

In pursuance of the provisions of clause (3) of article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no. 43/2—5(1)-76-Revenue-I, dated April 3, 1976:

No. 43/2—5(1)-76-Revenue-I

Dated Lucknow, April 3, 1976

IN exercise of the powers under section 44 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 (U. P. Act no. 1 of 1961), as amended by the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Ordinance, 1976 (U. P. Ordinance no. 11, 1976), read with section 21 of the U. P. General Clauses Act, 1904 (U. P. Act no. 1 of 1904), the Governor is pleased to make the following rules:

**THE UTTAR PRADESH IMPOSITION OF CEILING ON LAND HOLDINGS
(SIXTH AMENDMENT) RULES, 1976**

1. (1) These rules may be called the Uttar Pradesh Imposition of Ceiling on Land Holdings (Sixth Amendment) Rules, 1976.

(2) They shall come into force with effect from the date of their publication in the *Gazette*.

2. In the Uttar Pradesh Imposition of Ceiling on Land Holdings Rules, 1961 (hereinafter referred to as the said rules), for the rule as set out in Column I, the rule as set out in Column II, shall be substituted:—

Short title
and com-
mencement.

Amend-
ment of
rule 18-A.

COLUMN I

Existing Rule

18-A. The amount of damages for use and occupation referred to in rule 18 shall [subject to the provisions of sub-rule (2)] be determined in accordance with the following principles:—

(a) Except as provided in clause (d), damages shall be ascertained in respect of each crop (Kharif and Rabi) separately.

(b) For the first five crops commencing from the Kharif of 1380 Fasli, damages for each crop shall be equal to the annual land revenue calculated at sanctioned hereditary rates applicable to the land concerned.

(c) For the remaining crops commencing from Rabi of 1382 Fasli, damages for each crop shall be equal to 6-1/4 times of the annual land revenue calculated at the sanctioned hereditary rates applicable to the land concerned.

(d) In respect of a grove-land, damages for each Fasli year shall be equal to 5 times of the annual land revenue calculated at the sanctioned hereditary rates applicable to the land concerned.

(e) Damages shall not exceed the amount payable to the tenure-holder concerned under Chapter III of the Act if the possession of

COLUMN II

Rule as hereby substituted

18-A. The amount of damages for use and occupation referred to in rule 18 shall be determined in accordance with the following principles:—

(a) Except as provided in clause (d), damages shall be ascertained in respect of each crop (Kharif and Rabi) separately.

(b) For the first five crops commencing from the Kharif of 1381 Fasli, damages for each crop shall be equal to the annual land revenue calculated at sanctioned hereditary rates applicable to the land concerned.

(c) For the remaining crops commencing from Rabi of 1383 Fasli, damages for each crop shall be equal to 6-1/4 times of the annual land revenue calculated at the sanctioned hereditary rates applicable to the land concerned.

(d) In respect of a grove-land, damages for each Fasli year shall be equal to five times of the annual land revenue calculated at the sanctioned hereditary rates applicable to the land concerned.

(e) Damages shall not exceed the amount payable to the tenure-holder concerned under Chapter III of the Act if possession of the

COLUMN I

Existing Rule

the land in respect whereof such amount is payable was taken under section 14(8) before October 10, 1975.

(f) The aggregate damages in respect of the crops grown during the first five crops referred to in clause (b) shall not exceed the amount payable to the tenure-holder concerned under Chapter III of the Act.

3. In the said rules, for the sub-rule as set out in Column I, the sub-rule as set out in Column II, shall be substituted :—

COLUMN I

Existing Sub-rule

59. (3) The following terms and conditions shall be deemed to be included in the case of every settlement referred to in sub-rule (2), namely—

(a) the lessee shall have hereditary rights in the land and inheritance shall be governed by the provisions of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, as applicable to the *sirdars*;

(b) the lessee shall be entitled to utilise the land only for cultivation or for other purposes connected with agriculture ;

(c) subject to the provisions of clause (d), the lessee shall not be entitled to transfer or sublet the land ;

(d) the lessee shall have the right to mortgage (including charge) the land in accordance with section 153(2) of the U. P. Zamindari Abolition and Land Reforms Act, 1950 ;

(e) the lessee shall pay annually to the State Government in respect of the land so settled, rent calculated at double the amount of sanctioned hereditary rates applicable to the land liable to revision at the time of settlement.

