



The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act,
1972
Act 18 of 1973

Keyword(s):

Ceiling Area, Company, Co-Operative Society, Corporation, Degree or Post-Graduate College, Family, Grove Land, Intermediate College, Irrigated, Private Irrigation Work Irrigation Work, Surplus Land, Tenure-Holder, Unirrigated Land, University, Usar Land,

Amendments appended: 2 of 1975, 20 of 1976, 56 of 1976, 5 of 1979, 3 of 1986

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(राजकीय प्रकाशन)

उत्तर प्रदेश, लखनऊ

THE UTTAR PRADESH IMPOSITION OF CEILING ON
LAND HOLDINGS (AMENDMENT) ACT, 1972

(U. P. ACT NO. 18 OF 1973)

[*Authoritative English Text of the Uttar Pradesh Adhikam Jot-Seema
Aropan (Sanshodhan) Adhiniyam, 1972.]

AN
ACT

further to amend the Uttar Pradesh Imposition of Ceiling
on Land Holdings Act, 1960.

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

1. This Act may be called the Uttar Pradesh Imposition of Ceiling on
Land Holdings (Amendment) Act, 1972. Short title.

2. It is hereby declared that this Act is for giving effect to the policy of
the State towards securing the principles specified in clauses (b) and (c) of
Article 39 of the Constitution. Declaration.

3. For sections 3, 4, 5, 6, 7 and 8 of the Uttar Pradesh Imposition of
Ceiling on Land Holdings Act, 1960, hereinafter referred to as the principal
Act, the following sections shall be substituted, namely :— Substitution of
new sections for
sections 3, 4, 5,
6, 7 and 8 of U.P.
Act I of 1961.

“3. In this Act, unless the context otherwise requires—

(1) ‘banking company’ has the same meaning as in Uttar Pradesh
Public Moneys (Recovery of Dues) Act, 1972 ; Definitions.

(*For Statement of Objects and Reasons, please see Uttar Pradesh Gazette Extraordinary,
dated May 10, 1973.)

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on December 21 1972 and
by the Uttar Pradesh Legislative Council, on December 23, 1972.)

(Received the Assent of the President on June 5, 1973, under Article 201 of the Constitu-
tion of India and was published in the Uttar Pradesh Gazette Extraordinary, dated June 8, 1973.)

(2) 'ceiling area' means the area of land, not being land exempted under this Act, determined as such in accordance with the provisions of section 5 ;

(3) 'company' 'Government company' and 'public company' have the same meanings as in the Companies Act, 1956 ;

(4) 'co-operative society' means a co-operative society registered under the Uttar Pradesh Co-operative Societies Act, 1965 ;

(5) 'corporation' has the same meaning as in Uttar Pradesh Public Moneys (Recovery of Dues) Act, 1972 ;

(6) 'degree or post-graduate college' means such college as is an affiliated, associated or constituent college in relation to a University ;

(7) 'family' in relation to a tenure-holder, means himself or herself and his wife or her husband, as the case may be (other than a judicially separated wife or husband), minor sons and minor daughters (other than married daughters) ;

(8) 'grove land' means any specific piece of land in a holding having trees (not including papaya, banana or vine plants) planted thereon before January 24, 1971, in such numbers that they preclude, or when full grown will preclude the land or any considerable portion thereof from being used primarily for any other purpose, and the trees on such land constitute a grove ;

(9) 'holding' means the land or lands held by a person as a *bhumidhar*, *sirdar*, *asami*, of Gaon Sabha or an *asami* mentioned in section 11 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, or as a tenant under the U. P. Tenancy Act, 1939, other than a sub-tenant, or as a Government lessee or as a sub-lessee of a Government lessee, where the period of the sub-lease is co-extensive with the period of the lease ;

(10) 'intermediate college' means a college recognized as such by the Board of High School and Intermediate Education, Uttar Pradesh ;

(11) 'irrigated land' means land which is determined in the manner prescribed to be capable of growing at least two crops in an agricultural year in consequence of assured irrigation from any State irrigation work or private irrigation work ;

(12) 'prescribed' means prescribed by rules made under this Act ;

(13) 'prescribed authority' means such officer not below the rank of an Assistant Collector of the first class as may be empowered by the State Government, by notification in the *Gazette*, to perform the functions of prescribed authority under this Act for such area or areas as may be specified in that behalf ;

(14) 'private irrigation work' means a private tube-well, or a private lift irrigation work operated by diesel or electric power for the supply of water from a perennial water source completed before August 15, 1972 ;

(15) 'state irrigation work' means a canal as defined in the Northern India Canal and Drainage Act, 1873 or a State Tube-well as defined in the United Provinces State Tube-wells Act, 1936 or lift irrigation work constructed, maintained or controlled by the State Government and operated by diesel or electric power for the supply of water from any perennial water source ;

(16) 'surplus land' means land held by a tenure-holder in excess of the ceiling area applicable to him, and includes any buildings, wells and trees existing thereon ;

(17) 'tenure-holder' means a person who is the holder of a holding, but does not include—

(a) a woman whose husband is a tenure-holder ;

(b) a minor child whose father or mother is a tenure-holder.

(18) 'unirrigated land' means any land other than irrigated land or grove land ;

(19) 'University' means a University established by law ;

(20) 'usar land' means land determined to be *usar* in such manner as may be prescribed ; and

(21) the words and expressions not defined in this Act, but used in the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, shall have the meanings assigned to them in that Act ;

4. For purposes of determining the ceiling area under section 5 or any exemption under section 6—

Determination of area for purposes of ceiling and exemptions.

(i) subject to the provisions of clause (ii), one and one-half hectares of unirrigated land or two and a half hectares of grove-land or two and a half hectares of *usar* land shall count as one hectare of irrigated land ;

(ii) two and a half hectares of any unirrigated land, in the following areas, namely—

(a) Bundelkhand ;

(b) trans-Jamuna portions of Allahabad, Etawah, Mathura and Agra districts ;

(c) cis-Jamuna portions of Allahabad, Fatehpur, Kanpur, Etawah, Mathura and Agra districts up to 16 kilometres from the deep stream of the Jamuna ;

(d) the portion of Mirzapur district south of Kaimur Range ;

(e) Tappa Upraudh and Tappa Chaurasi (Balai Pahar) of Tahsil Sadar in Mirzapur district ;

(f) the portion of Tahsil Robertsganj, in Mirzapur district which lies north of Kaimur Range ;

(g) Pargana Saktेशgarh and the villages mentioned in lists 'A' and 'B' of Schedule VI to the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, in hilly patties of Parganas Ahraura and Bhagat of Tahsil Chunar in Mirzapur district ; and

(h) the area comprised in the former Taluka of Naugarh or Tahsil Chakia in Varanasi district ;

(i) hilly and Bhabar areas of Kumaun and Garhwal Divisions and Jaunsar Bawar Pargana of Dehra Dun district ;

shall count as one hectare of irrigated land.

5. (1) On and from the commencement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972, no tenure-holder shall be entitled to hold in the aggregate, throughout Uttar Pradesh, any land in excess of the ceiling area applicable to him.

Imposition of ceiling.

(2) Nothing in sub-section (1) shall apply to land held by the following classes of persons, namely :—

(a) the Central Government, the State Government or any local authority or a Government Company or a Corporation ;

(b) a University ;

(c) a post-graduate college ;

(d) a banking company or a co-operative bank or a co-operative land development bank ;

(e) the Bhoodan Yagna Committee constituted under the U. P. Bhoodan Yagna Act, 1952.

