

THE UTTAR PRADESH LAND LAWS (AMENDMENT) ORDINANCE, 1980
(U. P. ORDINANCE NO. 15 OF 1980)

[Promulgated in Hindi by the Governor of Uttar Pradesh on November 10, 1980 under clause (1) of Article 213 of the Constitution of India and published in Part II (a) of the Legislative Supplement of the U. P. Gazette Extraordinary, dated November 10, 1980.]

[Promulgated by the Governor in the Thirty-First Year of the Republic of India]

AN

ORDINANCE

further to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, U. P. Land Revenue Act, 1901, the Jaunsar Bawar Zamindari Abolition and Land Reforms Act, 1956, the Uttar Pradesh Consolidation of Holdings Act, 1953, the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 and the Uttar Pradesh Laws (Extension to Territories Transferred from Bihar) Act, 1976.

WHEREAS, the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

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Now, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance :

CHAPTER I

Preliminary

Short title.

1. This Ordinance may be called, the Uttar Pradesh Land Laws (Amendment) Ordinance, 1980.

CHAPTER II

Amendment of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950

Amendment of section 197 of U. P. Act no. I of 1951.

2. Section 197 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, hereinafter in this Chapter referred to as 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) Notwithstanding anything contained in any other provision of this Act, the right to admit any person as *asami* of any tank, pond or other land covered by water shall be regulated by the rules made under this Act.”

Amendment of section 198.

3. In section 198 of the principal Act, for sub-sections (4), (4-A) and (5), the following sub-sections shall be substituted, and shall be deemed to have been substituted from August 18, 1980, namely:—

“(4) The Collector may of his own motion and shall on the application of any person aggrieved by an allotment of land inquire in the manner prescribed into such allotment and if he is satisfied that the allotment is irregular, he may cancel the allotment and the lease, if any.

(5) No order for cancellation of an allotment or lease shall be made under sub-section (4), unless a notice to show cause is served on the person in whose favour the allotment or lease was made or on his legal representatives :

Provided that no such notice shall be necessary in proceedings for the cancellation of any allotment or lease where such proceedings were pending before the Collector or any other court or authority on August 18, 1980.

(6) Every notice to show cause mentioned in sub-section (5) may be issued—

(a) in the case of an allotment of land made before the promulgation of the Uttar Pradesh Land Laws (Amendment) Ordinance, 1980, before the expiry of a period of two years from the date of such promulgation ; and

(b) in the case of an allotment of land made on or after the date of such promulgation, before the expiry of a period of five years from the date of such allotment or lease.

(7) Where the allotment or lease of any land is cancelled under sub-section (4), the following consequences shall ensue, namely—

(i) the right, title and interest of the allottee or lessee or any other person claiming through him in such land shall cease and the land shall revert to the Gaon Sabha ;

(ii) the Collector may direct delivery of possession of such land forthwith to the Gaon Sabha after ejectment of every person holding or retaining possession thereof and may for that purpose use or cause to be used such force as may be necessary.

(8) Every order made by the Collector under sub-section (4) shall, subject to the provisions of section 333, be final.

(9) Where any person has been admitted to any land specified in section 132 as a *sirdar* or *bhumidhar* with non-transferable rights at any time before the promulgation of the Uttar Pradesh Land Laws (Amendment) Ordinance, 1980, and such admission was made with the previous approval of the Assistant Collector in-charge of the Sub-Division in respect of

the permissible area mentioned in sub-section (3), then notwithstanding anything contained in other provisions of this Act or in the terms and conditions of the allotment or lease under which such person was admitted to that land, the following consequences shall, with effect from the date of such promulgation ensue, namely—

(a) the allottee or lessee shall be deemed to be an *asami* of such land and shall be deemed to be holding the same from year to year and the allotment or lease of the land to the extent mentioned above, shall not be deemed to be irregular for the purposes of sub-section (4);

(b) the proceedings, if any, pending on the date of such promulgation before the Collector or any other court or authority for the cancellation of the allotment or lease of such land, shall abate."

4. In section 198-A of the principal Act—

Amendment of
section 198-A.

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

"(1) Where any land referred to in section 195 or section 197 is allotted to any person whether as a *bhumidhar* with non-transferable rights or as an *asami*, and any person other than the allottee is in occupation of such land in contravention of the provisions of this Act, the Assistant Collector may of his own motion and shall on the application of the allottee, put him in possession of such land and may, for that purpose, use or cause to be used such force as he considers necessary."

(b) in sub-section (2) in clause (a), for the words and figures "Uttar Pradesh Land Laws (Amendment) Act, 1978", the words and figures "Uttar Pradesh Land Laws (Amendment) Ordinance, 1980" shall be substituted ;

(c) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

"(3) Where any person, after being evicted under this section, re-occupies the land or any part thereof without lawful authority, he shall be punishable with imprisonment for a term which may extend to three years but which shall not be less than six months and also with fine which may extend to three thousand rupees :

Provided that if the amount of such fine is recovered, the court convicting the accused may direct that such portion of the fine as the Court considers proper be paid to the allottee as damages for use and occupation.

