

The Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Act, 2003

Act 29 of 2003

Keyword(s): Bhumidar, Transferable Right, Tenure Holder

Amendments appended: 25 of 2005, 12 of 2006, 3 of 2007, 11 of 2023, 13 of 2024, 11 of 2025

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सरकारी गजट, उत्तरांवल

उत्तरांचल सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट माग-1, खण्ड (क) (उत्तरांचल अधिनियम)

देहरादून, बृहस्पतिवार, 15 जनवरी, 2004 ई0 पौष 25, 1925 शक सम्बत्

> उत्तरांचल शासन विधायी एवं संसदीय कार्य विभाग

संख्या 501/विघायी एवं संसदीय कार्य/2003 देहरादून, 15 जनवरी, 2004

अधिसूचना

विविध 1

"मारत का संविधान" के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तरांचल विधान समा द्वारा पारित उत्तरांचल (उत्तर प्रदेश जमींदारी एवं मूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण, आदेश, 2001) (संशोधन) विधेयक, 2003 पर दिनाक 13-01-04 को अनुमित प्रदान की और वह उत्तरांचल अधिनियम संख्या 29, सन् 2003 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है:-

उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) अधिनियम, 2003, (जैसा कि सदन की प्रवर समिति द्वारा प्रतिवेदन तथा विधान समा द्वारा यथा संशोधित पारित किया गया है)

(उत्तरांचल अधिनियम संख्या 29, वर्ष 2003)

अधिनियम.

उत्तरांचल राज्य के परिप्रेक्ष्य में उत्तरांचल (उत्तर प्रदेश ज़मींदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950) अनुकूलन एवं उपान्तरण आदेश, 2001 में संशोधन के उद्देश्य से भारत गणराज्य के चौवनवें वर्ष में निम्नलिखित रूप में अधिनियमित-- संक्षिप्त ें नाम, विस्तार और प्रारम्म

- (1) उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं मूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) अधिनियम, 2003 कहलायेगा।
 - (2) नगर निगम, नगर पंचायत, नगर परिषद् और छावनी परिषद् क्षेत्रों की सीमा के अन्तर्गत आने वाले और समय-समय पर सम्मिलित किये जा सकने वाले क्षेत्रों को छोड़कुर यह सम्पूर्ण उत्तरांचल राज्य में लागू होगा।
 - (3) यह तत्काले प्रमावी होगा।

मूल अधिनियम में १ धारा 129--ख का ्रजोदा जाना

 उत्तर प्रदेश जिमीदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950 की घारा 129-क के बाद एक नयी घारा 129 ख निम्नवत् जोड़ दी जायेगी-

129—ख—उत्तर प्रदेश जमीदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950 (जिसे आगे भूल अधिनियम केहा गया है) की घारा 154(4)(1)(क), 154(4)(2)(ङ), 154(4)(2)(च), तथा 154(4)(3) के प्रयोजनों के लिये निम्नवत् श्रेणी के भूमिघर कहलायेंगे—

- (1) विशेष श्रेणीं के भूमिधर।
- मूल अधिनियम में 3. धारा 152-क का जोड़ा जाना
- मूल अधिनियम की धारा 152 के बाद एक नयी धारा 152-क निम्नवत् जोड़ दी जोयेगी-
- (1) 152-क-संक्रमणीय अधिकार वाले भूमिधर द्वारा भूमि अंतरण हेतु कोई मुख्तारनामा ऐसे व्यक्तियों के प्रक्ष में किया जा सकेगा जो घारा 171, 172, 174 अथवा 175 के अन्तर्गत आते हैं और ऐसा मुख्तारनामा ऐसे व्यक्ति के विद्यमान न होने की दशा में किसी अन्य व्यक्ति के पक्ष में जिले के कलेक्टर की पूर्वानुमित से अथवा विदेश में रहने वाले व्यक्ति के मामले में मारतीय दूतावास की पूर्वानुमित से किया जा सकेगा।
- (2) जब तक बढ़ायी ग्यी समय सीमा जिले के कलेक्टर द्वारा सकारण अभिलिखित नहीं कर दी जाती है, दिनांक 12-09-2003 को अथवा उससे पहले निष्पादित मूमि के विक्रय हेतु पंजीकृत मुख्तारनामा वैघ होगा यदि ऐसे मुख्तारनामा के आधार पर 31-03-2004 या उससे पहले मुख्तारनामे में उपबन्धित किसी समय सीमा पर विचार किये बिना, विक्रय विलेख निष्पादित कर लिया गया हो।
- मूल अधिनियम की 4. (3) धारा 154 में उपधारा (3), (4) और (5) का जोड़ा जाना

भारतीम् विभिन्नं पञ्चिति ।

- सक्रमणीय अधिकार वाला भूमिधर उत्तरांचल राज्य के घारा 129 में उल्लिखित किसी भी श्रेणी के खातेदार अथवा उत्तरांचल में स्थित किसी अचल सम्पत्ति के स्वामी जिसने 12-09-2003 या उससे पूर्व ऐसी सम्पत्ति अर्जित कर ली हो अथवा ऐसे खातेदार या सम्पत्ति के स्वामी के परिवार का कोई सदस्य जिसका आशय पति, पत्नी तथा उनकी सतान, सौतेली तथा दत्तक मतान सहित, माता-पिता, दादा-दादी, माई और अविवाहित, विघवा, पृथक्ता तथा तलाकशुदा बहन से है, के पक्ष में अपनी मूमि विक्रय कर सकेगा!
- (1) (क) इस अधिनियम में अंतर्विष्ट अन्य प्रतिबन्धों के अधीन रहते हुए कोई भी व्यक्ति अपने परिवार की ओर से (परिवार का तात्पर्य पित, पत्नी और नाबालिंग संतान से हैं) मले ही वह धारा 129 के अधीन खातेदार या उत्तरांचल में किसी अचल सम्पत्ति का स्वामी न हो बिना किसी अनुमति के अपने जीवन काल में अधिकतम 500 वर्ग मीटर मूमि क्रय कर सकता है:
- (ख) जब तक कि बढ़ायी गयी समय सीमा जिले के कलेक्टर द्वारा सकारण अभिलिखित नहीं कर दी जाती है, भूमि के विक्रय हेतु 12~09—2003 को या उससे पहले निष्पादित पंजीकृत विक्रय के करार के विलेख पर, ऐसे विलेख में उपबंधित किसी समय सीमा पर विचार किये बिना कि अपन के करार के दिनांक 31—03—2004 तक निष्पादित विक्रय विलेख वैध होगा।

- (4)(2) घारा 154(3) की किसी बात से यह नहीं समझा जायेगा कि किसी व्यक्ति द्वारा निम्नलिखित के पक्ष में भूमि का अंतरण निषद्ध है—
 - (क) राज्य सरकार अथवा केन्द्र सरकार अथवा कम्पनी अधिनियम, 1956 की धारा 617 में परिभाषित सरकारी कम्पनी अथवा सांविधिक संस्था अथवा निगम अथवा बोर्ड जो किसी संविधि द्वारा या उसके अधीन स्थापित किया गया हो और राज्य सरकार अथवा केन्द्र सरकार के स्वामित्व का हो एवं उसके द्वारा नियंत्रित हो;
 - (ख) कोई भी व्यक्ति जो निम्नलिखित कारणों से खातेदार न रह गया हो-
 - (1) यदि उसकी भूमि लोक प्रयोजनार्थ भूमि अर्जन अधिनियम, 1894 के अधीन अधिग्रहीत की गयी हो, अथवा
 - (2) यदि उसकी भूमि इस अधिनियम के अधीन किसी खातेदार में निहित हो गयी हो:
 - (ग) कोई भी व्यक्ति जो खातेदार न हो, राज्य आवास विकास परिषद् अथवा किसी विकास प्राधिकरण अथवा राज्य अथवा केन्द्र सरकार द्वारा पारित अधिनियम के अन्तर्गत स्थापित किसी अन्य साविधिक निगम से मकान या दुकान बनाने के लिए भूमि खरीदता है या खरीदना चाहता है अथवा बना—बनाया मकान या दुकान खरीदता है;
 - (घ) कोई व्यक्ति किसी ऐसे व्यक्ति से भूमि खरीदना चाहता है जिसके पक्ष में सक्षम प्राधिकारी द्वारा नक्शा (ले आउट प्लान) अनुमोदित कर दिया गया है:
 - (ङ) कोई व्यक्ति अथवा कम्पनी उत्तरांचल की औद्योगिक नीति के अनुसार (1) एकीकृत औद्योगिक विकास केन्द्र, (2) औद्योगिक क्षेत्र, (3) औद्योगिक आस्थान में भूमि खरीद सकता है;
 - (च) धार्मिक प्रयोजनों के लिए कोई व्यक्ति, सोसाइटी अथवा न्यास;
 - (छ) उत्तरांचल का भूमिहीन मजदूर; अथवा
 - (ज) उत्तरांचल का अनुसूचित जाति अथवा अनुसूचित जनजाति का कोई मी भूमिहीन व्यक्ति; अथवा
 - (झ) उत्तरांचल का ग्रामीण शिल्पी; अथवा
 - (ट) उत्तराचल का कृषि से सम्बद्ध कार्य करने वाला मृगिहीन व्यक्ति।
- (4)(3) (क) घारा 154 के प्रतिबंधों के अधीन रहते हुये कोई व्यक्ति, सोसाइटी अथवा निगमित निकाय उत्तरांचल में सरकार की पूर्व अनुमित से कृषि और औद्यानिकी से भिन्न निम्नित्सित प्रयोजनों के लिए जो विहित किये जायें, भूमि क्रय कर सकता है— /
 - (i) चिकित्सा अथवा स्वास्थ्य सम्बन्धी प्रयोजनों के लिये, यदि वह उत्तरांचल की स्वास्थ्य तथा जनसंख्या नीति के अनुरूप हो;
 - (ii) किसी होटल, ठहरने का स्थान, अतिथि गृह, मोजनालय, मद्यशाला, सखनिज झरना, मार्ग में सुविधायें अथवा सैरगाह के लिये यदि वह राज्य की पर्यटन नीति के अनुरूप हो;
 - (iii) शिक्षा विभाग की संस्तुति पर शिक्षा सम्बन्धी प्रयोजनों के लिये;
 - (iv) सांस्कृतिक प्रयोजनों के लिये;