(3) Subject to the provisions of sub-sections (4), (5) and (6), the ceiling area for purposes of sub-section (1) shall be—

(a) in the case of a tenure-holder having a family of not more than five members, 7.30 hectares of irrigated land (including land held by other members of his family), plus two additional hectares of irrigated land or such additional land which together with the land held by him aggregates to two hectares, for each of his adult sons, who are either not themselves tenure-holders or who hold less than two hectares of irrigated land, subject to a maximum of six hectares of such additional land ;

(b) in the case of a tenure-holder having family of more than five members, 7.30 hectares of irrigated land (including land held by other

members of his family), besides, each of the members exceeding five and for each of his adult sons who are not themselves tenure-holders or who hold less than two hectares of irrigated land, two additional hectares of irrigated land or such additional land which together with the land held by such adult son aggregates to two hectares, subject to a maximum of six hectares of such additional land.

Explanation--The expression 'adult son' in clauses (a) and (b) includes an adult son who is dead and has left surviving behind him minor sons or minor daughters (other than married daughters) who are not themselves tenure-holders or who hold land less than two hectares of irrigated land ;

(c) in the case of a tenure-holder being a degree college imparting education in agriculture, 20 hectares of irrigated land ;

(d) in the case of a tenure-holder being an intermediate college imparting education in agriculture, 12 hectares of irrigated land ;

(e) in the case of any other tenure-holder, 7.30 hectares of irrigated land.

Explanation--Any transfer or partition of land which is liable to be ignored under sub-sections (6) and (7) shall be ignored also--

(p) for purposes of determining whether an adult son of a tenure-holder is himself a tenure-holder within the meaning of clause (a) ;

(q) for purposes of service of notice under section 9.

(4) Where any holding is held by a firm or co-operative society or other society or association of persons (whether incorporated or not, but not including a public company), its members (whether called partners, share-holders or by any other name) shall, for purposes of this Act, be deemed to hold that holding in proportion to their respective shares in that firm, co-operative society or other society or association of persons.

(5) In respect of any holding held by any private trust,--

(a) where the shares of its beneficiaries in the income from such trust are known or determinable, the beneficiaries shall, for purposes of this Act, be deemed to have the shares in that holding in the same proportions as their respective shares in the income from such trust,

(b) in any other case, it shall be governed by clause (d) of sub-section (3).

(6) In determining the ceiling area applicable to a tenure-holder, any transfer of land made after the twenty-fourth day of January, 1971, which but for the transfer would have been declared surplus land under this Act, shall be ignored and not taken into account :

Provided that nothing in this sub-section shall apply to--

(a) a transfer in favour of any person (including Government) referred to in sub-section (2) ;

(b) a transfer proved to the satisfaction of the prescribed authority to be in good faith and for adequate consideration and under an irrevocable instrument not being a *benami* transaction or for the immediate or deferred benefit of the tenure-holder or other members of his family.

Explanation--The burden of proving that a case falls within clause (b) of the proviso shall rest with the party claiming its benefit.

(7) In determining the ceiling area applicable to a tenure-holder, any partition of land made after the twenty-fourth day of January, 1971, which but for the partition would have been declared surplus land under this Act shall be ignored and not taken into account :

Provided that nothing in this sub-section shall apply to--

(a) a partition under the Uttar Pradesh Consolidation of Holdings Act, 1953 ;

(b) a partition of a holding made in a suit or a proceeding pending on the said date :

Provided further that notwithstanding anything contained in the preceding proviso, the prescribed authority, if it is of opinion that by collusion between the tenure-holder and any other party to the

partition, such other party has been given a share which he was not entitled to, or a larger share than he was entitled to, may ignore such partition.

Explanation—The burden of proving that a case falls within the first proviso shall rest with the party claiming its benefit.

6. Notwithstanding anything contained in this Act, land falling in any of the categories mentioned below shall not be taken into consideration for the purposes of determining the ceiling area applicable to, and the surplus land of a tenure-holder, namely—

Exemption of certain land from the imposition of ceiling.

(a) land used for an industrial purpose (that is to say, for purposes of manufacture, preservation, storage or processing of goods), and in respect of which a declaration under section 143 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, subsists;

(b) land occupied by a residential house;

(c) land used as cremation ground or as a grave-yard, but excluding cultivated land;

(d) land used for tea, coffee or rubber plantations, and to the extent prescribed, land required for purposes ancillary thereto and for development of such plantations;

(e) land held from before January 24, 1971, for purposes of a stud farm, to the extent prescribed;

(f) land held from before the first day of May, 1959, by or under a public religious or charitable *waqfs*, trust, endowment, or institution the income from which is wholly utilized for religious or charitable purposes, and not being a *waqfs*, trust or endowment of which the beneficiaries wholly or partly are settlor or members of his family or his descendants;

(g) land held by a Goshala (registered under the Uttar Pradesh Goshala Adhiniyam, 1964), to the extent prescribed;

(h) land let out after the enforcement of this Act to a Government lessee for reclamation and cultivation or for cultivation of such specialized crops or for other such purposes as may be prescribed.

7. No suit shall lie for the specific performance of any contract for transfer of any land where such transfer is liable to be ignored under sub-section (6) of section 5.

Bar of suit on basis of certain contracts for transfer of land.

8. Where the land held by the wife or minor son or daughter of a tenure-holder has been aggregated with the land held by the tenure-holder's family under clause (a) of sub-section (3) of section 5, the land left with them shall be deemed to be held jointly by them in proportion to the market value of the land respectively held by them before the declaration of surplus land under this Act."

Right of tenure holder and other members of his family in land held with in ceiling area.

4. Section 9 of the principal Act, shall be *re-numbered* as sub-section (1) thereof, and after sub-section (1) as so *re-numbered*, the following sub-section shall be *inserted*, namely,—

Amendment of section 9.

"(2) As soon as may be after the enforcement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972, the prescribed authority shall, by like general notice, call upon every tenure-holder holding land in excess of the ceiling area applicable to him on the enforcement of the said Act, to submit to him within 30 days of publication of such notice, a statement referred to in sub-section (1).

(3) Where the tenure-holder's wife holds any land which is liable to be aggregated with the land held by the tenure-holder for purposes of determination of the ceiling area, the tenure-holder shall, along with his statement referred to in sub-section (1), also file the consent of his wife to the choice in respect of the plot or plots which they would like to retain as part of the ceiling area applicable to them and where his wife's consent is not so obtained, the prescribed authority shall cause the notice under sub-section (2) of section 10 to be served on her separately."

Amendment of
section 10.

5. In section 10 of the principal Act, in sub-section (1), for the words and figures, "under sections 6 and 7", the words and figure "under section 6" shall be substituted.

Insertion of new
section 12-A.

6. After section 12 of the principal Act, the following section shall be inserted, namely—

"12-A. In determining the surplus land under section 11 or section 12, the prescribed authority shall, as far as possible, accept the choice indicated by the tenure-holder to the plot or plots which he and other members of his family if any, would like to retain as part of the ceiling area applicable to him or them under the provisions of this Act, whether indicated by him in his statement under section 9 or in any subsequent proceedings :

Provided that—

(a) the prescribed authority shall have regard to the compactness of the land to be included in the ceiling area applicable to the tenure-holder ;

(b) where the tenure-holder's wife holds any land which is aggregated with the land held by the tenure-holder for purposes of determination of the ceiling area, and his wife has not consented to the choice indicated by the tenure-holder as to the plot or plots to be retained as part of the ceiling area applicable to them, then the prescribed authority shall, as far as possible, declare the surplus land in such manner that the area taken out of the land held by the tenure-holder's wife bears to the total surplus area the same proportion as the area originally held by her bore to the total land held by the family ;

(c) where any person holds land in excess of the ceiling area including any land mortgaged to the State Government or to a banking company or to a co-operative land development bank or other co-operative society or to the Corporation or to a Government Company, the surplus land to be determined shall, as far as possible, be land other than that so mortgaged ;

(d) where any person holds land in excess of the ceiling area including land which is the subject of any transfer or partition referred to in sub-section (6) or sub-section (7) of section 5, the surplus land determined shall, as far as possible, be land other than land which is the subject of such transfer or partition, and if the surplus land includes any land which is the subject of such transfer or partition, the transfer or partition shall, in so far as it relates to the land included in the surplus land, be deemed to be and always to have been void, and—

(i) it shall be open to the transferee to claim refund of the proportionate amount of consideration, if any, advanced by him to the transferor, and such amount shall be charged on the compensation payable to the transferor under section 17 and also on any land retained by the transferor within the ceiling area, which shall be liable to be sold in satisfaction of the charge, notwithstanding anything contained in section 153 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 ;

(ii) any party to the partition (other than the tenure-holder in respect of whom the surplus land has been determined) whose land is included in surplus land of the said tenure-holder shall be entitled to have the partition re-opened."