(4) Where in any proceeding under sub-section (3), the court, at any stage after cognizance of the case has been taken, is satisfied by affidavit or otherwise—

(a) that the accused is in occupation of the land to which such proceeding relates, in contravention of the provisions of the Act; and

(b) that the allottee is entitled to the possession of such land; the court may summarily evict the accused from such land pending the final determination of the case, and may put the allottee in possession of such land.

(5) Where in any such proceeding, the accused is convicted, the interim order passed under sub-section (4), shall be confirmed by the court.

(6) Where in any such proceeding, the accused is acquitted or discharged and the court is satisfied that the person so acquitted or discharged is entitled to be put back in possession over such land, the court shall, on the application of such person, direct that delivery of possession be made to him."

5. In section 201 of the principal Act, for the words and figures "section 206 or 212", the word and figure "section 212" shall be substituted.

Amendment of
section 201.

6. In section 204 of the principal Act, for the word "*sirdar*", the words "*Bhumidhar* with non-transferable rights", shall be substituted.

Amendment of
section 204.

Amendment of
section 287-A.

7. In section 287-A of the principal Act, for the words "arrear of revenue" wherever occurring, the words "arrears of land revenue" shall be substituted and be deemed always to have been substituted.

Amendment of
section 330.

8. In section 330 of the principal Act, for clause (c), the following clause shall be substituted and be deemed always to have been substituted, namely—

"(c) the assessment or collection of land revenue under Chapter X or the recovery of any sum of money recoverable as arrears of land revenue."

CHAPTER III

Amendment of the U. P. Land Revenue Act, 1901

Amendment of
section 33 of
U.P. Act no. III
1901.

9. In section 33 of the U. P. Land Revenue Act, 1901, hereinafter in this Chapter referred to as the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Every time when annual register is prepared under sub-section (1), the Collector shall, as soon as may be after its preparation, cause to be prepared and supplied to every person 'recorded as *bhumidhar*' whether with or without transferable rights, *asami* or Government Lessee a Jot Bahi (Pass Book) which shall contain such extract from the annual register relating to all holdings of which he is so recorded (either solely or jointly with others) and in such manner and on payment of such fee, which shall be realisable as arrears of land revenue, as may be prescribed :

Provided that in the case of joint holdings it shall be sufficient for the purposes of this sub-section if the Jot Bahi (Pass Book) is supplied only to such one or more of the recorded co-sharers as may be prescribed.

Explanation—The Jot Bahi (Pass Book) shall be consolidated pass-book for all the holdings of a tenure-holder in respect of land held by him as *bhumidhar* whether with or without transferable rights, *asami* or Government Lessee".

Amendment of
section 183.

10. In section 183 of the principal Act, for the words, "arrears of revenue," wherever occurring, the words "arrears of land revenue" shall be substituted and be deemed always to have been substituted.

CHAPTER IV

Amendment of the Jaunsar Bawar Zamindari Abolition and Land Reforms Act, 1956

Amendment
of section 36 of
U. P. Act
no. XI of 1956.

11. In section 36 of the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956, in sub-section (1), the following proviso shall be inserted and be deemed to have been inserted with effect from July 1, 1976, namely:

"Provided that section 245 of the said Act shall, in relation to such Pargana, apply with the following modification, namely—

(i) one and a half acres of land shall count as one acre ;

(ii) in relation to any local area in which the maximum rent rates sanctioned at the settlement carried out under Chapter II of this Act, do not exceed rupee one per acre, the words 'rupees five' and 'rupees ten' in clause (i) of the proviso to sub-section (2) of the said section 245 shall be substituted by the words 'rupees three' and 'rupees five' respectively, and the words 'rupees ten' and 'rupees twenty' in clause (ii) thereof shall be substituted by the words 'rupees six' and 'rupees ten' respectively."

CHAPTER V

Amendment of the Uttar Pradesh Consolidation of Holdings Act, 1953

Amendment of
section 48 of U.P.
Act no. V of
1954.

12. In section 48 of the Uttar Pradesh Consolidation of Holdings Act, 1953 hereinafter in this Chapter referred to as the principal Act, in sub-section (1), after the words, "propriety of any order", the words "other than an interlocutory order", shall be inserted.

13. In section 49 of the principal Act, the following proviso shall be inserted, namely:—

Amendment of
section 49.

“Provided that nothing in this section shall preclude the Collector from initiating proceedings under section 122-B of the Uttar Pradesh Zamin-dari Abolition and Land Reforms Act, 1950 in respect of any land, possession over which has been delivered or deemed to be delivered to a Gaon Sabha under or in accordance with the provisions of this Act.”

CHAPTER VI

Amendment of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960

14. In section 27 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960—

Amendment of
section 27 of
U. P. Act no. I
of 1961.

