



**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**

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विधान पुस्तकालय

(राजकीय प्रकाशन)

उत्तर प्रदेश, लखनऊ

उत्तर प्रदेश सहकारी भूमि विकास बैंक (संशोधन) अधिनियम, 1978

[उत्तर प्रदेश अधिनियम संख्या 27, 1978]

['भारत का संविधान' के अनुच्छेद 200 के अन्तर्गत राज्यपाल ने दिनांक 16 सितम्बर, 1978 ई० को अनुमति प्रदान की तथा उत्तर प्रदेशीय असाधारण गजट के विधायी परिशिष्ट के भाग 1 खण्ड (क) में दिनांक 18 सितम्बर, 1978 ई० को प्रकाशित हुआ।]

[उत्तर प्रदेश विधान सभा ने दिनांक 28 अगस्त, 1978 ई० तथा उत्तर प्रदेश विधान परिषद् ने दिनांक 8 सितम्बर, 1978 ई० की बैठक में स्वीकृत किया।]

उत्तर प्रदेश सहकारी भूमि विकास बैंक अधिनियम, 1964 का अग्रतर संशोधन करने के लिए  
अधिनियम

भारत गणराज्य के उन्तीसवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :—

1—(1) यह अधिनियम उत्तर प्रदेश सहकारी भूमि विकास बैंक (संशोधन) अधिनियम, 1978 कहा जायगा।

(2) यह 17 जून, 1978 को प्रवर्तन में आया समझा जायगा।

[उद्देश्य और कारणों के विवरण के लिए कृपया दिनांक 24 अगस्त, 1978 ई० का सरकारी असाधारण गजट के विधायी परिशिष्ट के भाग 3 खण्ड (क) देखिये।]

संक्षिप्त नाम  
और प्रारम्भ

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उत्तर प्रदेश  
अधिनियम संख्या  
16, सन् 1964  
की धारा 2 का  
संशोधन

2--उत्तर प्रदेश सहकारी भूमि विकास बैंक अधिनियम, 1964 की, जिसे आगे मूल अधिनियम कहा गया है, धारा 2 में--

(एक) खण्ड (ग) में, शब्द "अवल संपत्ति के बन्धक पर" के स्थान पर शब्द "अवल संपत्ति के बन्धक या उस पर प्रभार पर या राज्य सरकार की बिना शर्त प्रत्याभूति पर" रखे जायेंगे और सदैव से रखे गये समझे जायेंगे; और

(दो) खण्ड (घ) में, शब्द "उसकी सदस्यता में सम्मिलित अन्य भूमि विकास बैंकों के यदि कोई हो, कार्य" के स्थान पर शब्द "उसके सदस्यों के कार्य" रख दिये जायेंगे और सदैव से रखे गये समझे जायेंगे ।

धारा 4 का  
संशोधन

3--मूल अधिनियम की धारा 4 में, उपधारा (2) में, शब्द "परिष्कृत" के पश्चात् शब्द "या प्रतिस्थापित" बढ़ा दिये जायेंगे ।

धारा 6 का  
संशोधन

4--मूल अधिनियम की धारा 6 में,—

(एक) उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायगी, अर्थात् :—

"(1) राज्य सरकार और न्यासधारी की पूर्व स्वीकृति से, और ऐसी शर्तों और निबन्धनों के अधीन रहत हुए जिन्हें राज्य सरकार आरोपित करे, मण्डल, समय-समय पर, मूलधन का पूरा प्रतिदान करने और उसके व्याज का भुगतान करने के लिये राज्य सरकार द्वारा दी गयी बिना शर्त प्रत्याभूति पर अंशतः धृत और अंशतः अजित किये जाने वाले बन्धक, प्रभार या गिरवी की और ऐसी संपत्तियों और अन्य परि-संपत्तियों की, जो धारा 12 के उपबन्धों के अधीन भूमि विकास बैंकों द्वारा राज्य भूमि विकास बैंक को संक्रमित की गयी हों या संक्रमित की गयी समझी गयी हों, और राज्य भूमि विकास बैंक की अन्य संपत्तियों की, प्रतिभूति पर एक या अधिक अस्-धानों के ऋण-पत्र ऐसी अवधि या अवधियों के लिए, जिसे वह इष्टकर समझे, जारी कर सकता है।";

