

**Uttar Pradesh Bhoomi Evam Jal Sanrakshan Adhiniyam,  
1963**

**16 of 1963**

CONTENTS

**CHAPTER 1 :- PRELIMINARY**

1. Short Title And Commencement
2. Definitions

**CHAPTER 2 :- ADMINISTRATIVE MACHINERY**

3. Establishment And Constitution Of The Board
4. Term Of Members
5. Functions Of The Board
6. Establishment And Constitution Of Zila Samitis
7. Functions Of Zila Samiti
8. Bhoomi Sanrakshan Adhikari

**CHAPTER 3 :- PREPARATION OF SOIL AND WATER  
CONSERVATION PLAN**

9. Preparation Of Soil And Water Conservation Plan
10. Consideration And Approval Of The Plan
11. Technical Aspect Of The Plan
12. Publication Of The Plan
13. Subsequent Changes And Correction Of Errors In The Plan

**CHAPTER 4 :- TAKING TEMPORARY POSSESSION OF LAND AND  
PAYMENT OF COMPENSATION**

14. Order For Taking Temporary Possession Of Land
15. Taking Possession Of Land
16. Compensation For Period Of Possession
17. Restoration Of Possession

**CHAPTER 5 :- EXECUTION OF THE PLAN**

18. Directions To Execute Work
19. Bhoomi Sanrakshan Adhikari To Make Progress Report
20. Entry Of Rights And Liabilities In Revenue Records
21. Discharge Of Liabilities

**CHAPTER 6 :- PREVENTIVE ACTION AND PENALTIES**

22. Prevention Of Action Prejudicial To Soil And Water Conservation  
23. Penalties

## **CHAPTER 7 :- MISCELLANEOUS**

24. Proceeding Under The Act  
25. Vacancy Or Defect In Constitution Not To Invalidate Proceedings  
26. Decision Be Majority  
27. Power To Enter, Etc.  
28. Registration Of Documents  
29. Public Access To Documents And Maps  
30. Determination And Orders To Be Final  
31. Suit Or Legal Proceeding Not To Lie For Acts Done In Good Faith  
32. Provision Of This Act To Prevail  
33. Power To Make Rules  
34. Repeal Of U.P. Act No. Xi Of 1954  
35. Removal Of Difficulties

## **SCHEDULE 1 :- FIRST SCHEDULE**

## **SCHEDULE 2 :- SECOND SCHEDULE**

### **Uttar Pradesh Bhoomi Evam Jal Sanrakshan Adhiniyam, 1963**

**16 of 1963**

An Act to amend and consolidate the law relating to the conservation and improvement of soil and water resources in Uttar Pradesh It is hereby enacted in the Fourteenth Year of the Republic of India as follows : 1. Statement of Objects and Reasons.-- Soil constitutes the physical basis of agriculture. During the last few centuries however, water and wind have flayed the skin off the unprotected earth in this State causing wide spread destruction in the shape of millions of acres of awe-inspiring ravines. Similarly, there are millions of acres of saline alkali (usar) land in this State. After generations of unconcern, we have now become painfully aware the erosion and other factors as bad drainage, development of saline and alkali conditions, improvement of soil through misuse, land descication through surface run-of are contributing causes of land decline and falling agricultural production. 2. Apart from implementation the programmes for soil conservation research and education of the masses, a law to conserve and improve the resources of the State was enacted in 1954. Since it was only the beginning of the soil conservation work in the State a cautions approach was adapted. Experience has, however, shown that the

