The Uttar Pradesh Co-operative Land Development Banks (Amendment) Act, 1978

Act 27 of 1978

Keyword(s):
State Land Development Bank, Trustee, Mortgage Money, Mortgage Property, Agricultural Holding

Amendments appended: 3 of 1979, 16 of 1989
उत्तर प्रदेश, सरकारी मुखि विकास बैंक (संबंधन) प्रधानिन्य, 1978

उत्तर प्रदेश प्रधानिन्य संचालन 27, 1978

['भारत का संविधान' के 22वें पहुँचे 200 के उपरीत राजस्थान में विनाशक 16 सितम्बर, 1978 दिन को ब्राह्मण प्रशासन के अनुसार उत्तर प्रदेश का विकास बैंक के विकासी संभालन के बारे 1 बांध (क) में विनाशक 18 सितम्बर, 1978 दिन को प्रकाशित हुआ।]

उत्तर प्रदेश विकास संयोजन में विनाशक 28 जुलाई, 1978 दिन उत्तर प्रदेश विकास परियोजना में विनाशक 9 सितम्बर, 1978 दिन की बांध में स्वीकृत किया।

उत्तर प्रदेश सरकारी मुखि विकास बैंक प्रधानिन्य, 1964 का ब्राह्मण प्रशासन करने के लिए प्रधानिन्य

भारत भाषाय के उत्तरोत्सव में निर्णायित प्रधानिन्य बनाया जाता है:—

1—(1) यह प्रधानिन्य उत्तर प्रदेश सरकारी मुखि विकास बैंक (संबंधन) प्रधानिन्य, 1978 नहीं बनाया।

(2) यह 17 जून, 1978 को गठन के लिए बांध में घोषणा की गई।

[अध्याय के कारणों के विवरण के लिए कपालिका विनाशक 24 जुलाई, 1978 दिन का तरकारी विकास बैंक के विकासी संभालन के बारे 3 बांध (क) देखिये।]

PRICE 15 PAISE
নির্দেশিত হয়েছে যে প্রতিযোগিতার জন্য একটি প্রতিযোগিতা অনুষ্ঠান যাতে একটি প্রতিযোগিতা অনুষ্ঠান যে প্রতিযোগিতা অনুষ্ঠান যে প্রতিযোগিতা অনুষ্ঠান যাতে একটি প্রতিযোগিতা অনুষ্ঠান যে প্রতিযোগিতা অনুষ্ঠান যাতে 

(3) প্রতিযোগিতা অনুষ্ঠান যে প্রতিযোগিতা অনুষ্ঠান যাতে একটি প্রতিযোগিতা অনুষ্ঠান যে প্রতিযোগিতা অনুষ্ঠান যাতে 

(2) প্রতিযোগিতা অনুষ্ঠান যে প্রতিযোগিতা অনুষ্ঠান যাতে 

(1) প্রতিযোগিতা অনুষ্ঠান যে প্রতিযোগিতা অনুষ্ঠান যাতে 

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(3) প্রতিযোগিতা অনুষ্ঠান যে প্রতিযোগিতা অনুষ্ঠান যাতে 

(2) প্রতিযোগিতা অনুষ্ঠান যে প্রতিযোগিতা অনুষ্ঠান যাতে 

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নির্দেশিত হয়েছে যে প্রতিযোগিতার জন্য একটি প্রতিযোগিতা অনুষ্ঠান যাতে 

(3) প্রতিযোগিতা অনুষ্ঠান যে প্রতিযোগিতা অনুষ্ঠান যাতে 

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(1) প্রতিযোগিতা অনুষ্ঠান যে প্রতিযোগিতা অনুষ্ঠান যাতে
THE UTTAR PRADESH CO-OPERATIVE LAND DEVELOPMENT BANKS
(SECOND AMENDMENT) ACT, 1978

(U. P. ACT NO. 3 OF 1979)

[Authoritative English Text of the Uttar Pradesh Sahkari Bhoomi Vikas Bank
(Dwitiya Sishodhan) Adhiniyam, 1978 (Uttar Pradesh Adhiniyam Sankhya 3
of 1979.)]