- (v) घारा 154 (4)(2) के उपखण्ड (ङ) में उल्लिखित स्थलों से मिन्न स्थलों पर औद्योगिक इकाइया स्थापित करने एवं ऐसे अन्य प्रयोजनार्थ।
- (ख) कोई व्यक्ति, सोसाइटी अथवा कम्पनी कृषि अथवा औद्यानिक प्रयोजनों के लिए इस आशय का शपथ—पत्र प्रस्तुत करने के पश्चात कि ऐसी मूमि का उपयोग केवल कृषि अथवा औद्यानिकी हेतु और ऐसे उपयोगों के लिये किया जायेगा जो कृषि अथवा औद्यानिकी से सम्बन्धित तथा आनुषांगिक हो, जनपद के कलेक्टर की पूर्व अनुमित से भूमि क्रय कर सकेगा। यदि शपथ—पत्र में उल्लिखित भूमि उपयोग में परिवर्तन किया जाता है तो अन्तरण शून्य हो जायेगा और धारा 167 के परिणाम लागू होंगे।

परन्तु उपबन्ध यह है कि कोई व्यक्ति यदि वह खातेदार नहीं है किन्तु धारा 154(4)(1)(क), 154(4)(2)(ङ), तथा 154(4)(2)(च) के अधीन मूमि बिना स्वीकृति के क्रय करता है अथवा धारा 154(4)(3) के अधीन प्रदत्त अनुज्ञा से भूमि क्रय करता है, तो धारा 129—ख के अधीन विशेष श्रेणी का भूमिधर बना रहेगा और ऐसा भूमिधर मिष्य में केवल राज्य सरकार या जिले के कलेक्टर, जैसी भी स्थिति हो, की अनुमित से ही भूमि क्रय करने के लिए अर्ह होगा।

अग्रेत्तर उपबन्ध यह है कि ऐसा भूमिघर बैंक तथा वित्तीय संस्थाओं से ऋण प्राप्त करने के लिए अपनी भूमि बंधक या दृष्टिबंधित कर सकेगा तथा घारा 129 के अन्तर्गत भूमिघरी अधिकारों से प्राप्त होने वाले अन्य लामों को भी ग्रहण कर सकेगा।

अग्रेत्तर उपबन्ध यह है कि यदि कोई व्यक्ति जो खातेदार नहीं है, जो बिना अनुमित के धारा 154(4)(2)(ङ), 154(4)(2)(च) के अधीन मूमि क्रय करता है अथवा धारा 154(4)(3) के अधीन जिसमें मूमि क्रय करने की अनुज्ञा शासन अथवा जिलाधिकारी जैसी मी स्थिति हो, द्वारा प्रदान की ग्रायी है, दो वर्ष की अवधि के अन्दर जिसकी गणना भूमि के विक्रय विलेख के पंजीकरण की तिथि से की जायेगी अथवा उसके बाद ऐसी अवधि के अन्दर जिसको राज्य सरकार द्वारा ऐसे कारणों से जिन्हें लिखित रूप में अभिलिखित किया जायेगा, उक्त भूमि का उपयोग उसी प्रयोजन के लिये करेगा जिसके लिये अनुज्ञा प्रदान की गयी है। यदि वह ऐसा नहीं करता है अथवा उस भूमि का उपयोग जिसके लिये। उसे स्वीकृत किया गया था, उससे मिन्न किसी अन्य प्रयोजन हेतु करता है अथवा जिस प्रयोजनार्थ क्रय किया गया था उससे मिन्न प्रयोजन के लिये विक्रय, उपहार या अन्यथा भूमि का अन्तरण करता है तो ऐसा अन्तरण इस अधिनियम के प्रयोजन हेतु शून्य हो जायेगा और धारा 167 के परिणाम लागू होंगे।

(5) यदि--

(क) निबंधक अथवा उपनिबंधक के समक्ष जो भारतीय पंजीकरण अधिनियम, 1908 के अधीन नियुक्त किये गये हों, ऐसी भूभि के अन्तरण से सम्बन्धित कोई विलेख पंजीकरण हेतु प्रस्तुत किये जाने पर उसके संज्ञान में यह आता है अथवा उसके पास यह विश्वास करने का कारण है कि इस अन्तरण से घारा 154(3) अथवा 154(4)(3) का उल्लंघन होता है; अथवा

- (ख) किसी राजस्व अधिकारी को प्रार्थना—पत्र प्रस्तुत किये जाने अथवा किसी स्रोत से कोई सूचना प्राप्त होने से अथवा उसके पास यह विश्वास करने का कारण है कि जिस भूमि का अन्तरण किया गया है उससे घारा 152—क. 154(3), 154(4)(2)(ड), 154(4)(2)(च) अथवा (ड), 154(4)(3) के उपबन्धों का उल्लंघन हुआ है, तर वह उप निबन्धक, निबन्धक अथवा राजस्द अधिकारी, जैसी मी स्थिति हो, उस जिले के कलेक्टर को सन्दर्भित करेगा जिसमें वह भूमि अथवा उसका भाग स्थित है, तो वह उस रीति रो जैसा विहित किया जाय, यह विनिश्चित करेगा कि क्या ऐसा अन्तरण इस अधिनियम के उपबन्ध का उल्लंघन है और ऐसा प्रत्येक अन्तरण जो कि शून्य है, के सम्बन्ध में घारा 167 के परिणाम लागू होंगे।
- (ग) (1) राज्य सरकार राजस्व अधिकारी की रिपोर्ट या किसी व्यक्ति के प्रार्थना—पत्र पर या स्वयं किसी कार्यवाही या वाद के अभिलेख, उसकी या उस पर पारित आदेश की वैधता अथवा औचित्य पर अपना संवाधान करने के प्रयोजनार्थ मांग सकती है और उसके सम्बन्ध में ऐसा आदेश पारित कर सकती है जैसा वह उचित समझे:
 - (2) इस उपधारा के अधीन पारित कोई भी आदेश, जो किसी के हितों पर प्रतिकृत प्रभाव डालता हो, तब तक पारित नहीं किया जायेगा जब तक उस व्यक्ति को सुनवाई का अवसर न प्रदान कर दिया जाय।
- (1) उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियस, 1950)
 (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) अध्यादेश, 2003 एतद्द्वारा निरसित क्रिया जाता है।

निरसन एवं अपवाद

(2) ऐसे निरसन के होते हुए मी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम में उपबन्धों के अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के तत्समान उपबन्धों के अधीन कृत कार्य या कार्यवाही समझी जायेगी मानो इस अधिनियम में समी उपबन्ध सारवान समय पर प्रवृत्त थे।"

> आज्ञा से, **बी**0 लाल, सचिव।

Dated Dehradun, January 15, 2004

<u>NOTIFICATION</u>

<u>Miscellaneous</u>

In pursuance of the provision 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 Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaption and Modification Order, 2001) (Amendment) Bill, 2003 (Uttaranchal Adhiniyam Sankhya 29 of 2003).

As passed by the Uttaranchal Legislative Assembly and assented to by the Governor on January, 2004.

THE UTTARANCHAL (THE UTTAR PRADESH ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1950) (ADAPTATION AND MODIFICATION ORDER, 2001)

(AMENDMENT) ACT, 2003

(AS REPORTED BY SELECT COMMITTEE OF THE HOUSE AND PASSED AS AMENDED BY THE LEGISLATIVE ASSEMBLY)

(UTTARANCHAL ACT No. 29 OF 2003)

AΝ

Аст

To amend the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) Adaptation and Modification Order, 2001 in it's application to the State of Uttaranchal.