Insertion of new
section 13-A-

7. After section 13 of the principal Act, the following section shall be inserted, namely :—

"13-A. (1) The prescribed authority may, at any time, within a period of two years from the date of the notification under sub-section (1) of section 14, rectify any mistake apparent on the face of the record :

Re-determination of surplus land in certain cases.

Provided that no such rectification which has the effect of increasing the surplus land shall be made, unless the prescribed authority has given notice to the tenure-holder of its intention to do so and has given him a reasonable opportunity of being heard.

(2) The provisions of sections 10, 11, 12, 12-A, 13, 14 and 15 shall *mutatis mutandis* apply in relation to any proceeding under sub-section (1), and for purposes of application of section 10, the notice under the proviso to sub-section (1), shall be deemed to be a notice under section 9."

8. In section 14 of the principal Act—

(i) in sub-section (2), the following proviso thereto shall be *inserted*, at the end, namely—

"Provided that the encumbrances, if any, shall be attached to the compensation payable under section 17 in substitution for the surplus land."

(ii) in sub-section (3), *after* the words "or a lessee in possession from the tenure-holder" the words "or a person interested in any encumbrances referred to in the proviso to sub-section (2)" shall be *inserted* ;

(iii) in sub-section (7), *after* the words "or a lessee of the tenure-holder", the words "or a person interested in any encumbrances referred to in the proviso to sub-section (2)" shall be *inserted*.

9. Section 16 of the principal Act shall be *omitted*.

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

"17-A. Notwithstanding anything in section 17, the following provisions shall apply in respect of compensation payable to those public religious or charitable *waqfs*, trusts, *waqfs* trusts etc. endowments or institutions a part of the income from which is utilized for religious or charitable purposes, namely—

(i) the surplus land held by such *waqf*, trust, endowment or institution shall be deemed to be divided into two parts in the same proportions in which its income is utilized respectively for religious or charitable purposes and for other purposes ;

(ii) so far that part of the surplus land, the income from which is utilized for religious or charitable purposes is concerned, an annuity equivalent to the annual average of the actual net profits during the five years preceding July 1, 1972, to be determined in the prescribed manner shall be payable in lieu of the compensation referred to in section 17, and the provisions of sections 18, 19, 20, 21, 22 and 23, shall *mutatis mutandis* apply in relation to the said annuity as they apply to the compensation referred to in section 17 ;

(iii) in respect of the remaining surplus land, the compensation shall be payable in accordance with section 17.

Explanation—If any *waqf*, trust, endowment or institution claims that the provisions of this section apply to it, the burden of proving the same shall lie on it."

"17-B. (1) Where as a result of any order passed on appeal under this Act or of any other order of any court or tribunal of the possession of any land transferred to or vested in the certain cases.

State Government under sub-section (2) of section 14 is required to be restored to any tenure-holder or his successor-in-interest or any other person, whether before or after the enforcement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972, the Compensation Officer shall order the tenure-holder to refund the whole or, as the case may be, the proportionate amount of compensation paid to him.

(2) Any such amount remaining unpaid shall be recoverable by the State Government as an arrear of land revenue."

Amendment of section 14.

Omission of section 16.

Insertion of new sections 17-A and 17-B.

12. In section 27 of the principal Act—

(i) in sub-section (1) for the words "Gaon Samaj" wherever they occur, the words "Gaon Sabha" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The State Government may either settle any surplus land in accordance with sub-section (1) or sub-section (3) or use or permit its use in accordance with section 25 or manage or otherwise deal with it in such manner as it thinks fit." ;

(iii) in sub-section (3) the words "except that the qualification of residence in the circle specified therein, shall not be applicable" shall be omitted;

(iv) after sub-section (3), the following sub-sections shall be inserted, namely:—

"(4) the Commissioner may of his own motion and shall, on the application of any aggrieved person inquire into such settlement and if he is satisfied that the settlement is irregular, he may after notice to the person in whose favour such settlement is made to show cause,—

(i) cancel the settlement and the lease, if any, and thereupon, notwithstanding anything contained in any other law or in any instrument, the rights, title and interest of the person in whose favour such settlement was made or lease executed or any person claiming through him in such land shall cease, and such land shall revert to the State Government; and

(ii) direct that every person holding or retaining possession thereof may be evicted, and may for that purpose use or cause to be used such force as may be necessary.

(5) every order passed by the Commissioner under sub-section (4), shall be final;

(6) the Commissioner acting of his own motion under sub-section (4) may issue notice, and an application under that sub-section may be made—

(a) in the case of any settlement made or lease granted before the commencement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972, within one year from the date of such commencement; and

(b) in any other case, within two years from the date of the order of the Collector directing such settlement.

(7) the State Government may, by notification in the Gazette declare that as from date to be specified in this behalf, all surplus land situate in a circle which could not be settled under the provisions of this Act, shall vest in the Gaon Sabha concerned, and the provisions of section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, shall *mutatis mutandis* apply in relation to such vesting."

13. In section 28 of the principal Act, sub-section (2) shall be omitted.

14. For section 29 of the principal Act, the following section shall be substituted, namely:—

"29. Where after the date of enforcement of the Uttar Pradesh Subsequent Decree-Imposition of Ceiling on Land Holdings (Amendment) Act, 1972,—
 the land as surplus land.

(a) any land has come to be held by a tenure-holder under a decree or order of any court, or as a result of succession or transfer, or by prescription in consequence of adverse possession, and such land together with the land already held by him exceeds the ceiling area applicable to him; or

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(b) any unirrigated land becomes irrigated land as a result of irrigation from a State irrigation work, or any grove-land loses its character as grove-land or any land exempted under this Act ceases to fall under any of the categories exempted,—

the ceiling area shall be liable to be re-determined and accordingly any land held by him in excess of the ceiling area so re-determined shall be liable to be treated as surplus land."

15. In section 30 of the principal Act, in sub-section (1), the words, letters, figures and brackets "under clause (b) of sub-section (2) of section 4 or" shall be *omitted*.

Amendment of section 30.

16. Section 34 of the principal Act, shall be *omitted*.

Omission of section 34.

17. In section 42 of the principal Act,—

Amendment of section 42.

(i) in the marginal heading, for the words and figures "the Indian Limitation Act, 1908", the words and figures "the Limitation Act, 1963" shall be *substituted*;

(ii) for the words and figures, "sections 5 and 12 of the Indian Limitation Act, 1908", the words and figures "sections 4, 5 and 12 of the Limitation Act, 1963" shall be *substituted*.

18. In section 43 of the principal Act, the words, brackets and figures "except the power to hear an objection under sub-section (3) of section 16" shall be *omitted*.

Amendment of section 43.

19. (1) All proceedings for the determination of surplus land under section 9, section 10, section 11, section 12, section 13 or section 30 of the principal Act, pending before any court or authority at the time of the commencement of this Act, shall abate and the prescribed authority shall start the proceedings for determination of the ceiling area under that Act afresh by issue of a notice under sub-section (2) of section 9 of that Act as *inserted* by this Act :

Transitory provisions.