machinery envisaged by this enactment was rather a tardy in nature. The finalization of the plans alone took a couple of years. They had to be sent to the State Headquarters twice for their final approval. Similarly the provisions regarding execution of a plan on Government account and its subsequent recovery from beneficiaries was not without ambiguity. With the growing consciousness in soil conservation it was also discovered that this enactment did not provide for stopping practices injurious to soil in the State, like uncontrolled quarrying, burning of vegetation or felling of trees on a mass scale for clearing areas, cultivation on steep slopes without adequate precaution, etc. Similarly, the existing enactment did not make any provision for temporary acquisition of land for purposes of executing a plan. 3. Consequently, with a view to removing the difficulties in the working of the existing enactment and providing a machinery for speedier execution, it is intended to bring a revised enactment on the Statute Book. Some of the outstanding features of this new measure are given below : (i) It provides not only for soil but also for water conservation. (ii) It provides for a speedy machinery for the finalization of the draft plans ensuring all the same time that all persons affected or likely to be affected have an adequate opportunity to file an objection. (iii) It provides for the execution of a Plan on Government account if the beneficiaries so desire or if the work is not carried out by the beneficiaries to the satisfaction of the Bhoomi Sanrakshan Adhikari or if the Collector is of the view that the work can be carried out more appropriately or expeditiously on Government account, the cost would be recovered as arrears of land revenue from the beneficiaries in suitable instalments. (iv) It associates in a much larger degree the non-official element, e.g., the Adhykshas of Zila Parishad and Prumukhs or Kshettra Samitis (vide Statement of Objects and Reasons, UP. Gazette, Extraordinary, dated 11th February, 1963, Magha 22, 1884, Saka Era).

#### CHAPTER 1 PRELIMINARY

### **1. Short Title And Commencement :-**

(1) This Act may be called the Uttar Pradesh Bhoomi Evam Jal Sanrakshan Adhiniyam, 1963.<sup>1</sup> (2) It shall come into force at once in the districts mentioned in the First Schedule. In the remaining districts it shall come into force on such date as the State Government may, by notification in the Gazette,<sup>2</sup> appoint in this behalf and different dates may be appointed for different districts.

1. The Act received the assent of the President on 23rd May, 1963 and the English translation of the Act was published in U.P. Gazette, Extraordinary, dated 29th May, 1963. 2. This Act has been enforced in the following districts on dates noted against them :

1.	Bulandshahar	28-3-1964
		(Vide U.P. Gazette, Part I-A, page 356.)
2.	Dehradun	
3.	Etawah	
4.	Muzaffamagar	25-4-1964
5.	Saharanpur	(Vide U.P. Gazette, Part I-A page 502.)
6.	Unnao	
7.	Azamgarh	
8.	Aligarh	24-10-1964
9.	Ghazipur	(Vide Notification No. H. 4594/XII-B, dated
		22nd September, 1964, published in U.P.
		Oazette, Part I-A, dated 24-10-1964, page
		1432)
10.	Jaunpur	
11.	Mainpuri	
12.	Rae Bareli	
13.	Budaun	1-8-1970
14.	Hardoi	1-4-1971
15.	Lakhimpur	1-4-1970
16.	Pilibhit	1-8-1970
17.	Pithoragarh	1-4-1970
		(Vide Notification No. H-5885/XXII B-
		1228-69, dated 30th December, 1971
		published in U.P. Gazette, Pt. I, dated 15th
		January, 1972, page 307.

## **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context-- (1) "beneficiary" in relation to any land benefited or likely to be benefited by the execution of a plan means-- (a) in the case of land held by a bhumidhar or sirdar, such bhumidhar or sirdar; and (b) in any other case, an owner, holder or occupier of the land whom the Bhoomi Sanrakshan Adhikari, in view of the nature of his interest in the land and the benefits or likely benefits to the land from the execution of the plan, declares in the prescribed manner to be the beneficiary, and includes the successor-in-interest of a beneficiary; (2) "Bhoomi Sanrakshan Adhikari" means an officer

appointed under section 8 ; (3) "Board" means the Bhoomi Evam Jal Sanrakshan Board established under section 3 ; (4) "Chairman" means the Chairman of the Board; (5) "Collector", except for the purposes of section 6, includes an Additional Collector; (6) "Commissioner" includes an Additional Commissioner; (7) "Director" means the Director of Agriculture, Uttar Pradesh, and includes an Additional Director of Agriculture, Uttar Pradesh; (8) "Khand" means any area specified as such by the State Government under section 3 of the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961 ; (9) "Plan" means a plan prepared under this Act; (10) "Prescribed" means prescribed by rules made under this Act; (11) "Schedule " means a schedule to this Act; (12) "Soil and water conservation" means reclamation, maintenance and improvement of soil and water resources and includes any of the measures mentioned in the second schedule; (13) "Secretary" means the Secretary of the Board ; (14) "Slate" means the Suite of Uttar Pradesh ; (15) "Work" means any work carried out or to be carried out under a plan and includes pasture or forest provided for or raised under the plan ; (16) "Zila Samiti" means the Zila Bhoomi Evam Jal Sanrakshan Samiti established under section 6 ; (17) "The expressions "bhumidhar" and "sirdar" shall have the meaning assigned to them in the Uttar Pradesh Zamindari Abolition and land Reforms Act, 1950.

