a decree or order of a Court, shall not be taken in account:

Provided that where the rent reduced in pursuance of any decree or order aforesaid is less than the amount computed at appropriate circle rate the rent payable shall be an amount so computed.

23. Transfer by way of sale or gift not to be recognized.

(1) Notwithstanding anything contained in any law, no transfer, by way of sale or gift, of any estate or part thereof-

(a) made on or after the first day of July, 1948, shall be recognized for the purpose of assessing the amount of rehabilitation grant payable to the

intermediary,

(b) [* * *] *[Deleted by U.P. Act No. 20 of 1954.]*

(2) [Nothing in sub-section (1) shall apply to-

(a) any sale made under order of a Court in execution of any decree or order for payment of money; or

(b) any sale or gift made in favour of a waqf, trust, endowment or society established wholly for charitable purposes, unless the State Government in any particular case directs otherwise.

Explanation. - For the purposes of sub-section (2), "society" means a society registered under the Societies Registration Act, 1860 (Act XXI of 1860)] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).].*

24. Contract or agreement to defeat provisions of this Act to be void.

- Any contract or agreement made between an intermediary and any person on or after the first day of July, 1948, which has the effect, directly or indirectly-

(a) of relieving, whether in whole or part, a bhumidhar or sirdar from the liability for the land revenue, to be paid by him for any land comprised in his holding; or

(b) of entitling an intermediary to receive, on account of rehabilitation grant an amount higher than what he would, but for the contract or agreement, be entitled to under this Act-

shall be and is hereby declared null and void.

25. Collector to take over estates.

- Upon the publication of the notification under Section 4, it shall be lawful for the Collector or any officer appointed by him in this behalf-

(a) to take charge of any estate or part of an estate and of all interests vested in the STate under the provisions of this Chapter and to take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of the Collector or the Officer so appointed, be necessary for this purpose;

(b) to enter upon any land, building or other place forming part of any estate acquired under the provisions of this Chapter and make a survey or take measurement thereof or do any other act which he considers necessary for carrying out the purposes of this Act;

(c) to require any person to produce to such authority as may be specified any books, accounts, or other documents relating to any estate or part thereof and to furnish

to such authority such other information as may be specified or demanded; and

(d) if the books, accounts and other documents are not produced as required, to enter upon any land, building or other place and seize and take possession of such books, accounts and other documents.

26. Power to make rules.

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the proceedings prior to the vesting of estates under Section 4;

(b) the disposal of suits and proceedings stayed under this Chapter;

(c) the method of calculating rents, cesses, local rates and sayar mentioned in Clause (c) of Section 6;

(d) the matters, relating to the taking over of estates under Section 25; and

(e) the matters which are to be and may be prescribed.

[Chapter II-A] *[Inserted by U.P. Act No. 20 of 1954.]* Evacuee Property

26A. Definitions.

- In this Chapter and Schedule V, unless there is anything repugnant in the subject or context, the words and expressions "Custodian", "Evacuee" and "Evacuee Property" shall have the meaning assigned to them in the Administration of Evacuee Property Act, 1950.

26B. Application of the Act to evacuee property.

- The provisions of this Act. in their application to evacuee property shall have effect subject to the modifications set out in Schedule 4.

Chapter III
Assessment of Compensation

27. Intermediary entitled to receive compensation for acquisition of his estate.

- Every intermediary whose rights, title or interest in any estate are acquired under the provisions of this Act, shall be entitled to receive and be paid compensation as hereinafter provided.

28. Date from which compensation shall be due.

(1) Compensation for acquisition of estates under this Act, shall be due as from the date of vesting subject to determination of the amount thereof.

(2) There shall be paid by the State Government on the amount so determined interest at the rate of two and a half per centum per annum from the date of vesting to the date of-

(i) in the case of the amount to be paid in cash, determination;

(ii) in the case of the amount to be given in bonds, the redemption of the bonds.

29. Interim compensation.

(1) The State Government may direct payment of interim compensation to such extent and in such manner as may be prescribed:

Provided that if the compensation payable to an intermediary is not determined in accordance with the provisions of this Act, before the expiry of nine months from the date of vesting, the State Government shall, on the application of the intermediary concerned, direct the payment of such interim compensation.

(2) Where the right anil title in any estate or part thereof is claimed by any person, the interim compensation in respect of such estate or part shall be paid to the person in actual possession of the estate and whose name is entered in the khewat as proprietor subject to such orders as are passed by the Compensation Officer with regard to security for the refund of such compensation or part thereof to which the objector may ultimately be entitled.

30. Adjustment of interim compensation.

- The interim compensation paid under Section 29 shall be deemed to be part of the compensation payable under this Act and shall be deducted from and adjusted against it:

[Provided that in the case of waqf, trust or endowment referred to in Clause (a) or sub-clause (i) of Clause (c) of Section 99, the interim compensation shall be deducted from and adjusted against the annuity payable under the said section.] *[Added by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*

31. Proceedings relating to assessment and payment of compensation.

- All proceedings relating to assessment of compensation for any estate acquired under Section 4 and the payment thereof to the intermediary entitled thereto shall be had before the Compensation Officer within whose jurisdiction the estate acquired is situate.

32. Presumption regarding entries in the record of rights.

- Subject to the provisions of Sections 23 and 33, every entry in the record of rights prepared or revised under the provisions of the United Provinces Land Revenue, Act, 1901 (U.P. Act III of 1901), for the previous agricultural year shall, for purposes of assessment and payment of compensation under this Act, be deemed to describe correctly; except as provided in Section 46, the rights, title and interest of every intermediary in the estate or part to which it relates:

Provided that any modifications, alteration or correction made in the record of rights, whether before or after the date of vesting, under the provisions of the United Provinces Land Revenue Act, 1901 (U.P. Act III of 1901) or as a consequence of any decree or order of any Court, shall be taken into account by the Compensation Officer.

33. Correction of clerical error or arithmetical mistake in the record of rights.

- Notwithstanding anything contained in the United Provinces Land Revenue Act, 1901 (U.P. Act III of 1901) or any other law for the time being in force, if the Compensation Officer is satisfied that a clerical or arithmetical mistake or error apparent on the face of the record exists, in the record of rights for the previous agricultural year, he may, cither on his own motion or on the application of any person interested, correct the same.

34. Right to establish claim in the Civil Court.

- Nothing in Sections 32, 33 and 49, shall affect the right of any person to establish his claim in respect of any estate or part thereof by due process of law in the Court having jurisdiction.

35. Pending suit or proceeding regarding entries in the record of rights.

- Where any suit or proceeding is pending on the date of vesting, or is instituted on or after the said date before any civil or revenue Court in which the correctness of any entry in the record of rights mentioned in Section 32 is challenged. or is directly or indirectly in dispute, any party to a suit or proceeding may file a certified copy of the plaint or the objection before the Compensation Officer, but he shall not, on that account alone, be deemed to have become a party to the proceeding before the Compensation Officer.

36. Plaint or objection to form part of the record of compensation proceedings.

- The copy of the plaint or objection filed under Section 35 shall form part of the record of the proceedings pending before the Compensation Officer and he shall cause the fact of the dispute with such particulars as may be prescribed to be entered in the Compensation Assessment Roll prepared under Section 40.

37. Every intermediary to be treated as a separate unit.

- For the purposes of assessment of compensation and rehabilitation grant under this Act, every intermediary shall be treated as a separate unit:

Provided that, in the case of a Joint Hindu Family-

(a) a father with his male lineal descendants in the male line of descent shall, as respects joint family property, be deemed to be one unit where the father was alive on the date of vesting;

(b) all the members thereof shall, except as provided in Clause (a), be treated as separate units.

Explanation. - Notwithstanding any partition made on or after the eighth day of the August, 1946, a family shall be deemed to be joint.

38. Statement of gross assets of a mahal.

- The Compensation Officer shall, before proceeding to prepare the Compensation Assessment Roll of any intermediary as respects any mahal prepare a statement of gross assets-

(a) where a mahal is comprised of area situate in not more than one village, of the mahal and

(b) where the mahal is comprised of area situate in more than one village, separately of the portion in each village.

39. Cross assets of a mahal.

(1) Gross assets as respects a mahal shall be the aggregate gross income of the land or estate comprised in the mahal and such income shall comprise-

(a) rents including cesses and local rates payable by or on behalf of the tenants, under proprietors, sub-proprietors, permanent tenure-holders, permanent lessees in Avadh, grantees at a favourable rate of rent or grove holders-

(i) in cash; and

(ii) where rent is payable in kind or partly in cash or partly in kind, the rent computed in accordance with the provisions of the United Provinces Tenancy Act, 1939 (U.P. Act XVII of 1939), and [where the said Act does not provide for such computation in the manner prescribed] *[Added by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*;

(iii) where rent is payable, but has not been determined, rent determined at ex-proprietary rates in the case of under-proprietors and ex-proprietary tenants and at hereditary rates in all other cases except grove holders.

Explanation. - In this clause the word "tenants' includes persons deemed to be hereditary tenants under Sections [* * *] *[Deleted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* 12, 13, 14 and 16 but does not include any other tenant of sir;

(b) the amount computed at the rates applicable to ex-proprietary tenants of similar land for land in the personal cultivation of or held as intermediary's grove, khudkasht or sir by all the intermediaries in the estate in which hereditary rights do not accrue, and in the case of the sir-

(i) in which hereditary rights accrue at hereditary rates; and

(ii) referred to in Section 17, the rent payable by the tenant therefor,

(c) sayar, including income from hats, bazars, melas vested in the State under Clause (a) of Section 6 and fisheries which shall be an amount equal to one-tenth of the total income therefrom during the ten agricultural years immediately preceding the date of vesting;

Explanation [I] *[Renumbered by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*. - "Total income" from sayar under this sub-clause shall be calculated on the basis for entries in khatauni which shall be deemed to be correct unless proved to the contrary by entries in any public document.

[Explanation II. - For purposes of this section "sayar" as respects an intermediary grove shall not include income from the sale of wood, flowers or fruits] *[Inserted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*;

(d) average annual income during the four agricultural years immediately preceding the date of vesting from rents of building sites vested in the State;

(e) average annual income from forests, which shall be computed-

(i) on the basis of the income for a period of twenty to forty agricultural years immediately preceding the dale of vesting as the Compensation Officer may consider reasonable; and

(ii) on the appraisement of the annual yield of the forest on the date of vesting.

(f) where royalties are payable on account of mines and minerals the average income on account of royalties calculated on the basis of the annual returns filed by the intermediary for the assessment of cess or income-tax during the period of twelve agricultural years preceding the agricultural year in

which the date of vesting falls or any shorter period for which such returns have been filed;

(g) where royalties are not payable and mines are worked directly by an intermediary, the average annual income from such mines calculated on the same basis as specified in Clause (f).

(2) Where the mahal is comprised of area situate in more than one village, the provisions of sub-section (1) shall apply as if the portions situate in each village were a separate mahal.

40. Draft Compensation Assessment Roll.

- With a view to the assessment and payment of compensation under this Act, the Compensation Officer shall, in the manner prescribed, prepare a Draft Compensation Assessment Roll of every intermediary in respect of his interest in one or more mahals as he may deem convenient, showing-

(a) his gross assets and net assets calculated in accordance with the provisions of Sections 42 to 45 as may be applicable;

(b) the arrears of land revenue, cess and other dues referred to in Clause (d) of Section 6 payable by him to the State Government in respect of his share or interests in the mahal aforesaid;

(c) land revenue payable by the intermediary in the previous agricultural year in respect of his share or interests in the mahals aforesaid;

(d) the amounts and loans referred to in Clause (e) of Section 6; and

(e) such other particulars as may be prescribed.

Explanation I. - In the case of estates which are not assessed to land revenue on the dale immediately preceding the date of vesting, the land revenue shall be deemed to be an amount computed on the basis of local rates or where there are no local rates, on such principles as may be prescribed.

Explanation II. - For the purposes of this section an estate shall not merely by reason of the fact that it is assessed to nominal land revenue, be deemed to be not assessed to land revenue.

41. Statement and the Compensation Assessment Roll to be signed by the Compensation Officer.

- The statement prepared under Section 38 and the Draft Compensation Assessment Roll prepared under Section 40 shall be signed by the Compensation Officer and shall be receivable as evidence of the facts stated therein.

42. Gross assets of an intermediary.

- For purposes of Section 40, the gross assets of an intermediary, as respects his interests in a mahal shall be the aggregate of-

(a) the whole of the gross assets entered in the statement under Section 38 in respect of any mahal or part or parts thereof to which he may be entitled exclusively; and

(b) a share (proportionate to his share in the part or parts of the mahal) of the gross assets entered in the statement under Section 38 in respect of the part or parts to which he may be entitled jointly with others.

43. Gross assets of the estate held by a thekedar.

- Where the interest or share of an intermediary in any estate or part thereof was, on the date immediately preceding the date of vesting, held by a thekedar, the gross assets of the thekedar calculated on the principles contained in Section 39, shall notwithstanding, that the same may otherwise not be payable to the intermediary, be deemed to be the gross assets of the intermediary in respect of the estate or part, as the case may be.

Explanation. - In case of land (other than land which was sir or khudkasht of the lessor on the date of the commencement of the theka) under the personal cultivation of the thekedar the gross assets shall be deemed to be an amount determined at hereditary rates as may be applicable.

44. Net assets of an intermediary.

- For purposes of Section 40, the net assets of an intermediary' in respect of a mahal shall be computed by deducting from his gross assets the following, namely-

(a) any sum which was payable by him in the previous agricultural year to the State Government or superior land-holder on account of land revenue or rent and cesses or local rates in respect of his share or interest in the mahal,

(b) an amount on account of agricultural income-tax, if any, paid or to be paid for the previous agricultural year by the intermediary in respect of his share or interest in the mahal calculated in the manner prescribed;

(c) cost of management and irrecoverable arrears of rent equal of fifteen per centum of the gross assets;

(d) where the intermediary holds any land in his personal cultivation or as khudkasht, intermediary's grove or sir (other than sir in which hereditary rights accrue), an amount computed at ex-proprietary rates, less the deductions (i) to (iii) hereinafter mentioned, for such portions only of the land in his personal cultivation or held as khudkasht, grove-land or sir as is mentioned in Section 18;

(i) the agricultural income tax, if any, payable therefor, in the previous agricultural year in respect of the land to be ascertained in the prescribed manner;

(ii) the land revenue, cesses and local rates payable therefor in the previous agricultural year to be ascertained in the prescribed manner; and

(iii) fifteen percentum of such amount on account of matters referred to in Clause (c);

(e) the average of the income-tax paid in respect of the income from royalties mentioned in Clause (f) of Section 39 computed over the period mentioned in the said clause and the cost of collection at such rates as may be prescribed;

(f) ninety-five percentum of the gross income determined under Clause (g) of Section 39, which shall be deemed to be the part of the income reserved to him in respect of the rights contained in Chapter VI.

Explanation. - For the purposes of this section, land revenue which has been assigned, released, compounded or redeemed by reason of any grant or confirmation made by or on behalf of the State or any other competent authority in favour of such intermediary shall not be deemed to be a sum payable as land revenue to the State Government.

45. Calculation of gross assets and net assets of under-proprietors, sub-proprietors, permanent tenure-holders and permanent lessees in Avadh.

- In the case of proprietors to whom Section 78 of the U.P. Land Revenue Act, 1901 (U.P. Act III of 1901), applies or who are assignees of land revenue whose names are recorded in the record of rights maintained under Clauses (a) to (d) of Section 32 of the said Act, under proprietors, sub-proprietors, permanent tenure-holders and permanent lessees in Avadh, the provisions of Sections 39 to 44 shall be applicable subject to such incidental changes and modifications as may be prescribed and thereupon the gross assets and net assets of such intermediaries shall be computed accordingly.

46. Preliminary publication of the Draft Compensation Assessment Roll.

(1) After the Draft Compensation Assessment Roll in respect of any intermediary has been prepared, the Compensation (Officer shall-

(a) publish notice in the Gazette, and in such other manner as may be prescribed to the effect that the statement referred to in Section 38 and the Draft Compensation Assessment Roll mentioned in Section 40 have been prepared and are open to inspection by the persons concerned;

(b) serve or cause to be served on the intermediary concerned a copy of the notice aforesaid along with a copy of the Draft Compensation Assessment Roll.

(2) The notice under sub-section (1) shall call upon all persons interested, including a person who claims that the name of the intermediary is, in respect of any share or interest to which such person is entitled, entered in a representative capacity or in the capacity of the karta of a joint Hindu Family, to appear and file objections upon such statement or roll within a period of two months :

Provided that no objection on the ground that the intermediary is entitled to a greater or lesser share or part of the estate or is not entitled to any share or part thereof shall be entertained except when it is on any of the grounds mentioned in the notice or is in pursuance of any order under Section 32 or 33.

47. Date for hearing objections.

- If any objection is filed within the time allowed therefor, it shall be registered by the Compensation Officer who shall fix a date for hearing the same and shall give intimation thereof to the intermediary concerned and to any person interested who may have appeared in reply to the notice under Section 46.

48. Hearing and deciding of objections.

- In hearing and deciding the objections filed under Section 46 the Compensation Officer shall, in so far as they maybe applicable and not inconsistent with the provisions of this Chapter, have all the powers of a Civil Court and subject to such modifications as may be prescribed, follow the procedure laid down in the Code of Civil Procedure, 1908 (V of 1908), for the hearing and disposal of suits relating to immovable property.

49. Order under Section 48 to be a decree of a Court.

- The order of the Compensation Officer deciding an objection under Section 48 shall be deemed to be a decree of a Civil Court and shall contain concise statement of the case, the points for determination, the decisions thereon and the reasons for such decisions.

50. Appeal to the District Judge.

- Notwithstanding, anything contained in any law, any person aggrieved by the order of the Compensation Officer deciding the objections under Section 48 may appeal to the District Judge :

Provided that where the difference between the net assets entered in the roll and the net assets claimed by the intermediary exceeds rupees two thousand and five hundred, the appeal shall lie to the High Court.

50A. [Power to transfer appeals to Civil Judges. ***[Inserted by U.P. Act No. 20 of 1954.]***

(1) A District Judge may transfer to any Civil Judge under his administrative control any appeal under Section 50 from the order of Compensation Officer pending before him.

(2) Appeals transferred under this section shall be disposed off in accordance with the procedure applicable to disposal of appeals by the District Judge under Section 50.]

51. Appeal to High Court.

- An appeal shall lie to the High Court from the Appellate Decree of a District Judge passed under Section 50 [or of a Civil Judge passed under Section 50-A, as the case may be] *[Inserted by U.P. Act No. 20 of 1954.]*, on any of the grounds specified in Section 100 of the Code of Civil Procedure, 1908 (V of 1908).

52. Final Compensation Assessment Roll.

(1) Where no objection has been filed in regard to the Draft Compensation Assessment Roll in pursuance of the notice under Section 46 or where such objections are filed and have been finally disposed off and the Draft Compensation Assessment Roll amended, altered or modified accordingly, the Compensation Officer shall sign the same and also affix his seal thereto.

(2) The Compensation Assessment Roll when so signed and sealed shall become final.

53. Copy of the Roll to be supplied to the intermediary.

- The Compensation Officer shall deliver free of charge a copy of the Compensation Assessment Roll to the intermediary concerned and shall cause a copy thereof to be affixed on the notice-board of the office of the Assistant Collector incharge of the sub-division.

54. Amount of compensation.

- The amount payable as compensation to an intermediary in respect of his interest in the mahals to which the Compensation Assessment Roll relates shall except where the interest of the intermediary therein is held by a thekedar or where the intermediary is a thekedar, be eight times the net assets mentioned in the Roll.

55. Amount of compensation payable to a thekedar.

- Where the interest of the intermediary is held by a thekedar, an amount, which shall be calculated on the principles contained in Section 54 on the net assets mentioned in all the Compensation Assessment Roll of such intermediary shall be the total compensation

payable both to the intermediary' and the thekedar in respect of their interest in the estate and the Compensation Officer shall apportion the amount between them having regard to-

(a) the premium, if any, paid at the commencement of the theka or the lease;

(b) the term and conditions of the theka;

(c) loss, if any, caused to the thekedar as a result of the determination of the theka;

(d) the gross assets and the net assets of the estate or estates under the theka;

(e) the amount payable annually by the thekedar;

(f) the fact that the total rights of the intermediary are being acquired and that those rights were held by him in perpetuity while the rights of the thekedar are of a limited character; and

(g) such other matters as may be prescribed.

56. Procedure under Section 55.

- In apportioning the compensation between the intermediary and his thekedar. the Compensation Officer shall follow such procedure as may be prescribed.

57. Order under Section 55 to be decree of a Civil Court.

(1) The order of the Compensation Officer apportioning the compensation between the intermediary and his thekedar shall be deemed to be a decree of a Civil Court of competent jurisdiction.

(2) Notwithstanding, anything contained in any other law for the time being in force, an appeal shall lie from the decree mentioned in sub-section (1) to the District Judge.

57A. [Power to transfer appeals to Civil Judges. ***[Inserted by U.P. Act No. 20 of 1954.]***

(1) A District Judge may transfer to any Civil Judge under his administrative control any appeals under Section 57 from the order of the Compensation Officer pending before him.

(2) Appeals transferred under this section shall be disposed of in accordance with the procedure applicable to disposal of appeals by the District Judge under Section 57.]

58. Appeal to the High Court.

- An appeal shall lie to the High Court from the appellate decree of a District Judge passed under Section 57 [or of a Civil Judge passed under Section 57-A, as the case may be] *[Inserted by U.P. Act No. 20 of 1954.]*, on any of the grounds specified in Section 100 of the Code of Civil Procedure, 1908 (V of 1908).

59. Court fee payable on a memorandum of appeal.

- Notwithstanding, anything contained in the Court Fees Act, 1870 (VII of 1870), the Court fee payable on a memorandum of appeal filed under Sections 50, 51, 57 or 58 shall be such as may be prescribed.

60. Amount of compensation to be entered in the Roll.

- The amount determined under Section 54 or 55 as compensation payable to intermediary shall be declared by the Compensation Officer as the compensation payable to him in respect of his interest in the mahals to which the Compensation Assessment Roll relates and the Compensation Officer shall record it in the roll in his own writing.

61. Correction of bona fide mistake.

(1) Except as provided by or under this Act, no correction shall be made in the Compensation Assessment Roll after it has become final.

(2) The Compensation Officer having jurisdiction may, at any time before the payment of compensation, either of his own motion or on an application filed by a person interested, correct any clerical or arithmetical mistakes in the Compensation Assessment Roll or any error arising therein from any accidental slip or omission.

62. Injunction by a Civil Court barred.

- Except a Court or authority before whom an appeal under this Chapter is pending against an order or decree of the Compensation Officer, no Court or authority shall, notwithstanding anything contained in any law, issue any injunction against any person in respect of any proceedings pending before the Compensation Officer under this Chapter which has the effect of staying the proceedings.

63. Definition of "person interested".

- In this Chapter "person interested" includes all persons whether or not recorded in the record of rights claiming to be entitled as intermediaries to the compensation or any part or share therein to be assessed and paid on account of the acquisition of estates under this Act.

64. Power to make rules.

(1) The State Government may make rules for the purpose of the carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the manner in which and the principles on which interest shall be calculated under Section 28;

(b) the manner of deducting and adjusting interim compensation under Section 30;

(c) the manner in which and the principles on which rent rates may be determined in areas in which no such rates have been determined;

(d) the procedure to be followed in making corrections in the record of rights under Section 33;

(e) the procedure to be followed in filing the copy of the plaint or objection under Section 35;

(f) the form and the manner in which the statement under Section 38 shall be prepared;

(g) the form and the manner in which the Compensation Assessment Roll shall be prepared under Section 40;

(h) the form and the manner in which objections shall be filed under Section 46;

(i) the mode and the form of registering the objections under Section 47;

(j) the manner and the procedure to be followed in making correction under Section 61; and

(k) the matters which are to be and may be prescribed.

Chapter IV
Payment of Compensation

65. Compensation entered in the Roll to be paid to the intermediary.

- There shall be paid to every intermediary as compensation in respect of the acquisition of his rights, title and interest in every estate the amount declared in that behalf under Section 60.

66. Intermediary entered in the Roll to receive compensation.

- Subject to the provisions of Section 70, the compensation payable under this Act, shall be paid to the intermediary whose name is entered in the Compensation Assessment Roll

67. Compensation payable to the legal representatives.

- Where the person entitled to the compensation dies before it is paid to him, it shall be paid to his legal representatives.

68. Form of satisfaction of compensation.

- The compensation payable under this Act, shall be given in cash or in bonds or partly in cash and partly in bonds as may be prescribed.

69. Deposit of the compensation money with Bank or other authority in certain cases.

(1) Where the person entitled to receive the compensation is a waqf, trust or endowment or a minor or a person suffering from some legal disability or a limited owner, the compensation may, notwithstanding anything contained in any law but subject to any general directions that the State Government may give, be deposited, for and on behalf of the person, with such authority or Bank as may be prescribed.

(2) Nothing in sub-section (1) shall be deemed to prejudice the rights of a person for whom or on whose behalf the compensation has been deposited to utilize and dispose of the same in accordance with the law governing such rights.

Explanation. - For the purposes of this section a person shall not be deemed to be a limited owner merely by reason of the fact that a declaration has been made under the provisions of the Oudh Settled Estates Act, 1917 (U.P. Act V of 1917) or the United Provinces Estates Act, 1920 (U.P. Act VII of 1920) in respect of the estate for which compensation is payable.

70. Compensation money to be placed at the disposal of the Court or authority.

- Where before any Court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the compensation determined under Chapter III the Court or authority may require the Compensation Officer to place at its disposal the amount so payable and thereupon the same shall be disposed of in accordance with the orders of such Court or authority.

71. Settlement of the amount of compensation due to guzaredars.

(1) If any person claiming as guzaredar to be entitled on account of guzara to any portion of the compensation awarded to an intermediary under this chapter applies to the Compensation Officer for payment of the same to him, the Compensation Officer may, with the consent of the intermediary direct the compensation or the portion, as may be agreed to be paid to the applicant and the

payment of the amount to the applicant shall be full discharge of the State Government.

(2) If the intermediary does not give his consent, the Compensation Officer shall direct the applicant to file, within three months next following a suit or other proceedings in the Court having jurisdiction to establish his claim, and order that the amount shall not in the meantime be paid to the intermediary.

(3) The State Government shall not be made a party to any suit or proceeding instituted or commenced in pursuance of the direction given under sub-section (2).

(4) If the suit or proceeding mentioned in sub-section (2) is instituted or commenced within the period aforesaid the Compensation Officer shall place the amount of compensation at the disposal of the Court before which such suit is instituted or commenced.

(5) If the suit or the proceeding is not instituted or commenced within the period of three months aforesaid, the Compensation Officer shall order the amount to be paid to the intermediary.

Explanation. - For the purpose of this section a guzaredar means a person entitled to receive guzara under a registered deed, decree or order of Court or any enactment.

72. Power to make rules.

(1) The State Government may make rules for the purposes of carrying into effect the provisions of this chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the procedure to be followed in placing the amount of compensation at the disposal of the Court or authority under Section 70; and

(b) the matters which are to be and may be prescribed.

Chapter V
Rehabilitation Grant

73. Payment of rehabilitation grant.

- There shall be paid by the State Government to every intermediary (other than a thekedar), whose estate or estates have been acquired under the provisions of this Act, a rehabilitation grant as hereinafter provided:

Provided that, where, on the date immediately preceding the date of vesting the aggregate land revenue payable by the intermediary in respect of all his estates situate in

the areas to which this Act applies exceeded rupees ten thousand, no such grant shall be paid to him:

[Provided further that waqf, trust or endowment belonging to any of the classes mentioned in Clause (a) or sub-clause (i) of Clause (c) of Section 99, shall be paid rehabilitation grant in accordance with the provisions of said section irrespective of the amount of land revenue payable by such waqf, trust or endowment.] *[Added by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*

74. Date from which the grant shall be payable.

- The rehabilitation grant due under Section 73 shall be payable on or from the date on which the compensation payable to the intermediary in respect of all his estates in the areas to which this Act, applies has been determined :

[Provided that in the case of waqf, trust or endowment referred to in Clause (a) and sub-clause (i) of Clause (c) of Section 99 the rehabilitation grant shall be payable from the date of vesting.] *[Added by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*

75. Legal representatives entitled to receive the grant.

- In the case of death of the intermediary entitled to be paid the rehabilitation grant under Section 73, his legal representative shall be entitled to receive and be paid the said grant.

76. Waqfs, trusts or endowments to be classified.

- For purpose of assessment and payment of rehabilitation grant all waqfs, trusts or endowments shall be classified in three classes, viz. :

(a) waqfs, trusts or endowments which are wholly for religious or charitable purposes;

(b) waqfs, trusts or endowments which are partly for religious or charitable purposes and partly for purposes other than religious or charitable;

(c) waqfs, trusts or endowments which are wholly for purposes other than religious or charitable.

Explanation I. - The profits from any waqf, trust or endowed property or the portion of such profits used or intended to be used for or on the support of the founder or his family or his or their descendants, shall, notwithstanding anything contained in any law to the contrary, be deemed to be profits not used or intended to be used for a religious or charitable purpose.

Explanation II. - A society registered under the Societies Registration Act, 1860 (XXI of 1860), having for its objects a charitable purpose is a trust for such purpose.

77. Waqf, trust or endowment created on or after August 8, 1946, not to be recognized.

- Notwithstanding anything contained in any law for the time being in force, no waqf, trust or endowments, except as hereinafter excepted, created on or after the eighth day of August, 1946, in respect of any estate or part of an estate acquired under the provisions of this Act, shall be recognized as such for assessment and payment of rehabilitation grant under this Act and any estate or part of an estate in respect of which a waqf, trust or endowment has been so made by an intermediary shall be deemed to belong to such intermediary and the rehabilitation grant in respect thereof shall be determined as if no such waqf, trust or endowment had been created :

Provided that the rehabilitation grant awarded in respect of the estate or the part shall, notwithstanding anything hereinbefore contained, be payable to the mutawalli, trustee or other person vested with the management of the waqf, trust or endowment and not to the intermediary.

Exception. - A waqf, trust or endowment wholly for charitable purposes shall be recognized, unless the State Government in any particular case directs otherwise.