Be it enacted in the Fifty-fourth Year of the Republic of India as follows:

Short title, Extent and Commencement

- (1) This may be called the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Act, 2003.
 - (2) It extends to the whole of State of Uttaranchal except the areas included and may be included from time to time in any Municipal Corporation, Nagar Panchayat, Nagar Parishad and Cantonment Board limits.
 - (3) It shall come into force at once.

Addition of section 129-B in the principal Act

- 2. A new section 129-B shall be added after section 129-A of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 as follows--
 - 129-B—There shall be, for the purposes of section 154(4)(1)(a), 154(4)(2)(e), 154(4)(2)(f) and 154(4)(3) of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as the principal Act) following class of Bhumidhar, i.e. to say-
 - (1) Bhumidhar of special category.

Addition of section 152-A in the principal Act

- 3. A new section 152-A shall be added after section 152 of the principal Act as follows--
 - (1) Section 152-A-A bhumidhar with transferable rights may execute power of attorney for transfer of land in favour of persons who are covered under section 171, 172, 174 or 175, and in case no such person is existing, such Power of Attorney may be executed in favour of any other person with the prior permission of the collector of the district or of the Indian consulate in case of persons living abroad.
 - (2) A registered Power of Attorney to sell the land executed on or before 12-09-2003 shall be valid if the sale deed on the basis of such Power of Attorney is executed on or before 31-03-2004, irrespective of any time limit provided in such Power of Attorney, unless extended by the collector of the district for reasons to be recorded in writing.

Addition of subsections (3), (4) and (5) in section 154 of the principal Act

- Three new sub-sections (3), (4) and (5) shall be added in section 154 of the principal Act as follows---
 - (3) A bhumidhar with transferable rights may sell his land to any of the categories of tenure holders in the State of Uttaranchal as mentioned in section 129 or such owner of any immovable property in Uttaranchal who has acquired it on or before 12-09-2003 or to any member of the 'family', which means husband, his wife and their children, including step or adopted children, and includes parents, grand parents, brothers and unmarried, widowed, separated and divorced sisters of such tenure holder of the owner, as the case may be.

- (4) (1) (a)—Subject to other restrictions and save as otherwise provided in this Act, any person on behalf of his family (which means husband, wife and minor children), even though he is not a tenure holder under section 129 or the owner of any immovable property in Uttaranchal, may purchase land not exceeding 500 sq. mts. in his lifetime without the permission;
 - (b) A registered agreement to sell the land executed on or before 12-09-2003 shall be valid if the sale deed on the basis of such agreement is executed on or before 31-03-2004, irrespective of any time limit provided in the agreement, unless extended by the collector of the district for reasons to be recorded in writing.
- (4) (2) Nothing in sub-section 154 (3) shall be deemed to prohibit the transfer of land by any person in favour of--
 - (a) the State Government or Central Government or a Government company, as defined in section 617 of the Companies Act, 1956 or a Statutory Body or Corporation or Board established by or under a Statute and owned and controlled by the State or Central Government;
 - (b) a person who has become a non-tenure holder on account of-
 - acquisition of his land for any public purpose under the Land Acquisition Act, 1894; or
 - (ii) vestment of his land in the tenants under this Act;
 - (c) a non-tenure holder who purchases or intends to purchage land for the construction of a house or shop, or purchases a built-up house or shop from the State Housing Board or from a Development Authority or from any other Statutory Corporation set up under any State of Central enactment.
 - a person who proposes to purchase land from a person in whose favour a layout plan has been approved by the competent authority;
 - (e) a person or company according to Industrial Policy of Uttaranchal in (i) Integrated Industrial Development Centre (ii) Industrial Area (iii) Industrial Estates.
 - (f) a person, society or trust for religious purposes.
 - (g) a landless labourer of the Uttaranchal; or
 - a landless person belonging to a Scheduled Caste or Scheduled Tribe of the Uttaranchal; or
 - (i) a village artisan of the Uttaranchal; or
 - (j) a landless person carrying on an allied pursuit of the Uttaranchal.
- (4) (3) (a) Subject to restrictions contained in section 154, a person, society of corporate body may purchase land for the following purposes, other than those for Agriculture and Horticulture purposes, with the prior sanction of the Government in the State of Uttaranchal as may be prescribed—
 - Medical or health purposes, if it conforms to the Health and Population Policy of Uttaranchal;
 - (ii) Hotel, Lodge, Guest House, Restaurant, Bar, Spa, way side amenities or resort, if it conforms to the Tourism Policy of the State;
 - (iii) Educational purposes, on the recommendations of the Deptt. of Education;
 - (iv) Cultural purposes;
 - (v) For industrial purposes in areas other than those mentioned in section 154(4)(2)(e) or for other purposes.
- (b) A person, society or company may purchase land with prior sanction of the Collector of the district for Agricultural or Horticultural purposes, as may be prescribed, on furnishing an affidavit to the effect that such land will be used for Agricultural or Horticultural purposes and for uses incidental to and connected with Agriculture or Horticulture only. If the land use of such land as mentioned in the Affidavit is changed, the said transfer shall be void and consequences of section 167 shall follow:

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

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

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

(5) Where,

- (a) the Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908 before whom any document pertaining to transfer of land is presented for registration comes to know or has reason to believe that the transfer of land is in contravention of section 154 (3) or 154 (4) (3); or
- (b) a Revenue Officer either on an application submitted to him or on receipt of any information from any source comes to know or has reason to believe that the land has been transferred in contravention of the provisions of section 152-A, 154(3), 154(4)(2)(e), 154(4)(2)(i) or 154(4)(3), such Sub-Registrar, Registrar or Revenue Officer, as the case may be, shall make a reference to the collector of the district, who shall determine whether the transfer is in contravention of the provision of this Act in the manner prescribed and the consequences of section 167 shall follow in respect of every transfer which is void.
- (c) (1) The State Government may, either on the report of a Revenue Officer or on an application by any person or of its own motion, call for the records of any proceedings or case for the purpose of satisfying itself as to the legality or propriety of such proceedings or order made therein and may pass such order in relation thereto as it may think fit.
- (2) No order shall be passed under this sub-section which adversely affects any person unless such person has been given a reasonable opportunity of being heard
- (1) The Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Ordinance, 2003 is hereby repealed.
 - (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as mentioned by the Ordinance referred to in sub-section (1) shall be deemed to have been done to 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.

By Order,

BHAROSI LAL, Secretary.

Repeal and Savings



सरकारी गजट, उत्तरांचल

उत्तरांचल सरकार द्वारा प्रकाशित

असाधारण

विघायी परिशिष्ट

भाग-1, खण्ड (क) (उत्तराचल अधिनियम)

देहरादून, सोमवार, 31 अक्टूबर, 2005 ई0 कार्तिक 09, 1927 शक सम्वत्

उत्तरांचल शासन विधायी एवं संसदीय कार्य विभाग

संख्या 610/विद्यायी एवं संसदीय कार्य/2005 देहरादून, 31 अक्टूबर, 2005

अधिसूचना

🗸 विविघ

"भारत का संविधान" के अनुच्छेद 200 के अधीन महामहिम राज्यपाल ने उत्तरांचल विधान समा द्वारा पारित उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) विधेयक, 2005 पर दिनांक 28 अक्टूबर, 2005 को अनुमित प्रदान की और वह उत्तरांचल का अधिनियम संख्या 25, सन् 2005 के रूप में सर्व-साधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) अधिनियम, 2005

(उत्तरांचल अधिनियम संख्या 25, सन् 2005)

उत्तरांचल राज्य के परिप्रेक्ष्य में उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) में अग्रेत्तर संशोधन के लिये

अधिनियम

संक्षिप्त नाम, विस्तार एवं प्रारंभ भारत गणराज्य के छप्पनवें वर्ष में निम्नलिखित रूप में यह अधिनियमित हो :1. (1) यह अधिनियम उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं मूमि व्यवस्था

त. (१) यह आधानयम उत्तराचल (उत्तर प्रदश जमादारा विनाश एवं मूर्ग व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) अधिनियम, 2005 कहा जायेगा।

- (2) यह सम्पूर्ण उत्तरांचल में लागू होगा।
- (3) यह तुरन्त प्रवृत्त होगा।

समय—समय पर यथा संशोधित उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950 (उत्तरांचल राज्य में यथा प्रवृत्त) (जिसे आगे मूल अधिनियम कहा गया है) का संशोधन (

घारा 143 का संशोधन 2. मूल अधिनियम की घारा 143 की उपघारा (2) में, "(इस घारा को छोड़कर)" कोष्ठक एवं शब्दों के स्थान पर "[इस घारा और उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) अधिनियम, 2003 जो 15—01—2004 से प्रभावी है, द्वारा किये गये उपबन्धों को छोड़कर।" शब्द, अंक एवं कोष्ठक रखे जायेंगे।