(दो) उपधारा (3) के स्थान पर निम्नलिखित उपधारा रख दी जायगी, अर्थात् :—

"(3) उपधारा (1) के अधीन मण्डल द्वारा पहले से जारी किये गये ऋण-पत्रों पर देय कुल धनराशि और जारी किये जाने के लिये प्रस्तावित किन्हीं ऋण-पत्रों की धनराशि कुल ऋण-पत्र निम्नलिखित धनराशि के योग से अधिक न होगी :—

(क) बन्धक या प्रभार या गिरवी पर देय धनराशियां और ऐसी अन्य परिसंपत्तियों का मूल्य, जो धारा 12 के अधीन भूमि विकास बैंकों द्वारा राज्य भूमि विकास बैंक को संक्रमित की गई हों या संक्रमित की गयी समझी गयी हों और जो तत्समय वर्तमान हो;

(ख) ऋण-पत्र मोचन-निधि में रक्कत;

(ग) हस्तस्थ रोकड़ और बैंकों में अतिशेष और सान्ध्य निधियों के अधीन प्रतिभूतियों का अंकित मूल्य या बाजार मूल्य, जो भी कम हो; और

(घ) खण्ड (क), (ख) और (ग) में उल्लिखित धनराशि का एता प्रतिशत जो नियत किया जाय।"

धारा 7 के स्थान  
पर नई नई धारा  
का रखा जाना

5--मूल अधिनियम की धारा 7 के स्थान पर निम्नलिखित धारा रख दी जायगी, अर्थात् :—

"7--धारा 6 के अधीन ऋण-पत्र जारी होने पर, राज्य सरकार की प्रत्याभूति के अधीन न्यासधारी में फायदा और उक्त धारा की उपधारा (3) में निर्दिष्ट और मण्डल द्वारा धृत बन्धकप्रस्त संपत्तियां और अन्य परिसंपत्तियां न्यासधारी में निहित होंगी और ऋण-पत्रधारी राज्य सरकार की प्रत्याभूति के फायदे के हकदार होंगे और उनका ऐसे समस्त बन्धकों और परि-संपत्तियों और ऐसी प्रत्याभूति या बन्धकों के अधीन भुगतान की गई और राज्य भूमि विकास बैंक या न्यासधारी के पास शेष धनराशियों पर चल प्रभार होगा।"

निरसन और  
संपादन

6--(1) उत्तर प्रदेश सहकारी भूमि विकास बैंक (संशोधन) अध्यादेश, 1978 एतद्वारा निरसित किया जाता है ।

(2) ऐसे निरसन के होते हुए भी, उक्त अध्यादेश द्वारा तथा संशोधित मूल अधिनियम के उपबन्धों के अधीन कृत कोई कार्य या कार्यवाही, इस अधिनियम द्वारा तथा संशोधित मूल अधिनियम के तदनु रूप उपबन्धों के अधीन कृत कार्य या कार्यवाही समझी जायगी, मानों यह अधिनियम सभी सारभूत समय पर प्रवृत्त था ।

उत्तर प्रदेश  
अध्यादेश  
संख्या 9,  
सन् 1978

२२

**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 Sanshodhan) Adhiniyam, 1978 (Uttar Pradesh Adhiniyam Sankhya 3  
of 1979)]

AN

ACT

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.

Short title, and  
commencement.

(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:—

Amendment of  
section 9 of U.P.  
Act no. 16 of  
1964.

“(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”  
the 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.

Amendment of  
section 10.

4. In section 11 of the principal Act,—

Amendment of  
section 11.

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

“(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 Con-  
stitution of India and was published in Part I (a) of the Legislative Supplement of the *Uttar  
Pradesh Gazette, Extraordinary*, dated January 16, 1979]

विधान पुस्तकालय

(राजकीय प्रकाशन)

उत्तर प्रदेश, लखनऊ

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(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 Bhumidhars 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 Bhumidhar 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.”