78. Intermediary entitled to receive the rehabilitation grant.

- Subject to the decree or order of any Court of competent jurisdiction, the intermediary to whom compensation is payable or has been paid in respect of any estate under Chapters III and IV shall, for purposes of payment of rehabilitation grant, be deemed to be entitled to such estate.

79. Application for rehabilitation grant.

- An intermediary entitled to be paid the grant may [within three years from the date it has become payable under Section 74 or within three years from the date of commencement of the Uttar Pradesh Land Reforms (Amendment) Act, 1958, whichever may be later,] *[Substituted by U.P. Act No. 37 of 1958.]* apply in writing to the Rehabilitation Grants Officer for determination and payment of the grant.

79A. [Application by the Collector in certain cases. ***[Added by U.P. Act No. 37 of 1958.]***

(1) Where an intermediary, whose application under Section 4 of the U.P. Encumbered Estates Act, 1934, is pending with the Collector for liquidation of his debts, does not apply in writing within ninety days of the date on which the rehabilitation grant becomes payable to him, the Collector may, after making such enquiry as he may deem necessary and shall, on the application of a creditor entitled to liquidation of the debts of such intermediary under Section 23-B of the aforesaid Act, apply, in the manner prescribed, to the Rehabilitation Grants

Officer, for the determination and payment of the grant, anything contained in Sections 80 to 83 to the contrary notwithstanding.

(2) The application made by the Collector under sub-section (1) shall be deemed to be an application on behalf of the debtor intermediary and the provisions of this Chapter shall mutatis mutandis apply as if it were an application under Section 79.

(3) Subject to any condition or restriction that may be prescribed, the Collector may, by a written order, require any person to produce such documents, papers or registers or to furnish such information as he may deem necessary for the proper discharge of his duties under sub-section (1).

(4) Every person required to produce any document, paper or register or to furnish any information under sub-section (3) shall be deemed legally bound to do so within the meaning of Sections 175 and 176 of the Indian Penal Code (XLV of I860).]

80. Contents of the application under Section 79.

- The application under Section 79 shall contain the following particulars-

(a) the details of all his estates situate in the area to which this Act, applies;

(b) the net assets of all such estates determined under Chapter III;

(c) the date or dates on which the compensation has been finally determined or paid to the applicant and the amount thereof;

(d) the land revenue assessed or deemed to be assessed in respect of each of the estates aforesaid on the date immediately preceding the date of vesting;

(e) if the applicant is member of a Joint Hindu Family, the names of all his male lineal descendants or ascendants who are alive and the particulars of estates, if any, for which compensation on account of acquisition of estates under this Act, may have been determined or paid to any such descendant or ascendant;

(f) if the applicant is a waqf, trust or endowment-

(i) the class to which the waqf, trust or endowment belongs in terms of Clauses (a) to (c) of Section 76;

(ii) the total income from the whole of its property and estates whether acquired or not under tins Act;

(iii) the income separately from estate or estates acquired under this Act; and

(iv) in the case of waqf, trust or endowment falling in Clause (b) of Section 76-

its income, property and estates set apart, used or intended to be used exclusively for religious or charitable purposes and its income, property and estates set apart, used or

intended to be used exclusively for purposes other than religious or charitable;

(g) the right in which the applicant claims the grant;

(h) such other particulars as may be prescribed.

81. Verification and signing of the application under Section 79.

- The application under Section 79 shall be signed and verified in the manner laid down for verification and signing of plaints in the Code of Civil Procedure, 1908 (V of 1908).

82. Filing of affidavit with the application under Section 79.

(1) The application under Section 79 shall be accompanied by an affidavit either of the applicant himself or where the applicant is a waqf, trust or endowment or is a minor or is a person suffering from any other legal disability, of the mutawalli, trustee, manager or guardian, as the case may be stating that no such application was or has been previously made and that the applicant has not so far been paid any rehabilitation grant under the provisions of this Act.

(2) Every such application shall, also be accompanied by [* * *] *[Deleted by U.P. Act No. 20 of 1954.]* copies of the Compensation Assessment Rolls in respect of the estates for which compensation has been finally determined or paid under this Act.

83. Penalty for false statement in the application.

- If a person makes a statement in the verification mentioned in Section 81 which is false, and which he either knows or believes, to be false, or does not believe to be true, he shall be deemed to have committed an offence punishable under Section 193 of the Indian Penal Code, 1860 (XLV of 1860).

84. Filing of application under Section 79.

- The application under Section 79 shall be made before the Rehabilitation Grants Officer within whose jurisdiction the applicant ordinarily resides and in the case of a waqf, trust or endowment or a corporation its principal office is situate.

Explanation. - Where the applicant does not ordinarily reside within the jurisdiction of any Rehabilitation Grants Officer, the application shall be made before any Rehabilitation Grants Officer within whose jurisdiction the estate or estates are situate.

85. Date of hearing of the application.

(1) Where the application is in proper form and duly presented and the Rehabilitation Grants Officer is, after such preliminary enquiry as may be prescribed, satisfied

that there is ground for entertaining the application, he shall fix a date for hearing thereof and cause notice of the application and of the date fixed for the hearing-

(a) to be served on the applicant and on any person to whom in his opinion special notice of the application should be given; and

(b) to be pasted in some conspicuous part of his office.

(2) In the case of a waqf, trust or endowment, the Rehabilitation Grants Officer shall also publish a general notice in the Gazette and in such other manner as may be prescribed calling upon all persons interested to file objections, if any, within the prescribed time.

(3) Where the Compensation Assessment Roll of any intermediary contains an entry about any disputes made under Section 36, or any person files a certified copy of a plaint or objection relating to a suit or proceeding of the nature referred to in Section 35, the Rehabilitation Grants Officer shall, if the result of such suit or proceeding will affect or is likely to affect the determination of the multiple under Section 98, stay the hearing of the application.

86. Objections on the application under Section 79.

- Any person interested may, on or before the date specified in the notice, file an objection disputing the correctness or nature of an entry in the application or pointing out any omission therefrom if it affects or is likely to affect-

(a) the determination of the property or estates comprised in the waqf, trust or endowment;

(b) the determination of the property or estates set apart, used or intended to be used for religious or charitable purposes; or

(c) the determination of the income or part of the income from such property or estates set apart or used for religious or charitable purposes; and

(d) the determination of the amount of rehabilitation grant payable to the applicant :

Provided that no objections shall be entertained insofar as it disputes the correctness of the amount of gross assets or net assets determined in respect of the estates under Chapter III.

87. Registration of objections and notice to parties.

- Where there are more claimants than one to the grant or where objections have been filed under Section 86, the Rehabilitation Grants Officer shall register in the prescribed manner all such claims or objections and shall serve or cause to be served a notice together with a copy of every such claim or objection on the parties concerned and shall

require them to appear and answer the same on the date of hearing fixed under Section 85.

88. Investigation and disposal of objections.

- On the date so specified or on any other date to which the hearing may be postponed, the Rehabilitation Grants Officer shall proceed to investigate and dispose of the claims or objections.

89. Management charges.

- Notwithstanding anything contained in any document or scheme of administration of the waqf, trust or endowment, the Rehabilitation Grants Officer shall allow only such amount or amounts on account of management and other charges as may be prescribed.

90. Inquiry into the validity of transfer or partition in respect of estate.

- In deciding the application filed under Section 79 and the objection filed under Section 86, the Rehabilitation Grants Officer shall inquire into the validity of any transfer or partition in respect of any estate made in favour of or by or on behalf of the applicant in contravention of the provisions of Sections 23 and 37 and in declaring the amount due to the applicant on account of the rehabilitation grant, he shall not take into account such transfer or partition.

91. Order disposing of the objections.

- The order disposing of the claims or objections passed by the Rehabilitation Grants Officer shall contain such particulars as may be prescribed.

92. Statement of estates.

- After the objections filed under Section 86 have been decided and the enquiry under Section 90 has been completed, the Rehabilitation Grants Officer shall prepare a statement in respect of the applicant showing-

(a) the details of all the estates of the applicant situate in the area in which this Act, applies;

(b) the net assets of all such estates determined under Chapter III;

(c) the aggregate of land revenue assessed or deemed to be assessed in respect of all such estates on the date immediately preceding the date of vesting;

(d) where the applicant is a member of a Joint Hindu Family, the details of all the estates in respect of which compensation is payable or has been paid to the applicant or his male lineal descendant or ascendant in the male line of descent or

ascent, the net assets of all such estates determined under Chapter III and the land revenue assessed or deemed to be assessed in respect of all such estates on the date aforesaid; and

(e) such other particulars as may be prescribed.

93. Statement in respect of a waqf, trust or endowment.

- In the case of a waqf, trust or endowment, the statement under Section 92 shall show the class to which it belongs in terms of the classification under Section 76 and where the waqf, trust or endowment belongs to Class (b) of the said section, the following further particulars, namely-

(a) details of all the property and estates comprised therein;

(b) property and estates-

(i) set apart exclusively for religious or charitable purposes;

(ii) set apart exclusively for purposes other than religious or charitable; and

(iii) not set apart exclusively for any of the purposes aforesaid.

(c) the gross and the net income separately from every such property or estates;

(d) the portion of the net income from the property and estates mentioned in sub-clause (iii) of Clause (b) used or intended to be used-

(i) for religious or charitable purposes; and

(ii) for purposes other than religious or charitable;

(e) the proportion which the portion of the income mentioned in sub-clause (i) of Clause (d) bears to the net income mentioned in sub-clause (ii) of Clause (d)

(f) (i) the net assets of the estates mentioned in sub-clause (i) of Clause (b)

(ii) the net assets of the estates mentioned in sub-clause (i) of Clause (b)

(iii) the net assets of the estates mentioned in sub-clause (iii) of Clause (b) the income whereof is used or intended to be used for religious or charitable purposes;

(iv) the net assets of the estates mentioned in sub-clause (iii) of Clause (b) the income whereof is used or intended to be used for purpose other than religious or charitable;

(g) the aggregate of the net assets of the estates set apart, used or intended to be used-

(i) for religious or charitable purposes;

(ii) for purposes other than religious or charitable, and

(h) the land revenue assessed or deemed to be assessed in respect of estates falling in sub-clauses (i) and (ii) of Clause (g).

94. Principles for classification of the property and apportionment of net income under Section 93.

- In classifying the property and estates for purposes of Clause (b) of Section 93 and in apportioning the net income for purposes of Clause (d) of the said section, the Rehabilitation Grants Officer shall have regard to-

(a) the wishes, if any, of the founder of the waqf, trust or endowment;

(b) the portion of the income from the property and the estates which have generally been used or applied to these purposes; and

(c) the Principles of justice, equity and good conscience.

95. Apportionment of net assets of the estates.

- In apportioning the net assets of the estates mentioned in sub-clause (iii) of Clause (b) of Section 93 for purposes of sub-clauses (iii) and (iv) of Clause (f) of the said section, the Rehabilitation Grants Officer shall distribute the net assets in the proportion mentioned in Clause (e) thereof.

96. Determination of land revenue of estates used for religious or charitable purposes and for other purposes.

- In determining the land revenue assessed or deemed to be assessed in respect of estates the income whereof is used or intended to be used-

(a) for religious or charitable purposes; and

(b) for purposes other than religious or charitable, the land revenue assessed on all the estates mentioned in sub-clause (iii) of Clause (b) of Section 93 shall be distributed in the proportion referred to in Clause (e) of the said section.

97. Determination of the amount of rehabilitation grant.

- After the statement under Section 92 has been prepared, the Rehabilitation Grants Officer shall determine the amount payable as rehabilitation grant to each intermediary.

98. Amount of the grant.

- Subject to such marginal adjustments as may be prescribed, the amount payable as rehabilitation grant to an intermediary shall, except in the case of waqf, trust or

endowment, be such multiple of the net assets mentioned in the statement prepared under Section 92 as may be applicable in accordance with the table given in Schedule I.

99. Amount of rehabilitation grant in the case of a waqf, trust or endowment.

- In the case of waqf, trust or endowment, the amount payable as rehabilitation grant shall be-

(a) where the waqf, trust or endowment belongs to Class (a) mentioned in Section 76, an annuity which shall be equal to the net assets of all the estates comprised in the waqf, trust or endowment, less the amount of interest calculated at two and a half per centum per annum on the amount of compensation payable to such waqf, trust or endowment;

(b) where the waqf, trust or endowment belongs to Class (c) mentioned in Section 76, the amount determined in accordance with the Principles laid down in Section 98;

(c) where the waqf, trust or endowment belongs to Class (b) mentioned in Section 76-

(i) in respect of the estates referred to in sub-clause (i) of Clause (g) of Section 93, an annuity determined in accordance with the principles laid down in Clause (a): and

(ii) in respect of estates referred to in sub-clause (ii) of Clause (g) of Section 93, an amount calculated in accordance with the principles laid down in Section 98.

100. Rehabilitation grant in the case of certain classes of intermediaries.

- In the case of under-proprietors, sub-proprietors, permanent tenure-holders and permanent lessees in Avadh, the provisions of this Chapter shall be applicable, subject to such incidental changes and modifications as may be prescribed.

100A. Special provision for re-determination of annuity to certain Waqfs, trusts and endowments.

(1) Where any person acting or purporting to act on behalf of any waqf, trust or endowment referred to in Clause (a) or Clause (b) of Section 76, has omitted to claim the annuity payable to such waqf, trust or endowment under Section 99 or has made a wrong claim in respect thereof or any mistake has been made by the Rehabilitation Grants Officer in the determination of annuity payable to such waqf, trust or endowment and as a result of any such omission, wrong claim or mistake the amount determined to be payable to it is less than the amount actually due under the said Section 99 or the amount so determined is not in the form of annuity, any person competent to act on behalf of the waqf, trust or endowment, may file an application before the Rehabilitation Grants Officer for re-

determination of the amount of annuity payable in accordance with the provisions of this Act, to the waqf, trust or endowment.

(2) The application referred to in sub-section (1) may be filed [on or before thirtieth June, 1972] *[Substituted by U.P. Act No. 20 of 1972.]* and shall be in such form as may be prescribed, and the provisions of this Act and the rules made thereunder shall be applicable thereto as if the aforesaid application were an application made under Section 79 :

Provided that in re-determining the amount payable to any waqf, trust or endowment, the amount already paid in cash or in bonds or partly in cash and partly in bonds or previously determined to be so payable in respect of the estate to which the application relates shall be deducted or adjusted, as the case may be.

(3) The provisions of this section shall have effect notwithstanding any judgment, decree or order of any Court or anything contained in any other provision of this Act or any rules made thereunder.

100B. Special relief to certain waqfs, trusts or endowments.

(1) Every waqf, trust or endowment-

(a) which is wholly for religious or charitable purposes; and

(b) which had been created before the eighth day of August, 1946; and

(c) which immediately preceding the date of vesting, had the right to realise land revenue in respect of land in any estate which has vested in the State under this Act, as assignee or grantee thereof,

shall, notwithstanding that its name was not recorded in the record-of-rights maintained under Clauses (a) to (d) of Section 32 of the U.P. Land Revenue Act, 1901 (U.P. Act III of 1901), as it stood, immediately prior to the coming into force of this Act and was accordingly not entitled to any compensation and rehabilitation grant under this Act, be paid, with effect from the date of vesting, an annuity which shall be equal to the annual land revenue payable to it as aforesaid immediately preceding the date of vesting, less fifteen per centum thereof on account of the estimated cost of management and bad debts.

(2) A waqf, trust or endowment referred to in sub-section (1) may, [on or before thirteenth June, 1972] *[Substituted by U.P. Act No. 20 of 1972.]*, apply for determination and payment of the annuity referred to in sub-section (1).

(3) The provisions of this Act and the rules made thereunder insofar as they relate to determination and payment of rehabilitation grant shall mutatis mutandis apply to the determination and payment of annuity under sub-section (1).

101. Appeal.

- An appeal shall lie to the District Judge from any order of the Rehabilitation Grants Officer dismissing an application under Section 85 or disposing of an objection under Section 88, or from any order under Sections 90, 98, 99, 100-A or 100-B.

101A. [Power to transfer appeals to Civil Judges. ***[Added by U.P. Act No. 37 of 1958.]***

(1) A District Judge may transfer to any Civil Judge under his administrative control any appeal under Section 101 from the order of the Rehabilitation Grants Officer pending before him.

(2) Appeals transferred under this section shall be disposed of in accordance with the procedure applicable to disposal of appeal by the District Judge under Section 101.]

102. Revision.

- The High Court may, for the purpose of satisfying itself that the order of the District Judge deciding an appeal under Section 101 [or of a Civil Judge passed under Section 101-A, as the case may be] *[Added by U.P. Act No. 37 of 1958.]*, was according to law, call for the record and pass such order with respect to the case, as it thinks fit.

103. "Land Revenue" defined.

- In this chapter the expression "land revenue" includes the rent payable by an under proprietor, a permanent tenure holder or a permanent lessee in Avadh to the superior proprietor or to the proprietor, as the case may be.

104. Procedure for payment of the grant.

- The provisions of Chapter IV shall mutatis mutandis apply to the payment of the rehabilitation grant.

105. Power to make rules.

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing powers such rules may provide for-

(a) the procedure for determining the religious or charitable nature of a waqf, trust or endowment;

(b) the form and the procedure in which application shall be filed under Section 79;

(c) the form of the affidavit under Section 82 and the manner of its filing;

(d) the form of general notice to be published under Section 85;

(e) the form and the procedure in which the objections shall be filed under Sections 85 and 86;

(f) the procedure to be followed in the hearing and disposal of objections under Section 88;

(g) the manner of determining the management charges to be allowed under Section 89;

(h) the procedure of the enquiry under Section 90;

(i) the form and manner in which the statements under Sections 92 and 93 shall be prepared; and

(j) the matters which are to be and may be prescribed.

Chapter VI
Mines and Minerals

106. Working of mines to be governed by this chapter.

- Notwithstanding anything contained in this Act, the right to operate or work mines and to extract minerals therefrom shall, from the date of vesting, be governed by the provisions of this chapter.

107. Mines worked by the intermediary.

(1) With effect from the date of vesting, all mines comprised in the estate or estates acquired under this Act, as were in operation on the date immediately preceding the said date and were being worked directly by the intermediary shall, if so desired by him, be deemed to have been leased by the State Government to the intermediary and such intermediary shall be entitled to retain possession of those mines as a lessee thereof.

(2) The terms and conditions of the said lease by the State Government shall be such as may be agreed upon between the State Government and the intermediary, or, in default of agreement, as may be settled by a Mines Tribunal appointed under Section 110:

Provided that all such terms and conditions shall be in accordance with the provisions of any Central Act for the time being in force regulating the grant of new mining leases.

108. Subsisting leases of mines and minerals.

(1) Where immediately before the date of vesting of the estate or estates, there is a subsisting lease of mines or minerals comprised in the estate or estates or any part thereof the whole or the part of the estate or estates comprised in such lease shall, with effect from the date of vesting, be deemed to have been leased by the State Government to the holder of the said subsisting lease for the remainder of the term of that lease and such holder shall be entitled to retain possession of the lease held property.

(2) The terms and conditions of the said lease by the State Government shall, mutatis mutandis, be the same as the terms and conditions of the subsisting lease referred to in sub-section (1), but with the additional condition that, if, in the opinion of the State Government, the holder of t he lease had not, before the date of the commencement of this Act, done any prospecting or development work the State Government shall be entitled at any time before the expiry of one year from the said date to terminate the lease by giving three months' notice in writing :

Provided that nothing in this sub-section shall be deemed to prevent any modifications being made in the terms and conditions of the said lease in accordance with the provisions of any Central Act for the time being in force regulating the modification of existing mining leases.

(3) The holder of any such lease of mines and minerals as is refereed to in sub-section (1) shall not be entitled to claim any damages from the outgoing intermediary on the ground that the terms of the lease executed by such intermediary in respect of the said mines and minerals have become incapable of fulfilment by the operation of this Act.

109. Buildings and lands appurtenant to mines.

- Where by virtue of Section 107 or 108 any lease of mines and minerals comprised in an estate or estates is deemed to be given by the State Government, all buildings and lands not included in such lease, whether comprised in that or any other estate or estates, which vest in the State by operation of this Act, and are in the use and occupation of the lessee for purposes connected with the working or extraction of the mines and minerals comprised in the lease, including the lands upon which any works, machinery, tramways

or siding appertaining to the mines are situate, shall be deemed to have been leased by the State Government to that lessee with effect from the date of vesting of the estate or estates and the lessee shall be entitled to retain possession of all such buildings and lands subject to the payment of such fair and equitable ground rent as may be agreed upon between the State Government and the lessee or in default of agreement, as may be fixed by a Mines Tribunal appointed under Section 110.

110. Mines Tribunal.

(1) Any Mines Tribunal appointed for the purposes of Sections 107, 109 and 111 shall consist of a Chairman who shall be a District Judge and a member who shall be a mining expert, both of whom shall be appointed by the State Government.

(2) In setting the terms and conditions of a lease by the State Government under Section 107, the Mines Tribunal shall have power to determine the extent of the property deemed to have been leased by the State Government.

(3) The Tribunal shall follow such procedure as may be prescribed.

(4) If there is a difference of opinion between the Chairman and the member in regard to any matter, it shall be referred by the Chairman to a Judge of the High Court nominated by the Chief Justice in this behalf and the decision of such Judge shall be binding on the Tribunal.

111. Compensation for premature termination of lease of mines and minerals.

(1) Where in pursuance of the additional condition mentioned in sub-section (1) of Section 108, any lease of mines or minerals is terminated by the State Government, the lessee shall be entitled to such compensation from State Government for the premature termination of the lease as may be agreed upon between the State Government and the holder of the lease or in default of agreement, as may be determined by a Mines, Tribunal appointed under Section 110.

(2) In determining the compensation payable under sub-section (1), the Tribunal shall, among other things, have regard to the genuineness of the transaction and the period for which the lease has been in force.

112. Power to make rules.

- The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

Part II – Chapter VII

Gaon Sabhas and Land Management Committees

113. **[** ***[Sections 113 to 116 deleted by U.P. Act No. 33 of 1961.]***

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116.

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117. **[Vesting of certain lands, etc. in Gaon Sabhas and other Local Authorities.]** ***[Substituted by U.P. Act No. 12 of 1965.]***

(1) At any time after the publication of the notification referred to in Section 4. the State Government may [by general or special order to be published in the manner prescribed] *[Substituted by U.P. Act No. 30 of 1975.]*, 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 site,-

which had vested in the State under this Act, shall vest in a 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 such order] *[Substituted by U.P. Act No. 30 of 1975.]*.

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, the State Government may, [by general or special order to be published in the manner prescribed] *[Substituted by U.P. Act No. 30 of 1975.]*, 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.

(3) Where any declaration has been made under sub-section (1) or subsection (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.

(4) Where a declaration has been made under sub-section (1) or sub-section) 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 Land Management Committee :

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 general or special order to be published in the manner prescribed] *[Substituted by U.P. Act No. 30 of 1975.]* apply, mutatis mutandis, to such local authority.

(6) The State Government may at any time, [by general or special order to be published in the manner prescribed] *[Substituted by U.P. Act No. 35 of 1976.]*, amend or cancel any [declaration, notification or order] *[Substituted by U.P. Act No. 30 of 1975.]* 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 things, 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 things :

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.

117A. [Further provision for exercise of further extra territorial jurisdiction by Gaon Sabha or other local authority. *[Substituted by U.P. Act No. 12 of 1965.]*

(1) Where-

(a) any village or part of a village situated within the circle of a Gaon Sabha is included alter 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 general or special order to be published in the manner prescribed] direct that in relation to the holding area within any such village or part thereof or in the case of a 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 such order] *[Substituted by U.P. Act No. 30 of 1975.]* 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 subsection (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 or order] *[Substituted by U.P. Act No. 35 of 1976.]* 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.]

118.

[* * *] *[Deleted by U.P. Act No. 37 of 1958.]*

119. Vesting of certain hats, bazars, melas and private ferries etc. in the [Zila Parishad] *[Substituted by U.P. Act No. 35 of 1976.]* or other authority.

- Notwithstanding anything contained in Section 117, the State Government may, at any time. [By general or special order to be published in the manner prescribed] *[Substituted by U.P. Act No. 30 of 1975.]* declare that, as from the date to be specified, hats, bazars, melas, private ferries and water channels, hereinbefore vested in the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]*, shall be transferred to and be vested in the [Zila Parishad] *[Substituted by U.P. Act No. 35 of 1976.]* or any other authority as may be specified, who shall thereupon notwithstanding anything contained in this Act, be charged with the management, superintendence, [preservation] *[Inserted by U.P. Act No. 20 of 1954.]* and control (hereof in accordance with the law as may be applicable, for the time being in force.

120.

[* * *] *[Deleted by U.P. Act No. 37 of 1958.]*

121.

[* * *] *[Deleted by U.P. Act No. 37 of 1958.]*

122.

[* * *] *[Deleted by U.P. Act No. 33 of 1961.]*

122A. Superintendence, management and control of land etc. by the Land Management Committee.

(1) Subject to the provisions of this Act, the Land Management Committee shall be charged, for and on behalf of the Gaon Sabha with the general superintendence, management, preservation and control of all the land, forests within village boundaries, trees (other than trees in a holding, grove or abadi), fisheries, tanks, ponds, water channels, pathways, abadi sites and hats, bazars and melas vested in the Gaon Sabha under Section 117.

(2) Without prejudice to the generality of the foregoing provisions, the functions and duties of the Land Management Committee shall include-

(a) the setting and management of land;

(b) the conduct and prosecution of suits and proceedings by or against the Gaon Sabha;

(c) the development and improvement of agriculture;

(d) the preservation, maintenance and development of forests and trees;

(e) the maintenance and development of abadi sites and village communications;

(f) the management of hats, bazars and melas;

(g) the development of co-operative farming;

(h) the development of animal husbandry which includes pisciculture and poultry farming;

(i) the consolidation of holdings;

(j) the development of cottage industries;

(k) the maintenance and development of fisheries and tanks; and

(l) such other matters as may be prescribed.

(3) Subject to such conditions as may be prescribed, the Chairman or any other office-bearer or member of the Land Management Committee shall, for and on behalf of the Land Management Committee, be entitled to sign any document and to do all other things for the conduct and prosecution of suits and other proceedings.

122B. Powers of the Land Management Committee and the Collector.

- [(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 [thirty days] *[Substituted by U.P. Act No. 20 of 1982 (w.e.f. 03.06.1981).]* 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].

[(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 [May 13, 2007] *[Substituted by U.P. Act No. 24 of 1986.]* 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 [he shall be admitted as bhumidhar with non-transferable rights of that land under Section 195 and it shall not be necessary for him to institute a suit for declaration of his rights as bhumidhar with non-transferable rights in that land.] *[Substituted by U.P. Act No. 11 of 2002 (w.e.f. 21.6.2002).]*]

Explanation. - The expression "agricultural labourer" shall have the meaning assigned to it in Section 198.

(5) [Rules 115-C to 115-H of the U.R 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.] *[Substituted by U.P. Act No. 35 of 1976.]*

122C. Allotment of land for housing site for members of Scheduled Castes, agricultural labourers, etc.

(1) The Assistant Collector in charge of the sub-division on his own motion or on the resolution, of the Land Management Committee, may earmark any of the following classes of land for the provision of abadi sites for the members of the Scheduled Castes and [the Scheduled Tribes and the Other Backward Classes and the persons of General Category living below poverty line] *[Substituted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]* and agricultural labourers and village artisans-

(a) lands referred to in clause (i) of sub-section (1) of Section 117 and vested in the Gaon Sabha under that section;

(b) lands coming into possession of the Land Management Committee under Section 194 or under any other provisions of this Act;

(c) any other land which is deemed to be or becomes vacant under Section 13, Section 14, Section 163, Section 186, or Section 211;

(d) where the land earmarked for the extension of abadi and reserved as abadi site for Harijans under the U.P. Consolidation of Holdings Act, 1953, is considered by him to be insufficient, and land earmarked for other public purposes under that Act is available, then any part of the land so available.

(2) Notwithstanding anything in Sections 122-A, 195, 196, 197 and 198 of this Act, or in Sections 4, 15, 16, 28-B and 34 of the United Provinces Panchayat Raj Act, 1947, the Land Management Committee may with the previous approval of the Assistant Collector in charge of the sub-division allot for purposes of building of houses, to persons referred to in sub-section (3)-

(a) any land earmarked under sub-section (1);

(b) any land earmarked for the extension of abadi sites for Harijans under the provisions of the U.P. Consolidation of Holdings Act, 1953;

(c) any abadi site referred to in clause (iv) of sub-section (1) of Section 117 and vested in the Gaon Sabha;

(d) any land acquired for the said purposes under the Land Acquisition Act, 1894.

(3) The following order of preference shall be observed in making allotments under sub-section (2)-

(i) [an agricultural labourer or a village artisan residing in Gram Sabha and belonging to any of the following categories in the order of preference:- *[Substituted by U.P. Act No. 38 of 2007 (w.e.f. 31.07.2007).]*

(a) persons belonging to the Scheduled Castes and the Scheduled Tribes;

(b) persons belonging to Other Backward Classes;

(c) persons belonging to the general category living below poverty line.];

(ii) any other agricultural labourer or village artisan residing in the village;

(iii) [any other person residing in the Gram Sabha and belonging to any of the following categories in the order of preference:- *[Substituted by U.P. Act No. 38 of 2007 (w.e.f. 31.07.2007).]*

(a) persons belonging to the Scheduled Castes or the Scheduled Tribes;

(b) persons belonging to Other Backward Classes;

(c) persons belonging to the general category living below poverty line.];

(iv) [a person with disability residing in the village.] *[Inserted by ibid.]*

Explanation I. - The expression "agricultural labourer" shall have the same meaning as in Section 198.

[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, silversmith, 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.] *[Substituted by U.P. Act No. 35 of 1976.]*

[Explanation III. - The expression "person with disability" shall mean a person with any disabilities mentioned in Clause (i) of Section 2 of the persons with Disabilities (Equal Opportunities, Protection & Rights and Full Participation) Act, 1995 (Act No. 1 of 1996)] *[Inserted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]*.

Explanation [IV]. *[Renumbered by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]* - Preference shall be given to a person who either holds no house or has insufficient housing accommodation considering the requirements of his family.