## CHAPTER 2

### ADMINISTRATIVE MACHINERY

#### **3. Establishment And Constitution Of The Board :-**

(1) As soon as may be after the commencement of this Act, there shall be established by the State Government, by notification in the Gazette, a Bhoomi Evam Jal Sanrakshan Board for the State. (2) The Board shall consist of the following members ; (a) the Minister-in-charge of the Agriculture Department, who shall also be the Chairman; (b) not more than three of the Deputy Ministers and parliamentary Secretaries, to be appointed by the State Government; (c) Secretary to the State Government in the Agriculture Department; (d) the Director of Agriculture, Uttar Pradesh, who shall also be the Secretary ; (e) four members of the Vidhan Sabha and members of the Vidhan Parishad to be chosen by the Vidhan Sabha or the Vidhan Parishad, as the case may be; (f) Members not exceeding five, to be appointed by the State Government; and (g) members not exceeding five, to be co-opted by the members referred to in clauses (a) to (f).

#### **4. Term Of Members :-**

(1) The term of a member referred to in clause (f) or clause (g) of sub-section (2) of section 3 shall be two years. (2) When a member ceases to hold the office by virtue of which he became eligible for the membership of the Board, he shall cease to be such member.

#### **5. Functions Of The Board :-**

The functions of the Board shall be-- (a) to lay down policies for soil and water conservation ; (b) to devise ways and means for coordinating the work under the plans and for eliminating the difficulties in relation thereto ; (c) to scrutinize the progress made under the plans; and (d) to perform such other functions as may be specified by or under this Act.

#### **6. Establishment And Constitution Of Zila Samitis :-**

There shall be established in the prescribed manner for each, district a Zila Bhoomi Evam Jal Sanrakshan Samiti. (2) The Zila Samiti shall consist of-- (a) the Collector, who shall also be the Chairman thereof; (b) the Adhyaksha of the Antarim Zila Parishad or Zila Parishad ; (c) members of the Legislative Assembly whose constituencies include any part of the district; (d) the officer-in-charge of the work of the Planning Department in the district; (e) the District Agriculture Officer; (f) the Bhoomi Sanrakshan Adhikari, who shall also be the Secretary of the Zila Samiti ; (g) the Executive Engineers of the Irrigation Department exercising jurisdiction in the district or any part thereof; (h) the Divisional Forest Officers exercising jurisdiction in the district or any part thereof; (i) the Pramukhs of the Kshettra Samitis in the district; and (j) not more than one person interested in soil and water conservation appointed by the Collector annually : Provided that a member of the Legislative Assembly, an Executive Engineer, a Divisional Forest Officer or a Pramukh shall have a right of participation in only such proceedings of the Zila Samiti as relate to a plan covering an area from which he was elected as a member in which he exercises jurisdiction as such Engineer, Officer or Pramukh, as the case may be. (3) Any dispute as to the membership or right of participation in the proceedings of a Zila Samiti shall be decided by the Chairman thereof whose decision in the matter shall be final.

#### **7. Functions Of Zila Samiti :-**

The functions of the Zila Samiti shall be-- (a) to take steps to educate people in soil and water conservation ; (b) to direct the

Bhoomi Sanrakshan Adhikari to make survey, collect data and prepare plans for the district or any part thereof and to perform functions incidental thereto; (c) to consider and approve the plans so prepared; (d) to take steps to ensure proper execution of the plans and to watch the progress of work thereunder; (e) to make recommendation to the State Government for securing efficient execution of the plans; (f) to carry out the directions issued by the State Government from time to time with regard to plan ; and (g) to perform such other functions as may be specified by or under this Act.

#### **8. Bhoomi Sanrakshan Adhikari :-**

(1) The State Government shall appoint for every district of Bhoomi Sanrakshan Adhikari: Provided that one person may be appointed to be Bhoomi Sanrakshan Adhikari for more than one district or more than one person may be appointed to be Bhoomi Sanrakshan Adhikaris in the same district. (2) The Bhoomi Sanrakshan Adhikari shall execute the plans and perform such other functions as may be specified by or under this Act.