घारा 169 का संशोघन 3. मूल अघिनियम की घारा 169 में, उपघारा (3) में "लिखित और दो व्यक्तियों द्वारा साक्षीकृत होगी" शब्दों के स्थान पर "लिखित, दो व्यक्तियों द्वारा साक्षीकृत तथा रिजस्ट्रीकृत होगी" शब्द रखे जायेंगे।

धारा 171 का संशोधन

- 4. मूल अधिनियम की घारा 171 में, उपघारा (2) के स्थान पर निम्नलिखित उपघारा रखी जायेगी, अर्थात :-
 - "(2) किसी पुरुष मूमिधर या असामी के निम्नलिखित रिश्तेदार, उपधारा(1) के उपबन्धों के अधीन रहते हुए उत्तराधिकारी हैं, अर्थात :--
 - (क) विघवा और पुंजातीय वंशज प्रतिशास्त्रा के अनुसारः

प्रतिबन्ध यह है कि पूर्व मृत पुत्र की विधवा और पुत्र को, चाहे जितनी भी नीची पीढ़ी में हो, प्रतिशाखा के अनुसार वह अंश उत्तराधिकार में मिलेगा जो पूर्व मृत पुत्र को, यदि वह जीवित होता, तो मिलता;

- (ख) माता और पिता;
- (ग) अविवाहिता पुत्री;
- (घ) विवाहिता पुत्री;
- (ङ) माई और अविवाहिता बहिन, जो क्रमशः एक ही मृत पिता के पुत्र और पुत्री हों; और पूर्व मृत भाई का पुत्र, जब पूर्व मृत भाई उसी पिता का पुत्र हो जिसका मृतक पुत्र था;
- (च) पुत्र की पुत्री;
- (छ) पितामही और पितामह;
- (ज) पुत्री का पुत्र;
- (झ) विवाहिता बहिन;
- (ञ) सौतेली बहिन, जब उसी पिता की पुत्री हो जिसका मृतक पुत्र था;
- (ट) बहिन का पुत्र;
- (a) सौतेली बहिन का पुत्र, जब सौतेली बहिन उसी पिता की पुत्री हो जिसका मृतक पुत्र था;
- (ड) भाई के पुत्र का पुत्र;
- (ढ) नानी का पुत्र;
- (ण) पितामह का पौत्र।"

आज्ञा से, यू0 सी0 घ्यानी, सचिव। 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 Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Bill, 2005 (Uttaranchal Adhiniyam Sankhya 25 of 2005).

As passed by the Uttaranchal Legislative Assembly and assented to by the Governor on October 28, 2005.

No. 610/Vidhayee and Sansadiya Karya/2005 Dated Dehradun, October 31, 2005

NOTIFICATION

Miscellaneous

THE UTTARANCHAL (THE UTTAR PRADESH ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1950) (ADAPTATION AND MODIFICATION ORDER, 2001) (AMENDMENT) ACT, 2005

(UTTARANCHAL ACT No. 25 of 2005)

Further to amend the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) in its application to the State of Uttaranchal.

Αи

Аст

Be it enacted in the Fifty-sixth year of the Republic of India as follows:--

1. (1) This Act may be called the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Act, 2005.

Short Title, Extent and Commencement

- (2) It extends to the whole of the State of Uttaranchal.
- (3) It shall come into force at once.

Amendment of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, as amended from time to time (as applicable in the State of Uttaranchal) (hereinafter referred to as the principal Act).

2. In sub-section (2) of section 143 of the Principal Act, for the words and brackets "(other than this section)", the words, figures and brackets, "[other than this section and provisions of the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Act, 2003, effective from 15.01.2004]" shall be substituted.

Amendment of Section 143

3. In section 169 of the Principal Act, in sub-section (3), for the yords "be in writing and attested by two persons" the words "be in writing, attested by two persons and registered" shall be substituted.

Amendment of Section 169

4. In section 171 of the Principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of Section 171

- "(2) the following relatives of the male bhumidhar or asami are heirs subject to the provisions of sub-section (1), namely:--
 - (a) widow and the male lineal descendant per strips :

Provided that the widow and the son of a predeceased son how lowso-ever per strips shall inherit the share which would have devolved upon the predeceased son had he been alive;

- (b) mother and father;
- (c) unmarried daughter;
- (d) married daughter;

- (e) brother and unmarried sister being respectively the son and the daughter of the same father as the deceased; and son of a predeceased brother, the predeceased brother having been the son of the same father as the deceased;
- (f) son's daughter;
- (g) father's mother and father's father;
- (h) daughter's son;
- (i) married sister;
- (j) half sister, having been the daughter of the same father as the deceased;
- (k) sister's son;
- (I) half sister's son, the half sister having been the daughter of the same father as the deceased;
- (m) brother's son's son;
- (n) mother's mother's son;
- (o) father's father's son's son."

By Order,

U. C. DHYANI, Secretary.



सरकारी गजट, उत्तरांचल

उत्तरांचल सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट भाग-1, खण्ड (क) (उत्तरांचल अधिनियम)

देहरादून, मंगलवार, 17 अक्टूबर, 2006 ई0 आश्विन 25, 1928 शक सम्वत

उत्तरांचल शासन विधायी एवं संसदीय कार्य विभाग

संख्या 839/विद्यायी एवं संसदीय कार्य विमाग/2006 देहरादून, 17 अक्टूबर, 2006

अधिसूचना

विविध

"मारत का संविधान" के अनुच्छेद 200 के अधीन महामहिम राज्यपाल ने उत्तरांचल विधान समा द्वारा पारित उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) विधेयक, 2006 पर दिनांक 15 अक्टूबर, 2006 को अनुमित प्रदान की और वह उत्तरांचल का अधिनियम संख्या 12, सन् 2006 के रूप में सर्व-साधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) अधिनियम, 2006 (उत्तरांचल अधिनियम संख्या 12, सन् 2006)

उत्तरांचल राज्य के परिप्रेक्ष्य में उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) में अग्रेत्तर संशोधन के लिये

अधिनियम

भारत गणराज्य के सत्तावनवें वर्ष में निम्नलिखित रूपं में यह अधिनियमित हो :-

संक्षिप्त नाम, प्रारंभ एवं विस्तार

- 1. (1) इस अधिनियम का संक्षिप्त नाम उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं मूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) अधिनियम, 2006 है।
 - (2) यह सम्पूर्ण उत्तरांचल राज्य में लागू होगा।
 - (3) यह तुरन्त प्रवृत्तं होगा।

घास ३ (८–क) का लोप 2. समय-समय पर यथा संशोधित एवं उत्तरांचल राज्य में यथा प्रवृत्त उत्तर प्रदेश जमीदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950 (जिसे आगे मूल अधिनियम कहा गया है) की घारा 3 का खण्ड (8-क) का लोप कर दिया जायेगा।

घारा १६८–के का लोप 3. मूल अधिनियम की घारा 168-क का लोप कर दिया जायेगा।

धारा 178, 179, 180, 181 और 182 का लोप 4. मूल अधिनियम की घाराओं क्रमशः 178, 179, 180, 181 और 182 का लोप कर दिया जायेगा।

विशेष उपबन्ध

5. किसी भूमि के टुकड़े के किसी संक्रमण को जैसा कि वह इस अधिनियम के प्रारम्म से पूर्व विद्यमान था और जो घारा 168—क के अधीन शून्य हो गया हो एवं जिसकी राज्य सरकार के पक्ष में राजस्व अभिलेखों में प्रविष्टि नहीं की गयी थी, शून्य समझा जायेगा और कोई भी व्यक्ति ऐसे संक्रमण को ऐसी फीस, ऐसे समय के भीतर और ऐसी रीति से जैसा राज्य सरकार द्वारा अधिसूचित किया जाये, जमा करके विधिमान्य करा सकता है:

परन्तु इस उपधारा के उपबन्ध प्रस्तावित अधिनियम के प्रारम्म होने के दिनांक से एक वर्ष की समाप्ति के पश्चात् प्रमावी नहीं रह जायेंगे:

परन्तु यह और कि उत्तरांचल (उ०प्र० जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) अधिनियम, 2003 के अन्तर्गत 500 वर्ग मी० से अधिक भूमि क्रय करने के मामलों के निर्धारित अनुमति की अनिवार्यता पूर्ववत् बनी रहेगी।

आज्ञा से,

श्रीमती इन्दिरा आशीष, सचिव।

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 Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Bill, 2006 (Uttaranchal Adhiniyam Sankhya 12 of 2006).

As passed by the Uttaranchal Legislative Assembly and assented to by the Governor on October 15, 2006.

No. 839/Vidhayee and Sansadiya Karya/2006 Dated Dehradun, October 17, 2006

NOTIFICATION

Miscellaneous

THE UTTARANCHAL (THE UTTAR PRADESH ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1950) (ADAPTATION AND MODIFICATION ORDER, 2001) (AMENDMENT) ACT, 2006

(UTTARANCHAL ACT No. 12 of 2006)

Further to amend the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) in its application to the State of Uttaranchal

AΝ

Аст

Be it enacted in the Fifty-seventh year of the Republic of India as follows:--

1. (1) This Act may be called the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Act, 2006.