COLUMN II

Rule as hereby substituted

land in respect whereof such amount is payable was taken under section 14(8) before October 10, 1975.

(f) The aggregate damages in respect of the crops grown during the first five crops referred to in clause (b) shall not exceed the amount payable to the tenure-holder concerned under Chapter III of the Act.

COLUMN II

Sub-rule as hereby substituted

59. (3) The following terms and conditions shall be deemed to be included in the case of every settlement referred to in sub-rule (2), namely—

(a) the lessee shall have hereditary rights in the land and inheritance shall be governed by the provisions of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, as applicable to the *sirdars* ;

(b) the lessee shall be entitled to utilise the land only for cultivation or for other purposes connected with agriculture ;

(c) Except in cases provided for in clauses (d) and (e), no lessee shall have any right to transfer or sub-let the land settled or leased in his favour ;

(d) the lessee shall have the right to mortgage (including charge) the land in accordance with section 153(2) of the U. P. Zamindari Abolition and Land Reforms Act, 1950 ;

(e) the lessee shall have the right to sub-let the land in accordance with sections 156 and 157 of the U.P. Zamindari Abolition and Land Reforms Act, 1950, and the provisions of the said Act and the rules made thereunder relating to sub-letting shall *mutatis mutandis* apply ;

(f) the lessee shall pay annually to the State Government in respect of the land so settled, rent calculated at double the amount of sanctioned hereditary rates applicable to the land liable to revision at the time of settlement.

Amendment of rule 59(3).

Substitution of CLH Form 11

applicable to the land liable to revision at the time of settlement.
4. In the said rules, for C.L.H. Form 11, the following Form shall be substituted, namely :—

“C. L. H. FORM 11

(See RULE 23)

District.....

File no.....

Tahsil

Statement showing the amount payable in respect of the surplus land

Name, parentage and address of the tenure-holder.....

PART I—In respect of surplus land (other than the land for which annuity has been determined under section 17-A) held as bhumidhar or Akin tenure.

Serial no.	District/ Tahsil	Village	Serial Nos. of C.L.H. Form 8	Nature of tenure	Area of sur- plus land cov- ered by co- lumn 4 (in acres)	Aggregate of land Revenue at hereditary rate in Col. 12 of C.L.H. Form 8
1	2	3	4	5	6	7

Aggretrate of land Revenue payable as in column 13 of C.L.H. Form 8	Aggregate of difference of land revenue at hereditary rate and the land revenue payable in col. 15 of C.L.H. Form 8	40 times the amount in column 7	20 times amount in column 9	Amount pay- able (total of column 10 plus column 11	Name, paren- tage and re- sidence of Asami/sub- tenant
8	9	10	11	12	13

In case of Asami/Sub-tenant mentioned in section 17(2) of In case of Asami under section 11 of U. P. Zamindari Abolition and Land Reforms Act

One-fourth of the amount in column 12	Unexpired pe- riod as in Col- 20 of C.L.H. Form 8	Amount for the unexpired period (column 7 column 15	Amount pay- able to Asami/ sub-tenant (column 15 or 16 whichever is less)	Net amount payable to Bhumidhar (Aggregate of column 12 mi- nus column 17)	Remarks
14	15	16	17	18	19

PART II—In respect of surplus land held as Sirdar/Occupancy, Exproprietary or hereditary tenant or grantee at favourable rate of rent or Akin tenure.