Provided that the ceiling area in such cases shall be determined in the following manner :—

(a) firstly, the ceiling area shall be determined in accordance with the principal Act, as it stood before its amendment by this Act ;

(b) thereafter, the ceiling area shall be re-determined in accordance with the provisions of the principal Act as amended by this Act.

(2) Notwithstanding, anything in sub-section (1), any proceeding under section 14 or under Chapter III or Chapter IV of the principal Act, in respect of any tenure-holder in relation to whom the surplus land has been determined finally before the commencement of this Act, may be continued and concluded in accordance with the provisions of the principal Act, without prejudice to the applicability of the provisions of sub-section (2) of section 9 and section 13-A of that Act, as *inserted* by this Act, in respect of such land.

THE UTTAR PRADESH IMPOSITION OF CEILING ON
LAND HOLDINGS (AMENDMENT) ACT, 1974*

(U. P. ACT NO. 2 OF 1975)

[AS PASSED BY THE UTTAR PRADESH LEGISLATURE]

AN
ACT

further to amend the Uttar Pradesh Imposition of Ceiling on Land Holdings
Act, 1960.

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

1. (1) This Act may be called the Uttar Pradesh Imposition of Ceiling
on Land Holdings (Amendment) Act, 1974. Short title and
commencement.

(2) This section and section 9 shall come into force at once, and the
remaining sections shall be deemed to have come into force on June 8, 1973.

2. It is hereby declared that this Act is for giving effect to the policy of
the State towards securing the principles specified in clauses (b) and (c) of
Article 39 of the Constitution. Declaration

3. In section 3 of the Uttar Pradesh Imposition of Ceiling on Land
Holdings Act, 1960, hereinafter referred to as the principal Act— Amendment of
section 3 of the
U. P. Act No. 1 of
1961.

(a) in clause (11) for the words "in the manner prescribed", the
words and figures "in the manner laid down in section 4-A" shall be
substituted;

*For Statement of Objects and Reasons, please see U. P. Gazette Extraordinary, dated
July 25, 1974.

For discussions, please see Assembly and Council proceedings dated August 16 and 22,
1974 respectively.

Passed in Hindi by Assembly and Council in their meeting on August 16, 1974 and
August 22, 1974, respectively.

Received the assent of the President on January 14, 1975 and was published in the U. P.
Gazette Extraordinary, dated January 17, 1975.

(b) after clause (11), the following clause shall be inserted, namely :—

“(11-A) ‘Adult’ means a person who has attained the age of 18 years, and ‘Minor’ means a person who is not an adult.”

(c) in section 3 of the principal Act, in clause (17), after the word “but”, the words and figure “except in Chapter III” shall be inserted.

(d) in clause (18), for the words “irrigated land or grove-land”, the words “irrigated land, grove-land or usar land” shall be substituted.

Amendment of
section 4.

4. In section 4 of the principal Act, in clause (ii) —

(a) for the words “two and half hectares of any unirrigated land”, the words “one and one-half hectares of single crop land or two and a half hectares of any other un-irrigated land”, shall be substituted ;

(b) at the end the following Explanation shall be inserted, namely :—

“Explanation—For the purposes of clause (ii), the expression ‘single crop land’ means any un-irrigated land capable of producing only one crop in an agricultural year in consequence of assured irrigation from any State Irrigation Work or private irrigation work.”

Insertion of new
section 4-A.

5. After section 4 of the principal Act, the following section shall be inserted, namely :—

“4-A. The prescribed authority shall examine the relevant *khasras* for the years 1378 *Fasli*, 1379 *Fasli* and 1380 *Fasli*, the latest village map and such other records as it may consider necessary, and may also make local inspection where it considers necessary, and thereupon if the prescribed authority is of opinion :—

firstly, (a) that, irrigation facility was available for any land in respect of any crop in any one of the aforesaid years ; by—

(i) any canal included in Schedule no. 1 of irrigation rates notified in notification no. 1579-W/XXIII-62-W-1946, dated March 31, 1953, as amended from time to time ; or

(ii) any lift irrigation canal ; or

(iii) any State tube-well or a private irrigation work ; and

(b) that at least two crops were grown in such land in any one of the aforesaid years ; or

secondly, that irrigation facility became available to any land by a State Irrigation Work coming into operation subsequent to the enforcement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972, and at least two crops were grown in such land in any agricultural year between the date of such work coming into operation and the date of issue of notice under section 10 ; or

thirdly, (a) that any land is situated within the effective command area of a lift irrigation canal or a State tube-well or a private irrigation work ; and

(b) that the class and composition of its soil is such that it is capable of growing at least two crops in an agricultural year ;

then the Prescribed Authority shall determine such land to be irrigated land for the purposes of this Act.

Explanation I—For the purposes of this section the expression ‘effective command area’ means an area, the farthest field whereof in any direction was irrigated—

(a) in any of the years 1378 *Fasli*, 1379 *Fasli* and 1380 *Fasli* ; or

(b) in any agricultural year referred to in the clause ‘secondly’.

Explanation II—The ownership and location of a private irrigation work shall not be relevant for the purpose of this section.

Explanation III—Where sugarcane crop was grown on any land in any of the years 1378 *Fasli*, 1379 *Fasli* and 1380 *Fasli*, it shall be deemed that two crops were grown on it in any of these years, and that the land is capable of growing two crops in an agricultural year."

6. In section 5 of the principal Act—

Amendment of
section 5.

(a) after sub-section (1), the following Explanations thereto shall be inserted, namely—

Explanation I—In determining the ceiling area applicable to a tenure holder, all land held by him in his own right, whether in his own name, or ostensibly in the name of any other person, shall be taken into account.

Explanation II—If a land was originally held by a person who continues to be in its actual cultivatory possession and the name of any other person is subsequently entered in the annual registers either in addition to or to the exclusion of the former and whether on the basis of a deed of transfer or licence or on the basis of a decree, it shall be presumed, unless the contrary is proved to the satisfaction of the prescribed authority, that the first mentioned person continues to hold the land and that it is so held by him ostensibly in the name of the second mentioned person."

(b) in sub-section (2), for clause (c), the following clause shall be substituted, namely :—

"(c) an intermediate or degree college imparting education in agriculture or a post-graduate college ;";

(c) in sub-section (3)—

(i) in the opening paragraph, for the words, figures and brackets "subject to the provisions of sub-sections (4), (5) and (6)", the words, figures and brackets, "subject to the provision of sub-sections (4), (5), (6) and (7)" shall be substituted ;

(ii) clauses (c) and (d) shall be omitted ;

(iii) in the Explanation, in clause (p), for the word, letter and brackets "clause (a)", the words, letters and brackets "clause (a) or clause (b) of this sub-section", shall be substituted ;

(d) in sub-section (4), the following proviso thereto shall be inserted, namely—

"Provided that where a person immediately before his admission to the firm, co-operative society, or other society or association of person, held no land or an area of land less than the area proportionate to his aforesaid share then he shall be deemed to hold no share, or as the case may be, only the lesser area in that holding, and the entire or the remaining area of the holding, as the case may be, shall be deemed to be held by the remaining members in proportion to their respective shares in the firm, co-operative society, or other society or association of persons."

(e) in sub-section (5), in clause (b) for the word, letter and brackets "clause (d)", the word, letter and brackets "clause (e)" shall be substituted ;

(f) in sub-section (6), the existing Explanation shall be renumbered as Explanation II thereof, and before Explanation II as so numbered, the following Explanation shall be inserted, namely :—

Explanation I—For the purposes of this sub-section, the expression 'transfer of land made after the twenty-fourth day of January, 1971', includes—

(a) a declaration of a person as a co-tenure-holder made after the twenty-fourth day of January, 1971, in a suit, irrespective of whether such suit was pending on or was instituted after the twenty-fourth day of January, 1971;

(b) any admission, acknowledgment, relinquishment or declaration in favour of a person to the like effect, made in any other deed or instrument or in any other manner."