[Explanation V. - The expression "persons of General Category living below poverty line" shall have the same meaning as in Section 198] *[Inserted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]*,

(4) If the Assistant Collector-in-charge of the sub-division is satisfied that the Land Management Committee has failed to discharge its duties or to perform its functions under sub-section (2) or it is otherwise necessary or expedient so to do, he may himself allot such land in accordance with the provisions of subsection (3).

(5) Any land allotted under this section shall be held by the allottee on such terms and conditions as may be prescribed.

(6) The Collector may of his own motion and shall on the application of any person aggrieved by an allotment of land under this section inquire in the manner prescribed into such allotment, and if he is satisfied that the allotment is irregular, he may cancel the allotment, and thereupon the right, title and interest of the allottee and of every other person claiming through him in the land allotted shall cease.

(7) Every order passed by the Assistant Collector under sub-section (4) shall, subject to the provisions of sub-section (6) and every order passed by the Collector under sub-section (6) shall be final, and the provisions of [Section 333 and Section 333-A] *[Substituted by U.P. Act No. 24 of 1986.]* shall not apply in relation thereto.

(8) [* * *] *[Omitted by U.P. Act No. 24 of 1986.]*

(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.] *[Inserted by U.P. Act No. 35 of 1976]*

122D. [Restoration of possession to allottees. ***[Added by U.P. Act No. 24 of 1986.]***

(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 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, reoccupies 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.]

123. Certain house sites to be settled with existing owner thereof.

- [(1)] *[Renumbered by U.P. Act No. 34 of 1974.]* Without prejudice to the provisions of Section 9, where any person referred to in sub-section (3) of Section 122-C has built a house on any land referred to in subsection (2) of that section, not being land reserved for any public purpose, and such house exists on [May 13, 2007] *[Substituted by U.P. Act No. 38 of 2007, for 'May 1, 2002' (w.e.f. 25.08.2007).]* the site of such house shall be held by the owner of the house on terms and conditions as may be prescribed.

(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 [June 3, 1995] *[Inserted by U.P. Act No. 34 of 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 [June 3, 1995] *[Substituted by U.P. Act No. 9 of 1997 (w.e.f. 23.05.1997).]* 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.]

123A. [Penalty for causing loss, waste or misapplication of money or property of the Gaon Panchayat. ***[Added by U.P. Act No. 20 of 1954.]***

(1) Every member of the [Land Management Committee] shall be liable for the loss, waste or misapplication of any property vested in the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* under this Act, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the [Land

Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* and a suit for compensation may be instituted against him by a member of the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* residing within the circle with the previous sanction of the prescribed authority or by the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]*.

(2) If the prescribed authority sanctions the institution of a suit under subsection (1), or refuses to grant the sanction, the member aggrieved may, within 30 days of such sanction or refusal, appeal to the State Government or an appellate prescribed authority against the said sanction or refusal.

(3) The State Government may institute a suit mentioned in sub-section (1) on its own initiative.]

123B. [Punishment for occupation of Gaon Sabha land. ***[Substituted by U.P. Act No. 35 of 1976.]***

(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.]

124. [Gaon Sabha Fund. ***[Substituted by U.P. Act No. 33 of 1961.]***

(1) All sums received under this Act by the Gaon Sabha, Gaon Panchayat or the Land Management Committee shall be credited to the Gaon Fund :

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

(2) All moneys which immediately before the commencement of the Uttar Pradesh Kshettra Samitis and Zila Parishad Adhiniyam, 1961, were held in the Gaon Samaj Fund whether actually credited to it or not before commencement, shall stand transferred and be credited to the Gaon Fund.]

125. [Gaon Sabha Fund to be utilized in connection with this Act. ***[Substituted by U.P. Act No. 33 of 1961.]***

- The funds placed by the Gaon Panchayat at the disposal of the Land Management Committee to meet the charges in connection with the discharge of its duties or performance of its functions under this Act shall be utilized in the manner prescribed.]

125A. [Consolidated Gaon Sabha Fund. ***[Substituted by U.P. Act No. 33 of 1961.]***

- [(1) There shall be constituted for each district, a Consolidated Gaon Sabha 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).]

(2) Every Gaon Panchayat in the district shall pay to the Collector annually such contribution not exceeding [twenty-five per centum] *[Substituted by U.P. Act No. 30 of 1975.]* of the total amount credited to the Gaon Fund under sub-section (1) of Section 124 as may be fixed by the Collector in the manner prescribed.

(3) All moneys held or required to be held in the Consolidated Gaon Samaj Fund under this section before its amendment by the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961, shall stand transferred to and be credited to the Consolidated Gaon Fund.

(4) The fund shall be applied to-

(a) the payment of fees and allowances of the panel lawyers appointed under Section 127-B;

(b) the payment of expenses incurred in connection with the conduct and prosecution of suits, applications or other proceedings by or against the Gaon Sabha or the Land Management Committee under this Act;

(c) the payment of expenditure incurred on the development of lands of common utility; and

(d) the payment of any other sum which the State Government may by general or special order declare to be an appropriate charge on the fund.]

126. Land Management Committee to carry out orders and directions of the State Government.

(1) [* * *] *[The words 'Notwithstanding anything contained in the United Provinces Panchayat Raj Act, 1947', deleted by U.P. Act No. 37 of 1958.]*. The State Government may issue such orders and directions to the [Land Management Committee]

[Substituted by U.P. Act No. 37 of 1958.] as may appear to be necessary for purposes of this Act.

(2) It shall be the duty of the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* and [its] *[Substituted for the word 'their' by U.P. Act No. 37 of 1958.]* office-bearers to forthwith carry out such orders and comply with such directions.

127. Alternative arrangement for carrying on the work of the Land Management Committee in certain circumstances.

(1) If at any time the State Government is satisfied that-

(a) [the Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* has failed without reasonable cause or excuse to discharge the duties or to perform the functions imposed or assigned by or under this Act,

(b) circumstances have so arisen that [the Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* is rendered unable or may be rendered unable to discharge the duties or perform the functions imposed or assigned by or under this Act, or

(c) it is otherwise expedient or necessary to do so, it may, by notification in the Gazette, declare that the duties, powers and functions of the [the Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* under this Act shall be discharged, exercised and performed by such person or authority and for such period and subject to such restrictions as may be specified.

(2) The State Government may make such incidental and consequential provisions as may appear to be necessary for this purpose.

127A.

[* * *] *[Deleted Act No. 33 of 1961.]*.

127B. Panel Lawyers.

- [(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 Sabha of the area for which he is appointed for the purpose of receiving processes against such Gaon Sabha 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.] *[Substituted by U.P. Act No. 12 of 1965.]*

127C. [Transitional provisions in relation to Gaon Sabha. ***[Inserted by U.P. Act No. 21 of 1962.]***

(1) All [Gaon Sabha] constituted under this Act before its amendments by the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961, shall cease to exist and any reference in any other law for the time being in force or any notification, rule or order issued under this Act or such law or in any contract or other document to any Gaon Samaj shall, in so far as may be, be deemed to be a reference to the Gaon Sabha established for the area of such Gaon Samaj.

(2) All property, funds and rights whatsoever vesting in or belonging to and all liabilities imposed upon any Gaon Samaj under this Act or under any other enactment or under any contract shall, subject to all conditions and incidents attaching thereto, as from the date of its amendment by the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961, be the property funds, rights and liabilities of the Gaon Sabhas constituted for the area of the [Gaon Sabha] *[Substituted by U.P Act No. 33 of 1961.]*.

(3) In all suits and proceedings in which a Gaon Samaj is a party the Gaon Sabha constituted for the area of the said Gaon Samaj shall be and be deemed to be substituted for the Gaon Samaj as party and shall be entitled to take all such action as it would have been entitled to take if it had been a party to the suit or proceeding from the very beginning.]

128. Power to make rules.

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this chapter.

(2) Without prejudice to the generality of foregoing power, such rules may provide for-

(a) [* * *] *[Deleted by U.P. Act No. 33 of 1961.]*

(aa) [the manner in which and the authority by which compensation to be paid under [sub-section (6) of Section 117] *[Added by U.P. Act No. 20 of 1954.]* shall be assessed and paid;]

(b) the terms and conditions under which hats, bazars, melas, private ferries or water channels may be transferred from the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* to the [Zila Parishad] *[Substituted by U.P. Act No. 35 of 1976.]* or any other authority in accordance with Section 119;

(c) [the procedure for recovery of compensation or possession of the land together with damages:] *[Inserted by U.P. Act No. 35 of 1976 and shall be deemed always to have been inserted.]*

(d) the manner and the procedure for the discharge of its duties, performance of its functions and exercise of its powers by the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]*;

(e) the procedure for allotment of land under Section 112-C;

(ee) the terms and conditions on which land allotted under Section 122-C or land referred to in Section 123 shall be held;

(f) the matters on which and the manner in which directions may be issued by the State Government under Section 126 to the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]*;

(g) the procedure and the proceedings relating to the alternative arrangement for carrying on the functions and duties of the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* under Section 127;

(h) the procedure and the form for the maintenance of books of accounts and other registers and statements for purposes of this chapter;

(i) [[* * *] *[Deleted by U.P. Act No. 33 of 1961.]*;

(j) the conduct of correspondence and execution of documents and contracts by the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* for purposes of this Act;

(k) the conduct and prosecution of suits and proceedings by or against the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]*;

(kk) [the summary procedure for determination of damage to and encroachment upon land and things vested in the [Gaon Sabha] *[Added by U.P. Act No. 20 of 1959.]*, removal of encroachment and assessment and payment of compensation for the damage;]

(l) the guidance generally of a [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* or any Government Officer in any matter connected with the carrying out of the provisions of this chapter; and

(m) the matters which to be and may be prescribed under this chapter.

Chapter VIII
Tenure

Classes of Tenure

129. Classes of Tenure.

- There shall be, for the purposes of this Act, the following classes of tenure-holders, that is to say-

(1) [bhumidhar with transferable rights; *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*

(2) bhumidhar with non-transferable rights;

(3) asami;]

(4) [Government lessee.] *[Inserted by U.P. Act No. 24 of 1986.]*

129A.

- In relation to areas of shifting and unstable cultivation, namely, har-tareta tracts in the Jhansi District and tracts of inferior classes of soil in the Bundelkhand, the word "holding" shall for purposes of this chapter and Chapter X mean the area for the time being under actual cultivation by a tenure-holder according to any custom or usage in that behalf.

[Uttarakhand] *[The word 'Uttaranchal' Substituted by Section 3 of Act No. 52 of 2006 (w.e.f. 01.01.2007).]* Amendment

129B. [***[Added by Uttaranchal Act No. 29 of 2003 (w.e.f. 15.01.2004).]***

There shall be, for the purposes of Section 154(4)(1)(a), 154(4)(2)(e) and 1454(4)(2)(f) and 154(4)(3) of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as the Principal Act) following class of Bhumidhar, i.e., to say-

(1) Bhumidhar of special category.]

130. [Bhumidhar with transferable rights. ***[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]***

- 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 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 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 date the rights of such a bhumidhar under or in accordance with the provisions of this Act.]

131. Bhumidhar with non-transferable rights.

- 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 rights of such bhumidhar under or in accordance with the provisions of this Act;

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

(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.] *[Inserted by U.P. Act No. 24 of 1986.]*

131A. [Bhumidhari rights in Gaon Sabha or State Government land in certain circumstances. ***[Inserted by U.P. Act No. 14 of 1087 (w.e.f. 15.04.1987).]***

- Subject to the provisions of Section 132 and Section 133-A, every person in cultivatory possession of any land, vested in a Gaon Sabha under Section 117 or belonging to the State Government, in the portion of District Mirzapur South of Kaimur Range, other than the land notified under Section 20 of the Indian forest Act, 1927, before the 30th day of June, 1978, shall be deemed to have become a Bhumidhar with non-transferable rights of such land :

Provided that where the land, in cultivatory possession of a person, together with any other land held by him in Uttar Pradesh exceeds the ceiling area determined under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, the rights of a Bhumidhar with non-transferable rights shall accrue in favour of such person in respect of so much area of the first-mentioned land, as together with such other land held by him, does not exceed the ceiling area applicable to him and the said area shall be demarcated in the prescribed manner in accordance with the principles laid down in the aforesaid Act.]

131B. [Bhumidhar with non-transferable rights to become bhumidhar with transferable rights after ten years. ***[Inserted by U.P. Act No. 19 of 1995 (w.e.f. 14.01.1995).]***

(1) Every person who was a bhumidhar with non-transferable rights immediately before the commencement of the Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Act. 1995 and had been such bhumidhar for a period of ten years or more, shall become a bhumidhar with transferable rights on such commencement.

(2) Every person who is a bhumidhar with non-transferable rights on the commencement referred to in sub-section (1) or becomes a bhumidhar with non-transferable rights after such commencement, shall become bhumidhar with transferable rights on the expiry of period of ten years from his becoming a bhumidhar with non-transferable rights.

(3) Notwithstanding anything contained in any other provision of this Act, if a person, after becoming a bhumidhar with transferable rights under sub-section (1) or sub-section (2). Transfers the land by way of sale, he shall become ineligible for a lease of any land vested in Gaon Sabha or the State Government or of surplus land as defined in the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960.]

132. Land in which [bhumidhari] ***[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*** **rights shall not accrue.**

- Notwithstanding anything contained in Section 131, but without prejudice to the provisions of Section 19, [bhumidhari] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* rights shall not accrue in-

(a) pasture lands or lands covered by water and used for the purpose of growing singhara or other produce or land in the bed of a river and used for casual or occasional cultivation;

(b) such tracts of shifting or unstable cultivation as the State Government may specify by notification in the Gazette; and

(c) [lands declared by the Slate Government by notification in the Official Gazette, to be intended or set apart for taungya plantation or grove lands of a [Gaon Sabha] *[Substituted by U.P. Act No. 37 of 1958.]* or a Local Authority or land acquired or held for a public purpose and in particular and without prejudice to the generality of this clause-

(i) lands set apart for military encamping grounds;

(ii) lands included within railway or canal boundaries;

(iii) lands situate within the limits of any cantonment;

(iv) lands included in sullage farms or trenching grounds belonging as such to a local authority;

(v) lands acquired by a town improvement trust in accordance with a scheme sanctioned under Section 42 of the U.P. Town Improvement Act, 1919 (U.P. Act V11 of 1919) or by a municipality for a purpose mentioned in Clause (a) or Clause (c) of Section 8 of the U.P. Municipalities Act, 1916 (U.P. Act VII of 1916); and

(vi) lands set apart for public purposes under the U.P. Consolidation of Holdings Act, 1953 (U.P. Act V of 1954).]

133. Asami.

- Every person belonging to any of the following classes shall be called an asami and shall have all the rights and be subject to all the liabilities conferred or imposed upon asami by or under this Act, namely-

(a) [every person who, as a consequence of the acquisition of estates, becomes an asami under Sections 11, 13 or 21;] *[Substituted by U.P. Act No. 37 of 1958.]*

(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;] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*

(c) every person who, on or after the date of vesting, is admitted by the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* or the person entitled as a lessee of land described in Section 132; and

(d) [every person who in any other manner acquires the rights of an asami under or in accordance with the provisions of this Act or of any other law for the time being in force.] *[Substituted by U.P. Act No. 37 of 1958.]*

133A. [Government lessees. ***[Added by U.P. Act No. 37 of 1958.]***

- Every person to whom land has been let out by the State Government shall be called a Government lessee in respect of such land and shall, notwithstanding anything to the contrary contained in this Act, be entitled to hold the same in accordance with the terms and conditions of the lease relating thereto.]

Acquisition of Bhumidhari rights

134.

[* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*

135.

[* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*

136.

[* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*

137. [Cancellation of declaration. ***[Substituted by U.P. Act No. 35 of 1976.]***

(1) A declaration granted under Section 135 [as it stood immediately before the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977] 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; and

(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.]

137A.

[* * *] *[Omitted by U.P. Act No. 55 of 1976.]*

138.

[* * *] *[Omitted by U.P. Act No. X of 1977 (w.e.f. 28.01.1977).]*

139.

[* * *] *[Omitted by U.P. Act No. 30 of 1975.]*

140. Refund of the amount deposited.

- Any person in whose favour a declaration has been made tinder Section 6 of the United Provinces Agricultural Tenants (Acquisition of Privileges) Act, 1949 (U.P. Act X of 1949):-

(a) and such person has, under Clauses (a) to (d) of sub-section (1) of Section 18 become a bhumidhar of the land in respect of which the declaration has been made; or

(b) the land in respect of which the declaration was made has, after declaration ceased, to be a part of Uttar Pradesh,

shall upon an application made in that behalf to [an Assistant Collector] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* within one year from the date of vesting be entitled to a refund of the amount deposited :

Provided that any sum already paid by the State Government to the landholder in pursuance of Section 8 of the United Provinces Agricultural Tenants (Acquisition of Privileges) Act, 1949, shall be deducted therefrom.

140A. [Payment of compensation to the land-holder. ***[Inserted by U.P. Act No. 20 of 1954.]***

- Where a subtenant has deposited fifteen times the rent payable for the land by the land-holder in accordance with the provisions of sub-section (2) of Section 3-A of the U.P. Agricultural Tenants (Acquisition of Privileges) Act, 1949, (U.P. Act X of 1949) and a declaration has been granted to him under Section 6 of the said Act, the State Government shall, on the application of the person who was his landholder on the dale of application for deposit under sub-section (2) of Section 3-A aforesaid, pay to him the amount equal to one-third of the amount so deposited.]

141.

[* * *] *[Deleted by U.P. Act No. 37 of 1958.]*

Use of land and improvements

142. [Right of a Bhumidhar to the exclusive possession of all land in his holding. ***[Substituted by U.P. Act No. 24 of 1986.]***

(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 fanning and social forestry.]

143. Use of holding for industrial or residential purposes.

- [(1) Where a [bhumidhar with transferable rights] *[Substituted by U.P. Act No. 37 of 1958.]* uses his holding or part thereof for a purpose not connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming, the Assistant Collector-in-charge of the sub-division may, suo motu or on an application, after making such enquiry as may be prescribed, make a declaration to that effect.

(1-A) Where a declaration under sub-section (1) has to be made in respect of a part of the holding the Assistant Collector-in-charge of the sub-divisions may in the manner prescribed demarcate such part for the purposes of such declaration.]

(2) Upon the grant of the declaration mentioned in sub-section (1) the provisions of this chapter (other than this section) shall cease to apply to the [bhumidhar with transferable rights] *[Substituted by U.P. Act No. 24 of 1986.]*4 with respect to such land and he shall thereupon be governed in the matter of devolution of the land by personal law to which he is subject.

(3) [Where a bhumidhar with transferable rights has been granted, before or after the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1978, any loan by the Uttar Pradesh Financial Corporation or by any other Corporation owned or controlled by the State Government, on the security of any land held by such bhumidhar, the provisions of this Chapter (other than this section) shall cease to apply to such bhumidhar with respect to such land and he shall thereupon be governed in the matter of devolution of the land by personal law to which he is subject.] *[Inserted by U.P. Act No. 6 of 1978 (w.e.f. 21.01.1978).]*

[Uttarakhand] *[The word 'Uttaranchal' Substituted by Section 3 of Act No. 52 of 2000 (w.e.f. 01.01.2007).]* Amendment

[In sub-section (2) of Section 143 of the Principal Act, for the words and brackets " (other than this section), the words, figures and brackets, "[other than this section and provisions of the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Act, 2003, effective from 15.1.2004]" shall be substituted.] *[Vide Uttaranchal Act No. 25 of 2005.]*

144. Use of land for agricultural purposes.

(1) Whenever any land held by a bhumidhar which is not used for the purposes connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming, has become land used for such purposes, the [Assistant Collector-in-charge of the sub-division may suo motu or on an application, after making such enquiry as may be prescribed] *[Substituted by U.R Act No. 37 of 1958.]*, make a declaration to that effect and thereupon the bhumidhar shall, as respects the land, be subject to the provisions of this chapter.

(2) Upon the grant of the declaration under sub-section (1) in respect of any land any person other than the bhumidhar in possession of the plot shall-

(a) if he holds it under any contract or lease which is inconsistent with any of the provisions of this chapter, be deemed to be an occupant liable to ejectment under Section 209; and

(b) if he holds it under any contract or lease which is not inconsistent with any of the provisions of this chapter, be entitled to the rights in the land determined in accordance with the provisions thereof.

(3) Any contract or lease referred to in sub-clause (a) of sub-section (2) which is inconsistent with the provisions of the chapter shall, to the extent of the inconsistency, become void with effect from the date of declaration :

Provided that any mortgage with possession existing on any such land shall, to the extent of the amount due and secured on such land, be deemed to have been substituted by a simple mortgage carrying such rate of interest as may be prescribed.

145. Registration of the declaration granted under Sections 143 and 144.

- A copy of every declaration made under Sections 143 and 144 shall be forwarded by the [Assistant Collector-in-charge of the sub-division] *[Substituted by U.P. Act No. 30 of 1975.]* to the Sub-Registrar concerned who shall, notwithstanding anything contained in the Indian Registration Act, 1908 (U.P. Act XVI of 1908), register the same free of cost in the manner prescribed.

146. Right of [an asami] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01 1977).]* for exclusive possession of land in his holding.

- [An asami] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* shall, subject to the provisions of this Act, have the right to exclusive possession of all land comprised in his holding and to use such land for any purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming : [* * *] *[The words 'and to make any improvement' deleted by U.P Act No. 16 of 1953 (w.e.f. 01.07.1952).]*

Provided that any land which is declared by the State Government by notification in the Gazette to be intended or set apart for taungya plantation, shall not be used by the asami thereof except for purposes of growing agricultural crops.

147. **[** ***[Sections 147 to 151 deleted by U.P Act No. 16 of 1953 (w.e.f. 01.07.1952).]***

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Transfers

152. **[Bhumidhari interest when transferable.** ***[Substituted by U.P. Act No. 6 of. 1978 and shall be deemed always to have been substituted.]***

(1) The interest of a bhumidhar with transferable rights shall subject to the conditions hereinafter contained, be transferable.

(2) Except otherwise expressly permitted by this Act or any other law for the time being in force, the interest of a bhumidhar with non-transferable rights shall not be transferable.

(3) A bhumidhar referred to in sub-section (2) 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 and purpose connected with instructions in agriculture, horticulture and animal husbandry.]

[Uttarakhand] *[The word 'Uttaranchal' Substituted by Section 3 of Act No.52 of 2006 (w.e.f. 01.01.2007).]* Amendment

152A. [***[Added by Uttaranchal Act No. 29 of 2003 (w.e.f. 15.01.2004).]***

(1) A bhumidhar with transferable rights may execute power of attorney for transfer of land in favour of persons who are covered under Sections 171, 172, 174 or 175 and in case no such person is existing, such Power of Attorney may be executed in favour of any other person with the prior permission of the Collector of the district or of the Indian consulate in ease of persons living abroad.

(2) A registered Power of Attorney to sell the land executed on or before 12.9.2003 shall be valid if the sale deed on the basis of such Power of Attorney is executed on or before 31.3.2004, irrespective of any time limit provided in such Power of Attorney, unless extended by the Collector of the district for reasons to be recorded in writing.]

153. [Interest of an asami not transferable. ***[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]***

- Except as expressly permitted by this Act, the interest of an asami shall not be transferable.]

154. [Restriction on transfer by a bhumidhar.] ***[Substituted by U.P. Act No. 35 of 1976.]***

(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 garden 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.

[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.] *[Inserted by U.P. Act No. 20 of 1997.]*

(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.

(3) [For every transfer of land in excess of the limit prescribed under subsection (1) prior approval of the State Government shall be necessary :

Provided that where the prior approval of the State Government is not obtained under this sub-section, the State Government may on an application give its approval afterward in such manner and on payment in such manner of an amount, as fine, equal to twenty five per cent of the cost of the land as may be prescribed. The cost of the land shall be such as determined by the Collector for stamp duty.] *[Inserted by U.P. Act No. 13 of 2005 (w.e.f. 29.03.2005).]*

[Provided further that where the State Government is satisfied that any transfer has been made in public interest, it may exempt any such transferee from the payment of fine under this sub-section] *[Inserted by U.P. Act No. 36 of 2006.]*

[Uttarakhand] *[The word 'Uttaranchal' Substituted by Section 3 of Act No. 52 of 2006 (w.e.f. 01.01.2007).]* Amendment

(3) [A bhumidhar with transferable rights may sell his land to any of the categories of tenure holders in the State of Uttaranchal as mentioned in Section 129 or such owner of any immovable property in Uttaranchal who has acquired it on or before 12.9.2003 or to any member of the 'family', which means husband, his wife and their children, including step or adopted children, and includes parents, grandparents, brothers and unmarried, widowed, separated and divorced sisters of such tenure holder of the owner, as the case may be.] *[Added by Uttaranchal Act No. 29 of 2003 (w.e.f. 15.01.2004).]*

(4) [(1)(a) Subject to other restrictions and save as otherwise provided in this Act, "any person for his own or on behalf of his family (which means husband, his wife, minor children, unmarried sons, unmarried daughters and dependent parents) even though he is not a tenure holder under Section 129 or the owner of any immovable property in Uttarakhand, may purchase land not exceeding 250 sq. mts. for residential purpose in his lifetime without the permission;] *[Substituted by Uttarakhand Act No. 3 of 2007.]*

(b) A registered agreement to sell the land executed on or before 12.9.2003 shall be valid if the sale deed on the basis of such agreement is executed on or before 31.3.2004, irrespective of any time limit provided in the agreement, unless extended by the Collector of the district for reasons to be recorded in writing.

(2) Nothing in sub-section 154(3) shall be deemed to prohibit the transfer of land by any person in favour of-

(a) the State Government or Central Government or a Government company, as defined in Section 617 of the Companies Act. 1956 or a Statutory Body or Corporation or Board established by or under a Statute and owned and controlled by the State or Central Government;

(b) a person who has become a non-tenure on account of-

(i) acquisition of his land for any public purpose under the Land Acquisition Act, 1894; or

(ii) vestment of his land in the tenants under this Act;

(c) a non-tenure holder who purchases or intends to purchase land for the construction of a house or shop or purchases a built-up house or shop from the State Housing Board or from a Development Authority or from any other Statutory Corporation set up under any State or Central enactment;

(d) [***] *[Omitted by Uttarakhand Act No. 3 of 2007.]*

(e) a person or company according to Industrial Policy of Uttaranchal in (i) Integrated Industrial Development Centre, (ii) Industrial Area, (iii) Industrial Estates;

(f) a person, society or trust for religious purposes;

(g) a landless labourer of the Uttaranchal; or

(h) a landless person belonging to a Scheduled Caste or Scheduled Tribe of the Uttaranchal; or

(i) a village artisan of the Uttaranchal; or

(j) a landless person carrying on an allied pursuit of the Uttaranchal.

(3) (a) Subject to restrictions contained in Section 154, a person, society or corporate body may purchase land for the following purposes, other than those for Agriculture and Horticulture purposes, with the prior sanction of the Government in the State of Uttaranchal as may be prescribed-

(i) Medical or health purposes, if it conforms to the Health and Population Policy of Uttaranchal;

(ii) Hotel, Lodge, Guest House, Restaurant, Bar, Spa, way side amenities or resort, if it conforms to the Tourism Policy of the State;

(iii) Educational purposes, on the recommendations of the Department of Education;

(iv) Cultural purposes; and

(v) For industrial purposes in areas other than those mentioned in Section 154(4)(2)(e) or for other purposes.

(b) A person, society or company may purchase land with prior sanction of the Collector of the district for Agricultural or Horticultural purposes, as may be prescribed, on furnishing an affidavit to the effect that such land will be used for Agricultural or Horticultural purposes and for uses incidental to and connected with Agriculture or Horticulture only. If the land use of such land as mentioned in the Affidavit is changed, the said transfer shall be void and consequences of Section 167 shall follow :

Provided that a person who is a non-tenure holder but purchases land either under Section 154(4)(1)(a), 154(4)(2)(c) and 154(4)(2)(f) or under the sanction granted under Section 154(4)(3) shall, irrespective of such purchase of land, continue to be a bhumidhar of special category as provided under Section 129-B and such bhumidhar shall be eligible to purchase land in future only with the permission, of the State Government or Collector of the district as the case may be :

Provided further that such bhumidhar may mortgage or hypothecate such land for obtaining loan from banks and financial institutions or deriving any other benefit accruing from his bhumidhari rights under Section 129 :

Provided further that a non-tenure holder who has purchased land under Section 154(4)(2)(e), 154(4)(2)(f) and who has purchased land under Section 154(4)(3) under the sanction of Government or Collector, as the case may be, shall put land to such use for which the sanction has been granted within a period of two years or further such period as may be allowed by the State Government for reasons to be recorded in writing, to be counted from the date of registration of sale deed and if he fails to do so or diverts the use of the land for which it was sanctioned or transfers the land by way of sale, gift or otherwise except for the purpose for which it was purchased, such transfer shall be void for the purpose of this Act, and consequences of Section 167 shall follow-

(5) Where,-

(a) the Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908 before whom any document pertaining to transfer of land is presented for registration comes to know or has reason to believe that the transfer of land is in contravention of Section 154(3) or 154(4)(3); or

(b) a Revenue Officer either on an application submitted to him or on receipt of any information from any source comes to know or has reason to believe that the land has been transferred in contravention of the provisions of Section 152-A, 154(3), 154(4)(2)(e), 154(4)(2)(f) or 154(4)(3), such Sub-Registrar, Registrar or Revenue Officer, as the case may be, shall make a

reference to the Collector of the district, who shall determine whether the transfer is in contravention of the provision of this Act in the manner prescribed and the consequences of Section 167 shall follow in respect of every transfer which is void;

(c) (i) The State Government may, either on the report of a Revenue Officer or on an application by any person or of its own motion, call for the records of any proceedings or case for the purpose of satisfying itself as to the legality or propriety of such proceedings or order made therein and may pass such order in relation thereto as it may think fit; and

(ii) No order shall be passed under this sub-section which adversely affects any person unless such person has been given a reasonable opportunity of being heard.

154A. Foreign national not to acquire land.