Sl. District/ no. Tahsil	Village	Sl. nos. of C.L.H. Form 8	Nature of tenure	Area of surplus land covered by col. 4 (in acres)	Aggregate of Land Revenue or rent at here- ditary rate in col. 12 of C.L.H. Form 8	Aggregate of diffe- rence of Land Re- venue or rent at hereditary rate and that which was pay- able in col. 15 of C. L. H. Form 8	Total of columns 7 and 8	Amount payable (Twenty times of col. 9)	
1	2	3	4	5	6	7	8	9	10

In case of Asami/Sub-tenant mentioned in section 17(2) of the Act

His name, parentage and residence	One-fourth of the amount in col. 10	Unexpired period as in col. 10 of C.L.H. Form 8	Amount for unexpired period (col. 7Xcol. 13)	Amount pay- able to Asami/sub- tenant (col.12 or 14 which- ever is less)	Net amount payable to the tenure hol- der (Aggregate of col. 10 minus aggre- gate of col. 15)	Remarks
11	12	13	14	15	16	17

PART III—In respect of surplus land held by an Asami mentioned in item (b) of Part I and other tenants mentioned in item (b) of Part II of the Schedule under section 17

Serial no.	District/ Tahsil	Village	Serial no. of C.L. H. Form 8	Nature of tenure	Area of surplus Land covered by column 4 (in acres)	Aggregate of rent payable in col. 13 of C.L.H. Form 8	Amount payable (five times of column 7)	Remarks
1	2	3	4	5	6	7	8	9

NOTE—Entries shall be made village-wise. But if the surplus land in a village is held under different tenures, amount shall be worked out separately for each kind of tenure. In case, how-land which was held alone by the tenure-holder and that which was in possession of sub-tenants/Asamis."

Amendment of 5. In the said rules, for C.L.H. Form 36, the following Form shall be substituted namely:—

"C.L.H. FORM 36

(See rule 59)

Patta for settlement of surplus land with a lessee under sections 26-A, 27 and 28, read with rule 59.

I,.....Collector of district...../Assistant Collector, 1st Class, In-charge of Sub-Division.....District.....have settled the under-mentioned land with Sri.....son of.....resident of village.....tahsil.....district....., from the 1st day of July.....on the following terms and conditions:

- (1) The lessee shall abide by the terms and conditions mentioned in rule 59(3).

COLUMN II

Sub-rule as hereby substituted

59. (3) The following terms and conditions shall be deemed to be included in the case of every settlement referred to in sub-rule (2), namely—

(a) the lessee shall have hereditary rights in the land and inheritance shall be governed by the provisions of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, as applicable to the *sirdars* ;

(b) the lessee shall be entitled to utilise the land only for cultivation or for other purposes connected with agriculture ;

(c) Except in cases provided for in clauses (d) and (e), no lessee shall have any right to transfer or sub-let the land settled or leased in his favour ;

(d) the lessee shall have the right to mortgage (including charge) the land in accordance with section 153(2) of the U. P. Zamindari Abolition and Land Reforms Act, 1950 ;

(e) the lessee shall have the right to sub-let the land in accordance with sections 156 and 157 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, and the provisions of the said Act and the rules made thereunder relating to sub-letting shall *mutatis mutandis* apply ;

(f) the lessee shall pay annually to the State Government in respect of the land so settled, rent calculated at double the amount of sanctioned hereditary rates applicable to the land liable to revision at the time of settlement.

(2) Rent amounting to Rs.....shall be payable each year in the following instalments on the following dates, namely :

.....rupees on the.....day of.....

.....rupees on the.....day of.....

Description of the land

Khasra no. of fields	..	..	..
Area	..	..	..
Village	..	..	..
Tahsil	..	..	..

(1) *Witness*.....

(2) *Witness*.....

*Signature of Collector/Assistant
Collector, 1st Class, In-charge
of Sub-division.....
District.....*

NOTE—The U. P. Imposition of Ceiling on Land Holdings Rules, 1961, as modified and amended upto July 12, 1973, were amended subsequently under the notifications noted below :

- (1) No. 11/11—3(2)—73—Revenue—I, dated July 20, 1974.
- (2) No. 2(2)/75—Revenue—I, dated April 2, 1975.
- (3) No. 1127/Revenue—I—2(3)-75, dated June 18, 1975.
- (4) No. 1-67/75—Revenue—I, dated September 18, 1975.
- (5) No. 4411/2(9)-75—Revenue I, dated January 6, 1976.

आशा से,

अतहर हुसैन,

आयुक्त एवं सचिव ॥