#### CHAPTER 3

#### PREPARATION OF SOIL AND WATER CONSERVATION PLAN

#### **9. Preparation Of Soil And Water Conservation Plan :-**

(1) The Zila Samiti may, and if so directed by the State Government, shall resolve that soil and water conservation be undertaken in the district or any part thereof. (2) On the resolution of the Zila Samiti under sub-section (1), the Bhoomi Sanrakshan Adhikari shall prepare a draft plan setting out-- (a) the extent and details of the area to be covered by the plan ; (b) the details about the proposed work; (c) the programme for the execution of the plan ; (d) work to be carried out by a beneficiary at his own cost; (e) the ways and means for the execution of the plan, in which the available government grant-in-aid shall also be taken into consideration ; (f) the agency or agencies through which the work shall be executed ; and (g) such other particulars as may be prescribed. (3) In imposing liability on a beneficiary to carry out a work at his own cost, the benefits or likely benefits to his land from that work shall be taken into consideration.

#### **10. Consideration And Approval Of The Plan :-**

(1) The draft plan shall be placed before the Zila Samiti which shall consider the same and order its publication under sub-sections (2) and (3). (2) Upon the publication being ordered by the Zila Samiti,

the Bhoomi Sanrakshan Adhikari shall prepare a notice in the prescribed form stating at what place and time the plan shall be open to inspection by the public free of charge. The notice shall be published by affixation at the offices of the Collector, Bhoomi Sanrakshan Adhikari, tahsildar and Block Development Officer. It shall also be published by beat of drum in the villages to which the draft plan relates. (3) A copy of draft plan shall be sent to the Krishi Evam Utpadan Samiti of the Khand in which the work is to be carried out. The Samiti shall consider the plan in a special meeting to be called for the purpose and may, within thirty days of the receipt by it of the draft plan, make such objections in writing to the Bhoomi Sanrakshan Adhikari as it may deem necessary. (4) On publication of the notice under sub-section (2) any person likely to be affected by the plan may, within thirty days from the date of publication by beat of drum, make objections in writing of the Zila Bhoomi Sanrakshan Adhikari. (5) If no objection is made under the foregoing provisions within the time allowed, the plan as published shall become final. (6) If an objection is made under sub-section (3) or sub-section (4) within the time allowed therefor the Bhoomi Sanrakshan Adhikari shall hear the same in the prescribed manner and submit his report together with the objections to the Zila Samiti. (7) After considering the objections and report submitted under sub-section (6) and any further report which it may require the Bhoomi Sanrakshan Adhikari to submit, the Zila Samiti may approve the plan with or without any modification and the plan so approved shall become final.

### **11. Technical Aspect Of The Plan :-**

(1) The Director or his appointee shall be present at every meeting of the Zila Samiti in which an objection to a draft plan is under consideration. (2) Notwithstanding anything contained in sub-section (7) of section 10, no modification affecting the technical aspect of the draft plan shall be made by the Zila Samiti without the concurrence of the Director or his appointee. (3) Whether a modification affects the technical aspect of the draft plan or not shall be decided by the Chairman of the Zila Samiti.

### **12. Publication Of The Plan :-**

After the plan has become final, the Bhoomi Sanrakshan Adhikari shall publish, in the prescribed manner, a general notice intimating that the plan has become final and may be inspected by the public free of charge at the place mentioned in the notice.



### **13. Subsequent Changes And Correction Of Errors In The Plan :-**

Notwithstanding anything contained in section 10-- (i) the Director may make such minor changes in the plan as are at any stage necessitated by the changes that may occur in the land due to any unforeseen circumstances: Provided that no such change shall be made to the prejudice of any beneficiary without allowing him an opportunity of being heard ; (ii) the Bhoomi Sanrakshan Adhikari may, if satisfied that a clerical or arithmetical error exists in the plan, correct the same in the prescribed manner, either on his motion or on the application of an interested person.

#### **CHAPTER 4**

#### **TAKING TEMPORARY POSSESSION OF LAND AND PAYMENT OF COMPENSATION**

### **14. Order For Taking Temporary Possession Of Land :-**

(1) If the Collector is satisfied that for the purposes of executing a plan it is necessary that temporary possession of any land should be taken, he may, by order, direct the Bhoomi Sanrakshan Adhikari to take temporary possession thereof for such period, not exceeding five years, as may be specified in the order. (2) The Collector may, by order, extend, from time to time, the period of temporary possession, so, however, that the total period of temporary possession shall, in no case, exceed ten years in all. Explanation.--For the purposes of this section "land" does not include any land covered by a building of permanent character.