(g) in sub-section (7), the existing Explanation shall be re-numbered as Explanation II thereof, and before Explanation II as so numbered, the following Explanation shall be inserted, namely—

"Explanation I—If a suit is instituted after the said date for declaration that a partition of land has taken place on or before the said date, then such declaration shall be ignored and not be taken into account, and it shall be deemed that no partition has taken place on or before the said date."

Amendment of section 6. 7. In section 6 of the principal Act :—

(a) for clause (g), the following clause shall be substituted, namely :—

"(g) land held from before June 8, 1973, by a Goshala of a public nature, registered under the Uttar Pradesh Goshala Adhiniyam, 1964, to the extent prescribed;"

(b) clause (h) shall be omitted.

Amendment of section 8. 8. In section 8 of the principal Act, for the word, letter and brackets "clause (a)", the words, letters and brackets "clause (a) or clause (b)" shall be substituted.

Transitory provision. 9. Where an order determining the surplus land in relation to a tenure-holder has been made under the principal Act, before the commencement of this Act, the prescribed authority may, at any time within a period of two years from the commencement of this Act, re-determine the surplus land in accordance with the principal Act as amended by this Act.

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THE UTTAR PRADESH IMPOSITION OF CEILING ON LAND HOLDINGS (AMENDMENT) ACT, 1976

(U.P. ACT NO. 20 OF 1976)

*[Authoritative English Text of the Uttar Pradesh Adhikam Jot Seema Aropan (Sansodhan) Adhiniyam, 1976]

AN
ACT

further to amend the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960

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

1. (1) This Act may be called the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on October 10, 1975.

2. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of Article 39 of the Constitution.

3. In the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, hereinafter referred to as the principal Act,—

(a) for the words "Compensation Officer" wherever occurring, the words "Prescribed Authority" shall be substituted; and

(b) for the words "Compensation Assessment Roll", wherever occurring, the words "Assessment Roll" shall be substituted.

4. In section 2 of the principal Act, in clause (ii), for the words "Uttarakhand Division and Kumaon Division", the words "Kumaon and Garhwal Divisions" shall be substituted, and be deemed to have been substituted from December 20, 1968.

5. In section 3 of the principal Act—

(a) for clause (5), the following clause shall be substituted and be deemed always to have been substituted, namely:—

"(5) 'Corporation' means a statutory corporation, that is to say, a corporation established by or under an Uttar Pradesh Act or a Central Act." ;

(b) in clause (8), for the words "papaya, banana or vine plants" the words "guava, papaya, banana or vine-plants" shall be substituted and be deemed to have been substituted from June 8, 1973.

(c) for clause (11), the following clause shall be substituted and be deemed to have been substituted from June 8, 1973 namely:—

"(11) 'irrigated land' means land determined as such in the manner laid down in section 4-A."

6. In section 5 of the principal Act—

(a) in sub-section (1), in Explanation II thereof, for the words "If a Land was originally held by a person who continues to be in its actual cultivatory possession and the name of any other person is subsequently entered in the annual registers," the words "if on or before January 24, 1971, any land was held by a person who continues to be in its actual

Short title and commencement.

Declaration.

Substitution of the words "Prescribed Authority" for the words "Compensation Officer", and the words "Assessment Roll" for the words "Compensation Assessment Roll" in U. P. Act I of 1961.

Amendment of section 2 of U. P. Act I of 1961.

Amendment of section 3.

Amendment of section 5.

*[For Statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary), dated March 31, 1976].

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on April 1, 1976 and by the Uttar Pradesh Legislative Council on April 7, 1976).

(Received the Assent of the President on April 30, 1976 under Article 201 of the Constitution of India, and was published in the Uttar Pradesh Gazette, Extraordinary, dated May 3, 1976).

cultivatory possession and the name of any other person is entered in the annual register after the said date", shall be *substituted* and be deemed to have been *substituted* from January 17, 1975 ;

(b) in sub-section (6), in Explanation I thereof, for the existing clause (a), the following clause shall be *substituted*, namely:—

"(a) a declaration of a person as a co-tenure-holder made after the twenty-fourth day of January, 1971 in a suit or proceeding irrespective of whether such suit or proceeding was pending on or was instituted after the twenty-fourth day of January, 1971." ;

(c) in sub-section (7), in the proviso thereto, clause (a) shall be *omitted* ;

(d) after sub-section (7), the following sub-section shall be *inserted*, namely:—

"(8) Notwithstanding anything contained in sub-sections (6) and (7), no tenure-holder shall transfer any land held by him during the continuance of proceedings for determination of surplus land in relation to such tenure-holder and every transfer made in contravention of this sub-section shall be void.

Explanation—For the purposes of this sub-section, proceeding for determination of surplus land shall be deemed to have commenced on the date of publication of notice under sub-section (2) of section 9 and shall be deemed to have concluded on the date when an order in relation to such tenure-holder is passed under sub-section (1) of section 11 or under sub-section (1) of section 12, or as the case may be, under section 13."

Amendment of
section 6.

7. Section 6 of the principal Act shall be *re-numbered* and be deemed always to have been *re-numbered*, as sub-section (1) thereof; and—

(a) in sub-section (1) as so *re-numbered*, the following Explanation there-to shall be *inserted* and be deemed always to have been *inserted*, namely:—

"*Explanation*—Nothing in clause (f) of sub-section (1) shall apply in relation to a Goshala referred to in clause (g) of that sub-section."

(b) after sub-section (1) as so *re-numbered*, the following sub-sections shall be *inserted*, and be deemed always to have been *inserted*, namely:—

"(2) No person shall transfer any land referred to in clause (d) or clause (e) of clause (f) or clause (g) of sub-section (1) without prior permission of the State Government, and every transfer made without such permission shall, notwithstanding anything contained in any other law for the time being in force, be void:

Provided that nothing in this sub-section shall apply to any transfer by or in favour of any person specified in sub-section (2) of section 5.

(3) Any Land which is the subject of any transfer which by virtue of sub-section (2) is void, shall be deemed to be surplus land, and shall, with effect from October 10, 1975 or the date of such purported transfer, whichever is later, stand transferred to and vest in the State Government free from all encumbrances, and all rights, title and interest of all persons in such land shall stand extinguished:

Provided that the encumbrances, if any, shall be attached to the amount payable under section 17 in substitution for the surplus land.

(4) Where any land is deemed to be surplus land under sub-section (3)—

(i) the provisions of sub-section (8) of section 14 shall apply as if it were a land notified under sub-section (1) of that section;

(ii) the amount payable therefor under section 17 shall be paid to the person in whose favour such transfer was purported to be made."

Amendment of
section 9.

8. In section 9 of the principal Act,—

(a) in sub-section (2), the following proviso thereto shall be *inserted* namely :—

"Provided that at any time after October 10, 1975, the Prescribed Authority may by notice, call upon any tenure-holder holding land in excess of the ceiling area applicable to him on the said date, to

submit to him within thirty days from the date of service of such notice a statement referred to in sub-section (1) or any information pertaining thereto.”;

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

“(2-A) Every tenure-holder holding land in excess of the ceiling area on January 24, 1971, or at any time thereafter who has not submitted the statement referred to in sub-section (2) and in respect of whom no proceeding under this Act is pending on October 10, 1975 shall, within thirty days from the said date furnish to the Prescribed Authority a statement containing particulars of all Land—

(a) held by him and the members of his family on January 24, 1971;

(b) acquired or disposed of by him or by members of his family between January 24, 1971 and October 10, 1975.”

9. In section 12-A of the principal Act, in the proviso thereto—

Amendment of section 12-A.

(i) in clause (c) for the words “banking company”, the words, figures, letter and brackets “bank as defined in clause (c) of section 2 of the Uttar Pradesh Agricultural Credit Act, 1973” shall be substituted and be deemed to have been substituted from March 31, 1975 ;

(ii) in clause (d), in sub-section (i) for the word “Compensation” the word “amount” shall be substituted and be deemed always to have been substituted.