- [(1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, no foreign national shall acquire any land by sale or gift without prior permission in writing from the State Government.] [[Substituted by U.P. Act No. 31 of 1985 and shall be deemed always to have been substituted:

Validation. - Notwithstanding anything to the contrary contained in the Principal Act, any transfer made before the commencement of this Act, which is not in contravention of the provisions of subsection (1) of Section 154-A of the Principal Act, as substituted by this Act, shall not be deemed to be void merely because it was in contravention of that sub-section as it stood before such commencement and tire subject-matter of such transfer, if such transfer is otherwise valid, shall not be deemed ever to have vested in the State Government.]]

(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.]

155. Mortgage of land by a bhumidhar.

- No bhumidhar shall have the right to mortgage any land belonging to him as such where possession of the mortgaged land is transferred or is agreed to be transferred in future to the mortgagee as security for the money advanced or to be advanced.

156. Letting of land.

- [(1) No bhumidhar [* * *] *[Substituted by U.P Act No. 20 of 1954.]* or asami shall let for any period whatsoever any land comprised in his holding except-

(a) in the cases provided for in Section 157; or

(b) to a recognized educational institution for a purpose connected with instruction in agriculture, horticulture or animal husbandry.]

(2) In this Chapter the word "Lease" and its cognate expression have the meaning assigned to them in the Transfer of Property Act, 1882 (IV of 1882).

[* * *] *[Explanation omitted by U.P. Act No. 35 of 1976.]*

157. Leased by a disabled person.

(1) A bhumidhar or an asami holding the land in lieu of maintenance under [Section 11] *[Substituted by U.P Act No. 16 of 1953.]* who is-

(a) [an unmarried woman or if married, divorced or separated from her husband or whose husband suffers from any of the disqualifications mentioned in Clause (c) or (d) or a widow; *[Substituted by U.P Act No. 20 of 1954.]*

(b) a minor whose father suffers from any of the disqualifications mentioned in Clause (c) or (d) or has died; and]

(c) a lunatic or an idiot;

(d) a person incapable of cultivating by reason of blindness or other physical infirmity;

(e) [prosecuting studies in a [recognised educational institution] *[Substituted by U.P. Act No. 20 of 1954.]* and does not exceed 25 years in age and whose father suffers from any of the disqualifications mentioned in Clause (c) or (d) or has died];

(f) in the Military, Naval or Air Service of the Indian Dominion; or

(g) under detention or imprisonment;

may let the whole or any part of his holding :

Provided that in the case of a holding held jointly by more persons than one, but one or more of them but not all are subject to the disabilities mentioned in Clauses (a) to (g), the person or persons may let out his or their share in the holding.

[(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.] *[Substituted by U.P. Act No. 30 of 1975.]*

(2) Where any share of a holding has been let out under the proviso to subsection (1), the Court may on the application of the asami or any tenure holder determine the share of the lessor in the holding and partition the same.

Explanation. - [* * *] *[Omitted by U.P. Act No. 30 of 1975.]*

157A. [Restrictions on transfer of land by members of Scheduled Castes. ***[Substituted by U.P. Act No. 20 of 1982 (w.e.f. 03.06.1981).]***

(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:

Provided that no such approval shall be given by the Collector in case where the land held in Uttar Pradesh by the transfer 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.]

157AA. [Restrictions on transfer by member of Scheduled Castes becoming Bhumidhar under Section 131-B. ***[Inserted by U.P. Act No. 9 of 1997 (w.e.f. 23.05.1997).]***

(1) Notwithstanding anything contained in Section 157-A and without prejudice to the restrictions contained in Sections 153 to 157, no person belonging to Scheduled Caste having become a Bhumidhar with transferable rights under Section 131-B shall have the right to transfer the land by way of sale, gift, mortgage or lease to a person other than a person belonging to a Scheduled Caste and such transfer, if any, shall be in the following order of preference-

(a) land less agricultural labourer;

(b) marginal farmer;

(c) small farmer; and

(d) a person other than a person referred to in Clauses (a), (b) and (c).

(2) A transfer in favour of a person referred to in Clause (a) of sub-section (1) shall be made in order of preference given below. If a person referred to in Clause (a) is not available then transfer may be made to a person referred to in Clause (b) of the

said sub-section and if a person referred to in Clause (b) is also not available then to a person referred to in Clause (c) of the said sub-section if a person referred to in Clause (c) is also not available then to a person referred to in Clause (d) of the said sub-section in the same order of preference :-

(a) first, to the resident of the village where the land is situate;

(b) secondly, if no person referred to in Clause (a) is available, to the resident of any other village within the Panchayat area comprising the village where the land is situate;

(c) thirdly, if no person referred to in Clauses (a) and (b) is available, to the resident of a village adjoining the Panchayat area comprising the village where the land is situate.

(3) If no person referred to in sub-section (1) belonging to a Scheduled Caste is available, the land may be transferred to a person belonging to a Scheduled Tribe in the order of preference given in sub-sections (1) and (2).

(4) No transfer under this sections shall lie made except with the previous approval of the Assistant Collector concerned.

(5) [A transferee of land under sub-section (1) shall have no right to transfer the land by way of sale, gift, mortgage or lease before the expiry of a period of ten years from the date of transfer in his favour.]

Explanation. - For the purpose of this section,

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

(2) 'landless' means the transferee who or whose wife or husband, as the case may be, or minor children, and where the transferee is a minor, also his or her parents, hold no land as bhumidhar or asami and also hold no land as such within two years immediately preceding the date of transfer;

(3) 'panchayat area' shall have the meaning assigned to it in the United Provinces Panchayat Raj Act, 1947:

(4) 'marginal farmer' means a person residing in a village, who holds agricultural land not exceeding one hectare of unirrigated land and whose principal means of livelihood is income from agricultural land or by manual labour on such land and includes a person cultivating land as an asami or as a share-cropper;

(5) 'small farmer' means a person residing in a village, who holds unirrigated land exceeding one hectare but not exceeding two hectares and whose principal source of livelihood is income from agricultural land or by manual labour on such land and includes a person cultivating land as an asami or as a share-cropper.

Note. - For the purposes of Clauses (4) and (5) of this explanation :-

(a) One hectare of irrigated land shall be equated to two hectares of unirrigated land;

(b) 'irrigated land1 and 'unirrigated land' shall have the meanings respectively assigned to them in the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960.]

157B. [Restrictions on transfer of land by members of Scheduled Tribes. ***[Inserted by U.P. Act No. 20 of 1982 (w.e.f. 03.06.1981).]***

(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.]

157BB. [Restrictions on transfer by members of Scheduled Tribe becoming a Bhumidhar under Section 131-B. ***[Inserted by U.P. Act No. 9 of 1997 (w.e.f. 23.05.1997).]***

(1) Notwithstanding anything contained in Section 157-B and without prejudice to the restrictions contained in Sections 153 to 157, no person belonging to a Scheduled Tribe having become a Bhumidhar with transferable rights under Section 131-B, shall have the right to transfer the land by way of sale, gift, mortgage or lease to a person other than a person belonging to a Scheduled Tribe and such transfer, if any, shall be in the following order of preference :-

(a) landless agricultural labourer;

(b) marginal farmer;

(c) small farmer; and

(d) a person other than a person referred to in Clauses (a), (b)and (c).

(2) A transfer in favour of a person belonging to Clause (a) of sub-section (1) shall be made in order of preference given below. If a person referred to in Clause (a) is not available then transfer may be made to a person referred to in Clause (b) of the said sub-section and if a person referred to in Clause (b) is also not available then to a person referred to in Clause (c) of the said sub-section and if a person referred to in Clause (c) is also not available then to a person referred to in Clause (d) of the said sub-section in the same order of preference :-

(a) first, to the resident of the village where the land is situate;

(b) secondly, if no person referred to in Clause (a) is available, to the resident of any other village within the Panchayat area comprising the village where

the land is situate; and

(c) thirdly, if no person referred to in Clauses (a) and (b) is available, to the resident of a village adjoining the Panchayat area comprising the village where the land is situate.

(3) If no person referred to in sub-section (1) belonging to a Scheduled Tribe is available, the land may be transferred to a person belonging to a Scheduled Caste in the order of preference given in sub-sections (1) and (2).

(4) No transfer under this section shall be made except with the previous approval of the Assistant Collector concerned.

(5) [A transferee of land under sub-section (1) shall have no right to transfer the land by way of sale, gift, mortgage or lease before the expiry of a period of ten years from the date of transfer in his favour.]

Explanation. - For the purposes of this section the expressions 'agricultural labourer', 'landless', 'Panchayat area', 'marginal farmer' and 'small farmer' shall have the meanings respectively assigned to them in Section 157-AA.]

157C. [Mortgage of holdings by members of Scheduled Caste or Scheduled Tribe in certain circumstances. ***[Inserted by U.P. Act No. 20 of 1982 (w.e.f. 03.06.1981).]***

- 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.

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.]

158. Registration of a lease.

- Notwithstanding anything contained in the Transfer of Property Act, 1882 (Act IV of 1882) or the Indian Registration Act, 1908 (Act XVI of 1908), a lease for a term exceeding one year or from year to year may be made either by a registered instrument or in the prescribed manner.

159. Failure to register the lease under Section 158.

- A lease which fails merely to comply with the provisions of Section 158 shall not, for purposes of [Sections 166 and 167] *[Substituted by U.P. Act No. 30 of 1975.]* be deemed to be a transfer made in contravention of the provisions of this Act.

160. Successor-in-interest bound by a lease.

- When a holding has been let in accordance with the provisions of [Sections 156 and 157] *[Substituted by U.P. Act No. 30 of 1975.]*, the successor-in-interest of the bhumidhar] [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f 28 01.1977).]* shall be bound by the terms of the lease insofar as they are not inconsistent with the provisions of this Act.

161. Exchange.

- [(1) A bhumidhar [* * *] *[Substituted by U.P. Act No. 37 of 1958.]* may exchange with-

(a) any other bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f 28.01.1977).]* land held by him; or

(b) any [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* or local authority, lands for the time being vested in it under Section 117 [* * *] *[The words and figure 'or 117-A' deleted by U.P. Act No. 12 of 1965.]* :

Provided that no exchange shall be made except with the permission of an Assistant Collector who shall refuse permission if the difference between the rental value of land given in exchange and of land received in exchange calculated at hereditary rates is more than 10 per cent of the lower rental value.

(1-A) Where the Assistant Collector permits exchange he shall also order the relevant annual registers to be corrected accordingly.

(2) On exchange made in accordance with sub-section (1) they shall have the same rights in the land so received in exchange as they had in the land given exchange.]

Uttarakhand Amendment

[After proviso of sub-section (1) of Section 161 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (as applicable to the State of Uttarakhand), a new proviso shall be added as follows, namely-

"Provided further that in such revenue villages where the notification is issued under Section 4 of the Uttar Pradesh Consolidation of Holding Act, 1953, the provisions of first proviso shall not be applicable till three years from the commencement of such notification of Section 53-A of the said Act.] *[Added by Uttarakhand Act No, 10 of 2012.]*

162. Land revenue not affected by exchange.

- Nothing in Section 161 shall affect the amount of the land revenue assessed on or payable for land so exchanged.

163.

[* * *] *[Omitted by U.P. Act No. 20 of 1982 (w.e.f. 03.06.1981).]*

164. Transfer with possession by a bhumidhar to be deemed a sale.

- Any transfer of any holding or part thereof made by a bhumidhar by which possession is transferred to the transferee for the purpose of securing any payment of money advanced or to be advanced by way of loan and existing or future debt or the performance of an engagement which may give rise to a pecuniary liability, shall, notwithstanding anything contained in the document of transfer or any law for the time being in force, be deemed at all times and for all purposes to be a sale to the transferee and to every such sale the provisions of Sections 154 and 163 shall apply.

165. Effects of lease in contravention of Section 157.

- [Where a bhumidhar has let out his holding or any part thereof in contravention of the provisions of Section 156 or Section 157] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* the lessee will, notwithstanding anything contained in any law or contract or document of lease, become and be deemed to be-

(a) [where the total area of the land held by him together with the land held by his family including the land, if any, let out to him or any member of his family, does not exceed twelve and a half acres, [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 37 of 1958.]* thereof; and]

(b) where the total area as aforesaid exceeds [twelve and a half acres] *[Substituted for the word 'thirty' by U.P. Act No. 37 of 1958.]*, a purchaser thereof and the provisions of Sections 154 and 163 shall mutatis mutandis apply.

[Explanation. - For the purpose of this section, the term "family" shall have the meaning assigned to it in Section 154.] *[Added by U.P. Act No. 37 of 1958.]*

166. [***[Substituted by U.P. Act No. 20 of 1982 (w.e.f. 03.06.1981).]***

Every transfer made in contravention of the provisions of this Act, shall be void.]

167. [***[Substituted by U.P. Act No. 20 of 1982 (w.e.f. 03.06.1981).]***

(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; and

(c) the transferee may remove other moveable 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.]

168.

[* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*

Prevention of Fragmentation

168A. Transfer of fragments.

- [* * *] *[Omitted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]*

Devolution

169. Bequest by a bhumidhar.

(1) A [bhumidhar with transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* may by will bequeath his holding or any part thereof except as provided in [sub-section (2-A).] *[Substituted U.P. Act No. 30 of 1975.]*

(2) [* * *] *[Omitted by U.P. Act No. 30 of 1975.]*

[(2-A) In relation to a [bhumidhar with transferable rights] *[Inserted by U.P. Act No. 4 of 1969.]* belonging to a Scheduled Caste or Scheduled Tribe, the provisions of [Sections 157-A and 157-B] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* shall apply to the making of bequests as they apply to transfer during lifetime.]

(3) Every will made under provisions of sub-section (1) shall, notwithstanding anything contained in any law, custom or usage, [be in writing, attested by two persons and registered.] *[Substituted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]*

[Uttarakhand] *[The word 'Uttaranchal' Substituted by Section 3 of Act No. 52 of 2006 (w.e.f. 01.01.2007).]* Amendment

[In Section 169 of the Principal Act, in sub-section (3), for the words "be in writing and attested by two persons' the words "be in writing, attested by two persons and registered" shall be substituted.] *[Vide Uttaranchal Act No. 25 of 2005.]*

170. Bequest by a sirdar or asami.

- No [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or asami shall have the right to bequeath by Will his holding or part thereof.

171. [General order of succession. ***[Substituted by U.P. Act No. 29 of 1998.]***

(1) Subject to the provisions of Section 169, when a bhumidhar or asami, being a male dies, his interest in his holding shall devolve upon his heirs being the relatives specified in sub-section (2) in accordance with the following principles, namely :-

(i) the heirs specified in any one clause of sub-section (2) shall take simultaneously in equal shares;

(ii) the "heirs specified in any preceding clause of sub-section (2) shall take to the exclusion of all heirs specified in succeeding clauses, that is to say, those in clause (a) shall be preferred to those in clause (b), those in clause (b) shall be preferred to those in clause (c), and so on, in succession;

(iii) if there are more widows than one, of the bhumidhar or asami, or of any predeceased male lineal descendant, who would have been an heir, if alive, all such widows together shall take one share.

(iv) the widow or widowed mother or the father's widowed mother or the widow of any predeceased male lineal descendant who would have been an heir, if alive, shall inherit only if she has not remarried.]

(2) [the following relatives of the male bhumidhar or asami are heirs subject to the provisions of sub-section (1), namely :-

(a) [widow, unmarried daughter] and the male lineal descendant per stirps:

Provided that the widow and the son of a predeceased son how low-so-ever per stirps shall inherit the share which would have devolved upon the predeceased son had he been alive;

(b) mother and father;

(c) [***] *[Omitted by U.P. Act No. 28 of 2008.]*;

(d) married daughter;

(e) brother and unmarried sister being respectively the son and the daughter of the same father as the deceased; and son of a predeceased brother, the predeceased brother having been the son of the same father as the deceased;

(f) son's daughter;

(g) father's mother and father's father;

(h) daughter's son;

(i) married sister;

(j) half sister, being the daughter of the same father as the deceased;

(k) sister's son;

(l) half sister's son, the sister having been the daughter of the same father as the deceased;

(m) brother's son's son;

(n) mother's mother's son;

(o) father's father's son's son.]

[Uttarakhand] *[The word 'Uttaranchal' Substituted by Section 3 of Act No.52 of 2006 (w.e.f. 01.01.2007).]* Amendment

4. Amendment of Section 171. - In Section 171 of the Principal Act, for sub-section (2), the following sub-section shall be substituted, namely :-

"(2) the following relatives of the male bhumidhar or asami are heirs subject to the provisions of sub-section (1), namely :-

(a) widow and the male lineal descendant per stirps :

Provided that the widow and the son of a predeceased son how low-so-ever per stirps shall inherit the share which would have devolved upon the predeceased son had he been alive;

(b) mother and father;

(c) unmarried daughter;

(d) married daughter;

(e) brother and unmarried sister being respectively the son and the daughter of the same father as the deceased; and son of a predeceased brother, the predeceased brother having been the son of the same father as the deceased;

(f) son's daughter;

(g) father's mother and lather's father;

(h) daughter's son;

(i) married sister;

(j) half sister, having been the daughter of the same father as the deceased;

(k) sister's son;

(l) half sister's son, the half sister having been the daughter of the same father as the deceased;

(m) brother's son's son;

(n) mother's mother's son;

(o) father's father's son's son."

172. Succession in the case of a woman holding an interest inherited as a widow, mother, daughter, etc.

- [(1) When a bhumidhar, [* * *] *[Substituted by U.P. Act No. 20 of 1954.]* or asami who has after the date of vesting, inherited an interest in any holding-

(a) as a widow, widow of a male lineal descendant, in the male line of descent, mother or father's mother dies, marries, abandons or surrenders such holding or part thereof; or

(b) as a daughter, son's daughter, sister or half-sister being the daughter of the same father as the deceased [marries] *[Inserted by U.P. Act No. 37 of 1958.]* dies, abandons or surrenders such holding or part thereof, the holding or the part shall devolve upon the nearest surviving heir (such heir being ascertained in accordance with the provisions of Section 171) of the last male bhumidhar, [* * *] *[Omitted by U.P Act No. 8 of 1977(w.e.f. 28.01.1977).]* or asami.]

(2) Where a bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977(w.e.f. 28.01 1977).]* who has before the date of vesting inherited an interest in any holding as a [widow, widow of a male lineal descendant in the male line of descent, mother, daughter, father's mother, son's daughter, sister or half-sister being the daughter of the same father as the deceased] *[Substituted by U.P. Act No. 20 of 1954.]*-

(a) dies and such bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* was on the date immediately before the said date an intermediary of the land comprised in the holding or held the holding as a fixed rate tenant, or an exproprietary or occupancy tenant in Avadh or as a tenant on special terms in Avadh and-

(i) she was in accordance with the personal law applicable to her entitled to a life estate only in the holding, the holding shall devolve upon the nearest surviving heir (such heir being ascertained in accordance with the provisions of Section 171) of the last male intermediary or tenant aforesaid; and if

(ii) she was in accordance with the personal law applicable to her entitled to the holding absolutely the holding shall devolve in accordance with the table mentioned in Section 174;

(b) [dies, abandons or surrenders and in the case of a widow, widow of a male lineal descendant in the male line of descent, mother, father's mother, marries such bhumidhar [* * *] *[Substituted by U.P. Act No. 20 of 1954.]* on the date immediately before the said date held the holding otherwise than as an intermediary or tenant referred to in Clause (a), the holding shall devolve upon the nearest surviving heir (such heir being ascertained in accordance with the provisions of Section 171) of the last male tenant.]

(3) The provisions of sub-section (1) mutatis mutandis apply to an asami who inherited the holding before the date of vesting.

(4) Nothing in sub-section (1) shall apply to a person succeeding to an interest in any holding under the provisions of Section 174.

Explanation. - For the purposes of this section the expression "last male bhumidhar, [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or asami" includes the last male tenant, grove-holder, permanent lessee in Avadh, grantee or sir or khudkasht holder, as the case may be.

172A.

[* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*.

173.

[* * *] *[Omitted by U P. Act No. 20 of 1954.]*.

174. Succession to a woman holding an interest otherwise.

- When a bhumidhar, [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or asami (other than a bhumidhar [* * *] *[Omitted by U.P. Act 8 of 1977 (w.e.f. 28.01.1977).]* or asami

mentioned in Section 171 or 172) who is a woman dies, her interest in the holding shall devolve in accordance with the order of succession given below :

(a) [son, son's son, son's son's son, pre-deceased son's widow and [predeceased son's pre-deceased son's widow and unmarried daughter] *[Substituted by U.P. Act No. 37 of 1958.]* in equal share per stirps :]

Provided firstly that the nearer shall exclude the remoter in the same branch :

Provided secondly, that a widow, who has remarried, shall be excluded;

(b) husband:

(c) [* * *] *[Deleted by U.P. Act No. 37 of 1958.]*;

(d) [married daughter] *[Substituted by U.P. Act No. 28 of 2008.]*;

(e) daughter's son;

(ee) [father; *[Added by U.P. Act No. 37 of 1958.]*

(eee) mother];

(f) brother;

(g) brother's son;

(h) sister;

(i) sister's son.

175. Passing of interest by survivorship.

- In the case of a co-widow, or a co-tenure-holder, who dies leaving no heir entitled to succeed under the provisions of this Act, the interest in such holding shall pass by survivorship.

[Division] *[Substituted by U.P. Act No. 37 of 1958.]*

176. Holding of a bhumidhar or sirdar divisible.

(1) A bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* may sue for [division] *[Substituted by U.P. Act No. 37 of 1958.]* of his holding.

(2) To every such suit the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* concerned shall be made a party.

177. [One suit for division of several holdings. *[Substituted b U.P. Act No. 37 of 1958.]*

- One suit may be instituted for the division of more than one holding where all the parties to the suit other than the [Gaon Sabha] *[Substituted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]* are jointly interested in each of the holdings :

Provided that where the holdings are situate within the jurisdiction of different [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]*, all such Sabhas shall be made parties to the suit.]

178. **[** ***[Sections 178 to 182 omitted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]***

[* * *]

179.

[* * *]

180.

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181.

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182.

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182A.

[* * *] *[Deleted by U.P. Act No. 37 of 1958.]*

182B.

[Subject to the provisions of Sections 178 to 182] *[Substituted by U.P. Act No. 37 of 1958.]* the [division] *[Substituted by U.P. Act No. 37 of 1958.]* of a holding or the separation of the share therein of a bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* shall be made by the [Court] *[Substituted by U.P. Act No. 37 of 1958.]* in accordance with the Principles that may be prescribed.

Surrender, abandonment, extinction and acquisition

183. **Surrender of holding by [bhumidhar with non-transferable rights]** ***[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1077).].***

- A [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* may surrender his holding or any part thereof by making an application in writing to the tahsildar and giving a notice in writing to the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* intimating his intention to do so and by giving up possession thereof whether such holding is or is not let [:] *[Substituted for the fullstop by U.P. Act No. 28 of 1961.]*

[Provided that no surrender of the holding or any part thereof shall be made if the same has been mortgaged under sub-section (2) of Section 153 and mortgage has not been fully redeemed.] *[Added by U.P. Act No. 28 of 1961.]*

184. Surrender of holding by asami.

- An asami may surrender the whole of his holding but not any part thereof by giving a notice in writing to the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* or the land-holder, as the case may be, intimating his intention to do so and by giving up possession thereof.

185. Notice of surrender.

- Notwithstanding the surrender, unless the [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or asami applies or gives notice before the first day of April, he shall be liable to pay the land revenue or the rent, as the case may be, for the holding for the agricultural year next following the date of surrender.

186. Abandonment.

(1) Where a [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* (other than a minor, lunatic or idiot) or asami has not used his holding for a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming for two consecutive agricultural year [the Tahsildar may, on the application of the [Gaon Sabha] *[Substituted by U.P. Act No. 37 of 1958.]* or the landholder or on facts coming to his notice otherwise, issue a notice] to such [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or asami, as the case may be, to show cause why the holding be not treated as abandoned.

(2) The application shall contain such particulars as may be prescribed.

(3) If the tahsildar finds that the application has been duly made he shall cause to be served on the [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or the asami or publish in the manner prescribed a notice in the form to be prescribed requiring him to appear and show cause on a date to he fixed why the holding be not held as abandoned.

(4) If the [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or the asami does not appear in answer to the notice or appears but does not contest it, the Tahsildar shall declare the holding as abandoned and thereupon, except provided in [Section 172] *[Substituted by U.P. Act No. 5 of 1957.]*, the holding shall be deemed to be vacant land [:] *[Substituted for the fullstop by U.P. Act No. 28 of 1961.]*

[Provided that no declaration under this sub-section shall made in respect of a holding or any part thereof, if the same has been mortgaged by the [bhumidhar with non-transferable rights] *[Added by U.P. Act No. 28 of 1961.]* under sub-section (3) of Section 152 and the mortgage has not been fully redeemed, in which case the Tahsildar shall move the Collector for the realization of the loan in such manner as may be prescribed.]

(5) [If the [bhumidhar with non-transferable rights] *[Added by U.P. Act No. 37 of 1958.]* or asami appears to contest the notice, the Tehsildar shall drop the proceedings.]

187. Admission of asami to the holding of a disabled [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).].*

- Where a [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*, being a minor, lunatic or idiot has not used his holding for a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry fanning for two consecutive agriculture years, the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* may notwithstanding anything contained in any law, after notice to the [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* and his guardian and after such inquiry as may be prescribed, after the expiry of the two years aforesaid, admit on behalf of the [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* any person as asami to the land comprised in the holding in the manner and upon the terms as may be prescribed, and all the provisions of this Act, applicable to an asami belonging to the class mentioned in Clause (b) of Section 133 shall apply to him as if he had been admitted to the land by the [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* personally.

187A. [*[Added by U.P. Act No. 20 of 1954.]*

(1) When the Collector has reasons to believe upon information or otherwise that any land the area whereof exceeds twelve and half acres or such higher limit as may be prescribed for any district included in the holding of a bhumidhar [* * *] has not been used for three consecutive years immediately preceding for a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming, he may, unless a declaration under Section 143 has been obtained in respect thereto, require the bhumidhar [* * *] *[Omitted by U.P.*

Act No. 8 of 1977 (w.e.f. 28.01.1977).] thereof to show cause why the land be not let out for purposes of agriculture to any person.

(2) The notice under sub-section (1) shall state the grounds for believing that the land has not been used as referred to above, the period for which it is proposed to let it out to an asami and such particulars as may in his opinion be necessary for the information of the bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01 1977).]* concerned.

(3) If the bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* appears and satisfies the Collector-

(a) that the land was used for a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming within the period mentioned in sub-section (1);

(b) that he had sufficient cause for not so using it; or

(c) that he shall, within six months next following the date of service of the notice mentioned in sub-section (1) use the land for a purpose connected with agriculture, horticulture or animal husbandry, which includes pisciculture and poultry farming or obtain a declaration under Section 143.

he shall in cases mentioned in Clauses (a) and (b) discharge the notice forthwith and in case of (c) postpone the order to a date six months after the date of service of said notice.

(4) On the date fixed under sub-section (3) or any other date on which the case may be taken up the Collector shall if the land has been used for a purpose as aforesaid, discharge the notice, or unless for reasons to be recorded he allows further time, let out the land to an asami in the manner and upon terms to be prescribed and all the provisions of this Act, relating to an asami belonging to the class mentioned in Clause (b) of Section 133 shall apply to such asami as if he had been admitted to the land by the bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* personally.

(5) If the bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* does not appear in reply to the notice under sub-section (1) and the Collector is, after such further enquiries as he may consider necessary, satisfied that the bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* has failed to use the land as aforesaid during the period referred to in sub-section (1), he shall, unless he decides to discharge the notice, let out the land to an asami in the manner and upon terms to be prescribed and all the provisions of this Act, relating to an asami belonging to class mentioned in Clause (b) of Section 133 shall apply to such asami as if he had been admitted to the land by the bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* personally.

(6) It shall be lawful for the Collector instead of himself letting out the land to direct the Land Management Committee to do so.

(7) An appeal against the orders of the Collector under sub-section (4) or (5) directing the land to be let to an asami shall he to the Commissioner.]

188. Entry upon an abandoned holding.

- A [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* or a land-holder who enters upon a holding in contravention of the provisions of Section 186 or 187 shall be deemed to have ejected the tenure-holder otherwise than in accordance with the provisions of this Act.

189. Extinction of the interest of a bhumidhar with transferable rights.

- The interest of a [bhumidhar with transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* in his holding or any part thereof shall be extinguished-

(a) when he dies intestate leaving no heir entitled to inherit in accordance with the provisions of this Act;

(aa) [when the holding or part thereof has been transferred or let out in contravention of the provisions of this Act] *[Added by U.P. Act No. 37 or 1958.];*

(b) when the land comprised in the holding has been acquired under any law for the time being in force relating to the acquisition of land; or

(c) when he has been deprived of possession and his right to recover possession is barred by limitation.

190. Extinction of the interest of a [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01 1977).].*

(1) Subject to the provisions of Section 172, the interest of a [bhumidhar with non-transferable rights] *[Substituted by U.P Act No. 8 of 19/7 (w.e.f. 28.01.1977).]* in a holding or any part thereof shall be extinguished-

(a) when he dies having no heir entitled to inherit in accordance with the provisions of this Act;

(b) when the holding has been declared as abandoned in accordance with the provisions of Section 186;

(c) when he surrenders his holding or part thereof;

(cc) [when the holding or part thereof has been transferred, let out or used in contravention of the provisions of this Act] *[Added by U.P Act*

No. 37 of 1058.];

(d) when the land comprised in the holding has been acquired under any law for the time being in force relating to the acquisition of land;

(e) when he has been ejected in accordance with the provisions of this Act; or

(f) when he has been deprived of possession and his right to recover possession is barred by limitation.

(2) The provisions of sub-section (1) shall apply mutatis mutandis to asamis also.

191. Extinction of the interest of asami.

- The extinction of the right, title and interest of a bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1077 (w.e.f. 28.01.1977).]* shall operate to extinguish the interest of any asami holding under him.

192. Merger.

- The interest of an asami in his holding [or part thereof] *[Added by U.P. Act No. 37 of 1058.]* shall be determined when his interest and the interest of the bhumidhars [* * *] *[Omitted by U.P. Act No. 6 of 1078 (w.e.f. 21.01.1978).]* in the whole of the holding [or such part, as the case may be] *[Added by U.P. Act No. 37 of 1958.]* become vested in one person in the same right.