Short Title. Extent and Commencement

- (2) It extends to the whole of the State of Uttaranchal.
- (3) It shall come into force at once.
- 2. Clause (8-A) of section 3 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, as amended from time to time and as applicable in the State of Uttaranchal (hereinafter referred to as the principal Act) shall be omitted.

Omission of Section 3(8-A)

3. Section 168-A of the principal Act, shall be omitted.

Omission Section 168-A

4. Section 178, 179, 180, 181 and 182 respectively of the principal Act shall be omitted.

Omission Section 178, 179, 180, 181 and 182

5. Any transfer of fragment of land which had become void under Section 168-A Special Provision as it stood before the commencement of this Act and which had not been entered in Revenue Record, in favour of State Government, shall be deemed to have been voidable and any person may get such transfer validated by depositing such fee and with in such time and in such manner as may be notified by the State Government:

4

Provided that the above provisions shall cease to be inforce after expiry of one year from the date of commencement of this Act:

Provided further that for the purchase of land in excess of 500 Sq.mts., the permission as prescribed under the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act. 1950) (Adaptation and Modification Order, 2001) (Amendment) Act, 2003 shall continue to remain in force.

By Order,

Smt. INDIRA ASHISH. Secretary.

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सरकारी गजटं, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट भाग-1, खण्ड (क) (उत्तराखण्ड अधिनियम)

देहरादून, सोमवार, 16 जुलाई, 2007 ई0 आषाढ़ 25, 1929 शक सम्वत्

> उत्तराखण्ड शासन विधायी एवं संसदीय कार्य विमाग

संख्या 1109/विधायी एवं संसदीय कार्य/2007 देहरादून, 16 जुलाई, 2007

अधिसूचना

विविघ

"मारत का संविधान" के अनुच्छेद 200 के अधीन महामहिम राज्यपाल ने उत्तराखण्ड विधान सभा द्वारा पारित उत्तराखण्ड (उत्तर प्रदेश जमींदारी विनाश एवं मूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) विधेयक, 2007 पर दिनांक 13 जुलाई, 2007 को अनुमति प्रदान की और वह उत्तराखण्ड का अधिनियम सं० 03, सन् 2007 के रूप में सर्व—साधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तराखण्ड (उत्तर प्रदेश जमींदारी विनाश एवं मूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) अधिनियम, 2007 (उत्तराखण्ड अधिनियम संख्या 03, वर्ष 2007)

उत्तराखण्ड राज्य में कृषि भूमि की अनियंत्रित खरीद फरोख्त को नियंत्रित करने हेतु उत्तराखण्ड (उत्तर प्रदेश जमींदारी विनाश एवं मूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) में उत्तराखण्ड राज्य के सम्बन्ध में अग्रत्तर संशोधन करने के लिये

अधिनियम

मारत गणराज्य के अठ्ठावनवें वर्ष में उत्तराखण्ड विघान समा द्वारी निम्नवत् अधिनियमित हो:--

संक्षिप्त नाम, प्रारम्भ एवं विस्तार

- 1—(1) इस अधिनियम का संक्षिप्त नाम उत्तराखण्ड (उत्तर प्रदेश जमींदारी विनाश एवं मूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) अधिनियम, 2007 है।
- (2) नगर निगम, नगर पंचायत, नगर परिषद् और छावनी परिषद् क्षेत्रों की सीमा के अन्तर्गत आने वाले और समय—समय पर सम्मिलित किये जा सकने वाले क्षेत्रों को छोड़कर यह सम्पूर्ण उत्तराखण्ड में लागू होगा।
 - (3) यह तत्काल प्रमावी होगा।

मूल अघिनियम की घारा 154 की उपघारा (4) (1)(क) का प्रतिस्थापन 2—उत्तरांचल (उत्तर प्रदेश जमींदारी विनाश एवं मूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (जिसे यहां आगे मूल अधिनियम कहा गया है) की घारा 154 की उपघारा (4)(1)(क) के स्थान पर निम्नलिखित उपघारा रख दी जायेगी, अर्थात् :—

(4)(1)(क)—"इस अधिनियम में अन्तर्विष्ट अन्य प्रतिबन्धों के अधीन रहते हुए कोई भी व्यक्ति अपने स्वयं या परिवार के (परिवार का तात्पर्य पति, पत्नी, नाबालिंग सन्तान, अविवाहित पुत्र व अविवाहित पुत्री तथा आश्रित माता—पिता से हैं) आवासीय प्रयोजन हेतु मले ही वह धारा 129 के अधीन खातेदार या उत्तराखण्ड में किसी अचल सम्पत्ति का स्वामी न हो, बिना किसी अनुमति के अपने जीवन काल में अधिकतम 250 वर्ग मीटर मूमि क्रय कर सकता है।"

मूल अधिनियम की धारा 154 की उपधारा (4) (2) (घ) का संशोधन एवं लोप निरसन एवं अपवाद

- 3—(क) मूल अधिनियम के हिंदी पाठ की घारा 154 की उपघारा (4)(2)(घ) में उल्लिखित शब्द "नक्शा" की हटा दिया जायेगा।
- (ख) मूल अधिनियम की घारा 154 की उपघारा (4)(2)(घ) का लोप कर दिया जायेगा।
- 4—(1) उत्तराखण्ड (उत्तर प्रदेश जमींदारी विनाश एवं मूमि व्यवस्था अधिनियम, 1950) (अनुकूलन एवं उपान्तरण आदेश, 2001) (संशोधन) अध्यादेश, 2007 एतद्द्वारा निरसित किया जाता है।
- (2) ऐसे निरसन के होते हुए भी उपघारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम में उपबन्धों के अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के तत्समान उपबन्धों के अधीन कृत कार्य या कार्यवाही समझी जायेगी, मानो इस अधिनियम में सभी उपबन्ध सारवान समय पर प्रवृत्त थे।

आज्ञा से,

श्रीमती इन्दिरा आशीष, सचिव।

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 Uttarakhand (The Uttar Pradesh Zamindari Abolitlon and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Bill, 2007 (Uttarakhand Adhiniyam Sankhya 03 of 2007).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on July 13, 2007.

No. 1109/XXXVI(4)/2007 Dated Dehradun, July 16, 2007

NOTIFICATION Miscellaneous

THE UTTARAKHAND (THE UTTAR PRADESH ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1950) (ADAPTATION AND MODIFICATION ORDER, 2001) (AMENDMENT) ACT, 2007

(UTTARAKHAND ACT No. 03 OF 2007)

Further to amend the Uttarakhand (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) in its application to the State of Uttarakhand to control the uncontrolled sale and purchase of agricultural land in the State of Uttarakhand

ΑN

Аст

Be it enacted in the Fifty-eighth year of the Republic of India as follows:-

1. (1) This Act may be called the Uttarakhand (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Act, 2007.

Short Title, Extent and Commencement

- (2) It shall extend to the whole of the State of Uttarakhand except the areas included and to be included from time to time in any Municipal Corporation, Nagar Panchayat, Nagar Parishad and Cantonment Board limits.
 - (3) It shall come into force at once.
- 2. In place of existing sub-section (4) (1) (a) of section 154 of the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (hereinafter referred to as principal Act) the following sub-section shall be substituted, namely:--

Amendment of sub-section (4) (1) (a) of section 154 in the principal Act

- (4)(1)(a)—Subject to other restrictions and save as otherwise provided in this Act, "any person for his own or on behalf of his family (which means husband, his wife, minor children, unmarried sons, unmarried daughters and dependent parents) even though he is not a tenure holder under section 129 or the owner of any immovable property in Uttarakhand, may purchase land not exceeding 250 sq. mts. for residential purpose in his lifetime without the permission".
- 3. (a) In sub-section (4) (2) (d) of section 154 of the Hindi version of the Amendment and principal Act, the word "Naksha" shall be omitted.
 - (b) Sub-section (4) (2) (d) of section 154 of the principal Act shall be omitted.

Omission of subsection (4) (2) (d) of section 154 of the principal Act

4. (1) The Uttarakhand (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Ordinance, 2007 is hereby repealed.

Repeal and Savings

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as mentioned by the Ordinance referred to in subsection (1) shall be deemed to have been done to 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.

By Order,

Smt. INDIRA ASHISH, Secretary.

