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Dated Lucknow, June 8, 1973

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 Adhikatam Jot-Seema Aropan (Sanshodhan) Adhiniyam, 1972 (Uttar Pradesh Adhiniyam Sankhya 18 of 1973), as passed by the Uttar Pradesh Legislature and assented to by the President on June 5, 1973.

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

(U. P. Act No. 18 of 1973)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) 'state irrigation work' means a canal as defined in the Northern India Canal and Drainage Act, 1878, or a State Tube-well as defined in the United Provinces State Tube-wells Act, 1936, or lift irrigation work constructed, maintained or controlled by the State Government and operated by diesel or electric power for the supply of water from any perennial water source;

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

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

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

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

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

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

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

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

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

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

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

(a) Bundelkhand;

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

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

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

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

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

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

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

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

shall count as one hectare of irrigated land.

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

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

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

(b) a University;

(c) a post-graduate college;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Provided further that notwithstanding anything contained in the preceding proviso, the prescribed authority, if it is of opinion that by collusion between the tenure-holder and any other party to the partition, such other party has been given a share which he was not entitled to, or a larger share than he was entitled to, may ignore such partition.

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

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

- (a) land used for an industrial purpose (that is to say, for purposes of manufacture, preservation, storage or processing of goods), and in respect of which a declaration under section 143 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, subsists;
- (b) land occupied by a residential house;
- (c) land used as cremation ground or as a grave-yard, but excluding cultivated land;
- (d) land used for tea, coffee or rubber plantations, and to the extent prescribed, land required for purposes ancillary thereto and for development of such plantations;
- (e) land held from before January 24, 1971, for purposes of a stud farm, to the extent prescribed;
- (f) land held from before the first day of May, 1959, by or under a public religious or charitable *waqfs*, trust, endowment, or institution the income from which is wholly utilized for religious or charitable purposes, and not being a *waqf*, trust or endowment of which the beneficiaries wholly or partly are settlor or members of his family or his descendants;
- (g) land held by a Goshala (registered under the Uttar Pradesh Goshala Adhiniyam, 1964), to the extent prescribed;
- (h) land let out after the enforcement of this Act to a Government lessee for reclamation and cultivation or for cultivation of such specialized crops or for other such purposes as may be prescribed.

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

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

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

Rights of tenure-holder and other members of his family in land held within ceiling area.

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

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

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

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

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

Insertion of new section 12-A.

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

indicated by him in his statement under section 9 or in any subsequent proceedings:

Provided that—

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

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

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

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

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

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

Insertion of new section 13-A.

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

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

Re-determination of surplus land in certain cases.

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

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

Amendment of section 14.

8. In section 14 of the principal Act—

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

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

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

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

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

Omission of section 16.

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

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

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

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

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

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

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

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

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

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

11. Section 24 of the principal Act shall be omitted.

Omission of section 24.  
Amendment of section 27.

12. In section 27 of the principal Act—

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

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

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

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

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

"(4) the Commissioner may of his own motion and shall, on the application of any aggrieved person inquire into such settlement and if he is satisfied that the settlement is irregular, he may after

notice to the person in whose favour such settlement is made to show cause,—

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

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

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

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

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

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

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

**Amendment of section 28.**  
Substitution of new section for section 29.

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

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

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

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

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

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

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

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

**Amendment of section 42.**  
17. In section 42 of the principal Act,—

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

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

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

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

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

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

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

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

आज्ञा से,

कैलाश नाथ गोयल,  
सचिव।