10. In section 13-A of the principal Act, in sub-section (2), for the word and figures “and 15” the word and figures “15 and 16” shall be substituted.

Amendment of section 13-A.

11. In section 14 of the principal Act—

Amendment of section 14.

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) As from the beginning of the date of the notification under sub-section (1), all such surplus land shall stand transferred to and vest in the State Government free from all encumbrances and all rights, title and interests of all persons in such land shall, with effect from such date, stand extinguished:

Provided that the encumbrances, if any, shall be attached to the amount payable under section 17 in substitution for the surplus land.”;

(b) sub-sections (3), (4), (5), (6) and (7) shall be omitted ;

(c) for sub-section (8), the following sub-section shall be substituted, namely :—

“(8) The Collector may at any time after the publication of the notification under sub-section (1) take possession of the surplus land and also of any ungathered crop or fruits of trees not being crops or fruits to which sub-section (1) of section 15 applies, after evicting the tenure-holder or any other person found in occupation of such land, and may, for that purpose, use or cause to be used such force as may be necessary :

Provided that a tenure-holder may, at any time voluntarily deliver possession to the Collector over the whole or any part of the land held by him which has been or is likely to be declared surplus under and in accordance with the provisions of this Act, and thereupon the provisions of sub-section (2) shall apply to such land as they apply to any surplus land specified in a notification under sub-section (1).”

12. In section 15 of the principal Act, in sub-section (1), the following Explanation shall be inserted, namely :—

Amendment of section 15.

“Explanation—For the purposes of this section, the expression ‘ungathered crops or fruits of trees’ means any crop or fruits which existed on the date of the notification under sub-section (1) of section 14 and does not include any subsequent crop or fruits of trees.”

Insertion of
new section 16.

13. In Chapter II, of the principal Act, *after* section 15, the following section shall be *inserted*, namely :—

“16. Where any tenure-holder holds any land on or after the commencement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972, in excess of the ceiling area applicable to him, he shall be liable to pay to the State Government for the period commencing from the first day of July, 1973, until the date on which the Collector takes possession of such surplus land under sub-section (8) of section 14, or the date on which the tenure-holder voluntarily delivers possession to the Collector under the proviso to the said sub-section whichever is earlier, such compensation for use and occupation as may be prescribed.”

Amendment of
section 17.

14. In section 17 of the principal Act—

(a) in the marginal heading including heading of the Chapter III, for the word “compensation” the word “amount” shall be *substituted* and be deemed always to have been *substituted* ;

(b) in sub-section (1) , for the word “compensation” , the word “amount” shall be *substituted* and be deemed always to have been *substituted* ;

(c) for sub-section (2) the following sub-section shall be *substituted* and be deemed always to have been *substituted*, namely :—

“(2) The sub-tenant or asami of the tenure-holder, not being an asami mentioned in section 11 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, shall be entitled to receive and be paid a portion out of the amount payable to the tenure-holder. The proportion of amount payable to the sub-tenant or the asami shall be the aggregate of the land revenue for the unexpired period of his subordinate interest computed at hereditary rates, so however, that the sub-tenant or the asami shall not in any case, be entitled to more than one-fourth of the amount payable to the tenure-holder. The amount shall be apportioned between the tenure-holder and the sub-tenant or the asami by the Prescribed Authority.” ;

(d) in sub-section (3) for the word “compensation” wherever occurring, the word “amount” shall be *substituted* and be deemed always to have been *substituted*.

Amendment of
section 17-A.

15. In section 17-A of the principal Act—

(a) in the marginal heading and in clause (i) and clause (ii) for the word “compensation”, wherever occurring, the word “amount” shall be *substituted* and be deemed always to have been *substituted* ;

(b) in clause (iii) , for the words “the compensation shall be payable in accordance with section 17” the words “the amount shall be payable in accordance with section 17” shall be *substituted* and be deemed always to have been *substituted*.

Amendment of
section 17-B.

16. In section 17-B of the principal Act—

(a) in the marginal heading, for the words “refund of compensation of certain cases”, the words “refund of amount in certain cases” shall be *substituted* and be deemed always to have been *substituted* ;

(b) in sub-section (1) for the words “the proportionate amount of the compensation” the words “the proportionate part of the amount” shall be *substituted* and be deemed always to have been *substituted*.

Amendment of
section 18.

17. In section 18 of the principal Act, for the words and figures “compensation payable under section 17”, the words and figures “amount payable under section 17” shall be *substituted* and be deemed always to have been *substituted*.

Amendment of
section 19.

18. In section 19 of the principal Act, in [sub-section (1), for the words and figures “compensation under section 17”, the words and figures “the amount payable under section 17” shall be *substituted* and be deemed always to have been *substituted*.

Amendment of
section 22.

19. In section 22 of the principal Act—

(a) in the marginal heading, for the word "compensation" the word "amount" shall be *substituted* and be deemed always to have been *substituted* ;

(b) in sub-section (1), for the words "the amount of compensation", the words "the amount" shall be *substituted* and be deemed always to have been *substituted* ;

(c) for sub-section (2), the following sub-section shall be *substituted* and be deemed always to have been *substituted*, namely:—

"(2) The amount shall be due as from the date on which possession of the land is taken under sub-section (8) of section 14, and, when possession of different lands of the persons entitled to the amount is taken on different dates, from the last of such dates, and the same shall be payable from the date of determination thereof." ;

(d) in sub-section (3)—

(i) for the words "the amount of compensation determined under this Act", the words and figures "the amount determined under section 17" shall be *substituted* and be deemed always to have been *substituted* ;

(ii) for the words "the date on which compensation becomes due", the words "the date on which such amount becomes due" shall be *substituted* and be deemed always to have been *substituted* ;

(e) for sub-section (4), the following sub-section shall be *substituted*, and be deemed always to have been *substituted*, namely :—

"(4) The payment of the said amount in accordance with the provisions of this Act shall be full discharge of all liability of the State Government in respect of the surplus land, but shall not prejudice the rights of any other person against the person to whom such payment is so made in respect of the said amount."

20. In section 23 of the principal Act—

Amendment of
section 23.

(a) in the marginal heading, for the words "compensation money" the word "amount" shall be *substituted* and be deemed always to have been *substituted* ;

(b) the words "of compensation", shall be *omitted* and be deemed always to have been *omitted*.

21. In section 27 of the principal Act—

Amendment of
section 27.

(i) in sub-section (3), for the words, figures and brackets "sub-sections (1) and (2)", the words, figures and brackets "sub-sections (1) and (3)" shall be *substituted* ;

(ii) in sub-section (6)—

(a) for the words "within one year from the date of such commencement", the words, brackets and figures "within five years from the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1975" shall be *substituted* ;

(b) for the words, "two years", the words "five years" shall be *substituted* ;

(iii) in sub-section (7), for the words "by notification in the *Gazette*", the words "by a general or special order to be published in the manner prescribed" shall be *substituted*.

22. In section 29, of the principal Act, for the words "and accordingly any land held by him in excess of the ceiling area so determined shall be liable to be treated as surplus land". the following words and figures shall be *substituted*, namely :—

Amendment of
section 29.

"and accordingly the provisions of this Act, except section 16, shall *mutatis mutandis* apply."

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

Amendment of
section 35.

"35. (1) Whoever—

(a) fails to submit a statement as required under sub-section (2) or sub-section (2-A) of section 9, or sub-section (1) of section 30, or to furnish an affidavit under sub-section (1) of section 38-A ; or

(b) makes or submits a statement or furnishes any information in a document referred to in clause (a) which is false and which he has reason to believe to be false, or

(c) otherwise contravenes any order passed under this Act ; or

(d) obstructs any person from taking possession of any land in accordance with the provisions of this Act ; or

(e) transfers any land in contravention of sub-section (8) of section 5, or sub-section (2) of section 6 ;

shall be punishable with imprisonment which may extend to two years or with fine or with both.