पी०एस०यू० (आर०ई०) २८ विद्यायी / ३३६–२००७–१००+४०० (कम्प्यूटर / रीजियो)।

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सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट भाग-1, खण्ड (क) (उत्तराखण्ड अधिनियम)

देहरादून, मंगलवार, 25 अप्रैल, 2023 ई0 बैशाख 05, 1945 शक सम्वत्

> उत्तराखण्ड शासन विधायी एवं संसदीय कार्य विभाग

संख्या 156/XXXVI(3)/2023/14(1)/2023 देहरादून, 25 अप्रैल, 2023

अधिसूचना

विविध

"भारत का संविधान" के अनुच्छेद 200 के अधीन मा० राज्यपाल ने उत्तराखण्ड विधान सभा द्वारा पारित 'उत्तराखण्ड (उत्तर प्रदेश जमींदारी विनाश और भूमि व्यवस्था अधिनियम, 1950) (संशोधन) विधेयक, 2023' पर दिनांक 20 अप्रैल, 2023 को अनुमति प्रदान की और वह उत्तराखण्ड राज्य का अधिनियम संख्याः 11, वर्ष— 2023 के रूप में सर्व—साधारण के सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

िण्यू लोक सूचना अधिकारी विधान सभा सविद्यालय उत्तराखण्ड उत्तराखण्ड (उत्तर प्रदेश जमींदारी विनाश और भूर्मि व्यवस्था अधिनियम, 1950) (संशोधन) अधिनियम, 2023

(उत्तराखण्ड अधिनियम संख्या 11, वर्ष 2023)

उत्तराखण्ड (उत्तर प्रदेश जमींदारी विनाश और भूमि व्यवस्था अधिनियम, 1950) (अधिनियम संख्या 1 वर्ष, 1951) (अनुकूलन एवं उपान्तरण आदेश, 2001) में उत्तराखण्ड राज्य के परिप्रेक्ष्य में अग्रेत्तर संशोधन करने के लिए,

अधिनियम

भारत गणराज्य के चौहत्तरवें वर्ष में उत्तराखण्ड राज्य विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:--

संक्षिप्त नाम और 1. (1) इस अधिनियम का संक्षिप्त नाम उत्तराखण्ड (उत्तर प्रदेश जमींदारी विनाश और भूमि व्यवस्था अधिनियम, 1950) प्रारम्भ (संशोधन) अधिनियम, 2023 है।

यह तुरन्त प्रवृत्त होगा। (2)

का 2. धारा संशोधन

उत्तराखण्ड (उत्तर प्रंदेश जमींदारी विनाश और भूमि व्यवस्था अधिनियम, 1950) (अधिनियम संख्या 1 वर्ष 1951) (अनुकूलन एवं उपान्तरण आदेश, 2001) (ज़िसे इंसके पश्चात जूल अधिनियम कहा गया है) की धारा 2 की उपधारा (1) में खण्ड (छ) के स्थान पर निम्नलिखित खण्ड एख दिया जायेगा, अर्थात:-

"(छ) जनपद उधमसिंह नगर की सीमान्तर्गत वह भूमि जो 1971 अथवा उससे पूर्व बांग्लादेश (पूर्ववर्ती पूर्वी पाकिस्तान) से भारत आये शरणार्थियों को, जिन्हें भारत सरकार की पुनर्वास योजना के अन्तर्गत गवर्नमेंट ग्रान्ट एक्ट के अधीन जिला पुनर्वास कार्यालय, बरेली और जिला पुनर्वास कार्यालय, रुद्रपुर (पूर्ववर्ती जिला नैनीताल) वर्तमान जिला उधमसिंहनगर द्वारा पट्टे पर आवंटित की गयी थी।"

धारा 130 संशोधन

मूल अधिनियम की धारा 130 के खण्ड (घ) के स्थान पर निम्नलिखित खण्ड रख दिया जायेगा, अर्थात्:-

"(घ) पूर्वी पाकिस्तान (वर्तमान बांग्लादेश) से वर्ष 1971 से पूर्व भारत आए शरणार्थी और जिन्हें वर्ष 1.980 से पूर्व भारत सरकार की पुनर्वास योजना के अन्तर्गत नैनीताल (वर्तमान जिला तत्कालीन

2

उधनसिंहनगर) की भौगोलिक सीमा के अन्तर्गत कृषि हेतु सरकारी अनुदान अधिनियम, 1895 के अधीन जिला पुनर्वास कार्यालय, बरेली और जिला पुनर्वास कार्यालय, रूद्रपुर (पूर्ववर्ती जिला नैनीताल) वर्तमान जिला उधमसिंहनगर द्वारा भूमि पष्टे पर आवंटित की गयी थी और इन पष्टाग्रस्त भू—खण्डों पर मूल पहेदार की सहमति से अन्य व्यक्तियों द्वारा दिनांक 09.01.2000 से पूर्व कब्जा प्राप्त कर इस भूमि पर काबिज हों तथा जिन्होंने वर्ष 2013 को प्रवृत्त सर्किल रेट के आधार पर आंकलित कब्जे की भूमि का झूब्झ राजकोष में जमा कर दिया हो एवं राज्य सरकार द्वारा विहित अन्य शर्तों का अनुपालन करने वाले ऐसे इसकि।"

विधिमान्यकरण 4.

इस अधिनियम की धारा 2 एवं 3 द्वारा मूल अधिनियम में किये गये संशोधन दिनांक 27.01.2014 से किये गये समझे जाएंगे और तद्नुसार उक्त तारीख को या उसके पश्चात् और इस अधिनियम के प्रारम्भ के पूर्व मूल अधिनियम के अधीन की गई या की जाने के लिए तात्पर्यित कार्रवाई या किसी बात के होते हुए भी सभी प्रयोजनों के लिए उतनी ही विधिमान्य और प्रभावी रूप से प्रवृत्त होगी।

आज्ञा से,

होंग हाणाहरू

शहन्शाह मुहम्मद दिलंबर दानिश, सचिव।

कारण और उद्देश्य

उत्तराखण्ड जमींदारी विनाश और भूमि व्यवस्था (संशोधन) अधिनियम, 2014 के मूल अधिनियम की धारा 2 में उपधारा (छ) का प्रतिस्थापन तथा धारा 130 में उपधारा (घ) का प्रतिस्थापन हेतु प्रस्तावित उत्तराखण्ड (उत्तर प्रदेश जमींदारी विनाश और भूमि व्यवस्था अधिनियम, 1950) (संशोधन) विधेयक, 2023 के प्रख्यापित होने के पश्चात जनपद उधमसिंहनगर के सीमान्तर्गत वह भूमि जो वर्ष 1971 अथवा उससे पूर्व बांग्लादेश (पूर्ववर्ती पूर्वी पाकिस्तान) से भारत आये शरणार्थियों को जिन्हें भारत सरकार के पुनर्वास योजना के अन्तर्गत गवर्नमेंट ग्रान्ट एक्ट, 1895 के अन्तर्गत जिला पुनर्वास कार्यालय, बरेली और जिला पुनर्वास कार्यालय, रुद्रपुर (पूर्ववर्ती जिला नैनीताल) वर्तमान जिला उधमसिंहनगर द्वारा सितारगंज, जनपद उधमसिंहनगर के 17 ग्रामों को आवंटित पट्टों के विधिमान्यकरण किये जाने पर कठिनाईयों का समाधान हो जायेगा।

2- प्रस्तावित विधेयक उपरोक्त उद्देश्य की पूर्ति करता है।

पुष्कर सिंह धामी मुख्यमंत्री।

No. 156/XXXVI(3)/2023/14(1)/2023 Dated Dehradun, April 25, 2023

NOTIFICATION

<u>Miscellaneous</u>

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 Uttarakhand (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Amendment) Act, 2023' (Act No. 11 of 2023).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 20th April, 2023.

UTTARAKHAND (THE UTTAR PRADESH ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1950) (AMENDMENT) ACT, 2023 (Uttarakhand Act No. 11 Of 2023)

AN

ACT

Further to amend the Uttarakhand (Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950) (Act No. 1 of 1951) (Adaptation and Modification Order, 2001) in the context of the State of Uttarakhand,

Be it enacted by Uttarakhand State Legistative Assembly in the Seventy fourth year of the Republic of India as follows-

Short title and 1. (1) This Act may be called the Uttarakhand (Uttar commencement

Pradesh Zamindari Abolition And Land Reforms
Act, 1950) (Amendment) Act, 2023.

(2) It shall come into force at once.

Amendment of 2. section 2

प्रमाणित पति लोक सूचनी अधिकारी विधान सभा सिंद्याज्ञ उत्तराखण्ड The Uttarakhand (Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950) (Act No. 1 of 1951) (Adaptation and Modification Order, 2001) (hereinafter referred to as principal Act), in subsection (1) of section 2 of the Act, for clause (g) the following clause shall be substituted, namely:-

Amendment of 3. section 130

"(g) Such land within the limit of district Udham Singh Nagar which was allotted on lease to refugees who came to India before 1971 or prior, from Bangladesh (former Eastern Pakistan), by the District Rehabilitation office, Bareilly and District Rehabilitation office, Rudrapur (formerly District Nainital), present District Udhamsinghnagar under the Government Grant Act, 1895 within the Rehabilitation Scheme of the Government of India." For clause (d) of section 130 of the principal Act, the following clause shall be substituted, namely:-

"(d) Refugees came in to India before the year 1971 from the eastern Pakistan (present Bangladesh) and whose the land allotted under the Rehabilitation Scheme of Government of India prior form 1980 on lease by District Rehabilitation office Barelly and District Rehabilitation office, Rudrapur (formerly District Nainital) present District Udhamsinghnagar under the Government Grant Act, 1895 for agriculture within the territorial jurisdiction of, for the time being, District Nainital (present District Udham Singh Nagar) within the Rehabilitation Scheme of the Government of India and who is owner of this land by obtaining possession before 09.01.2000 from other persons with the consent of original lease holders on these leased plots and who have deposited value of estimated possessed land on the basis of, time being circle rate of the year 2013 and such person who have complied other conditions prescribed by the State Government."

