

R. P. Singh
GOVERNMENT OF UTTAR PRADESH

REVENUE SECTION-1

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. 11/11-3(2)-78-Rajasva-I, dated July 20, 1974:

No. 11/11-3(2)-78-Rajasva-I

July 20, 1974

In exercise of the powers under sub-section (1) of section 44 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 (U. P. Act no. I of 1961), read with section 21 of the U. P. General Clauses Act, 1904 (U. P. Act no. I of 1904), the Governor is pleased to make the following Rules, after their previous publication under Government notification [no. 11/11-3(2)-78-Rajasva-I, dated April 10, 1974] :

THE UTTAR PRADESH IMPOSITION OF CEILING ON LAND HOLDINGS (FIRST AMENDMENT) RULES, 1974

1. **Short title and commencement.**—(1) These Rules may be called the Uttar Pradesh Imposition of Ceiling on Land Holdings (First Amendment) Rules, 1974.

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

2. **Substitution of words 'Public Debt Office'.**—In the Uttar Pradesh Imposition of Ceiling on Land Holdings Rules, 1961 (hereinafter referred to as the said rules), for the words "Public Debt Office, Lucknow" wherever they occur, the words "Public Debt Office" shall be substituted.

3. **Amendment of rule 3.**—In the said rules, in rule 3, after Explanation II, the following Explanation shall be inserted, namely:

"Explanation III.—Any land in which sugarcane crop was grown in any of the years mentioned in sub-rule (1), shall be deemed to be an irrigated land."

4. **Omission of rule 29-A.**—In the said rules, rule 29-A shall be omitted.

5. **Amendment of rule 59.**—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, namely :

COLUMN I	COLUMN II
<i>Existing sub-rule</i>	<i>Sub-rule as hereby substituted</i>
"59. (2) The settlement of surplus land under section 26-A or 27(3) shall be made by means of a Patta Qabuliat in C. L. H. Form 36."	"59. (2) The settlement of surplus land with individuals under section 26-A or 27(3) shall be made by means of a Patta in C. L. H. Form 36 and Qabuliat in C. L. H. Form 36-A."

6. **Substitution of C. L. H. Form 36.**—In the said rules, for C. L. H. Form 36 as set out in Column I, C. L. H. Forms 36 and 36-A as set out in Column II shall be substituted, namely :

COLUMN I

C. L. H. FORM 36

(See RULE 59)

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

Collector of district/Assistant.....

I,....., son of....., caste.....(lessee)

Collector, 1st Class, Incharge of Sub-Division district
village.....tahsil..... district
acting on behalf of the Governor, Uttar Pradesh

acting on behalf of the said Co-operative society/on my behalf have settled

have taken on lease the
undermentioned land with Co-operative Society/Sri.....

from the Collector

.....village.....tahsil.....district.....

District/Assistant Collector, 1st Class, Incharge of Sub-Division....., district.....
from the 1st day of July....., on the following terms and conditions :

1. The lessee shall/I shall abide by the terms and conditions mentioned in rule 59 (reproduced overleaf).

2. Rent amounting to Rs.....shall be payable annually 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.....

COLUMN II

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, Incharge of Sub-Division....., district.....
acting on behalf of the Governor, Uttar Pradesh have settled the undermentioned 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 (reproduced overleaf).

2. Rent amounting to Rs.....shall be payable yearly 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.....

COLUMN I	COLUMN II
<i>Signature of the lessee</i>	<i>Signature of Collector/</i>
<i>District/Assistant</i>	<i>Assistant Collector,</i>
<i>Collector, 1 Class,</i>	
<i>Incharge of Sub-</i>	
<i>Division</i>	
<i>District</i>	
(1) <i>Witness.....</i>	(1) <i>Witness.....</i>
(2) <i>Witness.....</i>	(2) <i>Witness</i>

C. L. H. FORM 36-A

(See Rule 59)

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

I,, son of..... (lessee), resident of village, taluk....., district....., have taken on lease the undermentioned land from the Collector....., District/Assistant Collector, 1st Class, In-charge of Sub-Division....., district....., from the 1st day of July....., on the following terms and conditions:

1. I shall abide by the terms and conditions mentioned in rule 59.

2. Rent amounting to Rs....., shall be payable by me 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, Taluk, ..

(1) *Witness.....* *Signature of the lessee,*
(2) *Witness.....*

COLUMN I

Rule 59. * * * * *

(3) Subject to any contract to the contrary in writing, the following terms and conditions shall be deemed to be included in the case of every settlement referred to in sub-rule (2) :

(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 utilise the land for cultivation or for other purpose connected with agriculture;

(c) Subject to the provisions of clause

(d), the lessee shall not transfer or sublet the land;

(d) the lessee shall be entitled to mortgage without possession, his interest in the land, as security for a loan taken from the State Government, or a Co-operative Society, or from the State Bank of India, or from any other Bank which is a Scheduled Bank within the meaning of section 2(e) of the Reserve Bank of India Act, 1934 or from the U. P. State Agro-Industrial Corporation Limited for the development of agriculture; and

(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.

(4) If the lessee commits a breach of any terms and conditions of the lease, the settlement or the lease shall determine and the land shall revert to the State Government.

(5) When a settlement or lease of any land has determined under sub-rule (4), the Collector may evict any person holding or retaining possession thereof and may for that purpose use or cause to be used such force as may be necessary.

COLUMN II

Rule 59. * * * * *

(3) Subject to any contract to the contrary in writing, the following terms and conditions shall be deemed to be included in the case of every settlement referred to in sub-rule (2) :

(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 utilise the land for cultivation or for other purpose connected with agriculture;

(c) subject to the provisions of clause

(d) the lessee shall not transfer or sublet the land;

(d) the lessee shall be entitled to mortgage without possession, his interest in the land, as security for a loan taken from the State Government, or a Co-operative Society, or from the State Bank of India, or from any other Bank which is a Scheduled Bank within the meaning of section 2(e) of the Reserve Bank of India Act, 1934, or from the U. P. State Agro-Industrial Corporation Limited for the development of agriculture; and

(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.

(4) If the lessee commits a breach of any terms and conditions of the lease, the settlement or the lease shall determine and the land shall revert to the State Government.

(5) When a settlement or lease of any land has determined under sub-rule (4), the Collector may evict any person holding or retaining possession thereof and may for that purpose use or cause to be used such force as may be necessary.

By order,
G. C. CHATURVEDI,
Ayukt Avam Sachiv.

Copy forwarded for information.

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