(2) Where the Collector has taken possession of any surplus land under sub-section (8) of section 14 and any person thereafter occupies such land or any part thereof without any lawful authority, such person shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(3) Any court convicting a person under sub-section (2) 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.

(4) Without prejudice to the provisions of sub-sections (2) and (3) the Collector may re-take possession of such land 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."

Insertion of
new section 35-A.

24. After section 35 of the principal Act, the following section shall be inserted namely:—

"35-A. No court shall take cognizance of any offence punishable under this Act except with the previous sanction of the State Government, or an officer authorised by the State Government."

Amendment of
section 38.

25. In section 38 of the principal Act, in sub-section (2), for the words "any Civil Judge" the words "any Additional District Judge, Civil Judge or Additional Civil Judge" shall be substituted and be deemed always to have been substituted.

Insertion of new
section 38-A
and 38-B.

26. After section 38 of the principal Act, the following sections shall be inserted, namely :—

"38-A. (1) Where the prescribed authority or the appellate court considers it necessary for the enforcement of the provisions of this Act, it may, at any stage of the proceedings under this Act, require any tenure-holder to furnish such particulars by affidavit in respect of the land held by him and members of his family as may be prescribed.

(2) The particulars of land filed under sub-section (1) may be taken into consideration in determining the surplus land of such tenure-holder.

38-B No finding or decision given before the commencement of this section in any proceeding or on any issue (including Bar against any order, decree or judgement) by any court, tribunal or authority in respect of any matter governed by this Act, shall bar the retrial of such proceeding or issue under this Act, in accordance with the provisions of this Act as amended from time to time."

Amendment of
section 40.

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

"40. Where any sum is payable by any person to the State Government, under the provisions of this Act, the same may, without prejudice to any other mode of recovery, be realised by deduction from the amount, if any, payable to such person under Chapter III, or as an arrear of land revenue."

Amendment of
section 41.

28. In section 41 of the principal Act, for the words "amount of compensation" the words "amount" shall be substituted and be deemed always to have been substituted.

29. In section 44 of the principal Act—

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

“(1) The State Government may, by notification make rules for carrying out the purposes of this Act.”;

(b) in sub-section (2), *after* clause (b) the following clause shall be *inserted*, namely :—

“(bb) Conditions pertaining to the grant of permission to transfer land under sub-section (2) of section 6.”;

(c) sub-section (3) shall be *omitted*.

30. In the Schedule to the principal Act—

(a) in Part I, in the second column—

(i) against item (a), the words “or eighty times of the land revenue payable, whichever, is greater” shall be *omitted* and be deemed always to have been *omitted*;

(ii) against item (b), for the words “amount of compensation”, wherever occurring, the word “amount” shall be *substituted* and be deemed always to have been *substituted*;

(iii) in item (d), for the words “Gaon Samaj” the words “Gaon Sabha” shall be *substituted* and be deemed always to have been *substituted*;

(iv) against item (e) for the words, “amount of compensation” wherever occurring, the word “amount” shall be *substituted* and be deemed always to have been *substituted*;

(b) in Part III—

(i) in item (a), for the word “compensation” wherever occurring the word “amount” shall be *substituted* and be deemed always to have been *substituted*;

(ii) for item (b) the following item shall be *substituted* and be deemed always to have been *substituted*, namely :—

“(b) The amount payable to a sub-lessee of a Government lessee mentioned in clause (9) of section 3 shall be seven-eighth of the amount calculated as in the case of item (a) above, and the balance shall be paid to the Government lessee concerned.”;

(c) in Part IV—

(i) for the Note below item (a), the following note shall be *substituted* and be deemed always to have been *substituted*, namely :—

“NOTE—The amount for building shall include the amount for land on which the building stands.”;

(ii) in item (c)—

(1) the Note below sub-item (1), shall be *omitted* and be deemed always to have been *omitted*;

(2) for the entry in the second column against sub-item (3) the following entry shall be *substituted* and be deemed always to have been *substituted*, namely :—

“Eight times the annual fair average value of such trees;”

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

“Explanation—For the purposes of item (c) the expression ‘average value’, in relation to a tree, means the arithmetic mean of twenty years’ profits accruing from such tree.”

31. (1) All proceedings under sub-sections (3) to (7) of section 14 of the principal Act, as it stood immediately before the commencement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Ordinance, 1976, pending before any Court or authority immediately before the date of such commencement shall be deemed to have abated on such date.

(2) Where an order determining the surplus land in relation to a tenure-holder has been made under the principal Act before January 17, 1975 and

the Prescribed Authority is required to re-determine the surplus land under section 9 of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1974, then notwithstanding anything contained in sub-section (2) of section 19 of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972, every appeal under section 13 of the principal Act or other proceedings in relation to such appeal, preferred against the said order, and pending immediately before the tenth day of October, 1975, shall be deemed to have abated on the said date.

U. P. Act
XVII of
1973.

(3) Where an order determining surplus land in relation to a tenure-holder has been made under the principal Act before the tenth day of October, 1975, the Prescribed Authority (as defined in the principal Act) may, at any time within a period of two years from the said date, re-determine the surplus land in accordance with the principal Act as amended by this Act, whether or not any appeal was filed against such order and notwithstanding any appeal (whether pending or decided) against the original order of determination of surplus land.

(4) The provisions of section 13 of the principal Act shall *mutatis mutandis* apply to every order re-determining surplus land under sub-section (3) of this section or section 9 of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1974:

Provided that the period of thirty days shall, in the case of an appeal against the order referred to in section 9 of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1974, be computed from the date of such order or October 10, 1975, whichever is later.

(5) The provisions of section 13-A of the principal Act shall *mutatis mutandis* apply to every re-determination of surplus land under the section or under section 9 of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1974.

(6) Where any Assessment Roll has become final under sub-section (4) of section 21 before the sixteenth day of February, 1976, this same shall not be reopened, notwithstanding any amendment made in Chapter III of the principal Act read with the Schedule thereof by this Act.

32. (1) The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Ordinance, 1976, is hereby repealed.

U.P. Ordinance II
1976.

(2) Notwithstanding such repeal or the repeal of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Ordinance, 1975, by the aforesaid Ordinance of 1976, anything done or any action taken under the principal Act as amended by the said Ordinances shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if this Act were in force at all material times.

Repeal
savings.

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गणित पुस्तकालय
(राजकीय प्रकाशक)
उत्तर प्रदेश, ०

THE UTTAR PRADESH IMPOSITION OF CEILING ON LAND HOLDINGS (SECOND AMENDMENT) ACT, 1976

[U. P. ACT NO. 56 OF 1976]

[Authoritative English Text of the Uttar Pradesh Adhikatham Jot-Seema Aropan (Dwitiya Sanshodhan) Adhiniyam, 1976].

AN
ACT

ice of
further to amend the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960.

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

1. (1) This Act may be called the Uttar Pradesh Imposition of Ceiling on Land Holdings (Second Amendment) Act, 1976

Short title.

(2) It shall be deemed to have come into force on August 6, 1976.

2. In section 6 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, hereinafter referred to as the principal Act, in sub-section (4) for clause (i), the following clause shall be substituted, namely :—

Amendment of section 6 of U.P. Act 1 of 1961.

“(i) the provisions of section 14 shall *mutatis mutandis* apply in relation to such land with the substitution of references to the dates mentioned in sub-section (1) of that section by references to the date mentioned in sub-section (1) of this section; and”

3. In section 13-A of the principal Act, in sub-section (1), for the words and figures “sub-section (1) of section 14”, the words and figures “sub-section (4) of section 14” shall be substituted.

Amendment of section 13-A.

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

Substitution of section 14.