Validation

प्रमाणित प्रति लोक सूचना अधिकारी विधान सभा सिववासः

The amendments made in the principal Act by Section 2 and 3 of this Act shall be deemed to have been made from 27.01.2014 and accordingly, notwithstanding anything done or purporting to have been taken under the principal Act on or after the said date and before the commencement of this Act, shall for all purposes be in force as valid and effective.

SHAHANSHAH MUHAMMAD DILBER DANISH,

पी०एस०यू० (आर०ई०) 11 विघायी / 189—2023—100+500 (कम्प्यूटर / रीजियो)

No. 287/XXXVI(3)/2024/34(1)/2024 Dated Dehradun, September 12, 2024

NOTIFICATION

Miscellaneous

In pursuance of the provision 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 Uttarakhand (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Amendment) Act, 2024 (Uttarakhand Act No. 13 of 2024).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 10th September, 2024.

mentioned in column 3 of Schedule 2, a well salt be

The Uttarakhand (The Uttar Pradesh Zamindari Abolition and Land Reforms
Act, 1950) (Amendment) Act, 2024

(Uttarakhand Act No. 13 of 2024)

The ameninacts made in the principal Act by section

2 shall be taked to have been made with ellert from

Further to amend in the Uttarakhand (Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Act No. 1 of 1951) (Adaptation and Modification Order, 2001) in the context of the State of Uttarakhand,

Be it enacted by Uttarakhand State Legislature in the Seventy fifth year of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the property of the Republic of India as follows: -10 tamiding the Property of the Republic of India as follows: -10 tamiding the Republic of India

Short Title, Extent and commencement	1.,	(1)	This Act may be called the Uttarakhand (Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Amendment) Act, 2024.
a a tobe		(2)	Save as otherwise provided, it shall come into force at once.
Amendment of section 1	2.	talt.	In section 1 of the Uttarakhand (Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Act No. 1 of 1951) (Adaptation and Modification Order, 2001), (hereinafter referred as the principal Act) -

ave as a movil e province, it shall come in a po-

Cycler, 2011, therefore course is the principal

By Order,

DHANANJAY CHATURVEDI, Principal Secretary.

Statement of objectives and Reasons

As a result of the expansion of municipal areas in the state, the agriculture land coming under the municipal area and in the context of the decisions passed by the Honorable Uttarakhand High Court in various petitions in this regard, in view of such land falling under the municipal area being outside the definition of Section 3(14) of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, difficulty has arisen in disposal of the cases filed/pending in the revenue courts related to such land. In such a situation, it is inevitable to amend Section 1 of Uttarakhand (Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950).

2-The proposed bill fulfills the said objectives.

> Pushkar Singh Dhami Chief Minister

पी०एस०यू० (आर०ई०) 19/विधायी / 417-2024-100+500 प्रतियां (कम्प्यूटर / रीजियो)

Pradesh Zamindari Abolition and Land Reforms Act No. 184/XXXVI(3)/2025/14(1)/2025 Legistung 25 pl berraier rails Dated Dehradun, May 01, 2025

Act) sub soldieds i noitoes to NOTIFICATION (15A)

rafts sars youd tood yas ni babulani Miscellaneous

July 7, 1949, in respect of the subjects mentioned in column 3 of 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 Uttarakhand (Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950) (Amendment) Act, 2025' (Act No. 11 of 2025). "(Z-A). Subject to the provisions of any other law relating to the

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 30 April, 2025.

such mansfer is done to any trust, institution, company, firm for

inclusional praposes, Ayush, Education, Health and Medical

Education, Horticumure and various processings Tourism or in

favour of a registered co-operative society or an institution The Uttarakhand (Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Amendment) Act, 2025

(Uttarakhand Act No. 11 of 2025) Provided that before granting permission for purchase of land for the above purposes the concern department shall issue

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further to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Uttar Pradesh Act no 01 of 1951) (Adaptation and Modification Order, 2001) in the context of the State of Uttarakhand;

heart of department or one level below him. Be it enacted by the Uttarakhand State Legislature in the seventy-sixth year of the Republic of India: Explanation - For the purpose of this sub-section, 'ransfer'

Short title, extent and Commencement	1. (1) This Act may be called the Uttarakhand (Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Amendment) Act, 2025.
sub-clause (a) of	(2) It shall extend to the whole of State of Uttarakhand except the areas included and to be included from time to time in any Municipal Corporation, Nagar Panchayat, Nagar Palika Parishad and Cantonment Board limits.
	(3) It shall come into force at once.

Amendment of section 1	2. In the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Uttar Pradesh Act No. 01 of 1951) (Adaptation and Modification Order, 2001) (herein after referred to as principal Act) sub section (2-A) of section 1 shall be substituted as follows, namely: -
edic 348 of the	"(2-A) If any area is included in any local body area after July 7, 1949, in respect of the subjects mentioned in column 3 of Schedule II, it will still be under the jurisdiction of the courts mentioned in columns 4,5 and 6."
Amendment of section 154	
ind assented to	(ii) sub-section (2-A) shall be substituted as follows, namely:- "(2-A). Subject to the provisions of any other law relating to the land tenures for the time being in force, the State Government may, by general or special order authorise transfer in excess of the land prescribed in sub-section (1), if it is of the opinion that such transfer is done to any trust, institution, company, firm for industrial purposes, Ayush, Education, Health and Medical Education, Horticulture and various processing, Tourism or in favour of a registered co-operative society or an institution established for a charitable purpose, which does not have sufficient land for its need or that the transfer is in the interest of general public:
nd Ratorms Act, 195 by 2001), in the conte	Provided that before granting permission for purchase of land for the above purposes the concern department shall issue land essential certificate after assessing the proposal with reference to amount of investment, employment generation and plant and machinery etc. and for this purpose a designated officer shall be nominated by the concern department, who shall be the
chased (Units Prades	Explanation – For the purpose of this sub-section, 'transfer' means transfer of land only in the district Udham Singh Nagar
	and Haridwar of the State of Uttarakhand." (iii) in sub-section (4),-
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(3) it shall come this force at once.

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"Provided that buyer before purchasing the land, shall furnish an affidavit to the sub-Registrar to the effect that he or his family has not purchased more than 250 square meters of land elsewhere in the State for residential purposes during his lifetime. If the affidavit is found to be false, such transfer shall be void and the consequences of section 167 shall apply."

(two) sub-clause (a) of clause (3) shall be substituted as follows, namely: investment, employ

- "(a) Subject to restrictions contained in section 154, a person, society or corporate body may purchase land for the following purposes, with the prior sanction of the State Government in the Uttarakhand as may be prescribed: -
 - (i) for medical or health related purposes, if it conforms to the Health and Population Policy of Uttarakhand;
- (ii) for hotel, Lodge, Guest House, Restaurant, Bar, Spa, waterfall, way side amenities or resort, if it conforms to the Tourism Policy of the State;
 - (iii) for educational purposes, on the recommendations of the Department of Education;
- (iv) for cultural purposes;
- transfer shall be you and (v) for Industrial purposes in areas other than those mentioned in sub-clause (e) of section 154 (4)(2) and such other purposes.
 - (vi) subject to the clause (a) of sub section (1) of section 5 of the Uttrakhand Enterprises Single Window Facilitation and selled orunof-non-a sel and Clearance Act, 2012 (Uttrakhand Act no 05 of sroyal ander section (5)(4) 2013), for enterprises of Micro, Small and Medium or purlimses a land with category as follows, namely;
 - (a) for establishment of all types of micro, small and medium enterprises except as notified State Government from time to time non admissible enterprises on Khasra number of the notified lands under the special industrial package, 2003 a mortgage or hypothecetic such land of the Government of India;
 - (b) for establishment of enterprises within the whole State to the notified thrust sector enterprises by the Government of India/ State Government from benefities a bas from bas bas and time to time.
 - (vii) For affordable residential buildings in accordance with the Government of India/State Government Housing Scheme/Policy.

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(viii) For establishment of Sports Training Academy, stadium etc. as per the policy of Sports Department:

and maintain and an analysis and Provided that before granting permission for purchase of land for the above purposes the concern department shall issue land essential certificate after assessing the proposal with reference to amount of investment, employment generation and plant and machinery etc. and for this purpose a designated officer shall be nominated by the concern department, who shall be the head of department or one level below him."