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further to amend the Uttar Pradesh Co-operative Land Development Banks Act,
1964

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

1. (1) This Act may be called the Uttar Pradesh Co-operative Land
Development Banks (Second Amendment) Act, 1978.

(2) It shall be deemed to have come into force on October 5, 1978.

2. In section 9 of the Uttar Pradesh Co-operative Land Development
Banks Act, 1964, hereinafter referred to as the principal Act, after sub-
section (2), the following sub-section shall be inserted, namely:—

"(2-A) The State Government may also contribute to the fund from
time to time such amount as it may deem fit."

3. In section 10 of the principal Act, after the words "mortgage executed"
he words "or charge created" shall be inserted and after the words "execution
of such mortgage" the words "or creation of such charge" shall be inserted.

4. In section 11 of the principal Act,—

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

"(1) Notwithstanding anything contained in any law for the
time being in force, it shall be lawful for a land development bank
or the State Land Development Bank to purchase any property sold
under this Act and the property so purchased shall be disposed of
by such Bank by sale within such period as may be fixed by the
Trustee;"

For Statement of Objects and Reasons, please see Uttar Pradesh Gazette, (Extraordinary),
dated December 12, 1978.

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on December 13, 1978
and by the Uttar Pradesh Legislative Council on December 28, 1978).

[Received the assent of the President on January 15, 1979 under Article 201 of the Consti-
tution of India and was published in Part I (a) of the Legislative Supplement of the Uttar
Pradesh Gazette, Ordinary, dated January 16, 1979]
(b) after sub-section (2), the following sub-section shall be inserted, namely:

"(2-A) If the bank has to lease out any land acquired by it under sub-section (1) pending sale thereof, the period of lease shall not exceed one year at a time and the lessee shall not acquire any other interest in that property, notwithstanding any provisions to the contrary in any other law for the time being in force."

Amendment of section 16.

5. In section 16 of the principal Act,—

(a) in sub-section (1), for the words "by mortgage deed", the words "by a declaration of charge made or mortgage deed" shall be substituted and for the words "mortgage money" the words "money due under the mortgage or charge" shall be substituted, and for the words "to bring the mortgage property to sale" the words "to bring the property subject to any mortgage or charge to sale" shall be substituted.

(b) after sub-section (3), the following sub-section shall be inserted, namely:

"(4) Where any property sold under this Act is in the occupancy of any person creating mortgage or charge, or of some person on his behalf, or of some person claiming title subsequent to the creation of such mortgage or charge in favour of a land development bank or the State Land Development Bank, the Collector, shall, on the application of the purchaser, order delivery to be made by putting such purchaser, or any person appointed by him in this behalf, in possession of the property."

Insertion of new section 21-A.

6. After section 21 of the principal Act, the following section shall be inserted, namely:

"21-A. The State Government may, by notification vest, subject to such restriction as may be specified in the notification, all Bhumi Bhurs whether with transferable rights or not and the Government lessees with rights of alienation in land held under their tenure or any interest in such land including the right to create a charge or mortgage on such land or interest in favour of a land development bank or the State Land Development Bank for the purpose of obtaining loan from such banks and upon the issue of such notification, such Bhumidhars and Government lessees shall, notwithstanding anything contained in any law for the time being in force or any contract, grant or other instrument to the contrary or any custom or tradition, have a right of alienation in accordance with the terms of notification."

Substitution of section 22.

7. For section 22 of the principal Act, the following section shall be substituted, namely:

"22. Notwithstanding anything contained in the Transfer of Property Act, 1882, or any other law for the time being in force on property in respect of which a charge, hypothecation or mortgage has been made in favour of a land development bank or the State Land Development Bank shall be sold or otherwise transferred by the person making the charge, hypothecation or mortgage until the entire amount of loan or advance taken by him from the land development bank or the State Land Development Bank together with interest thereon is paid to the bank and any transaction made in contravention of this section shall be void:

Provided that, if a part of the amount borrowed by a member is paid, the State Land Development Bank, or as the case may be, the land development bank with the approval of the State Land Development Bank, may, on application from the member release from the mortgage, charge or hypothecation created or made in favour of the bank, such part of the property or interest thereon as it may deem proper with due regard to the security of the balance of the amount remaining outstanding from the member."
8. For section 23 of the principal Act, the following sections shall be substituted, namely:—