193. Rights and liabilities of a [bhumidhar] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or asami on extinction of his interest.

- When the interest of a [bhumidhar] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or asami is extinguished he shall vacate his homing, and he shall, except in cases where his interest has extinguished under or in accordance with the provisions of any law for the time being in force relating to the acquisition of land, have in respect of removals of standing crops and any construction existing on the holding the same right as he would have upon ejectment under the provisions of this Act.

194. Land Management Committee to take over land after extinction of interest therein.

- The [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* shall be entitled to take possession of land comprised in a holding or part thereof if-

(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;] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*

(b) [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*

(c) the land being land falling in any of the classes mentioned in Section 132, was held by an asami and the asami has been ejected or his interest therein have otherwise extinguished under the provisions of this Act.

195. Admission to land.

- The [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* [with the previous approval of the [Assistant Collector-in-charge of the sub-division] *[Substituted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]* shall have the right to admit any person as [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* to any land (other than land being in any of the classes mentioned in Section 132) where-

(a) the land is vacant land;

(b) the land is vested in the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* under Section 117; or

(c) the land has come into the possession of [Land Management Committee] *[Substituted by U.P Act No. 37 of 1958.]* under Section 194 or under any other provisions of this Act.

196.

[* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*

197. Admission to land mentioned in Section 132.

- [(1)] *[Renumbered as sub-section (1) by U.P. Act No. 20 of 1982 (w.e.f 10.11.1980).]* The [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* [with the previous approval of the [Assistant Collector incharge of the sub-division] *[Substituted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]* shall have the right to admit any person as asami to any land falling in any of the classes mentioned in Section 132 where-

(a) the land is vacant land;

(b) the land is vested in the [Land Management Committee] *[Substituted by U.P. Act No. 33 of 1961.]*; or

(c) the land has come into the possession of the [Land Management Committee] *[Substituted by U.P. Act No. 33 of 1961.]* under Section 194 or under any other provision of the Act.

(2) [Notwithstanding anything contained in any other provision of this Act, the right to admit any person as asami of tank, pond or other land, covered by water shall

be regulated by the rules made under this Act.] *[Inserted by U.P. Act No. 20 of 1982 (w.e.f 10.11.1980).]*

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

(1) In the admission of persons to land as [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* 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) [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;] *[Substituted by U.P Act No. 30 of 1975.]*

(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 any one of the following categories in the order of preference:- *[Substituted by U.P Act No. 38 of 2007 (w.e.f. 31.07.2007).]*

(i) persons belonging to the Scheduled Castes or the Scheduled Tribes;

(ii) persons belonging to Other Backward Classes;

(iii) persons belonging to the general category living below poverty line.];

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

(e) a bhumidhar [* * *] *[Word 'sirdar' omitted by U.P. Act No. 6 of 1978 (w.e.f 2101.1978).]* 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; and

(h) [any other landless agricultural labourer, not residing in the circle, but residing in the Nyaya Panchayat circle referred to in Section 42 of the United Provinces Panchayat Raj Act, 1947 and belonging to any of the following categories in the order of preference:- *[Substituted by U.P Act No. 38 of 2007 (w.e.f. 31.07.2007).]*

(i) persons belonging to the Scheduled Castes or the Scheduled Tribes;

(ii) persons belonging to Other Backward Classes;

(iii) persons belonging to the general category living below poverty line.]

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, [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or asami and [* * *] *[Omitted by U.P. Act No. 30 of 1975.]* 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 Peshawar-Khand 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.

(4) ['Other Backward Classes' means the Backward Classes of citizens specified in Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 (U.P. Act No. 4 of 1994). *[Inserted by U.P Act No. 27 of 2004 (w.e.f. 23.08.2004).]*

(5) 'Persons of General Category living below poverty line' means such persons as may be determined from time to time by the State Government.]

(2) [* * *] *[Omitted by U.P. Act No. 30 of 1975.]*

(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 [* * *] 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)].

(4) [The [Collector] *[Substituted by U.P. Act No. 20 of 1982 (w.e.f. 18.08.1980).]* 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.

[(4-A) [* * *] *[Omitted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]*

(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 [seven years] *[Substituted by U.P. Act No. 24 of 1986 and shall be deemed always to have been substituted.]* 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 or up to November 10, 1987, which ever be later] *[Ibid.]*.

(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 case and the land shall revert to the Gaon Sabha;

(ii) the [Collector] *[Substituted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]* may direct delivery of possession of such land forthwith to the Gaon Sabha after ejectment 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.] *[Substituted by U.P. Act No. 27 of 2004 (w.e.f. 23.08.2004).]*

(9) Where any person has been admitted to any land specified in Section 132 as a sirdar 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 ensure, 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.]

198A. [Restoration of possession to the allottees of Gaon Sabha or the Government lessee. ***[Substituted by U.P. Act No. 24 of 1986.]***

(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.

[(1-A) Where any person, after being evicted under sub-section (1), reoccupies the land or any part thereof without lawful authority, the Assistant Collector shall, without prejudice to the proceeding under sub-section (2), direct such person to pay such damages to the allottee as he thinks fit considering the location and potentiality of the land and such other factors as may have bearing on the subject:

Provided that the amount of the damages shall not be less than five thousand rupees [and more than] *[Substituted by U.P Act No. 30 of 1975.]* fifteen thousand rupees per hectare per year.

(1-B) A person aggrieved by an order of the Assistant Collector under subsection (1-A) may, within thirty days of such order, prefer an appeal before the Collector in such manner as may be prescribed and the order of the Collector shall be final.

(1-C) If the person directed to pay damages by the Assistant Collector under sub-section (1-A) or, by the Collector if an appeal is preferred under sub-section (1-B), fails to pay the same within the time fixed by the Assistant Collector or the Collector, as the case may be, it shall be recovered as arrears of land revenue and paid to the allottee.]

(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.]

199. [Eviction of bhumidhar. ***[Sections 199 to 201 Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]***

- No bhumidhar shall be liable to ejectment from his holding except as provided in this Act.

200. Eviction of asami.

- No asami shall be liable to ejectment from his holding except as provided in this Act.

201. Eviction on the suit of Gaon Sabha.

- A bhumidhar with non-transferable rights shall be liable to ejectment from his holding on the suit of the Gaon Sabha on any of the grounds mentioned in [Section 212] *[Substituted by U.P. Act No. 20 of 1982 (w.e.f. 10.11.1980).]*.]

202. Procedure of ejectment of asami.

- Without prejudice to the provisions of Section 338, an asami shall be liable to ejectment from his holding on the [suit of the [Gaon Sabha] *[Substituted by U.P. Act No. 37 of 1958.]* or the land-holder as the case may be] on the ground or grounds-

(a) mentioned in Section [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01 1977).]*; 191 or 206,

(b) [that he- *[Substituted by U.P. Act No. 20 of 1954.]*

(i) belongs to any of the classes mentioned in Clauses (a), (b), (c), (e), (g) or (i) of sub-section (1) of Section 21 or sub-section (2) of the said section or in Clause (c) or (d) of Section 133; or

(ii) has acquired the rights of an asami under the Uttar Pradesh Land Reforms (Supplementary) Act, 1952;

and that he holds the land from year to year or for a period which has expired or will expire before the end of the current agricultural year,]

(c) that he belongs to the class mentioned in [Clause (d) of sub-section (1) of Section 21] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* and the mortgage has been satisfied or the amount owing under the mortgage has, whether or not it has become payable thereunder, been deposited in Court,

(d) that he [is an asami under Section 11] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* and the right to maintenance allowance does not any longer subsist;

(e) that he belongs to the class mentioned in clause (j) of sub-section (1) of Section 21 and that the cultivation of agricultural crops has become impossible.

(f) that he belongs to the class mentioned in Clause (h) of [sub-section (1) of Section 21] *[Inserted by U.P. Act No. 20 of 1954.]* or Clause (b) of Section 133 and that-

(i) the land-holder wishes to bring the land under his personal cultivation and in cases where the lease is for a fixed term such term as expired; or

(ii) the disability has determined,

(g) that he [is an asami under Section 13] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* and the period mentioned in Clause (a) of sub-section (2) of [the said section] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* has expired;

(h) that there is an unsatisfied decree of arrears of rent outstanding against him and such decree can be executed by ejectment.

203. Right to crops and trees when ejectment takes effect.

(1) Where in execution of any decree, other than a decree under Section 209, or order for delivery of possession the Court is satisfied that any ungathered crops or trees which are the property of the judgment-debtor exist on the land to be delivered, the Court executing the decree or order shall, notwithstanding anything in the Code of Civil Procedure, 1908 (V of 1908), proceed in the following manner :

(a) if [* * *] *[Omitted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* the amount due from the judgment-debtor is equal to or greater than the value of such crops or trees, the Court shall deliver the possession of the land with the crops, and the trees to the [Gaon Sabha] *[Substituted by U.P Act No. 33 of 1961.]* or the land-holder as the case may be and all rights of the judgment-debtor in or upon such crops or trees shall pass to the decree-holder;

(b) if [* * *] *[Omitted by U.P Act No. 16 of 1953 (w.e.f. 01.07.1952).]* the amount due from the judgment-debtor is less than the value of such crops or trees; and-

(i) the [Gaon Sabha] *[Substituted by U.P Act No. 33 of 1961.]* or the land-holder pays the different between such amount and the value to the judgment-debtor, the Court shall deliver the possession of the holding to the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* or land-holder concerned and all rights of the judgment-debtor in such crops or trees shall pass to decree-holder;

(ii) the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* or the land-holder does not pay such difference, the judgment-debtor shall have a right of tending, gathering or removing such crops or trees or fruits

of such trees until such crops or trees have been gathered and removed or die or are cut down as the case may be, paying such compensation for the use and occupation of land as the Court may fix.

(2) The Court executing the decree or the order of ejectment may on the application of any party determine the value of the crops or trees and the compensation payable by the judgment-debtor under the provisions of Clause (b) of sub-section (1).

204. Failure to institute a suit for ejectment under Section 202 or execute the decree obtained thereunder.

- If a suit for ejectment of an asami, to whom any of the [Clauses (a), (b), (c), (d) [or (ii) of sub-section (1)] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* of Section 21 or Section 11] or Clause (b) of Section 133 applies is not instituted or decree obtained in such suit is not executed, within the period of limitation prescribed therefor the asami shall, on the expiry of the period, become a [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 20 of 1982 (w.e.f. 03.06.1981).]* of the land held by him :

[Provided that no such rights shall accrue to an asami in respect of any land held by a person belonging to a Scheduled Tribe.] *[Inserted by U.P Act No. 20 of 1982 (w.e.f 03.06.1981).]*

205. Consequences of ejectment under Section 202.

- Where an asami has been ejected from his holding on the ground mentioned in Clause (f) (i) of Section 202, the land-holder shall not grant a lease thereof to any person within two years of the date of ejectment.

206. Ejectment for use of land in contravention of the provision of this Act.

- [* * *] *[Omitted by U.P Act No. 8 of 1977 (w.e.f. 28.01.1977).]* An asami shall be liable to ejectment on the suit of the [Gaon Sabha] *[Substituted by U.P Act No. 33 of 1961.]* or the land-holder, as the case may be, for using land for any purpose other than a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming and also to pay damages equivalent to the cost of works which may be required to render the land capable of use for the said purposes.

207. Decree for ejectment under Section 206.

(1) A decree for ejectment under Section 206 may direct the ejectment of the [* * *] *[Omitted by U.P Act No. 8 of 1977 (w.e.f. 28.01.1977).]* asami from the whole or part of the holding as the Court, having regard to the circumstances of the case, may direct.

(2) The decree shall further direct, that if the [* * *] *[Omitted by U.P Act No. 8 of 1977 (w.e.f. 28.01.1977).]* asami repairs the damage within three months next after the date of the decree, the same shall not be executed except in respect of costs.

208. Suit for compensation and repair of the waste or damage.

- Notwithstanding anything in Section 206, the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* or the landholder may, in lieu of suing for ejectment, sue-

(a) for injunction with or without compensation; or

(b) for the repair of the waste or damage, caused to the holding.

209. Ejectment of persons occupying land without title.

- [(1)] *[Renumbered by U.P Act No. 21 of 1962.]* A person taking or retaining possession of land otherwise than in accordance with the provisions of the law for the time being in force; and-

(a) where the land forms part of the holding of a bhumidhar, [* * *] *[Omitted by U.P Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or asami without the consent of such bhumidhar, [* * *] *[Omitted by U.P Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or asami;

(b) where the land does not form part of the holding of a bhumidhar, [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or asami without consent of the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]*,

shall be liable to ejectment on the suit in cases referred to in Clause (a) above of the bhumidhar, [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or asami concerned and in cases referred to in Clause (b) above of the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* [* * *] *[Deleted by U.P. Act No. 37 of 1958.]* and shall also be liable to pay damages.

(2) [To every suit relating to a land referred to in Clause (a) of sub-section (1) the State Government shall be impleaded as a necessary party.] *[Added by U.P. Act No. 21 of 1962.]*

210. [Consequence of failure to the suit under Section 209. *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*

- 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-

(a) where the land forms pail of the holding of a bhumidhar with transferable rights, become a bhumidhar with a 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 I and the right, title and interest of an asami, if any, in such land shall be I 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.]

[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.] *[Added by U.P. Act No. 20 of 1982 (w.e.f. 03.06.1981).]*

211. [Power to evict unauthorised occupants of land held by a member of Scheduled Tribe. ***[Inserted by U.P. Act No. 20 of 1982 (w.e.f. 03.06.1981).]***

(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 occupants 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.]

211A.

[* * *] *[Omitted by U.P. Act No. 35 of 1976.].*

212. Ejectment of persons from lands of public utility.

- Any person who on or after the eighth day of August, 1946 has been admitted as a tenure grove-holder of, or being an intermediary has brought under his own cultivation or has planted a grove, upon land which was recorded as or was customary common pasture land, cremation or burial ground, tank pond, pathway or khalian, shall be liable, notwithstanding anything contained in Section 199, on the suit of the [* * *] *[Deleted by U.P. Act No. 20 of 1954.]* [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* to ejectment from the land, on payment of such compensation as may be prescribed.

212A. [Summary procedure for ejectment from land of public utility. *[Inserted by U.P. Act No. 20 of 1954.]*

(1) Without prejudice to the provisions of Section 212, the Chairman, Member or Secretary of [a Land Management Committee] may make an application to the Collector for ejectment from the land of the person in possession of the land referred to in Section 212.

(2) The application under sub-section (1) shall be, in addition to and not in derogation of the right of suit conferred by the said section and shall contain the particulars to be prescribed.

(3) If the Collector is satisfied from the particulars contained in the application and after considering the statement on oath of the applicant that there is sufficient ground for proceeding he shall make an order in. .writing stating the grounds of his being so satisfied and requiring the person against whom the application is directed to appear within a time to be fixed by him and to show cause why an order of ejectment be not made against him.

(4) Where the person does not appear in pursuance of the notice under subsection (3) or if he appears but does not contest the notice, the Collector may make an order for his ejectment from the land.

(5) If the person appears, in pursuance of the notice under sub-section (3) and files any objection, the Collector shall proceed to hear the applicant and the objector and any evidence which they may adduce.

(6) Where upon the said hearing the Collector is satisfied that the person was admitted as a tenure-holder or grove-holder or land referred to in Section 212 or being an intermediary brought such land under his own cultivation or planted a grove thereon on or after the eighth day of August, 1946, he shall pass an order for

ejectment of the person from the land on payment of such compensation as may be prescribed.

(7) Where an order for ejectment has been passed under this section, the party against whom the order has been passed may institute a suit to establish the right claimed by it but subject to the results of such suit the order passed under sub-section (4) or (6) shall be conclusive].

212B. [Remedies for wrongful ejectment. ***[Added by U.P. Act No. 20 of 1954.]***

(1) An asami ejected from or prevented from obtaining possession of any land forming part of his holding otherwise than in accordance with the provisions of the law for the time being in force by-

(a) his landholder or any person claiming as landholder to have right to eject him; or

(b) any person admitted to or allowed to retain possession of the land by such landholder or person whether as an adhivasi, as asami or otherwise, may sue the person so ejecting him or keeping him out of possession,

(i) for possession of the land; and

(ii) for compensation for wrongful dispossession :

Provided that no decree for possession shall be passed where the plaintiff at the time of the passing of the decree, is liable to ejectment in accordance with the provisions of this Act, within the current agricultural year.

(2) When a decree is passed for compensation for wrongful dispossession but not for possession, the compensation awarded shall be for the whole period during which the asami was entitled to remain in possession.

(3) An asami who has sued for possession only shall not be entitled to institute separate suit for compensation or wrongful dispossession.

Explanation. - For purposes of this section land does not include any area for the time being used for a purpose other than agriculture.]

212C. [Landholder to be impleaded as defendant. ***[Added by U.P. Act No. 20 of 1954.]***

- Where an asami sues under Clause (b) of sub-section (1) of Section 212-B any person admitted or allowed to retain possession, the landholder or the person claiming as landholder of such person shall be impleaded as a defendant.]

Rent

213. Rent payable by an asami.

- Subject to such restrictions and conditions as may be prescribed, an asami shall on being admitted to the occupation of land, be liable to pay such rent as may be agreed upon between him and his landholder or the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* as the case may be.

214. Rent not to be varied.

- The rent payable by an asami shall not be varied except in the manner and the extent provided by or under this Act.

215. Suit for fixation of rent.

(1) Where any person has been admitted to the occupation of any land or permitted to retain possession of any land as an asami thereof by any person having a right to so admit or permit him, but the rent has not been fixed, the asami or the person so admitting or permitting him may, at any time during the period of occupation or within three years after the expiry of such period, institute a suit for fixation of rent.

(2) In any suit under sub-section (1) the plaintiff may, subject to the law of limitation, ask for a decree for the arrears.

(3) In a suit under sub-section (1) the rent decreed shall be the rent payable in the year previous to the year of admission, permission or accrual of asami rights, as the case may be or if no rent was payable in such year, the rent shall be fixed [at twice the amount calculated at hereditary rates applicable to the land] *[Substituted by U.P. Act No. 20 of 1954.]*.

216. Hypothecation of produce towards payment of rent.

- The produce of every holding in the cultivation of an asami and the fruit of every tree in such holding shall be deemed to be hypothecated for tire rent payable by him in respect of the holding and until the rent has been paid or otherwise satisfied, no other claim on such produce or fruit shall be enforced by sale thereof in execution of a decree or order of a Court.

217. Rent how payable.

(1) It shall be lawful for an asami to pay his rent by postal money order, but the acceptance by the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* on the landholder of a sum so paid shall not debar the landholder or the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* as the case may be, from proving that the amount due for any year or instalment was different from the amount paid.

(2) In any case where rent is sent by postal money order, the payee's receipt or the endorsement of refusal on the money order duly stamped by the post office shall

be admissible in evidence without formal proof and shall until the contrary is proved be presumed to recorded the receipt or refusal thereof.

218. Commutation of rent.

- Where the rent is payable in kind or on estimate or appraisement of the standing crop or on rates varying with crops sown or partly in one of such ways and partly in another or other of such ways the Assistant Collector-in-charge of a sub-division may at his own instance and shall at the instance of the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* or the person by or to whom the rent is payable commute the rent in the manner prescribed.

219. Instalments for payment of rent.

- In the absence of a contract to the contrary the rent shall be payable in two equal instalments on the fifteenth day of November and the fifteenth day of May of the agricultural year in respect of which rent is due.

220. Application for payment of arrears of rent and ejectment in default.

(1) Where an asami has been in arrears of the whole or any part of the rent of a holding for a period of more than three months, the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* or the landholder, as the case may be, may make an application for an order for payment of the arrears and in default for the ejectment of the asami from the holding.

(2) The application shall be signed and verified in the manner prescribed for the signing and verification of plaints in the Code of Civil Procedure, 1908 (V of 1908).

221. Issue of notice to asami upon application under Section 220.

(1) On receipt of the application mentioned in Section 220 the Court having jurisdiction shall cause to be served on the asami a notice requiring him to pay the amount of arrears together with the cost of the application within thirty days from the date of the service thereof or to show cause, within a period to be specified, why an order directing him to be ejected from the holding be not passed against him.

(2) If within the period allowed the asami pays to the applicant or deposits the amount mentioned in the notice, the Court shall enter full satisfaction and dismiss the application and the amount deposited shall be paid to the applicant.

222. Order for payment on failure to comply with the notice under Section 221.

(1) Where the asami has been duly served with the notice under Section 221 but has failed to pay or deposit the aforesaid amount and also does not file any objection, the tahsildar shall make an order for the payment of the amount and in default for the ejectment of the asami from the holding.

(2) Where the asami appears and contests the claim, the application be treated as a suit and, if necessary, the Court shall order the applicant to pay any additional Court fee payable in accordance with the law for the time being in force relating to suits for arrears of rent or ejectment.

(3) If the applicant fails to pay the Court fee within the time so allowed, the application shall be rejected.

(4) [If the Court fee has been duly paid, the Court shall, [* * *] *[Substituted by U.P. Act No. 20 of 1954.]* proceed to hear and decide the application as if it were a suit for recovery of arrears of rent.]

(5) The rejection of an application under sub-section (3) shall not preclude the applicant from filing a suit for recovery of arrears of rent.

223. Mode of execution of decree or order for the payment of arrears of rent.

(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908), a decree or order for the payment of arrears of rent against an asami may, in addition to any other mode of execution, be executed in default of payment of the amount decreed by ejectment of the asami from the holding :

Provided that no order for delivery of possession shall be passed unless notice has been served upon the judgment-debtor to show cause on a date to be fixed why the order be not passed.

(2) If within one month after the delivery of possession, the tenant deposits the full amount in respect of which he has been ejected, the ejectment order shall be cancelled and the possession restored forthwith to the tenant.

224. Interest on arrears of rent.

- An asami shall, from the date rent becomes due, be liable to pay interest at six and a quarter per cent per annum on any instalment remaining unpaid.

225. [Recovery of arrears of rent, sayar and other dues in respect of Government property and Gaon Sabha property. ***[Substituted by U.P. Act No. 18 of 1956.]***

- Arrears of rent, sayar or other dues due in respect of property vesting in the Central or State Government or in a [Gaon Sabha] or a Local Authority or in respect of area attached under the provisions of Section 289 may be recovered as arrears of land revenue.]

225A. Powers to write off irrecoverable arrears of rent, sayar or other dues.

- [The whole or any part of the arrears of rent, sayar or other dues in respect of any land or other property vested in a [Gaon Sabha] *[Substituted by U.P. Act No. 12 of 1965.]* 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.]

226. Remission for calamity by Court decreeing claim for arrears.

(1) It shall be lawful for the Court hearing a suit for recovery of arrears of rent, where it is satisfied that the area of the holding was substantially decreased by dilution or otherwise or the produce thereof was substantially diminished by draught, hail, deposit of sand or other calamity during the period for which the arrear is claimed, to allow such remission from the rent as may appear to it to be just:

Provided that no such remission shall be deemed to vary the rent payable by the asami otherwise than for the period in respect of which it is made.

(2) Where a Court allows remission under sub-section (1) the State Government or any authority empowered by it in this behalf shall order consequential remissions in the land revenue in accordance with such principles as may be prescribed.

Miscellaneous

227. Suits for arrears of irrigation dues.

- Any person to whom any sum is due on account of canal dues under Section 47 of the Northern India Canal and Drainage Act, 1873, may sue for the recovery of such sum.

228. Vesting of trees existing on the boundary of the holding of a tenant.

- Any tree existing on the boundary of the holding of a tenant on the date immediately preceding the date of vesting, and not belonging to such tenant shall with effect from the date of vesting belong to and vest in the [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* bhumidhars of the holding adjoining the said boundary in equal shares.

Explanation. - Where the holding belongs jointly to two or more bhumidhars [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*, all of them shall for the purposes of this section collectively count as one.

229. Declaratory suit.

- Notwithstanding anything to the contrary in Section 42 of the Specific Relief Act, 1877 (1 of 1877) the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* may institute a suit

against any person claiming to be entitled to any right in any land for the declaration of the right of such person in such land and the Court in its discretion may make a declaration of the right of such person and the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* need not in such suit ask for any further relief:

Provided that no Court shall make any such declaration where the [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* being able to seek further relief than a mere declaration of title, omits to do so.

229A. [Trespass of holding or land of Gaon Sabha or Local Authority. ***[Substituted by U.P. Act No. 37 of 1958.]***

- Where any person against whom a decree or order of ejectment from a holding or any portion thereof from any land vested in a [Gaon Sabha] or Local Authority has been executed under the provisions of this Act or the U.P. Tenancy Act, 1939 (U.P. Act XVII of 1939), re-enters or attempts to re-enter otherwise than under or in accordance with the provisions of law upon such holding or land he shall be presumed to have done so with the intent to intimidate or annoy the person in possession or the Land Management Committee or Local Authority, as the case may be, within the meaning of Section 441 of the Indian Penal Code (Act XLV of 1860).]

229B. [Declaratory suit by person claiming to be an asami of a holding or part thereof. ***[Substituted by U.P. Act No. 18 of 1956.]***

- [(1) Any person claiming to be an asami of a holding or any part thereof, whether exclusively or jointly with any other person, may sue the landholder for a declaration of his rights as asami in such holding or part, as the case may be].

(2) In any suit under sub-section (1) any other person claiming to hold as asami under the land-holder shall be impleaded as defendant.

(3) The provisions of sub-sections (1) and (2) shall mutatis mutandis apply to a suit by a person claiming to be a [bhumidhar] *[Substituted by U.P. Act No. 37 of 1958.]* [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* with the amendment that for the word "landholder" the words "the State Government and the [Gaon Sabha] *[Substituted by U.P Act No. 33 of 1961.]* are substituted therein.]

229C. Suit for declaration of rights of a person claiming to be an asami.

- A [Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]* or a bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* of any land may sue any person claiming to be an asami of such land for a declaration of the rights of such person.

229D. [Provision for in junction. ***[Added by U.P. Act No. 20 of 1954]***

- [(1)] If in the course of a suit under the provisions of Sections 229-B and 229-C, it is proved by an affidavit or otherwise-

(a) that any property, trees or crops standing on the land in dispute is in danger of being wasted, damaged or alienated by any party to the suit; or

(b) that any party to the suit threatens or intends to remove or dispose of the said property, trees or crops in order to defeat the ends of justice, the Court may grant a temporary injunction and where necessary, also appoint a receiver.]

(2) [Nothing in sub-section (1) shall apply to a suit filed under sub-section (4-D) of Section 122-B.] *[Added by U.P. Act No. 20 of 1982.]*

230. Power to make rules.

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this chapter.

(2) Without prejudice to the generality of foregoing power any such rules may provide for-

(a) [[* * *]; *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*

(b) [* * *];

(c) [* * *];

(d) [* * *];

(dd) [the procedure relating to the making of an application under Section 157-A and the enquiries to be made by the Collector in respect thereof;] *[Inserted by U.P. Act No. 4 of 1969.]*

(e) the procedure for the exchange of lands under Section 161;

(ee) [the procedure for making inquiry and declaration under Sections 163 and 167;] *[Inserted by U.P. Act No. 35 of 1976.]*

(f) the procedure for confirmation of the transfer as sale under Section 164;

(g) the procedure for ejectment [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* under Section 167;

(gg) [[* * *]; *[Deleted by U.P. Act No. 37 of 1958.]*

(ggg) [* * *];

(h) the form of the notice under Sections 183 and 184 and the mode of its service;

(i) the procedure for taking over possession of land by [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1758.]* under Section 194;

(j) the procedure oi admission to land under Sections 195 and 197;

(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] *[Substituted by U.P. Act No. 12 of l965.]*

(l) the matters which are to be and may be prescribed.

Chapter IX
Adhivasis

231. Rights of an adhivasi.

(1) Except as provided in [Sections 233 and 234] *[Substituted by U.P. Act No. 20 of 1954.]* and subject to his paying the rent, an adhivasi shall continue to have all the rights and the liabilities which he possessed or was subject to in respect of land on the date immediately preceding the date of vesting :

Provided that, notwithstanding anything contained in any contract or other engagement, the rent payable by the adhivasi shall not be varied except as permitted by this Act.

(2) When an adhivasi dies his interest in the holding shall in the matter of devolution, be governed by the provisions contained in Section 171 to 175.

232. Application for possession by adhivasi.

(1) An adhivasi to whom [Clause (b)] *[Substituted by U.P. Act No. 16 of l953.]* of Section 20 applies may, within thirty months from the date of vesting apply to the Assistant Collector-in-charge of the sub-division for putting him in possession of the land, of which he is the adhivasi.

(2) The application shall contain such particulars as may be prescribed.

(3) Upon the receipt of the application under sub-section (1) the Assistant Collector shall give notice thereof to the land-holder and any other person who may be in possession of the whole or any part of such land to appear on a date to be specified and show cause why an order directing the applicant to be put in possession of the land be not passed.

(4) On the date fixed or on any other date to which the hearing may be adjourned the Assistant Collector shall, if after such inquiry, as may be prescribed, he is satisfied that the applicant is entitled to be put into possession, make an order to that effect.

(5) [Where any improvement as defined in the U.P. Tenancy Act, 1939 (U.P. Act No. 17 of 1939), was lawfully made before the date of vesting by any person on the land and such person is dispossessed from such land under sub-section (1), the Assistant Collector shall, at the time of making the order under subsection (4) direct compensation to be paid to such person for such improvement and the amounts of compensation shall be determined, as far as may be, in the manner and in accordance with the principles laid down in that behalf in Chapter V of the U.P. Tenancy Act, 1939 (U.P. Act No. 17 of 1939).

(6) The order for possession under sub-section (4) shall be conditional on the payment, by the adhivasi within such time as the Assistant Collector may fix for the amount of compensation to be paid under sub-section (5)] *[Inserted by U.P. Act No. 20 of 1954.]* :

Provided that if the land or any part thereof is in the possession of any person to whom the land-holder let it out before the 1st day of July, 1949, such person not being a relation, dependant or servant of the land-holder, the Assistant Collector shall, if the person so applies, direct that he shall not be ejected therefrom until the expiry of three years from the thirtieth day of June next following the date of the order :

Provided further that such person shall, during the period he is allowed to continue the possession under that next preceding proviso, be liable to pay to the adhivasi the same rent as he was paying for the land on the date immediately preceding the date of vesting.