(i) in sub-section (6), for clauses (a) and (b), the following clauses shall be substituted, namely—

“(a) in the case of any settlement made or lease granted before the promulgation of the Uttar Pradesh Land Laws (Amendment) Ordinance, 1980 before the expiry of a period of two years from the date of such promulgation, and ;

(b) in the case of any settlement made or lease granted on or after the date of such promulgation, before the expiry of a period of five years from the date of such settlement or lease.”;

(ii) after sub-section (6), the following sub-sections shall be inserted, namely:—

“(6-A) Where any surplus land has been settled by the Collector under sub-section (3), and any person other than the person in whose favour such settlement was made is in occupation of such land in contravention with the provisions of this Act, the Collector may, of his own motion and shall on the application of the person in whose favour such settlement was made, put him in possession of such land and may for that purpose use or cause to be used such force as he considers necessary.

(6-B) Where any person, after being evicted under this section, re-occupies the land or any part thereof without lawful authority, he shall be punishable with imprisonment for a term which may extend to three years but which shall not be less than six months and also with fine which may extend to three thousand rupees :

Provided that if the amount of such fine is recovered, the court convicting the accused may direct that such portion of the fine as the court considers proper be paid to the person in whose favour such settlement was made as damages for use and occupation.

(6-C) Where in any proceeding under sub-section (6-B), the court, at any stage after cognizance of the case has been taken is satisfied by affidavit or otherwise—

(a) that the accused is in occupation of the land to which such proceeding relates, in contravention of the provisions of the Act; and

(b) that the person in whose favour such settlement was made is entitled to the possession of such land;

the court may summarily evict the accused from such land pending the final determination of the case, and may put the person in whose favour such settlement was made in possession of such land.

(6-D) Where in any such proceeding, the accused is convicted the interim order passed under sub-section (6-C) shall be confirmed by the court.

(6-E) Where in any such proceeding, the accused is acquitted or discharged and the court is satisfied that the person so acquitted or discharged is entitled to be put back in possession over such land, the court shall, on the application of such person, direct that delivery of possession be made to him.

(6-F) Every offence punishable under sub-section (6-B) shall be a cognizable.”

CHAPTER VII

Amendment of the Uttar Pradesh Laws (Extension to Territories Transferred from Bihar) Act, 1976

Amendment of
section 2 of U.P.
Act 52 of 1976.

15. In section 2 of the Uttar Pradesh Laws (Extension to Territories Transferred from Bihar) Act, 1976, hereinafter in this Chapter referred to as the principal Act, after clause (a), the following clause shall be inserted, namely:—
“(aa) ‘Scheduled village’ means a village comprised in the transferred territories and specified in the Second Schedule.”

Amendment of
section 3.

16. In section 3 of the principal Act, in sub-section (1) for the words “The Schedule”, the words “the First Schedule” shall be substituted.

Insertion
of
section 3-A.

17. After section 3 of the principal Act, the following section shall be inserted, namely:—

“3-A. (1) *Conferment of tenurial rights on certain occupants*—Where any person is in occupation of any land, situate in a Scheduled village, on October 15, 1976 as well as on the date of promulgation of the Uttar Pradesh Land Laws (Amendment) Ordinance, 1980, and such land is a land to which the provisions of section 132 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950—

(a) apply such person shall, with effect from the date of such promulgation, become and be deemed to have become an *asami* holding land on behalf of the Gaon Sabha concerned ;

(b) do not apply, such person shall, with effect from the date of such promulgation, become and be deemed to have become *bhumidhar* with transferable rights in respect of such land.

(2) The provisions of this section shall have effect, anything to the contrary contained in any law for the time being in force notwithstanding.”

Insertion
of
the Second
Schedule.

18. The existing Schedule to the principal Act shall be re-numbered as the First Schedule, and after the First Schedule as so re-numbered, the following Schedule shall be inserted, namely:—

“THE SECOND SCHEDULE

(See SECTION 3-A)

Names of the Scheduled villages

- | | |
|------------------------------------|----------------------------|
| 1. Bhikhampura | 16. Naubarar Belsepah 1873 |
| 2. Shahpur Digwara | 17. Naubarar Sarwanpur |
| 3. Araj Mafi Ajorpur | 18. Naubarar-Palia |
| 4. Gangbarar Shivpur | 19. Shobhapur |
| 5. Gangbarar Bijaura | 20. Padri |
| 6. Gangbarar Shitalpatti | 21. Paikoli |
| 7. Gangbarar Chaturbhujtari | 22. Asmanpur |
| 8. Gangbarar Govindpur | 23. Gobindpur |
| 9. Dagrabad | 24. Chaturbhujpur |
| 10. Bhulapur | 25. Alakhdiyri |
| 11. Hardev Chapra | 26. Pokhra |
| 12. Harsewak Chapra | 27. Tola Barebabu |
| 13. Chaube Chapra | 28. Tulapur 11 Porsan |
| 14. Kavalpatichapra urf Dubechapra | 29. Durjanpur |
| 15. Naubarar Belsepah | 30. Udhopur |

CHAPTER VIII

Miscellaneous

19. Notwithstanding anything contained in the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, all proceedings for cancellation of allotment or lease of any land under section 198 of the said Act, as it existed on August 18, 1980 pending before any court, officer or authority on the said date, shall be deemed to be pending before such court, officer or authority on the date of promulgation of this Ordinance and accordingly, such court, officer or authority shall be competent to dispose of such proceedings in accordance with the provision of the principal Act as amended by this Ordinance.

Validation.