"23. (1) Notwithstanding anything contained in the Registration Act, 1908, or any other law for the time being in force, a deed creating charge or mortgage in any land or interest therein or in other immovable property, executed by a borrower member in favour of a land development bank or the State Land Development Bank for the purpose of securing repayment of loan, shall be deemed to have been duly registered in accordance with that Act with effect from the date of the execution provided the bank has sent to the Sub-Registrar within the local limits of whose jurisdiction the whole or any part of the property charged, or mortgaged is situate, within a period of three months from the date of execution, by registered post or hand delivery on acknowledgment, a copy of the document creating such charge or mortgage duly certified to be a true copy by any employee of the bank authorized to sign on its behalf and the Sub-Registrar concerned shall file such copy or copies as the case may be, in his Book no. I prescribed under section 51 of the, Registration Act, 1908.

(2) Where the Sub-Registrar is of the opinion that the said document is not duly stamped or that it suffers from any defect arising out of accidental slip or omission, he shall send back the copy or copies, as the case may be, of the document to the bank requiring it to get the deficiency in stamp duty made good on the original or to get the defect removed within thirty days or within such extended time as the Sub-Registrar may allow in that behalf. The bank shall get the deficiency made good or the defect removed, notwithstanding anything contained in the Indian Stamps Act, 1899.

(3) After the deficiency in stamp duty has been made good or as the case may be, the defect has been removed, the bank shall send the copy of the document again to the Sub-Registrar in the manner laid down in sub-section (1), and thereupon the Sub-Registrar shall file the copy in Book no. I in accordance with the provisions of sub-section (1).

(4) Notwithstanding anything contained in the Registration Act, 1908 it shall not be necessary for the borrower member, the trustee or for any officer of a land development bank or of the State Land Development Bank to appear in person or by agent at any registration office in any proceedings connected with the registration of any instrument executed by him in his official capacity or to sign as provided in section 58 of the said Act.

"23-A. Where a copy of the document creating charge or mortgage has been sent for registration under section 23, the bank shall also send a copy of such document to the Tahsildar or such other official as may be designated in this behalf by the State Government. The Tahsildar or other official shall make a note of the particulars of such charge, or mortgage in a register maintained for this purpose. The register shall be in such form and inspection thereof shall be allowed and copies of extracts therefrom issued in such manner and on payment of such fee as may be prescribed."

9. For section 24 of the principal Act, the following section shall be substituted, namely:—

"24. The Board may, if it thinks fit, delegate all or any of its powers under sections 16, 18 and 21 of this Act to any one or more of the officers of the Bank."
10. In section 30 of the principal Act, in sub-section (1), the words “including any rules prescribing fees in respect of any proceedings under this Act, shall be inserted at the end and be deemed always to have been so inserted.

11. (1) The Uttar Pradesh Co-operative Land Development Banks (Second Amendment) Ordinance, 1978, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the aforesaid Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act were in force at all material times.
In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Sahakari Bhumi Vikas Bank (Sanshodhan) Adhiniyam 1989 Uttar Pradesh Adhiniyam Sankhya 16 of 1989 as passed by the Uttar Pradesh Legislature and assented to by the President on June 13, 1989.

THE UTTAR PRADESH CO-OPERATIVE LAND DEVELOPMENT BANKS (AMENDMENT) ACT, 1989
(U. P. ACT No. 16 of 1989)
(As passed by the U. P. Legislature)
AN
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further to amend the Uttar Pradesh Co-operative Land Development Banks Act, 1964.

IT IS HEREBY enacted in the Fortieth Year of the Republic of India as follows:

1. This Act may be called the Uttar Pradesh Co-operative Land Development Banks (Amendment) Act, 1989.

2. In the long title of the Uttar Pradesh Co-operative Land Development Banks Act, 1964, hereinafter referred to as the principal Act, for the words “Co-operative Land Development Banks” the words “Sahakari Krishi Evam Gramya Vikas Banks” shall be substituted.

3. In the preamble of the principal Act, for the words “Uttar Pradesh State Co-operative Land Development Bank” the words “Uttar Pradesh Rajya Sahakari Krishi Evam Gramya Vikas Bank” and for the words “Co-operative Land Development Banks” the words “Sahakari Krishi Evam Gramya Vikas Banks” shall be substituted.