232A. [Rights of an adhivasi for ejectment under Section 209. ***[Added by U.P. Act No. 20 of 1954.]***

- The provisions of Section 209 shall mutatis mutandis apply to an adhivasi as if he were an asami.]

233. Rent payable by an adhivasi.

- Where there is no agreement as to the rent payable by the adhivasi, the rent payable by him from the date of vesting shall be [an amount, determined in the manner prescribed which shall not be less than 133-1/3 per centum and more than 200 per centum of the rent computed at hereditary rates applicable to the land] *[Substituted by U.P. Act No. 20 of 1954.]*.

233A. [Commutation of rent. ***[Inserted by U.P. Act No. 16 of 1953.]***

- Where the rent is payable by an adhivasi in kind or an estimate or appraisement of the standing crop or on rates varying with crops sown or partly in such ways and partly in another or other of such ways the Assistant Collector may on his own motion and shall,

at the instance of the [Gaon Sabha] or the adhivasi by whom or (he land-holder to whom, the rent is payable [commute the rent having regard to the matters to be prescribed to an amount of fixed money rent which shall not be less than 133-1/3 per cent and more than 200 per cent of the rent calculated at hereditary rates.] *[Substituted by U.P. Act No. 20 of 1954.]*

234. Ejectment of adhivasi.

- [* * *] *[Omitted by U.P. Act No. 20 of 1954.]* [An Adhivasi shall be liable to ejectment from the land held by him] *[Substituted by U.P. Act No. 16 of 1953.]*-

(a) on the ground that he is in arrears of rent;

(b) on the ground that he has made any transfer of his holding or part thereof; or

(c) for using the land for any purpose not connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming,

and the provisions of Chapter VIII relating to [the procedure and forum relating to suits and applications] *[Substituted by U.P. Act No. 16 of 1953.]* for ejectment on any of the grounds aforesaid shall, mutatis mutandis apply as if the adhivasi were an asami.

234A. Application of Sections 212-B, 212-C and 229-B to 229-D in the case of an adhivasi.

- The provisions of Sections 212-B, 212-C and 229-B to 229-D shall apply to an adhivasi as if he were an asami.

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240. Power to make rules.

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this chapter.

(2) Without prejudice to the generality of foregoing power, such rules may provide for-

(a) [[* * *] *[Clauses (a) to (d) deleted by U.P. Act No. 20 of 1954.]*

(b) [* * *]

(c) [* * *]

(d) [* * *]]

(e) the principles to be followed in determining hereditary rates in areas where such rates are not already determined; and

(f) the matters which are to be and may be prescribed.

[Chapter IX-A] *[Inserted by U.P. Act No. 20 of 1954.]* Conferment of Sirdari Rights on Adhivasi

240A. Acquisition of rights, title and interest of land-holder in the land held by adhivasi.

(1) As soon as may be after the commencement of the U.P. Land Reforms (amendment) Act. 1954. the State Government may, by notification published in the official Gazette, declare that as from a date to be specified therein the rights, title and interest of the land-holder in the land which, on the date immediately preceding the said date, was held or deemed to be held by an adhivasi, shall as from the beginning of the date so specified (hereinafter called the appointed date), shall cease and vest, except as hereinafter provided, in the State free from all encumbrances.

(2) It shall be lawful for the State Government, if it so considers necessary, to issue, from time to time the notification referred to in sub-section (1) in respect only of such area or areas as may be specified and all the provisions of subsection (1) shall be applicable to and in the case of every such notification.

240B. Consequences on acquisition of rights, title and interest under Section 240-A.

- Where a notification under Section 240-A has been published in the official Gazette, then, notwithstanding anything contained in Chapters II and IX of this Act, but save as

otherwise provided, the following consequences shall ensue in the area to which the notification relates, namely-

(a) every person who, on the date immediately preceding the appointed date, was or has been deemed to be an adhivasi shall with effect from the appointed date, become [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* of the land referred to in Section 240-A and held by him as such and shall have all the rights and be subject to all the liabilities conferred and imposed upon [bhumidhars with non-transferable rights] *[Substituted by U.R Act No. 8 of 1977 (w.e.f. 28.01.1977).]* by or under this Act;

(b) (i) all rents payable by the adhivasi in respect of the land referred to in Section 240-A for any period after the appointed date, which but for acquisition of rights, title and interest of the land-holder therein under the said section would be payable to land-holder, shall vest in and be payable to the State Government and not to the land-holder, any payment made in contravention of this clause shall not be valid discharge of the person liable to pay the same;

(ii) where under an agreement or contract made before the appointed date any rent for any period after the said date has been paid to or compounded or released by the land-holder the same shall notwithstanding the agreement or the contract, be recoverable by the State Government from the land-holder and may without prejudice to any other mode of recovery, be realised by deducting the amount from the compensation money payable to such land-holder under Section 240-E;

(c) all arrears of revenue in respect of the land referred to in Section 240-A and due from the land-holder for any period to the appointed date shall continue to he recoverable from such land-holder;

(d) the rights, title and interest of the land-holder so acquired in the land shall not be liable to attachment or sale in execution of any decree or other process of any Court, Civil or Revenue and any attachment existing at the appointed date or any order for attachment passed before such date shall, subject to the provisions of Section 73 of the Transfer of Property Act. 1882. cease to be in force;

(e) no claim or liability enforceable or incurred, before the appointed date by or against the land-holder for any money which is charged on or is secured by a mortgage on the land referred to in Section 240-A shall, except as provided in Section 73 of the Transfer of Property Act, 1882 be enforceable against such land or the adhivasi who becomes a [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* under clause (a);

(f) nothing contained in this chapter shall in any way affect the right of any person-

(a) to continue to work any mines comprised in any land referred to in Section 240-A which shall be governed by law for the time being in force; and

(aa) [to continue any proceeding under Section 232 pending at the appointed date in any Court, in such Court. *[Inserted by U.P. Act No. 18 of 1956 and shall be deemed always to have been inserted.]*

Explanation. - In this section the expression 'Appointed Date' has the meaning assigned to it in Section 240-A of the Principal Act;]

(b) to recover any arrears of rent or other dues which accrued before the appointed date and the same shall, notwithstanding anything contained in this Act be recoverable as heretofore by the person entitled thereto; and

(c) all suits and proceedings of the nature to be prescribed pending in any Court at the appointed date and all proceedings upon any decree or order passed in any such suit or proceeding previous to the appointed date shall be stayed :

Provided that no decree for an arrears of rent or order for ejectment in default of an arrear of rent shall be executed by ejectment of the judgment-debtor from his holding.

240C. Land-holder entitled to receive compensation.

- Every land-holder whose rights, title or interest in the land referred to in Section 240-A are acquired under the said section shall be entitled to receive and be paid compensation as hereinafter provided.

240D. Compensation statement.

- For purposes of assessment and payment of compensation for acquisition of rights, title and interest of the landholder in the land referred to in Section 240-A, the Compensation Officer shall prepare a compensation statement showing-

(a) the name or names of the land-holder;

(b) where the land referred to in Section 240-A was on the date immediately preceding the date of vesting-

(i) recorded as sir, khudkasht or fixed rate tenancy of the land-holder; or

(ii) included in the holding of a person belonging to any of the classes mentioned in Clause (d) of Section 18; or

(iii) included in the holding of a person belonging to any of the classes mentioned in Section 19, the rent computed at hereditary rates applicable on the said date;

(c) where the land referred to in Section 240-A was land other than land mentioned in Clause (b), the rent payable for such land by the tenant thereof on the said date; and

(d) such other particulars as may be prescribed.

240E. Compensation to the land-holder or an adhivasi.

- The amount payable as compensation to the land-holder under Section 240-C shall-

(1) where such land-holder or his predecessor-in-interest was a bhumidhar referred to in Clause (a) of sub-section (1) of Section 18, be-

(a) an amount equal to ten times the rent referred to in Clause (b) of Section 240-D plus;

(b) the compensation and the rehabilitation grant, if any, payable to him in accordance with the provisions of Chapters III to V;

(2) where such land-holder was, on the date immediately preceding the date of vesting a fixed rate tenant or a person referred to in sub-clause (ii) of Clause (b) of Section 240-D an amount equal to twenty times the rent referred to in Clause (b) of the said section;

(3) where such land-holder was, on the date immediately preceding the appointed date, a bhumidhar other than a bhumidhar referred to in Clauses (1) and (2) an amount equal to-

(a) ten times the rent referred to in Clause (b) of Section 240-D; and

(b) ten times the rent referred to in Clause (c) of the said section;

(4) where such land-holder or his predecessor-in-interest was, on the date immediately preceding the appointed date, a person referred to in sub-clause (iii) of Clause (b) of Section 240-D an amount equal to ten times the rent referred to in Clause (b) of Section 240-D :

Provided always that where the amount to be paid under sub-clause (a) of Clause (3) or Clause (4) is less than the amount equal to five times the rent payable for such land by the tenant thereof on the date immediately preceding the date of vesting the amount to be paid shall be equal to five times the said rent.

240F. Preliminary publication of statement.

- The compensation statement prepared under Section 240-D shall be published in the manner prescribed and a copy thereof shall also be sent to the land-holder concerned.

240G. Filing of objections.

- Any person interested or the State Government may in the manner prescribed file before the Compensation Officer an objection upon such statement within the period of one month from the date of its publication.

240H. Disposal of Objections.

(1) Except as provided in sub-section (2), the Compensation Officer shall after hearing the parties, if necessary, on the objections filed under Section 240-G, dispose of the objections in the manner prescribed.

(2) Where the objection filed under sub-section (1)-

(a) is that the land is not land referred to in sub-section (1) of Section 240-A the Compensation Officer shall frame an issue to that effect and refer it for disposal to the Court which would have jurisdiction to decide a suit under Section 229-B read with Section 234-A in respect of the land and thereupon all the provisions relating to the hearing and disposal of such suits shall apply to the reference as if it were suit;

(b) involves a question of title and such question has not already been determined by a competent court, the Compensation Officer shall, [except in cases in which Section 240-HH applies] *[Inserted by U.P. Act No. 18 of 1956.]* refer the question for determination to the [court of competent jurisdiction] *[Substituted by U.P. Act No. 28 of 1961.]*.

Explanation. - Whether a person is or is not an adhivasi shall not be deemed to raise a question of title within the meaning of this clause.

(3) [The court of competent jurisdiction] *[Substituted by U.P. Act No. 20 of 1972.]* shall determine the question referred to him under Clause (b) of sub-section (2) in the manner prescribed and his decision thereon shall be final.

240HH. [Question of title in respect of land in areas under consolidation operations to be referred to the Arbitrator. *[Inserted by U.P. Act No. 18 of 1956.]*

- Where the question of title referred to in Clause (b) of sub-section (2) of Section 240-H is in respect of a land included in the area which is under consolidation operations within the meaning of Section 5 of the U.P. Consolidation of Holdings Act, 1953 [and where under Clause (ii) of Section 49 of the U.P. Consolidation of Holdings (Amendment) Act, 1958, the proceedings are being taken in accordance with the provisions of the U.P. Consolidation of Holdings Act, 1953, as it stood prior to its amendment by the U.P. Consolidation of Holdings (Amendment) Act, 1958], the Compensation Officer shall refer the question for determination to the Civil Judge having jurisdiction who shall thereupon refer it for determination to the Arbitrator appointed under sub-section (1) of Section 37 of the aforesaid Act and the provisions of that Act and of the Rules made thereunder shall

have effect in relation to the reference so made as if it were a question raised and also referred in proceedings under that Act.]

240I. Appeal to the Collector.

- Notwithstanding anything contained in any law, any person aggrieved by the order of the Compensation Officer, deciding the objection insofar as it relates to the amount of compensation under Section 240-H, may appeal to the Collector, who shall decide the appeal in the manner prescribed and the decision of the Collector shall be final.

240J. Final publication of the statement.

(1) Where no objection has been filed in regard to the compensation statement published in pursuance of Section 240-F or where such objections are filed and have been finally disposed of, the statement shall where necessary be amended, altered or modified, the Compensation Officer shall sign the statement and affix his seal thereto.

(2) The statement so signed and sealed shall become final.

(3) A copy of the final statement shall be supplied free of charge to the landholder concerned.

240K. Payment of compensation.

(1) Except as provided in sub-section (3) the compensation mentioned in the final compensation statement referred to in Section 240-J, shall be paid in cash in one lump sum or in annual instalments-

(a) not exceeding ten in cases referred to in sub-sections (2) and (3) of Section 240-E; and

(b) not exceeding five in cases referred to in sub-sections (1) and (4) of Section 240-F,

as may be prescribed :

Provided however, that where compensation is prescribed to be paid in instalments there shall be paid over and above the amount of compensation a sum equal to six and one-quarter per cent thereof.

(2) The compensation shall be paid to the land-holder whose name is entered in the final compensation statement and where the land-holder dies before it is paid to him it shall be paid to his legal representatives.

(3) The Compensation and Rehabilitation Grant payable in pursuance of Clause (b) of sub-section (I) of Section 240-E, shall be paid in accordance with the provisions of

Chapters IV and V.

240L. Provisions of this chapter not to apply to evacuee property.

- Nothing contained in this chapter shall apply to evacuee property.

240M. Power to make rules.

(1) The State Government may make the rules for the purpose of carrying into effect the provisions of this chapter.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for-

(a) the method of calculating rents and other dues mentioned in Clauses (b) and (c) of Section 240-B;

(b) the disposal of suits and proceedings stayed under this chapter;

(c) the form and the manner in which the compensation statement under Section 240-F, shall be prepared;

(d) the manner in which the Compensation Officer shall refer the objections to competent court of the District Judge under Section 240-H;

(e) the principles to be followed in determining the hereditary rates in areas where such rates arc not already determined;

(f) the time within which applications may be presented under this Act in cases for which no specific provision in that behalf has been made herein;

(g) the application of the provision of the Indian Limitation Act, 1908, to applications and proceedings under this Act;

(h) the fees to be paid in respect of applications under this Act, in cases in which no specific provision in that behalf has been made therein;

(i) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer or authority;

(j) the transfer of proceedings from one authority or officer to another officer or authority;

(k) the procedure to be followed in application and other proceedings under this Act, in cases in which no specific provision has been made therein; and

(l) the matters which are to be or may be prescribed.

Chapter X
Land Revenue

241. [Land Revenue assessed on a village. ***[Substituted by U.P. Act No. 34 of 1974.]***

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

242. Land held by bhumidhar [* * *] ***[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*** **liable to payment of land revenue.**

(1) All land held by a person who is or is deemed to be a bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01 1977).]* as such and wherever situate, is liable to the payment of land revenue to the State Government, except such land as may hereafter be exempted whether wholly or partially from such liability by grant of, or contract with the State Government.

(2) Land Revenue may be assessed on land notwithstanding that such land revenue, by reason of its having been assigned, released, compounded for or redeemed, is not payable to the State Government.

(3) No length of occupation of any land, nor any grant made before the commencement of this Act, by the Crown, the State Government or the landholder, shall release such land from the liability to pay land revenue.

243. Liability of the bhumidhar [* * *] ***[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*** **for payment of land revenue assessed on the village.**

(1) All bhumidhars [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* in any [holding] *[Substituted by U.P. Act No. 34 of 1974.]* shall be jointly and severally responsible to the State Government for the payment of the land revenue for the time being assessed thereon and all person succeeding whether by devolution or otherwise to the interests of such bhumidhars [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* shall be responsible for all arrears of land revenue due at the time of their succession.

[* * *] *[Section 243(2) omitted by U.P. Act No. 34 of 1974.]*

244. Payment of land revenue on behalf of others.

- A bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* who has paid an amount on account of land revenue exceeding his share, may require other bhumidhars [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* to reimburse the excess amount so paid by him on their behalf.

245. [Land revenue payable by Bhumidhars. ***[Substituted by U.P. Act No. 35 of 1976.]***

(1) Subject to the provisions of this Act, every bhumidhar [* * *], 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 [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* 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 [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* 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. [Procedure for determination of land revenue. ***[Substituted by U.P. Act No. 35 of 1976.]***

(1) For the purposes of determining the land revenue payable by bhumidhars [* * *] 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-in-charge of the sub-Division within fifteen days from the date of publication of the Provisional Statement under subsection (2).

(4) The Assistant (Collector-in-charge 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 in-charge of the sub-Division and shall become final and conclusive.

(6) The Assistant Collector in-charge 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. [Rates of land revenue to continue until duly altered. ***[Substituted by U.P. Act No. 35 of 1976.]***

- The amount specified in the Final Statement referred to in Section 246 shall be and continue to be the land revenue payable by bhumidhar [* * *], as the case may be, until the same is duly altered in accordance with the provisions of this Chapter.]

247A. [Exemption of land revenue in certain cases. ***[Inserted by U.P. Act No. 6 of 1978 (w.e.f. 21.01.19781.]***

(1) Notwithstanding anything contained in Sections 245, 246 and 247, every member of a family, the total area of land held by w hose members as Bhumidhars on or after the date of commencement of the agricultural year beginning on July 1, 1977 does not exceed 1.26 hectares (3.125 acres), shall be exempted from the liability to pay land revenue to the State Government.

(2) The share of an individual or any member of his family in a holding shall, for the purposes of determining exemption under this section be decided 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 proceedings relating to the title to such 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 the persons concerned.

(4) Notwithstanding the provisions of this section, the land revenue assessed under Sections 245, 246 and 247 for a holding shall be recorded in full in the record of rights, and shall, for all other purposes, be deemed to be the land revenue payable by him.

Explanation. - For the purpose of this section, 'Family' consists of an individual, his or her spouse and minor children, whether they are joint or not with the individual.]

Uttarakhand Amendment

[Amendment of Section 247-A.] *[Substituted by Uttarakhand Act No. 14 of 2011 (w.e.f. 29.04.2011). It extends to the whole State of Uttarakhand except the areas included and may be included from time to time in any Municipal Corporation, Nagar Panchayat, Nagar Parishad and Cantonment Board limits.]* - In place of sub-section (1) of Section 247-A of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, the following sub-section shall be substituted, namely-

"(1) Notwithstanding anything contained in Sections 245, 246 and 247, every member of a family, the total Area of land held by whose members as Bhumidhars on or after the date of commencement of the agricultural year beginning on July 1, 1977 docs not exceed 1.26 hectares (3.125 acres), shall be exempted from the liability to pay land revenue to the State Government :

Provided that such Bhumidhar, who holds the area of land more than 3.125 acre but less than 12.5 acre, the rate of laud revenue shall be One Rupee per annum.".

247B.

[* * *] *[Omitted by U.P. Act No. 8 of 1975.]*

248. Dates and instalments for payment of land revenue under Sections 245 and 246.

(1) The State Government may prescribe the date or dates from which and the instalments in which the land revenue shall be payable by bhumidhars [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* referred to in Sections 245 and 246.

(2) The land revenue or any instalment thereof not paid on or before the due date becomes an arrear of land revenue and the persons liable for it become defaulters.

249. Cesses or local rates payable by bhumidhar.

- [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*. - (1) Where cesses or local rates arc assessed and are payable in any area in respect of any estate on the date immediately preceding the date of vesting, the land revenue payable in accordance with the provisions of this Act by a bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* on the date of vesting shall [* * *] *[Omitted by U.P. Act No. 35 of 1976.]* be deemed to be included the cesses and local rates to the extent, hut not more, levied with respect to the land in his holding on the thirtieth day of June, 1949.

(2) Nothing in sub-section (1) shall be construed as entitling any local authority to impose on account of cesses and local rates the amount so included in the land revenue.

250. Reduction of land revenue on surrender of a part of a holding by a [bhumidhar with non-transferable rights] ***[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).].***

- Where a [bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* surrenders a part only of his holding under Section 183, the amount of land revenue payable by him shall be reduced on such principles as may be prescribed.

251.

[* * *] *[Omitted by U.P. Act No. 35 of 1976.]*

252. Original settlement of land revenue.

(1) The State Government may, at any time not earlier than [twenty years] *[Substituted by U.P. Act No. 35 of 1976.]* from the commencement of this Act, direct a settlement (hereinafter referred to as the original settlement) of the land revenue of any district or part thereof:

[* * *] *[Proviso to sub-section (1) and sub-section (2) omitted by U.P. Act No. 35 of 1976.]*

253. Revision settlement of land revenue.

- The State Government may, at any time after a period of [twenty years] *[Substituted by U.P. Act No. 35 of 1976.]* from the original settlement, direct a fresh settlement (hereinafter referred to as revision settlement) revenue of any district or part thereof:

[* * *] *[Proviso omitted by U.P. Act No. 35 of 1976.]*

254. Notification as to settlement operations.

- As soon as may be after the State Government has decided that any district or part thereof should be brought under a fresh settlement, there shall be published a notification to that effect and thereupon the district or part shall until a notification declaring settlement operation thereto be closed is published, be held to be under settlement.

255. Appointment and powers of Settlement Officers.

- The State Government may appoint an officer (hereinafter called the Settlement Officer) to be incharge of the settlement of any district oi part thereof and as many Assistant Settlement Officers as it may deem lit; and such officers shall, so long as the district or the part is under settlement, exercise the powers conferred upon them by this Act.

256. Transfer of duties of Collector to Settlement Officer.

- Where a district or any part thereof is under settlement, the State Government may, by notification in the Gazette, transfer to the Settlement Officer, the duty of maintaining the maps and the field books and preparing the annual register and the Settlement Officer shall thereupon possess all the powers conferred on the Collector under Chapter III of the United Provinces Land Revenue Act, 1901.

257. Terms of the settlement.

- A settlement shall remain in force for a period of [twenty years] *[Substituted by U.P. Act No. 35 of 1976.]*.

[* * *] *[The first proviso omitted by U.P. Act No. 34 of 1974.]*

Provided [* * *] *[Word 'further' omitted by U.P. Act No. 34 of 1974.]* that when in the opinion of the State Government, a revision settlement is inexpedient or when such settlement has, for any cause, been delayed, the State Government may extend the term of the settlement for the time being in force by such period as it may think fit.

258.

[* * *] *[Omitted by U.P. Act No. 34 of 1974.]*

259.

[* * *] *[Omitted by U.P. Act No. 34 of 1974.]*

260. Procedure to be adopted by a Settlement Officer.

- When any district or a part thereof has been brought under settlement, the Settlement Officer or an Assistant Settlement Officer shall inspect every village under settlement and shall in such manner and on such principles as may be prescribed, divide the district or the part into soil classes and assessment circles.

261. Assessment of revenue on revenue free lands in certain cases.

- The Settlement Officer, shall inquire into the case of all lands released conditionally or for a term, from the payment of revenue and shall assess such lands if it appears to him that the conditions have been transgressed or the term has expired.

262. Title to hold land free of revenue.

(1) Any person claiming land free of revenue not recorded as revenue-free shall be bound to prove his title to hold such land free of revenue.

(2) If he proves his title to the satisfaction of the Settlement Officer, the case shall be reported to the State Government whose orders thereon shall be final.

(3) If the title is not so proved, the Settlement Officer shall proceed to assess the land and to make the settlement of it with the person entitled to the land.

263. Land revenue to be assessed on the aggregate holding area in a village.

- The land which shall ordinarily be assessed to land revenue shall, except as hereinafter excepted, be the aggregate holding area of bhumidhars [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* in a village in the year of record.

Exceptions. - (1) Land occupied by buildings which are not improvements;

(2) Khalihans;

(3) grave-yard and cremation grounds; and

(4) such other lands as may be prescribed.

264. Principles of assessment of land revenue.

(1) In assessing the revenue payable for a holding in an assessment circle, the Settlement Officer shall have regard to the estimated average surplus produce of such holding remaining after deducting the ordinary expenses of cultivation as ascertained or estimated in such manner as may be prescribed and the revenue shall be such percentage of the surplus produce as may be fixed by a resolution of the Uttar Pradesh Legislature passed after considering the recommendation of the State Government, which shall be laid before the Legislature at any time after the expiry of one month of their publication in the Gazette and in the assessment circle in such other, manner as may be prescribed.

(2) The percentage of revenue to the surplus produce shall vary according to a graduated scale prescribed by the State Government being largest on holdings with the highest surplus produce and smallest on holdings with the lowest surplus produce.

[* * *] *[Sub-section (3) omitted by U.P. Act No. 35 of 1976.]*

265. Assessment proposals.

- When the Settlement Officer has completed the assessment of any village, he shall publish his proposals in such manner as may be prescribed and shall consider any

objections which may be preferred and shall then submit his proposals together with the objections, if any, and such orders as he may have passed thereon, to the prescribed authority, who shall forward them to the State Government with their comments.

266. Orders of the State Government on the assessment proposals.

(1) The State Government shall consider the material mentioned in Section 265 and the comments of the Prescribed Authority and then pass such orders as it may think fit.

(2) The order of the State Government under sub-section (1) shall not be called in question in any Court.

267.

[* * *] *[Omitted by U.P. Act No. 35 of 1976.]*

267A. [Power to determine revenue on portions of a holding. ***[Added by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]***

- If during the currency of a settlement a [bhumidhar with transferable rights] transfers a part of his holding, the land revenue payable in respect of each portion of the holding shall be determined by the Collector in the manner prescribed.]

268. Remission or suspension of land revenue on the occurrence of an agricultural calamity.

(1) Notwithstanding anything contained in this Act, the State Government may, on the occurrence of an agricultural calamity affecting the crops of any village or part of a village, remit or suspended for any period the whole or any part of the revenue of any holding affected by such calamity.

(2) Whenever the State Government takes action under sub-section (1) it may remit or suspend the whole or any part of the rent payable by an [asami or adhivasi, as the case may be] *[Substituted by U.P. Act No. 16 of 1953.]* in occupation of such land.

(3) [The State Government may likewise remit or suspend for any period the rent payable by an asami to a [Gaon Sabha] *[Added by U.P. Act No. 20 of 1954.]*.]

269. Exclusion of the period of suspension under Section 268 for limitation purposes.

- Where the payment of rent has been suspended under Section 268, the period during which the suspension continues shall be excluded in computing the period of limitation allowed for a suit for the recovery of the rent.

270. Order under Section 268 not to be questioned in Courts.

(1) An order passed under Section 268 shall not be questioned in a Civil or Revenue Court.

(2) No suit or application shall lie for the recovery of any sum the payment of which has been remitted under Section 268, or, during the period of suspension, of any sum the payment of which has been suspended under the provisions of that section.

271. Revision of settlement on account of decline in prices of agricultural produce.

- Notwithstanding anything containing in this Act or in any other enactment for the time being in force the State Government, if it is satisfied that there has been a substantial decline in the price of agricultural produce which is likely to continue for some time may, by notification in the Gazette, direct a revision of settlement in any area.

272. Appointment of officer for settlement under Section 271.

- At any time after the issue of notification under Section 271, the State Government may appoint in such area any officer with the powers of a Settlement Officer subject to such restrictions and conditions as it may think fit, but not so as to enable him to enhance the land revenue thereof.

273. Annual enquiry into revenue free grants.

- The Collector shall inquire annually into the case of all lands released conditionally or for a term from the payment of land revenue.

If the condition is broken, he shall report the case to the [Land Reforms Commissioner] *[Substituted by U.P. Act No. 16 of 1953.]* for order; and if the period has expired or if the grantee, where the grant is for the life of the grantee has died, he shall assess the land and report his proceedings to the Land Reforms Commissioner for sanction.

274.

[* * *] *[Omitted by U.P. Act No. 34 of 1974.]*

274A. [Rounding off in multiples of five paise. ***[Inserted by U.P. Act No. 12 of 1965.]***

- Notwithstanding anything in this Act, where the amount payable by any person on 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.]

Collection of Land Revenue

275. Arrangements for collection of land revenue.

- The State Government may make such arrangement and employ such agency for the collection of land revenue as it may deem fit.

276. Collection of land revenue by Gaon Panchayat.

(1) The State Government may, by general or special order published in the Gazette, charge a [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* with the duty of collecting and realising the land revenue and such other dues as may be prescribed, for and on behalf of the State Government in the area for which it is established or any part thereof.

(2) Where a [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* has been so charged under subsection (1), it shall be [its duty] *[Substituted by U.P. Act No. 37 of 1958.]* to collect and realise in accordance with the provisions of this Act or any other law for the time being in force the land revenue and the dues aforesaid payable to the State Government from time to time in respect of the land comprised in its area.

277. Consequences of collection of land revenue by Land Management Committee.

- Where a [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* has been charged with the duty of collecting and realising the land revenue or other dues under Section 276-

(a) every bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* shall, without prejudice to the provisions of Section 243, be liable to the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* for the payment of the land revenue or other dues for the time being payable by such bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]*;

(b) the amount of land revenue or other dues collected or realised by [any member including Chairman and Vice-Chairman or Officer of the [Land Management Committee] *[Substituted by U.P. Act No. 16 of 1953.]* and not paid to the State Government may, without prejudice to his liability under any other law for the time being in force, be realised as arrears of land revenue from him or his property in the hand of his legal representatives; and

(c) the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* shall be paid such commission as may be prescribed on the land revenue or other dues collected and realised by or on its behalf.

278. Certified account to be evidence as to arrears of land revenue.

- A statement of account certified by the tahsildar shall for the purposes of this chapter, be conclusive evidence of the existence of the arrears of land revenue of its amount and of the person who is the defaulter:

Provided that in any village in respect of which an order under Section 276 has been made such statement may, in respect of an individual defaulter, be certified by the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]*,

279. Procedure for recovery of an arrear of land revenue.

- [(1)] *[Renumbered by U.P. Act No. 12 of 1965.]* An arrear of land revenue may be recovered by anyone or more of the following processes:

(a) by serving a writ of demand or a citation to appear on any defaulter;

(b) by arrest and detention of his person;

(c) by attachment and sale of hi s movable property including produce;

(d) by attachment of the holding in respect of which the arrear is due;

(e) [by lease or sale] *[Substituted by U.P. Act No. 12 of 1965.]* of the holding in respect of which the arrear is due;

(f) by attachment and sale of other immovable property of the defaulter, [and] *[Substituted for the fullstop by U.P. Act No. 12 of 1965.]*

(g) [by appointing a receiver of any property, movable or immovable of the defaulter.] *[Added by U.P. Act No. 12 of 1965.]*

(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.] *[Added by U.P. Act No. 12 of 1965 and shall he deemed always to have been added.]*

280. Writ of demand and citation to appear.

(1) As soon as an arrear of land revenue has become due a writ of demand may be issued by the tahsildar on the defaulter calling upon him to pay the amount within a time to be specified.