Vesting of right of alienation on agriculturists not having such rights.

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:

Restrictions on mortgagor's power to lease or to create other rights in the mortgaged and charged property.

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 therein 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 :—

Substitution of new sections 23 and 23-A for section 23.

“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 under acknowledgement, a copy of the document creating such charge or mortgage duly certified to be a true copy by any employee of the bank authorised 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. 1 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. 1 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 Revenue register for noting charge or mortgage. 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 :—

Substitution of section 24.

“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.”

Delegation of certain powers by Board.

Amendment of  
section 30.

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*."

Repeal and  
saving.

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.

U.P. O  
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20 of 19

Dated Lucknow, June 16, 1989

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

ACT

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 :

- |  |   |
|--|---|
| Short title  | 1. This Act may be called the Uttar Pradesh Co-operative Land Development Banks (Amendment) Act, 1989.  |
| Amendment of long title of U.P. Act no. XVI of 1964. | 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 "Sahkari Krishi Evam Gramya Vikas Banks" shall be substituted.   |
| Amendment of Preamble                                | 3. In the preamble of the principal Act, for the words "Uttar Pradesh State Co-operative Land Development Bank" the words "Uttar Pradesh Rajya Sahkari Krishi Evam Gramya Vikas Bank" and for the words "Co-operative Land Development Banks" the words "Sahkari Krishi Evam Gramya Vikas Banks" shall be substituted.  |
| Amendment of various sections                        | 4. Wherever in any section of the principal Act—<br>(a) the words "Co-operative Land Development Bank" or its grammatical variation occurs, the words "Sahkari Krishi Evam Gramya Vikas Bank" or its corresponding grammatical variation, as the case may be, shall be substituted ;<br>(b) the words "State Land Development Bank" occurs the words "Rajya Krishi Evam Gramya Vikas Bank" shall be substituted ;<br>(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 ;<br>(d) the words "Uttar Pradesh State Co-operative Land Development Bank" occur, the words "Uttar Pradesh Rajya Sahkari Krishi Evam Gramya Vikas Bank" shall be substituted. |
| Amendment of section 2                               | 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,—
- Amendment of section 6
- (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 :—
- Insertion of new section 9-A
- “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*.
- Amendment of section 11
9. In section 16 of the principal Act, *after* sub-section(4), the following sub-section shall be *inserted*, namely :—
- Amendment of section 16
- “(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.”
10. In section 21-A of the principal Act—
- Amendment of section 21-A
- (a) *after* the words “transferable rights or not” a coma and words, “Asamis” shall be *inserted*,
- (b) *after* the words “such bhumidar” a coma and word, “Asami” shall be *inserted*.
11. *After* section 21-A of the principal Act, the following sections shall be *inserted*, namely :—
- Insertion of new sections 21-B and 21-C
- “21-B (1) A person desirous of securing financial assistance from a Krishi Evam Gramya Vikas Bank or the Rajya Sahkari Krishi Evam Gramya Vikas Bank by hypothecation of movable property owned by him may make a declaration in writing on a duly stamped paper that he there-  
by hypothecates such property in favour of such Bank.
- Creation of charge in favour of Krishi Evam Gramya Vikas Bank or Rajya Sahkari Krishi Evam Gramya Vikas Bank.
- (2) When a person desirous of securing financial assistance from a Krishi Evam Gramya Vikas Bank or the Sahkari Krishi Evam Gramya Vikas Bank does not possess property of sufficient value to secure the loan, financial assistance may be provided to him by such bank on furnishing sureties to the satisfaction of the Bank subject to such conditions, if any, as may be prescribed.
- 21-C. The provisions of this Act and rules made thereunder relating to charges and mortgages made under this Act shall *mutatis mutandis* apply to hypothecation of movable property made under this Act.”
- Provisions of this Act to apply to hypothecation
12. In section 26 of the principal Act, in sub-section (2), *after* clause (b), the following clause shall be *inserted*, namely :—
- Amendment of section 26
- “(c) Construction of rural dwelling houses for the family.”

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—  
References to banks in other Acts how construed—

(a) to 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