(three) sub-clause (b) of clause (3) shall be substituted as follows, of amortion if it conforms to namely: - od to teachen sof (i)

(b) A person, society or corporate body may purchase land with prior sanction of the State Government for Agricultural or Horticultural purposes only in Haridwar and Udham Singh Nagar districts of Uttarakhand State, as may be prescribed, on furnishing an Affidavit to the effect that such land will be used for Agricultural or Horticultural purposes and for uses incidental to and connected with Agriculture or Horticulture only. If the land use of such land as mentioned in the Affidavit is changed, the said transfer shall be void and consequences of section 167 shall apply."

(four) after sub-clause (b) of clause (3) a new sub-clause (c) and sub clause (d) shall be inserted as follows, namely:-

"(c) (1) A person who is a non-tenure holder but purchase the land without approval under section 154(4) (1)(a), 154(4)(2)(e) or 154(4)(2)(f) or purchases a land with sanction conferred under section 154(4)(3) than shall continue to be a bhumidhar of special category as provided under section 129-B and such bhumidhar shall be eligible to purchase land in future only with the permission, of the State Government;

> (2) Such bhumidhar may mortgage or hypothecate such land for obtaining loan from banks or financial institutions and may derive any other benefit accruing from his bhumidhari rights under section 129;

(3) If such bhumidhar is unable to pay the loan taken from the bank or financial institutions and such land is auctioned/ sold for repayment of the loan by the said bank or financial institution, while taking action under the Securitization and Reconstruction of Financial Assets and Enforcement of as granted or sell, gifts

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Security Interest Act, 2002 (SARFAESI Act) or other prevailing Act, then the receiver/ buyer of such land received by the auction shall not be required to obtain land purchase permission separately:

Provided that if a buyer is a tenure holder in the State of Uttarakhand of any category as mentioned in section 129 or such owner of any immovable property in Uttarakhand who has acquired it on or before 12-09-2003 or any member of the 'family', (which means husband, his wife and their children, including step or adopted children, and includes parents, grand-parents, brothers and unmarried, widowed, separated and divorce sisters) of tenure holder or owner of who has atquired it on or property acquires such land by participating in auction/sale then he shall become a bhumidhar having transferable rights is, grand-parents, brothers under section 129:

Provided further that if a buyer is a not a tenure holders in the State of Uttarakhand of any category as mentioned in section 129 or not a owner of any immovable property in Uttarakhand who has acquired it on or before 12be State of Uttarakhand 09-2003 or any member of the 'family', which means husband wife and their children, including step or adopted chand who has acquired children, and includes parents, grand-parents, brothers and 'vilines' family', unmarried, widowed, separated and divorced sisters, of such tenure holder or property owner then he shall be bhumidhar of special category under section 129 of land acquired through auction /sale and he may use for the same purpose namely, for the which the land was purchased.

- (4) If any person who is a non-tenure holder of any category as mentioned in section 129 or not a owner of any immovable property situated in Uttarakhand who has acquired it on or before 12-09-2003, who has purchases land without permission under section 154(4)(1)(a), 154(4)(2)(e) or 154(4)(2)(f) or purchases a land with sanction conferred under section 154(4)(3), within a period of three years which shall be calculated from the date of registration of negand includes parents, sale deed of land or after that if buyer apply for land use time extension within fixed time then within such time limit which is allowed for such reason to be recorded in writing by State Government, shall use the said land for State Government then that purpose.
 - (5) If the buyer fails to use the land for the purpose for which the sanction has been granted or used the land for any

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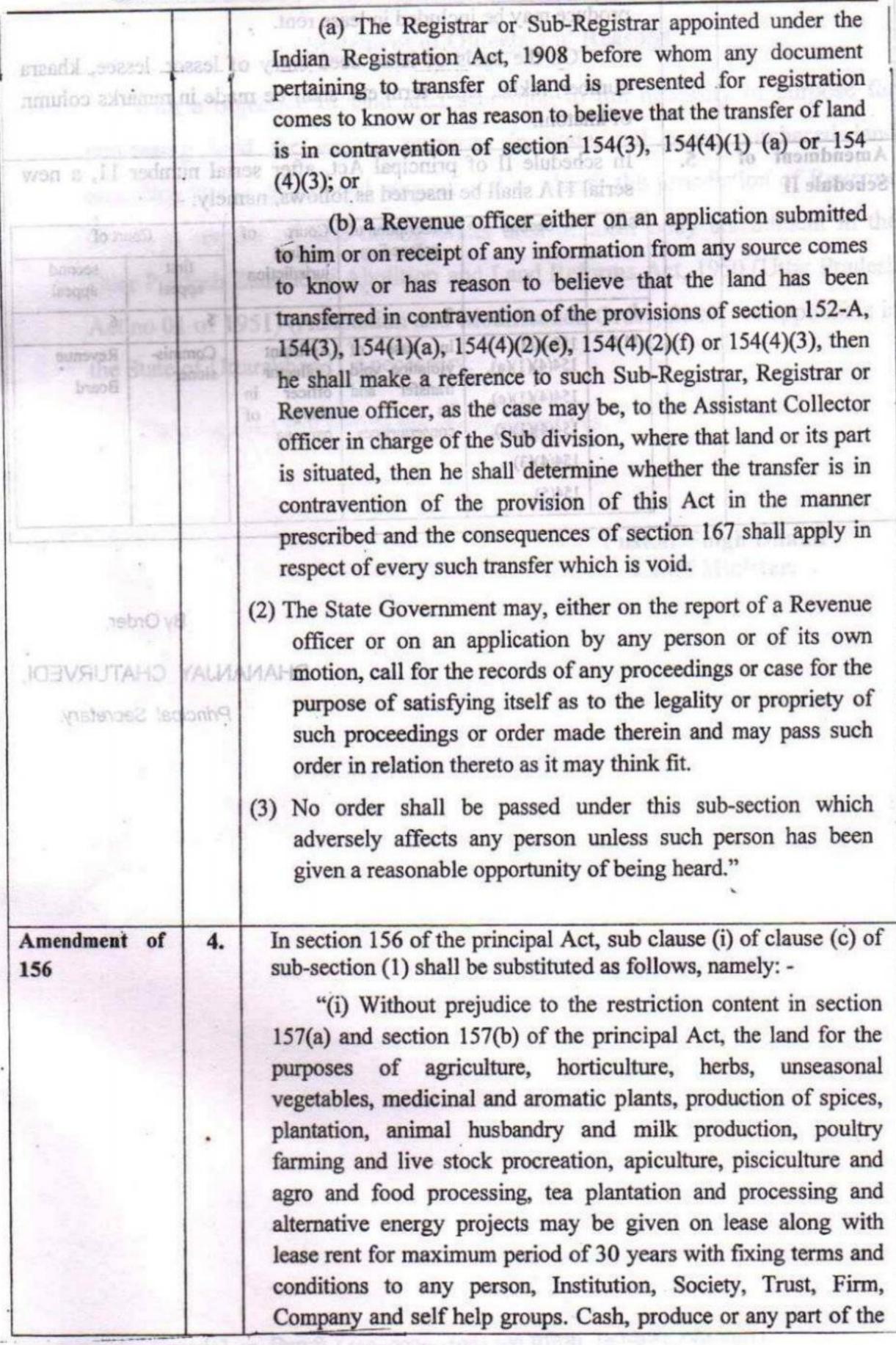
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purpose other than that for which it was granted or sell, gifts or otherwise transfers the land for a purpose other than that for which it was purchase without permission of the State Government than such transfer shall be void for the purposes of the Act and consequences of section 167 shall apply."

- (d) (1) The buyer shall not require permission to sell the land for perty in Unarekhand the same purposes for which it was purchased.
 - (2) For sale for the purpose other than same purpose, if the buyer is not a tenure holder in the State of Uttarakhand of any category mentioned in section 129 or not a owner of any immovable property in Uttarakhand who has acquired it on or before 12-09-2003 or any member of the 'family', which means husband wife and their children, including step or adopted children, and includes parents, grand-parents, brothers and unmarried, widowed, separated and divorced sisters, of such tenure holder or owner then the seller shall have to obtain prior permission of the Government.
- (3) If a buyer is a tenure holders in the State of Uttarakhand of any category as mentioned in section 129 or such owner of any immovable property in Uttarakhand who has acquired it on or before 12-09-2003 or any member of the 'family', which means husband, his wife and their children, including step or adopted children, and includes parents, grand-parents, brothers and unmarried, widowed, separated and divorce sisters, of tenure holder or owner of property then he shall become a tenure holder having transferable rights under section 129 after purchasing land from tenure holder of special category. mentioned in sect owner of any immovable
 - (4) If a buyer is a not a tenure holders in the State of Uttarakhand of any category as mentioned in section 129 or such owner of any immovable property in Uttarakhand who has acquired it on or before 12-09-2003 or any member of the 'family', which means husband wife and their children, including step or adopted children, and includes parents, grand-parents, brothers and unmarried, widowed, separated and divorced sisters, of such tenure holder or property owner, then if he purchases land from tenure holder of special category with permission of State Government then he shall become a tenure holder of special category."
 - (iv) sub section (5) shall be substituted as follows, namely: -
 - "(5) (1) Where -



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