(2) In addition to or in lieu of a writ of demand the tahsildar may issue a citation against the defaulter to appear and deposit arrears due on a date to be specified.

281. Arrest and detention.

- Any person who has defaulted in the payment of an arrear of land revenue may be arrested and detained in custody up to a period not exceeding 15 days unless the arrears [including costs, if any, recoverable under sub-section (2) of Section 279] *[Substituted by U.P. Act No. 12 of 1965.]*, are sooner paid :

Provided that no woman or minor shall be liable to arrest or detention under this section :

[Provided further that no person shall be liable to arrest or detention for an arrear in respect of a holding of which he is not the bhumidhar [* * *] *[Substituted by U.P. Act No. 37 of 1958.]* merely because of his joint responsibility for payment of land revenue under Section 243.]

282. Attachment and sale of moveable property.

(1) The Collector may, whether the defaulter has been arrested or not, attach and sell his moveable property.

(2) Every attachment and sale under this section shall be made according to the law in force for the time being for the attachment and sale of moveable property in execution of a decree of a civil court.

(3) In addition to the particulars mentioned in clauses (a) to (o) of [the proviso to sub-section (1) of Section 60] *[Substituted by U.P. Act No. 12 of 1065.]* of the Code of Civil Procedure, 1908 (V of 1908), articles set apart exclusively for the use of religious worship shall be exempted from attachment and sale under this section.

[* * *] *[Sub-sections (4) and (5) omitted by U.P. Act No. 12 of 1965.]*

283. [Recovery proceedings by Land Management Committee. ***[Substituted by U.P Act No. 12 of 1965.]***

- 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.]

284. [Attachment, lease and sale of holding. ***[Substituted by U.P Act No. 12 of 1965.]***

(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 tire 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 has 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 (e), (j) 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 arrears, 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).]

284A. [Ejectment of persons occupying the attached land without title. ***[Added by U.P. Act No. 12 of 1965.]***

- Any person taking or retaining possession otherwise than in accordance with the provisions of this Act, of any land attached under this Chapter 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.]

285.

[* * *] *[Omitted by U.P. Act No. 12 of 1965.]*

286. Power to proceed against interest of defaulter in other immovable property.

(1) If any arrears of land revenue cannot be recovered by any of the processes mentioned in clauses (a) to (e) of Section 279, the Collector may realize the same [by attachment and sale of the interest of the defaulter in any other immovable property of the defaulter. [* * *] *[Substituted by U.P. Act No. 12 of 1965.]*

(2) Sums of money recoverable as arrears of land revenue but not due in respect of any specific land, may be recovered [by process] *[Inserted by U.P. Act No. 12 of 1965.]* under this section from any immovable property of the defaulter [including

any holding of which he is a bhumidhar, [* * *] *[Inserted by U.P. Act No. 4 of 1969.]* or asami],

286A. [Appointment of receiver. ***[Added by U.P. Act No. 12 of 1965.]***

(1) Notwithstanding anything in this Act when [an arrears of revenue or any other sum recoverable as 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 moveable 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 at present right to remove.

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

[(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 in 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.] *[Inserted by U.P. Act No. 34 of 1974.]*

(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.]

287. Recovery of arrears paid by a person appointed under Section 275.

- A bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.01.1977).]* or a person appointed under Section 275 who has paid the arrears of revenue due on account of any tenure-holder may, in addition to any other mode of recovery open to him, within six months of the payment of such amount, apply to the Collector to recover such arrears on his behalf as if it were an arrear of land revenue payable to Government.

The Collector shall on receipt of such application satisfy himself that the amount claimed is due to such a person and may then proceed to recover, as if it were an arrear of revenue such amount with costs and interest from the said tenure-holder or any person in possession of his tenure.

The Collector shall not be a defendant to any suit in respect of the amount for the recovery of which an order has been passed under this section.

No appeal shall lie against the order of the Collector under this section, but nothing contained therein and no order passed under this section, shall debar the tenure-holder from maintaining a suit for arrears of land revenue.

287A. [Payment under protest and suit for recovery. ***[Inserted by U.P. Act No. 34 of 1974.]***

(1) Whenever proceedings are taken under this Chapter against any person for the recovery of any [arrears of land revenue], [or for the recovery of any sum of money recoverable as [arrears of land revenue] *[Inserted by U.P. Act No. 35 of 1976.]*] 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 an agent duly authorised in this behalf.]

288. Provision applied to arrears due at the commencement of Act.

- The provisions of this Act with regard to the recovery of arrears of revenue shall apply to all arrears of revenue and sums of money recoverable as arrears of revenue due at the commencement of this Act.

289. [***[Sections 289 to 291 omitted by U.P. Act No. 12 of 1965.]***

[* * *]

290.

[* * *]

291.

[* * *]]

292. [Payment of rent or other dues in respect of attached land. ***[Substituted by U.P. Act No. 12 of 1965.]***

- 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.]

293. Provisions of Act 111 of 1901 applied to applications and proceedings under this Chapter.

- The provisions of Chapters IX and X of the United Provinces Land Revenue Act, 1901, as amended by this Act shall, insofar as they are not inconsistent with the provisions of this Act, apply to applications and proceedings made or taken under this Chapter.

294. Power to make rules.

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of foregoing power such rules may provide for-

(a) the procedure for reimbursement under Section 244 of the excess amount paid by a bhumidhar [* * *] *[Omitted by U.P. Act No. 8 of 1977 (w.e.f. 28.1.1977).]*;

(aa) [the authority which shall prepare and publish the list of tenure-holders entitled to the exemption mentioned in Section 247A, the particulars which shall be entered in such list, the manner of its publication, the dates before which it shall be published, the manner in which and the time within which objection 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 such objections shall be disposed of, and matters relating to the determination of shares under sub-section (2) of the said section;] *[Inserted by U.P. Act No. 6 of 1978 (w.e.f. 01.07.1977).]*

(aaa) [* * *] *[Omitted by U.P. Act No. 8 of 1975.]*

(b) the manner of filing objections under Section 265;

(c) [***] *[Omitted by U.P. Act No. 35 of 1976.]*

(d) the manner and arrangements under Section 275 for collection of land revenue:

(e) the procedure for the collection of land revenue by the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* under Section 276;

(ee) [the costs to be recovered in respect of the processes mentioned in subsection (1) of Section 279] *[Substituted by U.P. Act No. 12 of 1965.]*;

(f) the procedure for attachment, transfer and sale of immovable property under Section 279;

(g) the manner in which the [Land Management Committee] *[Substituted by U.P. Act No. 37 of 1958.]* shall exercise powers under Section 283;

(h) the guidance generally of officers in connection with due discharge of their duties under this chapter; and

(i) the matters which are to be and may be prescribed.

Chapter XI
Co-Operative Farms

295. to 318.

[* * *] *[Sections 295 to 318 repealed by U.P. Act No. 11 of 1966.]*

Chapter XII
Miscellaneous

319. Appointment of officers and authorities for this Act.

- The State Government may, for the purposes of this Act, appoint-

(a) a Compensation Commissioner;

(b) Assistant Compensation Commissioners;

(c) Compensation Officers, and

(d) Rehabilitation Grants Officers.

320. Powers and Duties.

(1) The Compensation Commissioner and the Assistant Compensation Commissioner shall perform such duties and exercise such powers of supervision and superintendence over the work of the Compensation Officers and Rehabilitation Grants Officers as may be prescribed.

(2) The Compensation Officers and the Rehabilitation Grants Officers shall exercise the powers and perform the duties conferred or imposed upon them by or under this Act or the rules framed thereunder.

321. Delegation of powers.

- The State Government may, by notification in the Gazette, delegate to any officer or authority subordinate to it, any of the powers conferred on it by this Act to be exercised subject to any restrictions and conditions as may be specified in the notification.

322. Powers to enforce attendance of witnesses and in certain other matters.

- A Compensation Officer or a Rehabilitation Grants Officer shall have all such powers, rights and privileges as are vested in a civil court on the occasion of any action, in respect of the following matters:-

(a) the enforcing of the attendance of witness and examining them on oath, affirmation, or otherwise, and the issue of a commission or request to examine witnesses abroad;

(b) compelling anyone for production of any documents;

(c) the punishing of persons guilty of contempt;

and a summon signed by such officer may be substituted for and shall be equivalent to any formal process capable of being issued in any action by a civil court for enforcing the attendance of witnesses and compelling the production of document.

323. Powers to require production of documents, etc.

(1) Subject to any conditions or restrictions that may be prescribed, the Compensation Officer or the Rehabilitation Grants Officer may, by written order, require any person to produce such documents, papers and registers or to furnish such information as the Compensation Officer or the Rehabilitation Grants Officer may deem necessary for the proper exercise of his powers or the proper discharging of his duties under this Act.

(2) Every person required to produce any document, paper or register or to furnish an information under this section shall be deemed legally bound to do within the meaning of Sections 175 and 176 of the Indian Penal Code (XLV of 1860).

324. Powers to enter upon land, and to make survey, etc.

- Subject to any conditions or restrictions that may be prescribed, any officer appointed under this Act may, for the purposes of this Act, enter at any time upon any land with such public .servants as he considers necessary, and make a survey or take measurements thereof or do any other act, which he considers to be necessary for carrying out any of his duties under this Act.

325. Proceedings before the Compensation Officer and the Rehabilitation Grants Officer to a judicial proceeding.

- A proceeding before a Compensation Officer or Rehabilitation Grants Officer shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 and for the purposes of Section 196 of Indian Penal Code (XLV of 1860)

326. Costs.

- Any order for the payment of costs made by a Compensation Officer or a Rehabilitation Grants Officer under this Act may be enforced by the person entitled to realize the amount by an application accompanied with a copy of the order presented to the Munsif having jurisdiction who shall proceed to execute it as if it were an application for execution of a decree for the payment of money passed by such Munsif.

327. Mode of service of notice.

- Any notice or other document required or authorized to be served under this Act may be served either -

(a) by delivering it to the person on whom it is to be served, or ;

(b) by leaving it at the usual or last known place of abode of that person, or;

(c) by sending it in a registered letter addressed to that person at his usual or last known place of abode, or;

(d) in case of an incorporated company or body, by delivering it or sending it in a registered letter addressed to the secretary or other principal functionary of the company or body at its principal office, or

(e) in such other manner as may be laid down in the Code of Civil Procedure, 1908 (V of 1908)

328. Right to inspection and copies of documents, statements and registers.

- All documents, statements and registers maintained under this Act or the rules framed thereunder shall be open to inspection during such hours and subject to such conditions and payment of fees as may be prescribed, and any person shall, on payment of such fees,

be entitled to be furnished with a copy of, or any portion of any such document, statement or register.

329. Transfer of proceedings.

(1) On the application of any of the parties and after notice to the other parties and after heating such of them as desired to be heard, or of his own motion without such notice, the District Judge may, at any stage withdraw any proceeding pending before any Compensation Officer or Rehabilitation Grants Officer within his jurisdiction and transfer the same for disposal to any other Compensation Officer or Rehabilitation Grants Officer, as the case may be, within his jurisdiction and competent to dispose of the same.

(2) Where any proceeding has been transferred under sub-section (1), the officer, who thereafter disposes of such proceeding, may, subject to any special directions in the order of transfer, either re-try it or proceed from the point at which it was transferred.

330. [Bar to jurisdiction of civil courts in certain matters. ***[Substituted by U.P. Act No. 34 of 1974.]***

- 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 1 of this Act; or

(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.]

331. Cognizance of soils, etc. under this Act.

(1) Except as provided by or under this Act no court other than a court mentioned in Column 4 of Schedule II shall, notwithstanding anything contained in the Civil Procedure Code, 1908 (V of 1908), take cognizance of any suit, application, or proceedings mentioned in Column 3 thereof [,] *[Substituted for the colon by U.P. Act No. 28 of 1961.]* [or of a suit, application or proceedings based on a cause of action in respect of which any relief could be obtained by means of any such suit or application :] *[Added by U.P. Act No. 28 of 1961.]*

[Provided that where a declaration has been made under Section 143 in respect or any holding or part thereof, the provisions of Schedule II insofar as they relate to suits, applications or proceedings under Chapter VIII shall not apply to such holding or part thereof.] *[Added by U.P. Act No. 37 of 1958.]*

[Explanation. - If the cause of action is one in respect of which relief may be granted by the revenue court, it is immaterial that the relief asked for from the civil court may not be identical to that which the revenue court would have granted.] *[Added by U.P. Act No. 28 of 1961.]*

[(1-A) Notwithstanding anything in sub-section (i), an objection, that a court mentioned in Column 4 of Schedule II, or, as the case may be, a civil court, which had no jurisdiction with respect to the suit, application or, proceeding, exercised jurisdiction with respect thereto shall not be entertained by any appellate or revisional court unless the objection was taken in the court of first instance at the earliest possible opportunity and in all cases where issues are settled, at or before such settlement, and unless there has been a consequent failure of justice.] *[Inserted by U.P. Act No. 4 of 1969.]*

(2) Except as hereinafter provided no appeal shall lie from an order or [decree] passed under any of the proceedings mentioned in Column 3 of the Schedule aforesaid:

(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 (V of 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 3 thereof to the court or authority mentioned in Column No. 5 thereof.

(4) A second appeal shall lie on any of the grounds specified in Section 100 of the Code of Civil Procedure, 1908 (V of 1908) from the final order or decree, passed in an appeal under sub-section (3), to the authority, if any, mentioned against it in Column 6 of the Schedule aforesaid.] *[Substituted by U.P. Act No. 30 of 1975.]*

331A. [Procedure when plea of land being used for agricultural purposes is raised in any suit. ***[Inserted by U.P. Act No. 37 of 1958.]***

(1) If in any suit, relating to land held by a bhumidhar, instituted in any court, the question arises or is raised whether the land in question is or is not used for purposes connected with agriculture, horticulture or animal husbandry, which includes pisciculture and poultry farming, and a declaration has not been made in respect of such land under Section 143 or 144, the court shall frame an issue on the question and send the record to the Assistant Collector in-charge of the sub-division for the decision of that issue only:

Provided that where the suit has been instituted in the court of Assistant Collector-in-charge of the sub-division, it shall proceed to decide the question in accordance with the provisions of Section 143 or 144, as the case may be.

(2) The Assistant Collector-in-charge of sub-division after reframing the issue, if necessary, shall proceed to decide such issue in the manner laid down for the

making of a declaration under Section 143 or 144, as the case may be, and return the record together with his finding thereon to the court which referred the issue.

(3) The court shall then proceed to decide the suit accepting the finding of the Assistant Collector-in-charge of the sub-division on the issue referred to it.

(4) The finding of the Assistant Collector-in-charge of the sub-division on the issue referred to it shall, for the purpose of appeal, be deemed to be part of the finding of the court which referred the issue],

332.

[* * *] *[Deleted by U.P. Act No. 37 of 1958.]*

332A.

[* * *] *[Deleted by U.P. Act No. 37 of 1958.]*

332B.

[* * *] *[Deleted by U.P. Act No. 37 of 1958.]*

333. [Power to call for cases. ***[Substituted by U.P. Act No. 20 of 1997.]***

(1) The Board or the Commissioner or the Additional Commissioner may call for the record of any suit or proceeding [other than proceeding under sub-section (4-A) of Section 198] decided by any court subordinate to him in which 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.]

333A. Reference to the Board.

- [* * *] [[Omitted by U.P. Act No. 20 of 1997.

'Transitory Provisions. - Notwithstanidng 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 Abolotion 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.']]

334. Protection of action taken under this Act.

(1) No officer or servant of the Government shall be liable in any civil or criminal proceeding in respect of any act done or purporting to be done under this Act or under any rules made thereunder, if the act was done in good faith and in the course of execution of the duties or the discharge of functions, imposed by or under this Act.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions of this Act or by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

335. Discharge of liability of the State Government.

- The payment of compensation or of rehabilitation grant in accordance with the provisions of this Act shall be full discharge of any liability of the State Government to make such payment to the person as may have a rightful claim but shall not prejudice any right in respect of such compensation or grant which any other person may be entitled by due process of law to enforce against the person to whom payment is so made.

336. No right of pre-emption in the area to which this Act applies.

(1) Notwithstanding anything contained in any law, custom, usages or agreement the right of pre-emption shall not exist in respect of any sale of any immovable property in the area to which the Act applies whether made voluntarily or under order of court.

(2) All suits for pre-emption pending in respect of any such property in any court whether of the first instance or appeal or revision shall stand dismissed but award of the costs incurred in any such suit be in the discretion of the court.

337. [Computation of the area fixed in certain districts. ***[Substituted by U.P. Act No. 20 of 1954.]***

- For the purposes of computing the area fixed under any of the provisions of this Act. 1½ acres shall count as 1 acre in the following areas:

(a) Bundelkhand;

(aa) [* * *];

(b) trans-Jamuna portions of the Allahabad, Etawah, Agra and Mathura Districts;

(c) the portion of the Mirzapur District south of Kaimur Range;

(d) Tappa Upraudh and Tappa Chaurasi (Balai Pahar) of Tahsil Sadar in district Mirzapur;

(e) portion of tahsil Robertsganj, district Mirzapur which lies north of Kaimur Range; and

(f) pargana Sakteshgarh and the villages mentioned in lists "A" and "B" of Schedule VI in hilly pattis of parganas Ahraura and Bhagwat of tahsil Chunat of district Mirzapur.]

338. Amendment and adaptation of other enactments by an order under this Act.

(1) The State Government shall, for the purpose of bringing the provisions of any Act in accordance with the provisions of this Act by an order adapt, modify or amend or repeal the provisions of any such Act and the Act so adapted, modified, amended or repealed shall have effect as if it was adapted, modified, amended or repealed by this Act.

(2) The draft of every such order shall be laid before the State Legislature and the procedure in regard to the consideration and passing of a Bill shall as far as may be, apply to the consideration, amendment and passing of the said order.

(3) Every such order shall have effect from the date of commencement of this Act.

339. Repeals.

- With effect from the date of [vesting] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* in respect of any area-

(a) the enactments mentioned in List I of Schedule III shall be and are hereby repealed in their application to such area;

(b) so much of any other enactments as is inconsistent with the provisions of Chapters VIII to X of this Act shall be deemed and is hereby repealed [in its application to such area] *[Added by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]*;

(c) the United Provinces Land Revenue Act, 1901 (U.P. Act III of 1901), shall [in its application to such area] *[Added by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* be deemed to be and is hereby amended to the extent mentioned in Column 3 of the List II of the Schedule aforesaid :

Provided that where under this Act any interpretation has to be made, action taken or thing done in accordance with the provisions of the United Provinces Tenancy Act, 1939 (U.P. Act XVII of 1939), the same may be made, taken or done as if it has not been repealed by this Act.

340. Amendment of U.P. Agricultural Tenants (Acquisition of Privileges) Act, 1949.

(1) Where any orders have been made, proceedings taken, declarations granted, or jurisdiction exercised under the provisions of the U.P. Agricultural Tenants (Acquisition of Privileges) Act, 1949 (U.P. Act X of 1949), the provisions of the said Act shall, notwithstanding anything contained therein, be so read and construed as if the amendment mentioned in Schedule IV had been made therein and were in force from the commencement of the said Act.

(2) For the removal of doubts it is hereby declared that all orders made, proceedings taken, declarations granted and jurisdictions exercised, under any Act at any time during the continuance of the said Act, shall be good and valid in-law as if the said Act, as amended by sub-section (1) had been in force at all material dates.

341. Application of certain Acts to the proceeding of this Act.

- Unless otherwise expressly provided by or under this Act, the provisions of the Indian Court Fees Act, 1870 (VII of 1870), the Code of Civil Procedure, 1908 (V of 1908), and the [Limitation Act, 1963 (XXXVI of 1963)] *[Substituted by U.P. Act No. 12 of 1965.]*, [including Section 5 thereof] *[Inserted by U.P. Act No. 37 of 1958.]* shall apply to the proceedings under this Act.

342. Power to remove difficulties.

(1) Whereas difficulties may arise in relation to the transition from the provisions of the United Provinces Land Revenue Act, 1901 (U.P. Act III of 1901), or the United Provinces Tenancy Act, 1939 (U.P. Act XVII of 1939), or any other law relating to land tenure to the provisions of this Act:

The State Government may, for the purpose of facilitating the said transition, by order-

(a) direct that this Act, any provisions of the United Provinces Land Revenue Act, 1901 (U.P. Act III of 1901), the United Provinces Tenancy Act, 1939) (U.P. Act XVII of 1939), or any other law relating to land tenure shall during such limited period and in such areas as may be specified in the Order, have effect subject to such adaptations and modifications as may be so specified;

(b) make such other temporary provisions for the purpose of removing any such difficulties as aforesaid as may be specified in the order.

(2) No order shall be made under this section in respect of any area after the expiration of [two years] *[Substituted by U.P. Act No. 16 of 1953 (w.e.f. 01.07.1952).]* from the date of the notification under Section 4 in respect of such area.

(3) An Order made under this section shall be laid before both Houses of the State Legislature as soon as may be after it is made.

343. State Government to he a party in the proceedings under Chapters III to V.

(1) The State Government shall be deemed to be a party in every proceedings before the Compensation Officer or the Rehabilitation Grants Officer under Chapters III to V and every notice to be served or intended-to be served on the State Government may be served on the Collector or an authority nominated by the Collector.

(2) Notwithstanding anything contained in the said chapters or clause (d) of sub-section (1) of Section 344, the period of limitation for filing of an appeal by or on behalf of the State Government shall be ninety days from the date of the order appealed against.

343A. [State Government to be a party in suits by or against the Gaon Sabha or local authority. *[Added by U.P. Act No. 20 of 1954.]*

- Notwithstanding anything in any law if the State Government so prescribes it shall be made a party in any suit or class of suits instituted by or against the [Gaon Sabha] or local authority under this Act [* * *] *[Omitted by U.P. Act No. 21 of 1962.]*.

344. Rules in general.

(1) Every power to make rules given by this Act shall be deemed to include the powers to provide for-

(a) imposing limits of time within which things to be done for the purposes of the rules must be done, with or without powers to any authority therein specified to extend limits imposed;

(b) the procedure to be followed in [suits, applications appeals and other proceedings including proceedings for review or revision] *[Substituted by U.P. Act No. 4 of 1969.]* under this Act, in cases for which no specific provision has been made therein;

(c) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer and authority;

(d) the time within which [suits] *[Inserted by U.P. Act No. 20 of 1954.]*, applications and appeals may be presented under this Act, in cases for which no specific provision in that behalf has been made therein;

(e) the fees to be paid in respect of [suits] *[Inserted by U.P. Act No. 20 of 1954.]*, appeals and applications under this Act, in cases for which no specific provision in that behalf has been made therein;

(f) the application of the provisions of the Indian Limitation Act, 1908 (X of 1908) to suits applications, appeals and proceedings under this Act;

(g) the delegation of powers conferred by this Act on the State Government or any other authority, officer or person; and

(h) the transfer of proceedings from any authority or officer to another.

(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 1 louses of the Legislature may during the said period agree to make, so however, that any such modification annulment shall be without prejudice to the validity of anything previously done thereunder.] *[Substituted by U.P. Act No. 30 of 1975.]*

I

(Section 98)

Serial No.	Land revenue assessed or deemed to be assessed on all the estates of the intermediary in the areas to which this Act applies.	Multiple for purposes of Section 98			
1	2		3		
1.	Up to Rs. 25	..	..	..	20
2.	Exceeding Rs. 25 but not Rs.50	..	..	..	17
3.	Exceeding Rs. 50 but not Rs. 100	..	..	..	14
4.	Exceeding Rs. 100 but not Rs. 250	..	..	..	11
5.	Exceeding Rs. 250 but not Rs. 500	..	..	..	8
6.	Exceeding Rs. 500 but not Rs. 2,000	..	..	..	5

7.	Exceeding Rs. 2,000 but not Rs. 3,500	..	..	..	3
8.	Exceeding Rs. 3,500 but not Rs. 5,000	..	..	..	2
9.	Exceeding Rs. 5.000 but not Rs. 10,000	..	..	..	1

[Schedule II] *[Substituted by U.P. Act No. 18 of 1956.]*

(Section 331)

				Court of		
| | | |-	Serial No.	Section	Description of proceedings	Court of original jurisdiction	First appeal	Secor appe
1	2	3	4	5	6	
1	12	Application for recovery of possession	Assistant Collector 1st Class	Commissioner	Board	
2	13	Thekedar's application for the grant of land or extension in the period of cultivation.	Collector	Commissioner	NIL	
3	14	Application to deposit money by mortagee.	Assistant Collector 1st Class	do	NIL	
4	33	Proceedings for correction of records of rights	Compensation Officer	do	NIL	
5	117	Application for Payment of compensation on account of development.	Assistant Collector Incharge of sub-division	do	NIL	
6	[***] *[Omitted by*	-	-	-	-	

	U.P. Act No. 8 of 1977.]				
7	[137] *[Substituted by U.P. Act No. 35 of 1976.]*	Application for cancellation of certificate.	Assistant Collector	do	NIL
8	[***] *[Omitted by U.P. Act No. 8 of 1977.]*	-	-	-	-
9	140	Application for refund.	Assistant Collector	do	NIL
10	140-A	Application for the refund of 1/3 of the deposit to land holder.	Assistant Collector	Commissioner	NIL
11	143&144	Application for declaration.	Assistant collector Incharge of Subdivision.	[Collector] *[Substituted by U.P. Act No. 37 of 1958.]*	[***] *[Omitted by U.P. Act No. 37 of 1958.]*
12	157(2)	Application for determination of the share of the lessor and partition.	Assistant Collector 1stClasses	do	do
13	161	Application for permission to make exchange.	Assistant Commissioner 1stClass	Commissioner	Board
14	163	[Application for declaration of any transfer to be void.] *[Substituted by U.P. Act No. 35 of 1976.]*	[Assistant Collector 1stClass.] *[Substituted by U.P. Act No. 37 of 1958.]*	do	do

15	167 read with 201 or 202 (a)	Suit for the ejectment of a transferee of a[Bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 37 of 1958.]*or asami.	Assistant Collector 1stClass.	do	do
16	176	[suit for the division of a holding or a bhumidhar] *[Substituted by U.P. Act No. 37 of 1958.]*[***] *[Omitted by U.P. Act No. 8 of 1977.]*	do	do	do
17	183,184	Application for surrender	Tahsildar	do	do
18	186	Application for service of notice in respect of abandoned holding.	do	do	do
19	191 read with 202 (a)	Suit for ejectment of Assami	Assistant Collector 1stClass.	do	Board
20	[***] *[Omitted by U.P. Act No. 35 of 1970.]*				
20-A	[***] *[Omitted by U.P. Act No. 35 of 1970.]*				

21	202(b) to (h)	Suit ejectment of asami.	Assistant Collector 1stClass.	Commissioner	Board.
22	206 read with 201 or 202 (a)	Suit for ejectment of a[bhumidhar with non-transferable rights] *[Substituted by U.P. Act No. 8 of 1977.]*or asami.	do	do	do
23	208	Suit for injunction or for repair of the waste or damage.	do	do	do
24	209	Suit for ejectment of persons occupying land without title[and damages] *[Added by U.P. Act No. 37 of 1958.]*	do	do	do
25	[***] *[Omitted by U.P. Act No. 8 of 1977.]*	-	-	-	-
26	212	Suit for ejectment of persons from land of public utility	Collector	do	do
27	212-B	Suit for possession of the land or for compensation for	Assistant Collector 1stClass	do	do

		wrongful dispossession			
28	213	Objection against the fixation of rent by[Gaon Sabha] *[Substituted by U.P. Act No. 33 of 1961.]*.	[Tahsildar] *[Substituted by U.P. Act No. 37 of 1958.]*	do	do
29	215	Suit for determination of rent and for arrears.	[do] *[Substituted by U.P. Act No. 37 of 1958.]*	do	do
30	218	Suit for commutation of rent.	[Assistant Collector incharge of Sub-Division] *[Substituted by U. P. Act No. 23 of 1961.]*	do	do
31	220	Application for recovery of arrears of rent and ejectment.	Tahsildar	do	do
32	222(5)	Suit for recovery of canal dues.	Assistant Collector 1stClass. Tahsildar	do	do
33	227	Suit for recovery of canal dues.	Tahsildar	do	do
34	[229] *[Inserted by U.P. Act No. 28 of 1961.]*229-B229-C	Suit for declaration of rights.	Assistant Collector 1stClass	do	do
35	232	Application for restoration of	Assistant Collector	do	do

		possession by an adhivasi whom clause (b) of Section 20 is applicable.	incharge of sub-division		
36	233	Application for determination of rent of adhivasi	Assistant Collector 1stClass	do	do
37	233-A	Application for commutation of rent.	Assistant Collector	do	do
38	234	Suit for ejectment of adhivasi	do	do	do
39	244	Suit by bhumidhar or sirdar for reimbursement of land revenue.	Assistant Collector 1stClass.	do	do
40	246(2)	[***] *[Omitted by U.P. Act No. 35 of 1976.]*	..	..	..
41	245(3)	[***] *[Omitted by U.P. Act No. 35 of 1976.]*	..	..	..
42	250251	Application for reduction or variation of land revenue.	Assistant Collector in-charge of sub-division	do	do
43	284-A	Suit for ejectment of persons occupying attached land without title and for damages.	Assistant Collector 1stClass	do	do

III

(Section 339)

List I

Serial No.	Name of enactment
1	The Benares Permanent Settlement Regulation, 1795. (No. 1 of 1795).
2	The Benares Family Domains Regulation. 1795 (No. XV of 1795).
3	The Benares Permanent Settlement (Supplemental) Regulation, 1795 (No. XXVII of 1795).
4	The Benares Inheritance Regulation, 1795 (No. XLIV of 1795).
5	The Benares Family Domains Regulation, 1828 (No. VII of 1828)
6	The Bengal Land Revenue (Settlement and Deputy Collector) Regulation, 1833 (No. IX of 1833).
7	The Oudh Sub-Settlements Act, 1866 (No. XXVI of 1866)
[7-A *[Added by U.P. Act No. 16 of 1953.]*	The Bundelkhand Encumbered Estates Act, 1903 (U.P. Act I of 1903).]
[7-B *[Added by U.P. Act No. 16 of 1953.]*	The Bundelkhand Alienation of Land Act, 1903 (U.P. Act II of 1903).]
8	The Pargana Kaswar Raja Act, 1911 (No. 1 of 1911).
9	The Pargana Kaswar Raja Act, 1915 (U.P. Act No. VI of 1915).
10	The United Provinces Private Irrigation Works Act, 1920 (U.P.