“14. (1) The Collector shall at any time after—

(a) in case, where the order passed under sub-section (1) of section 11 has become final, the date of its so becoming final; or

[For Statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary), dated November 5, 1976].

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on November 1, 1976 and by the Uttar Pradesh Legislative Council on November 4, 1976).

(Received the Assent of the President on December 7, 1976 under article 201 of the Constitution of India and was published in Part I(a) of the Legislative Supplement of the Uttar Pradesh Gazette, Extraordinary, dated December 13, 1976).

PRICE 15 PAIS

(b) in case, where no appeal has been preferred under section 13, the date of expiry of the period of limitation provided therefor; or

(c) in case, where an appeal has been preferred under section 13, the date of its decision;

take possession of the surplus land determined under section 11, section 12 or section 13 and also of any ungathered crop or fruits of trees, not being crops or fruits to which sub-section (1) of section 15 applies, after evicting any person found in occupation of such land, crops or fruits and may for that purpose use or cause to be used such force as may be necessary.

(2) Notwithstanding any thing contained in sub-section (1) a tenureholder may, at any time, voluntarily deliver possession to the Collector over the whole or any part of the land held by him which has been or is likely to be declared surplus under or in accordance with the provisions of the Act.

(3) Where the Collector has taken possession of any surplus land or ungathered crops or fruits of trees under sub-section (1) or sub-section (2), such land, crops or fruits of trees shall, with effect from the date referred to in clause (a), clause (b) or clause (c), as the case may be, of sub-section (1), stand transferred to and vest in the State Government free from all encumbrances and all rights, title and interests of all persons in such land shall, with effect from such date, stand extinguished:

Provided that the encumbrances, if any, shall attach to the amount payable under section 17 in substitution for the surplus land.

(4) The prescribed authority shall, as soon as may be after the date mentioned in clause (a), clause (b) or clause (c), as the case may be, of sub-section (1), notify in the official *Gazette* every surplus land determined under this Act, or under section 9 of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1974 or under section 31 of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1976."

Amendment of section 15.

5. In section 15 of the principal Act, in sub-section (1)—

(a) for the words and figures "sub-section (8) of section 14", the words and figures "sub-section (1) of section 14" shall be *substituted*.

(b) in the Explanation, for the words "the date of the notification", the words "the date of taking possession of the surplus land" shall be *substituted*.

Amendment of section 16.

6. In section 16 of the principal Act, the words and figure, "under sub-section (8) of" shall be *omitted*, and for the words "the proviso to the said sub-section", the words "the said section" shall be *substituted*.

Amendment of section 17-B.

7. In section 17-B of the principal Act, in sub-section (1), the words and figure "sub-section (2) of" shall be *omitted*.

Amendment of section 22.

8. In section 22 of the principal Act, in sub-section (2), the words and figure "sub-section (8) of" shall be *omitted*.

Amendment of section 35.

9. In section 35 of the principal Act, in sub-section (2), the words and figure "sub-section (8) of" shall be *omitted*.

Repeal and savings.

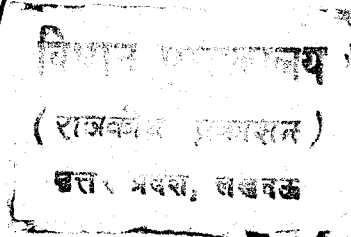
10. (1) The Uttar Pradesh Imposition of Ceiling on Land Holdings (Second Amendment) Ordinance, 1976 in hereby repealed.

(2) Notwithstanding such repeal, any thing done or any action taken under the principal Act as amended by the said 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 this Act were in force at all material times.

U.P. Ordinance no. 23 of 1976.

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**THE UTTAR PRADESH IMPOSITION OF CEILING ON LAND HOLDINGS
(AMENDMENT) ACT, 1978**

(U. P. ACT NO. 5 OF 1979)

[*Authoritative English text of the Uttar Pradesh Adhikam Jot Seema Aropan
(Sanshodhan) Adhiniyam, 1978]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

*further to amend the Uttar Pradesh Imposition of Ceiling on Land Holdings
Act, 1960.*

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

1. This Act may be called the Uttar Pradesh Imposition of Ceiling on
Land Holdings (Amendment) Act, 1978.

Short title.

[*For Statement of Objects and Reasons, please see Part III(a) of the Legislative Supplement of the Uttar Pradesh Gazette, Extraordinary, dated August 24, 1978.]

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on August 31, 1978 and by the Uttar Pradesh Legislative Council on November 8, 1978.)

[Received the assent of the President on January 12, 1979 under Article 201 of the Constitution of India and published in Part I(a) of the Legislative Supplement of the Uttar Pradesh Gazette Extraordinary, dated January 19, 1979.]

PRICE 15 PAIS

Substitution of
section 22 of
U. P. Act no. 1
1961.

2. For section 22 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, the following section shall be *substituted*, namely :—

“22 (1). The amount entered in the assessment roll shall be deemed to have become due on the date on which possession of the land is taken under section 14, and where possession of different lands of the person entitled to the amount is taken on different dates, on the last of such dates.

(2) There shall be paid by the State Government on the amount entered in the assessment roll, interest at the rate of $3\frac{1}{2}$ per cent per annum from the date it becomes due under sub-section (1) to the date of its final determination under section 20 or section 21, as the case may be.

(3) Subject to the provisions of section 23, the amount with interest referred to in sub-section (2) shall be paid—

(i) if it does not exceed rupees one thousand, in cash in one lump-sum ;

(ii) in any other case, in five annual instalments of which the first instalment shall be of rupees one thousand, and the remainder shall be payable in four years in annual equal instalments :

Provided that the State Government may, in its discretion, make full payment of the amount outstanding at any time :

Provided also that in case of the four annual instalments referred to in clause (ii), further interest on the amount outstanding shall be paid at the rate of $3\frac{1}{2}$ per cent per annum from the date of final determination of the amount under section 20 or section 21, as the case may be, till the date when each such instalment falls due.

(4) The payment of the said amount in accordance with the provisions of this Act shall be full discharge of all liability of the State Government in respect of the surplus land, but shall not prejudice the right of any other persons against the person to whom such payment is so made in respect of the said amount.”

No. 564 (2) /XVII-V-1-1 (KA) -8-1986

Dated Lucknow, March 11, 1986

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhiktam Jot Seema Aropan (Sanshodhan) Adhiniyam, 1986 (Uttar Pradesh Adhiniyam Sankhya 3 of 1986), as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 10, 1986.

**THE UTTAR PRADESH IMPOSITION OF CEILING ON LAND
HOLDINGS (AMENDMENT) ACT, 1986**

(U. P. ACT NO. 3 OF 1986)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

*further to amend the Uttar Pradesh Imposition of Ceiling on Land Holdings
Act, 1960*

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

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on January 13, 1986.

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2. In sections 13, 20 and 21 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, hereinafter referred to as the principal Act, for the word 'District Judge', wherever occurring, the word 'Commissioner' shall be substituted.

Amendment of sections 13, 20 and 21 of U.P. Act no. 1 of 1961

3. In section 38 of the principal Act, in sub-section (2),—

Amendment of section 38

(a) for the word 'District Judge' the word 'Commissioner' shall be substituted ;

(b) for the words 'Additional District Judge, Civil Judge or Additional Civil Judge', the word 'Additional Commissioner' shall be substituted.

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4. All proceedings and appeals under sections 13, 20 and 21 of the principal Act, pending immediately before the commencement of this Act before any District Judge, Additional District Judge, Civil Judge or Additional Civil Judge shall stand transferred to the Commissioner and shall be disposed of by the Commissioner in accordance with the provisions of the principal Act, as amended by this Act.

Transitory provision

986

उत्तर प्रदेश Ordinance no. 8
अक्टूबर 1986

5. (1) The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Ordinance, 1986, is hereby repealed.

Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance, referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if this Act were in force at all material times.

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