### **15. Taking Possession Of Land :-**

The Bhoomi Sanrakshan Adhikari or any other officer authorized by him in this behalf shall, in pursuance of the order under section 14, take temporary possession of the land : Provided that possession shall not be taken without notifying in the prescribed manner the date and intention of taking possession at least fifteen days prior to such date.

### **16. Compensation For Period Of Possession :-**

(1) As soon as may be after the date of taking possession of the land, the Collector shall make an inquiry and determine the compensation payable for every year or part of the year during which the land remains under such temporary possession and also the person entitled thereto. (2) For the purpose of determining compensation and the person entitled thereto, the Collector shall issue a general notice in the prescribed form and manner requiring persons concerned to file their claims in the prescribed manner by

the date fixed in the notice, provided that the Collector may, for reasons to be recorded, extend such date. (3) The Collector shall also fix a date for hearing of the claims and shall on that date or in case of the hearing being adjourned to any other date or such other dates hear all the evidence that may be produced by a claimant and he may take such other evidence as he considers necessary. (4) For the purpose of determining the compensation and the persons entitled thereto, the Collector shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908, in respect of the following matters, namely-- (a) enforcing attendance of any person and examining a person on oath or affirmation; (b) issuing commission for examination of any witness or for local investigation; (c) compelling production of any document; and (d) passing such interim orders as may be necessary in the ends of justice. (5) In determining the compensation regard shall be had to-- (a) the average net annual income from the land derived during the three years immediately preceding the date of temporary possession being taken and in the case of land having no such income, the average net annual income, if any, from similar land in the locality derived during that period ; (b) the damage, if any, sustained by the person as a result of dispossession ; (c) the damage, if any, caused or likely to be caused to the land ; and (d) such other factors as may appear to the Collector to be relevant for the purposes of such determination. (6) Any person aggrieved by a determination made under subsection (1) may, within thirty days from the date of such determination, file an appeal before the Commissioner, who may pass such orders thereon as he deems fit. (7) The Commissioner may entertain an appeal after the expiry of the said period of thirty days, if he is satisfied that there was sufficient cause for not preferring the appeal within that period. (8) The compensation so determined shall be paid in cash in yearly instalments to the person found entitled thereto under this section and such payment shall be a final and full discharge of the State Government and its officers from all liability to pay compensation for the period covered by the payment, but shall not prejudice the right of any other person to compensation which he may be entitled by due process of law to enforce against the person to whom payment has been made under this Act.

### **17. Restoration Of Possession :-**

(1) When the temporary possession has to be removed from the

land and in any case before the expiry of the period fixed for temporary possession, the Collector shall, after making inquiry in the prescribed manner, by order in writing,-- (a) determine the person to whom the possession is to be restored; and (b) declare that possession of the land shall be restored to him on such date as may be specified in the order. (2) On the date specified in the said order possession of the land shall be deemed to have been delivered to the person mentioned therein. (3) The delivery of possession under sub-section (2) shall be a final and full discharge of the State Government and its officers from all liabilities in respect of such delivery but shall not prejudice any right in respect of the land which any other person may be entitled by due process of law to enforce against the persons to whom the possession of the land has been so delivered.