	Act No. II of 1920).
11	The Canning College and British Indian Association Act, 1920 (U.P. Act No. IV of 1920.)
12	The Agra Pre-emption Act, 1922 (U.P. Act No. XI of 1922).
13	The Agra Province Zamindars' Association Contribution Act, 1927 (U.P. Act No. II of 1927).
[13-A *[Added by U.P. Act No. 16 of 1953.]*	The U.P, Agriculturists Relief Act, 1934 (U.P. Act No. XXVII of 1934).]
14	The United Provinces Abatement of Rent Suits Act, 1938 (U.P. Act No. XIII of 1938)
15	The United Provinces Regularization of Remissions Act, 1938 (U.P. Act No. XIV of 1938).
16	The United Provinces Tenancy Act. 1939 (U.P. Act No. XVII of 1939).
[17 *[Added by U.P. Act No. 16 of 1953.]*	The U.P. Land Utilization Act, 1947 (U.P. Act V of 1948.)]

List II

The U.P Land Revenue Act, 1901 (U.P. Act No. III of 1901)

Serial No.	Section	Extent of modification or amendment
1	5	The words "under this Act" shall bedeleted.
	21	For the existing Section 21 the following shall be substituted:

		"21. (1) "The Collector may arrange the villages of the district in lekhpal halkas and may, from time to time alter the limits of such halkas without effecting any change in the strength of lekhpals.	
		(2) If the change for alteration referred to in sub-section (1) is likely to effect any change in the strength of lekhpals previous sanction of the State Government shall be obtained for the purpose."	
2	23	For the existing Section 23, the following shall besubstituted:	
		"23. The State Government shall appoint a "Lekhpal" to eachhalkafor the preparation of records specified by or tinder the Act and for the purposes of such other duties as may be prescribed.”	
	25	The words and the commas, “subject to rules made under Section 234," shall bedeleted	
3	27	(a)	In line 4 for the word 'paper the word "documents" shall besubstituted.

		(b)	In line 6, for the word "Crown" the words "Provincial Government" shall besubstituted.
4	28	In line 6, the comma after the word "village" and the word "mahal" between the words "village" and "or" shall bedeleted.	
5	29	For the existing Section 29, the following shall besubstituted:	
		"29. (1) It shall be the duty of every tenure-holder to maintain and keep in repair at his cost the permanent boundary marks lawfully erected on his fields.	
		(2) It shall be the duty of the Gaon Sabha to maintain and keep in repair at its cost the permanent boundary marks lawful erected on the village situate within its jurisdiction.	
		(3) The Collector may at any time order, as the case may be, Gaon Sabha or tenure-holder-	
		(a)	to erect proper boundary marks on such villages or fields;
		(b)	to repair or renew in such form and nature as may be

			prescribed at all boundary marks lawfully erected therein.
6	30	For the words "the owners of the co-terminus villages, mahals, or fields" the words "tenure-holders or Gaon Sabhas of co-terminus fields or villages, as the case may be, "shall besubstituted.	
7	31	For the existing Section 31, the following shall besubstituted.	
		”31. The Collector shall prepare and maintain in the prescribed form a list of all villages and will show therein in the prescribed manner the areas-	
		(a)	liable to fluvial action,
		(b)	having precarious cultivation, and
		(c)	the revenue whereof has either wholly or in part beer realised, compounded, redeemed or assigned.
		Such registers shall be revised every five years in accordance with the rules framed in that behalf".	
8	32	For the existing Section 32, the following shall besubstituted:	
		"32. There shall be a record of rights for	

		each village subject to such exceptions as may be prescribed by rules made under the provisions of Section 234. The record of rights shall consist of a register of all persons cultivating or otherwise occupying land specifying the particulars required by Section 55."	
9	33	(a)	In sub-section (1), for the words "set of the registers enumerated in Section 32" tl words "register mentioned in Section 32" shall besubstituted.
		(b)	For the word "registers" occurring in Paragraph 2 of sub-section (1) and in line of sub-section (2), the word "register" shall besubstitute
		(c)	For sub-section (3), the following shall besubstitute
		"No such change or transaction shall be recorded without the order of the Collector or as hereinafter provided, of the Tahsildar or the Kanungo.	
		After Section 33, the following shall be added as a new Section 33-A.	

		"33-A, Where a person obtains possession of any land by succession, the Kanungo shall make such enquiry as may be prescribed and if the case is not disputed record the same in the annual registers."	
10	34	34. For the existing sub-sections (1), (2) and (3) of Section 34 the following shall besubstituted.	
		"(1) Every person obtaining possession of any land in a village-	
		(a)	by succession and such succession has not been recorded in the annual register under Section 33-A; or
		(b)	by transfer;
		shall report such succession or transfer to the Tahsildar of the tahsil in which the land is situate.	
		(2) The report under sub-section (1) shall be made-	
		(a)	in the case of a transfer othe than a lessee immediately after such transfer has taker place;
		(b)	in the case of succession, immediately after the perso

			so succeeding learns that the Kanungo has not recorded the succession under Section 33 A. and
		(c)	in the case of lease, immediately after the lessee has obtained the possession thereunder."
11	35	For the existing Section 35, the following shall besubstituted:	
		"35(1)	On receiving a report of succession under Section 34, or on facts otherwise coming to his knowledge, the Tahsildar shall make such inquiry as appears necessary and if, in an undisputed case, succession appears to have taken place, direct the annual registers to be amended accordingly. If the succession is disputed, he shall dispose it of, after deciding the dispute in accordance with the provisions of Section 40.
		(2)	On receiving a report of transfer under

			Section 34, or on facts otherwise coming to his knowledge, the Tahsildar shall make such inquiry as appears necessary and then refer the case to the Collecto who, shall, after making suc further inquiry as may be necessary, dispose it of."
12	36	Section 36 shall bedeleted.	
13	37	For the words “one hundred" the word "five" shall besubstituted.	
14	38	In line 3 the words 'mortgage or" shall bedeleted.	
15	39	For the existing Section 39, the following shall besubstituted:	
		"39.(1)	An application for correctio of any error or omission in the annual register shall be mad to the Tahsildar.
		(2)	On receiving an application under sub-section (1) or any error or omission the annual register coming t his knowledge otherwise, th Tahsildar shall make such inquiry as appears necessary and then refer the case to the Collector, who shall dispose it of, after deciding the dispute in

			accordance with the provisions of Section 40.
		(3)	The provisions of sub-sections (1) and (2) shall prevail, notwithstanding anything contained in the U.P. Panchayat Raj Act, 1947."
16	40	For the word "Collector" the words "Collector" or the tahsildar" shall besubstituted.	
		Sub-section (3) shall bedeleted.	
		In the explanation the words "or on such transfer and changes as are deals with in Section 39" shall bedeleted	
		The following shall be added as new Section 40-A:	
	40-A	No order passed under Sections 33, 35, 39 or 40 shall debar any person from establishing his right to the property in any civil or revenue court having jurisdiction.	
17	41-A	Section 41-A shall bedeleted.	
18	42	Section 42 shall bedeleted.	
19	43	(a)	In lines 1-4, before the word 'rent payable" the 'Words "revenue or "shall be inserted.

		(b)	In line 2, for the words "tenant" the word "tenure-holder" shall besubstituted.
		(c)	At the end of this section, after the figures "1939" the words "or the Uttar Pradesh Zamindari Abolitic arid Land Reforms Act, 1950" shall be inserted.
20	44	For the existing section, the following shall besubstituted:	
		"44. Ail entries in the annual register shall, until contrary is proved, be presented to be true."	
21	45	Section 45 shall bedeleted.	
22	50	(a)	In lines 2-3, for the words "owners of villages, mahals and fields' the words "Gaon Sabha, bhumidhars and sirdars" shall besubstituted.
		(b)	In line 5, for the words "thei villages, mahals or fields" the words "the villag and fields" shall besubstituted.
		(c)	At the end of this section, fo the word "owner" the words "Gaon Sab-has, bumidhars or sirdars concerned" shall besubstituted.

		(d)	The "Explanation" shall bedeleted.
23	53	For the existing Section 53 the following shall besubstituted:	
		"53. Where any local area is under record operation, the record officer shall frame for each village therein the record specified in Section 32 and the record so framed shall thereafter be maintained by the Collector instead of the record previously maintained under Section 33."	
24	54	In the last line, the figure "42" shall bedeleted.	
25	55	For the existing Section 55, the following shall besubstituted:	
		"55. The register of persons cultivating or otherwise occupying land specified in Section 32 shall specify so to each tenure-holder the following particulars:	
		(a)	the class of tenure as determined by the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950;
		(b)	the revenue or rent payable by the tenure holder; and
		(c)	any other conditions of tenure which the State Government may

			by rules made under Section 234 require to be recorded.
		Explanation.- For the purposes of this section the year for which the register is prepared shall be reckoned as a complete year."	
26	56	Section 56 shall bedeleted.	
27	57	In line 10, the words "clauses (a) to (d) of" shall bedeleted.	
28	58-188ChaptersV to VIII	Sections 58 to 188 shall bedeleted.	
29	210	(I) For sub-section (1) the following shall besubstituted:	
		"(1) Appeals shall lie under this Act as follows:	
		(a)	to the Record Officer from orders passed by any Assistant Record Officer;
		(b)(i)	to the Commissioner from orders passed by a Collector or an Assistant Collector, First Class or Assistant Collector in charge of Subdivision:
		(ii)	to the Collector from orders passed by an Assistant Collector, Second Class or Tahsildar;" [***]

		(II) Sub-sections (2), (3), (4) and (5) shall bedeleted.
		(III) The following shall be added as a new sub-section (6):
		"(6) No appeal shall lie against an order passed under Sections 28, 33, 35, 39 or 40."
30	212	Section 212 shall bedeleted.
31	213	Section 213 shall bedeleted.
32	214	For the existing Section 214 following shall besubstituted:
		"214 No appeal shall be brought after the expiration of 30 days from the date of the order complained of, unless otherwise expressly provided in this Act."
	215	For the figures "1877" the figures "1958" shall besubstituted:
	224	For the words 'Assistant Collector of the Second Class' the words "Assistant Collector of the First or Second Class" shall besubstituted.
		In the end the words "or of an Assistant Collector of the Second Class shall be added.
33	226	Section 226 shall bedeleted.
34	227	In clause (2), for the word "owners" the words

		"tenure-holders or Gaon Sabha" shall besubstituted.
		In clause (5), for the words and figures "Sections 35, and 39" the word and figures "Section 35' shall besubstituted.
		After clause (5), the following shall be added as new clause (5-a):
		"(5-a) to enquire into and decide applications made under Section 39."
		Clause (6) shall bedeleted.
		In clause (8), for the words and figures "Sections 40 to 43" the words and figures "Sections 40,41 and 43" shall besubstituted.
		Clauses (9) to (17) shall bedeleted.
35	231	Shall bedeleted.
36	232	Shall bedeleted.
37	233	In clause (a) for the word "circles" the word "halkas" shall besubstituted.
		In clause (b) tor the words and figures "Sections 23, 25, or 45" the words and figures "Sections 23 and 25" shall besubstituted.
		Clause (c) and clauses (e) to (m) shall bedeleted.

38	234	For the words "clauses (a) to (e)" the words "clauses (a), (d), (e)" shall besubstitutedand clause (c) shall bedeleted.
		For the brackets and the letters '(f)" the letter and brackets '(e)' shall besubstituted
		Clauses (m), (i), (o) to (s) shall bedeleted.
		Clauses (b) and (f) to (u) shall bedeleted.
		Clauses (g) to (l), (m)(ii), (n), (t) and (u) shall bedeleted.
		In clause (v)(ii), the words "or settlement" and the words “other than costs recoverable by the Provincial Government in proceedings in partition cases” shall bedeleted.
		In clause (w)(i), words "not connected with settlements" shall bedeleted.
		In clause (w)(ii), the words "or settlement" shall bedeleted.
		In clause (x)(i) the words "not connected with settlement" shall bedeleted.
		In clause (x)(ii), the words "or settlement" shall bedeleted.

IV

(Section 340)

Amendment in the United Provinces Agricultural Tenants (Acquisition of Privileges) Act, 1949

Serial No.	Section	Extent of amendment	
1	3	For sub-section (1), the following shall besubstituted	
		(1) Whoever being-	
		(a)	a tenant holding on special terms in Avadh,
		(b)	an ex-proprietary tenant,
		(c)	an occupancy tenant,
		(d)	a hereditary tenant,
		(e)	an occupier, or
		(f)	a sub-tenant referred to in sub-section (4) of Section 47 of the United Provinces Tenancy Act, 1939,
		of land (other than land specified in the Schedule) pays to the credit of the State Government an amount equal to-	
		(i)	where it is paid in a lump sum, ten times, and
		(ii)	where it is paid in instalments as laid down in sub-section (4), twelve times,
		the annual rent payable or deemed to be payable by him in respect of the holding shall, on an application made	

		by him in that behalf to the Assistant Collector, be entitled to a declaration with effect from the date on which the amount of the first instalment, as the case may be, has been deposited, that he has become entitled to the privileges provided by or under this Act.	
2	3	In explanation II under sub-section (1)	
		In the definition of the word "occupier"-	
		(i)	between the words "occupier" and "of the words "recorded in the record of rights for 1356 Fasli" shall be inserted.
		(ii)	the words "or which is not sir or khudkasht" shall be deleted and after the word "mortgage" at the end the following, shall be added:
		"or which is not sir or khudkasht of a landlord, who on the said date is assessed in Uttar Pradesh to a land revenue of Rs. 250 or less annually or where no land revenue is assessed to a lesser amount of local rate than would be payable on land revenue of Rs. 250 annually"	
3	3	After sub-section (2) the following shall be added as	

		sub-sections (3) and (4);	
		"(3) It shall be sufficient for the purposes of sub-section (1) if the applicant instead of paying the amount in cash makes an application to the Assistant Collector stating that the amount of any bond issued in favour of the applicant as balance of price of sugarcane supplied by him to a sugar factory may be treated as deposit of the amount referred to in sub-section (1)."	
		"(4) In cases to which clause (ii) of sub-section (1) applies, the applicant may, if the application is made-	
		(a) Before the first day of March, 1951, pay the amount in four equal instalments, that is to say-	
		First instalment..	.. Along with the application.
		Second instalment..	.. June 30,1951.
		Third instalment..	.. February 28,1952.
		Fourth instalment..	.. June 30,1952.
		(b) Before the first day of July, 1951, but after the last day of February, 1951, pay the amount in three equal instalments, that is to say,-	
		First instalment ..	.. Along with application
		Second instalment..	.. February 28,1952
		Third instalment.,	.. June 30,1952.

		(c) Before the first day of March, 1952, but after the last date of June, 1952, pay the amount in two equal instalments, that is to say,-	
		First instalment..	.. Along within application.
		Second instalment ..	.. June 30,1952:
		Provided that the Assistant Collector may on the application of the applicant extend the date fixed for the payment of the second and subsequent instalments so however that the date so extended shall not be later than the 30th day of June, 1952."	
4	7	(1) The existing Section 7 shall be renumbered as sub-section (1) of Section 7 and after clause (b) thereof the following shall be added as clause (c);	
		"(c) The application shall, except as hereinafter excepted, be entitled, notwithstanding anything contained in the U.P, Tenancy Act, 1939, or any contract to bequeath by Will or transfer by way of sale, simple mortgage or gift his interest in the holding or his share therein.	
		Exception.-In cases falling under clause (ii) of sub-section	

		(1) of Section 3 the privilege conferred by this clause shall not accrue until all the instalments have been paid in accordance with the said section."
5	7	(2) After sub-section (1) of Section 7, the following shall be added as sub- section (2):
		"(2) The principles contained in the proviso on sub-section (1) shall apply in respect of any instalments falling due on or after January 1, 1950, subject to such alterations, modifications or, adaptations as the State Government may notify."
6	7-B	After Section 7-A, the following shall be added as a new Section 7-B:
		7-B Where any person has, whether before or after the date of grant of declaration under Section 7, paid to his land-holder on account of rent of the land in respect of which the declaration has been granted an amount in excess of the amount which he was liable to pay under clause (b) of the said section he may apply to the Assistant Collector for the recovery of the excess amount."

7	12-A	After Section 12 the following snail be added as new Sections "12-A and 12-B":
		"12-A. Where an area has ceased to be part of Uttar Pradesh in pursuance of the Provinces and States (Absorption of Enclaves) Order, 1950, and a declaration under Section 6 had before the date of the commencement of the said Order been granted to a person in respect of the area or portion thereof the declaration shall with effect from the said date to be deemed to have been cancelled and the provisions of sub-section (2) of Section 12 shall apply thereto as if it had been cancelled under sub-section (1) of the said section."
8	12-B	“12-B. Where a declaration under Section 6 has been granted on an application made under clause (ii) of sub-section (1 i of Section 3 and the applicant has failed to pay any instalments on or before the due date or the date extended under the proviso to sub-section (4) of Section 3, the declaration shall with effect from the date of default stand

		cancelled and the provisions of sub-section (2) of Section 12 shall apply as if the declaration had been cancelled under subsection (1) thereof and the following further proviso had been added:
		Provided that an amount equal lo 5 per cent of the amount of deposit shall be deducted as incidental charges."

[Schedule V] *[Added by U.P. Act No. 20 of 1954.]*

(Section 26-B)

Amendments of the Act in its applications to Evacuee Property

1. Where any land was recorded as khudkasht of an evacuee at the time the evacuee migrated to Pakistan, such land shall notwithstanding that the evacuee may not have continued subsequently to cultivate it be deemed for purposes of Chapter II to have been the khudkasht of the evacuee on the date immediately preceding the date of vesting.

2.

(1) A person who has been deemed to be hereditary tenant under Section 16 in respect of any land which is evacuee property shall [before the 31st day of December, 1957, or such further date as the State Government may from time to time by notification in the official Gazette specify in this behalf] *[Substituted by and shall be deemed always to have been substituted by U.P. Act No. 20 of 1957.]* pay to the Custodian-

(a) where he has become a bhumidhar of the land [* * *] *[Deleted by U.P. Act No. 5 of 1957.]* an amount equal to 5 times the rent of such land determined in accordance with the said section; and

(b) where he has not become a bhumidhar, an amount equal to 15 times the rent so determined.

(2) The amount paid under sub-para (1) shall be credited by the Custodian to the account of the evacuee concerned.

(3) Where the person liable to pay the amount under sub-para (1) pays the same within the period allowed therefor, he shall become a bhumidhar of the land liable to pay land revenue equal to one-half of the land revenue payable by him [under Section 246] *[Substituted by U.P. Act No. 20 of 1957.]*.

(4) If the person liable to pay the amount under sub-para (1) fails to pay the amount aforesaid within the period allowed therefor he shall forfeit all the rights, title and interest in the land of which he was so deemed to be a hereditary tenant and the provisions of Chapter II of the Zamindari Abolition and Land Reforms Act, 1950, shall and be deemed always to have had effect in respect of such land as if Section 16 had never been enacted.

(5) Where a person has been deemed under Section 16 to be a hereditary tenant of a share only in any land, references to land in sub-paras (1), (3) and (4) shall be construed as references to such share only.

(6) Any sums already paid or which may hereafter be paid by the persons referred to in clause (a) of sub-para (1) for the acquisition of Bhumidhari rights under Section 134 or under the U.P. Agricultural Tenants (Acquisition of Privileges) Act, 1949 in respect of the land shall subject to a maximum of ten times the rent, be paid by the State Government to the Custodian and the provisions of sub-para (2) shall apply thereto.

3. Where any lease in respect of any land in any case being Evacuee Property, has been granted by the Custodian under or in accordance with the Administration of Evacuee Property Act, 1950, the provisions relating to the leases, their cancellation and ejectment contained in the Administration of Evacuee Property Act, 1950, shall have effect in respect of them, notwithstanding anything to the contrary contained in this Act.

4.

(1) A person who has become an adhivasi under clause (b) of Section 20 of any land which evacuee property, shall [before 31st day of December, 1957, or such further date as the State Government may from time to time by notification in the official Gazette, specify in this behalf] *[Substituted and shall be deemed always to have been substituted by U.P. Act No. 20 of 1957.]* pay the Custodian an amount equal to 20 times the rent computed at hereditary rates applicable to the land.

(2) The amount paid under sub-para (1) shall be credited by the Custodian to the account of the evacuee concerned.

(3) If the person liable to pay the amount under sub-para (1)-

(a) pays the same within the period allowed therefor, he shall become a bhumidhar of the land liable to pay land revenue equal to one-half of the

rent computed at hereditary rates applicable to the land; or

(b) fails to pay the same within the period allowed therefor, he shall forfeit all his rights, title and interest in the land of which he was an adhivasi and the provisions of Chapter II of the U.P. Zamindari Abolition and Land Reforms Act, 1950, shall and be deemed always to have had effect in respect of such land as if clause (b) of Section 20 had been never enacted.

(4) Where a person becomes an adhivasi under clause (b) of Section 20 of a share only in any land, references to land in sub-paras (1) and (3) shall be construed as references to such share only.

[4A. The provision of para 4 shall mutatis mutandis apply to a person who has become adhivasi under clause (a) of Section 20 as if-

(a) for the figures and words "20 times", the figures and word "15 times" had been substituted, and

(b) references to "clause (b)" were references to "clause (a)" also]

[4B. (1) Any person recorded as occupier of any evacuee land in the khasra or khatauni for the year 1363 fasli and where no such record has been prepared in that year, in the khasra or khatauni which was last prepared may pay to the Custodian before the 31st day of December, 1957, or such further date as the State Government may from time to time by notification in the official Gazette, specify in this behalf, an amount equal to twenty times the rent computed at hereditary rates applicable to such land.

(2) The amount paid under sub-paragraph (1) shall be credited by the Custodian to the account of the evacuee concerned.

(3) Where the person liable to pay the amount under sub-paragraph (1)-

(a) pays the same within the period allowed therefor, he shall become a bhumidhar of the land liable to pay the land revenue equal to one-half of the rent computed at hereditary rates applicable to the land; or

(b) fails to pay the same within the period allowed therefor, he shall forfeit all his rights title and interest, if any, in the evacuee land and shall be liable to ejectment by the Custodian in the same manner as a lessee from the Custodian and all the provisions of the Administration of Evacuee Property Act, 1950, relating to ejectment shall apply to him accordingly:

Provided that no notice of ejectment shall be issued after December 31, 1958.

Explanation. - In this paragraph "evacuee land" means land which is evacuee property, but does not include land-

(i) in occupation of an allottee or lessee or Custodian, or

(ii) allotted to a displaced person against bis claim under the Displaced Person (Compensation and Rehabilitation) Act, 1954, or

(iii) in which rights of a bhumidhar may be acquired under Sections 16 and 20 of the Uttar Pradesh, Zamindari Abolition and Land Reforms Act, 1950, as modified by Schedule V thereof.]

5. Any person becoming an asami under sub-section (2) of Section,21 of any land being Evacuee Property, shall, notwithstanding anything in this Act, be liable to ejectment by the Custodian in the same manner and to the same extent as a person holding under a lease from the Custodian and all the provisions of the Administration of Evacuee Property Act, 1950 relating to ejectment shall apply to him accordingly.

6. [(1)] ***[Renumbered by U.P. Act No. 18 of 1956.]*** **If in respect of any evacuee land a question arises as to whether any person in occupation thereof is or is not a sirdar under Sections 16 and 19 or is not an adhivasi under Section 20, such question shall be decided by the Custodian of Evacuee Property and not by any other court or authority and the decision of the Custodian shall be conclusive subject to the provisions of appeals, review and revision contained in the Administration of Evacuee Property Act, 1950.]**

(2) [Where in any suit or proceeding relating to land instituted after the commencement of the Uttar Pradesh Land Reforms (Amendment) Act, 1956, in a Civil or Revenue Court or if instituted before the said commencement, a decree or order has not already been passed, the question arises or is raised whether any party to the suit or proceeding is or on any material date was a sirdar, adhivasi or asami of land and such question has not been previously determined by a Court of competent jurisdiction or the Custodian, the Court shall stay the proceedings and direct the party claiming to be a sirdar, adhivasi or asami to get the said right determined by the Custodian.

(3) The decision of the Custodian shall be conclusive subject to the provisions of appeal, reviews and revisions contained in the Administration of Evacuee Property Act, 1950.

The provisions of sub-section (2) and (4) of Section 332-B shall thereafter apply as if for the word "Collector" the word "Custodian" had been substituted therein.] *[Added by U.P. Act No. 18 of 1956.]*

7. In the case of holding held jointly by two or more sirdars any one or more of them who may be allottees from the Custodian under the Administration of Evacuee

Property Act, 1950, may transfer the whole of his or their interest in favour of any one or more of the remaining co-tenure-holders.

8. [Notwithstanding anything contained, in Section 153, the Custodian or Central Government may transfer, by sale or otherwise, the interest of a sirdar in the land vested in them under the Administration of Evacuee Property Act, 1950 or the Displaced Persons (Compensation and Rehabilitation) Act, 1950 :

Provided that no such transfer shall be made for so long as any person is entitled to acquire bhumidhari rights in such land under the provisions of Paragraphs 2,4,4-A and 4-B.] *[Added by U.P. Act No. 20 of 1957.]*

[Schedule VI] *[Added by U.P. Act No. 20 of 1954.]*

(See Section 337)

List "A"

List of Village of Pargana Ahraura

1. Amidih.

2. Baghor.

3. Bagriri.

4. Banlara.

5. Bat.

6. Bhawanipur.

7. Dhotwa.

8. Ghurahi.

9. Khamahria.

10. Khan Arzampur.

11. Ktitlupur.

12. Lohra.

13. Maddupur.

14. Majhui.

15. Mubarakpur.

16. Nagnar Haraiya.

17. Parahi.

18. Sukrut.

19. Takia.

List "B"

List of Villages of Pargana Bhagwat

1. Ban. Imlis.

2. Jargal Mahal

3. Semra Barho.

4. Khatkharia.

5. Koharadih.

6. Talar.

7. Chit Bisram.

8. Padarwa.

9. Hinauta.

10. Nibia.

11. Rampur Barho.

12. Sonbarsa.

13. Bisunpura.

14. Khamhria.

15. Purainia.

16. Nikerika.

17. Dhansiria.

18. Garhwa.

[Schedule VII] *[Added by U.P. Act No. 1 of 1964.]*

[See proviso to clause (8) of Section 3]

(1) The area known as Pargana Agori in district Mirzapur bounded in the north by the Kaimur Range confining with the villages Padaunian (also kr.own as Parhwanian), Chingauri Guraul (also known as Gurwas) Karaundia, Barauli, Dumkhari, Khirhata, Gadman, Khajraul (also known as Khajuraul), Dugauli, Bjaragaon, Jarauli, Jurauli, Kulani, Rajpur, Rajpura. Sen-gduri Raghunathpur, Bahuwar, Basauli, Baghuwari, Lodhi, Raunp Musahi Churk and Urauli (also known as Arauli) of Pargana Barhar and villages Biranchuwa, Makri Bari, Pokhraundh, Lauwa Cherau, Baghma Markundi of Pargana Bijaigarh of district Mirzapur as far as the western boundary of village Sasnai of Pargana Bijaigarh which then forms the boundary between Parganas Agori and Bijaigarh up to the point opposite the junction of the rivers Kanhar and Son and hence onward the River Son forms its northern boundary-

in the east and south-east by the territory of the State of Bihar;

in the south by Tahsil Dudai of District Mirzapur;

in the south-west and west by the territory of Madhya Pradesh (erstwhile Rewa State);

but excluding village Kishnu Chak, which is a separate estate within Pargana Agori and is bounded on the north, east and south by village Kon Khas and in the west by village Mohi-uddinpur of district Mirzapur.

(2) The area known as lappa Argurh in Pargana Bijaigarh, district Mirzapur, bounded in the north by Kaimur Range confining with the village Markundi, Cherui, Palhari, Kodai, Garwan, Baijnath Rampur, Soma Sathari, Panaua, Chichlik Khoraila and Baraila of Pargana Bijaigarah-

in the east by the territory of the State of Bihar,

in the south by the river Son,

in the west by the village Kandhura (also known as Kanhaura) of Pargana Agori, district Mirzapur."

Notifications

English translation of Rajaswa Anubhag-7, Notification No. 700/1-7-2011-43/2011-R-7, dated 04.08.2011, published in the U.P. Gazette, Extra., dated 04.08/2011. - In exercise of the powers under clause (4) of Section 3 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (U.P. Act No. 1 of 1951) the Governor is pleased to empower the Assistant Collectors of first class appointed by Notification No. 280/1-7-2011-43/2011-R-7, dated /April 13, 2011 to recover any sum recoverable under the sub-section (11) of Section 33 of the Uttar Pradesh Value Added Tax Act, 2008 and other dues as arrears of land revenue.

Notifications

[In exercise of the powers under clause (d) of sub-section (4) of Section 125-A of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (U.P. Act No. 1 of 1951) the Governor is pleased to declare that the expenditure incurred in respect of fees of Private Advocates engaged in the High Court of Judicature at Allahabad and its Bench at Lucknow for pairvi of the Writ Petition under the U.P. Imposition of Ceiling on Land Holdings Act, 1960 on behalf of the State Government shall be an appropriate charge on the Consolidated Gaon Fund.] *[Vide Notification No. 179/1-12-10-24(70)-09 dated 20.05.2010, published in the U.P. Gazette, Extra., dated 20.05.2010.]*

[Added by U.P. Act No. 20 of 1957.][Added by U.P. Act No. 18 of 1956.]