4. Wherever in any section of the principal Act—
   (a) the words “Co-operative Land Development Bank” or its grammatical variation occurs, the words “Sahakari Krishi Evam Gramya Vikas Bank” or its corresponding grammatical variation, as the case may be, shall be substituted;
   (b) the words “State Land Development Bank” occurs the words “Rajya Krishi Evam Gramya Vikas Bank” shall be substituted;
   (c) the words “land development bank” or its grammatical variation occurs, the words “krishi evam gramya vikas bank” or its corresponding grammatical variation, as the case may be, shall be substituted;
   (d) the words “Uttar Pradesh State Co-operative Land Development Bank” occur, the words “Uttar Pradesh Rajya Sahakari Krishi Evam Gramya Vikas Bank” shall be substituted.

5. In section 2 of the principal Act, in clause (c), after the words “charge on immovable property” the words “or on hypothecation of movable property” shall be inserted, and for the words “generally for improvement of land and other productive purposes connected with agriculture” the words “generally for agricultural and rural development including construction of dwelling houses in rural areas” shall be substituted.
6. In section 6 of the principal Act,—

(a) in sub-section (1), the following proviso shall be inserted at the end, namely:

"Provided that no debenture shall be issued otherwise than in conformity with such directions or instructions as may be issued by the Reserve Bank of India, or the National Bank for Agriculture and Rural Development, from time to time."

(b) in sub-section (2), for the words "ten years" the words "twenty years" shall be substituted:

(c) in sub-section (3), in clause (a), after the words "or hypothecation" the words "or any loan advanced against the unconditional guarantee by the State Government" shall be inserted.

7. After section 9 of the principal Act, the following section shall be inserted, namely:

"9-A. Notwithstanding anything contained in the Uttar Pradesh Power to borrow money Co-operative Societies Act, 1965, the Board may borrow money from the State Government or the Reserve Bank of India, or the National Bank for Agriculture and Rural Development or such other financial institutions, as may be approved by the Trustee."

8. In section 11 of the principal Act, in sub-section (2), after the words "agricultural holding" as also after the words "acquisition of land" the words "or other immovable property" shall be inserted.

9. In section 16 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:

"(5) A sale under this section of an agricultural holding or any other immovable property or of any interest therein shall be subject to the provisions of sections 157-A and 157-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950."
Substitution of section 28

13. For section 28 of the principal Act, the following section shall be substituted, namely:

"28. (1) With effect from the commencement of the Uttar Pradesh Co-operative Land Development Banks (Amendment) Act, 1989, any reference in any law or statutory instrument to banks in other Acts how construed shall be construed as a reference to the Uttar Pradesh Rajya Krishi Evam Gramya Vikas Bank,

(a) to the U. P. State Co-operative Land Mortgage Bank, or Uttar Pradesh State Co-operative Land Development Bank or Uttar Pradesh State Land Development Banks, shall be construed as a reference to the Uttar Pradesh Rajya Krishi Evam Gramya Vikas Bank,

(b) to a land mortgage bank or a land development bank shall be construed as a reference to a Krishi Evam Gramya Vikas Bank.

(2) The name of the Uttar Pradesh State Co-operative Land Development Bank or a land development bank existing on the date of commencement of the Uttar Pradesh Co-operative Land Development Banks (Amendment) Act, 1989 shall be changed as the Uttar Pradesh Rajya Sahkari Krishi Evam Gramya Vikas Bank, or as the case may be, Krishi Evam Gramya Vikas Bank, by the Registrar by order in writing and the original certificate and bye-laws of such bank shall stand amended accordingly and such change of name, made under order of the Registrar, be deemed to be a change of name duly effected by the society under the Uttar Pradesh Co-operative Societies Act, 1965.

(3) Where a mortgage is executed by a person directly in favour of the Uttar Pradesh Rajya Sahkari Krishi Evam Gramya Vikas Bank, all references to Krishi Evam Gramya Vikas Bank in sections 14, 20, 22, 23, 26 and 27 shall be deemed to be references to the Uttar Pradesh Rajya Sahkari Krishi Evam Gramya Vikas Bank."

By order,

NARAYAN DAS,
Sachiv