#### CHAPTER 5

#### EXECUTION OF THE PLAN

#### **18. Directions To Execute Work :-**

(1) The Bhoomi Sanrakshan Adhikari may by notice, require any beneficiary to carry out at his own cost any work which under this plan is to be carried out by the beneficiary at his own cost, in the manner and within the period mentioned in the notice. (2) Where a beneficiary intimates in writing to the Bhoomi Sanrakshan Adhikari that he is unable to carry out the work within the time aforesaid or if the work is not carried out to the satisfaction of the Bhoomi Sanrakshan Adhikari by the date fixed in that behalf or within such further time as he may allow, the Bhoomi Sanrakshan Adhikari shall get the work carried out and, subject to the provisions prescribed in this behalf, recover the expenses incurred from the beneficiary as arrears of land revenue. (3) Notwithstanding anything contained in sub-sections (1) and (2), where the Collector is of the view that it will be in the interest of the general public to have a work carried out by the Bhoomi Sanrakshan Adhikari, he may direct the said officer to carry out the work and the costs of such work shall, subject to the provisions prescribed in this behalf, be recovered by the Bhoomi Sanrakshan Adhikari as arrears of land revenue from the beneficiary or from the beneficiaries in such proportion, as the Collector may fix after taking into consideration the benefits or likely benefits to the land of each beneficiary from that work and other relevant matters. (4) If the costs are not paid by beneficiaries within the prescribed time, such beneficiary or beneficiaries shall also be liable to pay such interest thereon as may be prescribed.

## **19. Bhoomi Sanrakshan Adhikari To Make Progress Report**

**:-**

(1) The Bhoomi Sanrakshan Adhikari shall report to the Zila Samiti in such form and at such intervals, as may be prescribed, the progress made in the execution of plans. (2) A copy of the progress report shall also be forwarded to the Director of Agriculture or his appointee. (3) The Director shall submit a quarterly report on the progress of the plans to the Board.

## **20. Entry Of Rights And Liabilities In Revenue Records :-**

The Bhoomi Sanrakshan Adhikari shall, on completion of the work under a plan, prepare a statement in the prescribed form showing therein the rights and liabilities of the beneficiaries and shall forward the statement to the Collector who shall, on the basis of the statement, get the entries made in the relevant village records and maps maintained by the Revenue Department.

## **21. Discharge Of Liabilities :-**

(1) It shall be the duty of the beneficiary-- (a) to maintain and keep in repair at his cost a work as required by the plan ; and (b) to discharge other liabilities imposed upon him under the plan. (2) Where a beneficiary fails to maintain or repair the work or discharge a liability as required by sub-section (1) the Collector may cause the work to be maintained or repaired and liability to be discharged and shall recover from the beneficiary as arrears of land revenue, the cost of such maintenance, repair or discharge.

## **CHAPTER 6**

### **PREVENTIVE ACTION AND PENALTIES**

## **22. Prevention Of Action Prejudicial To Soil And Water Conservation :-**

(1) Any person who does any act on any land which is prejudicial to the interest of soil and water conservation shall be given notice by the Collector to show cause as to why orders prohibiting him from doing that act should not be passed. (2) On receipt of such notice the person shall suspend the act and the same shall remain suspended till the notice is discharged. (3) The person on whom the notice is served may, within thirty days of its receipt, file objections before the Collector. (4) The Collector shall dispose of the objections after allowing the objector an opportunity of being heard. In case the objection is allowed, the Collector shall discharge the notice. Otherwise he shall pass an order prohibiting the person from doing the act. (5) Any person aggrieved by an order of the

Collector under sub-section (4) may, within thirty days of the order, file an appeal before the Commissioner of the division whose decision thereon shall be final.

### **23. Penalties :-**

Any person who without proper authority damages or obstructs any work under a plan or contravenes any of the provisions of this Act or any rule or order made thereunder, shall, on conviction, be liable to imprisonment for a period not exceeding three months or to a fine not exceeding Rs. 500 or to both and where the offence is a continuing one, to further fine which shall not be less than Rs. 25 for every day during which the offence continues after the date of the first conviction.

## **CHAPTER 7**

### **MISCELLANEOUS**

### **24. Proceeding Under The Act :-**

Proceeding under this Act before as Bhoomi Sanrakshan Adhikari or a Collector or Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and also for the purpose of section 196 of the said Code.

### **25. Vacancy Or Defect In Constitution Not To Invalidate Proceedings :-**

No act or proceeding of the Board or a Zila Samiti shall be invalid by reason merely of the existence of any vacancy in or defect in the constitution of the Board or the Zila Samiti.

### **26. Decision Be Majority :-**

If there is a difference of opinion amongst the members of the Board or a Zila Samiti regarding any question the decision of the majority of the members present and voting shall prevail and in case of equality of votes, the Chairman of the Board or the Zila Samiti, as the case may be, shall also have a casting vote.

### **27. Power To Enter, Etc. :-**

For the purposes of preparation or execution of a plan or repairing or maintaining any work under a plan, the Bhoomi Sanrakshan Adhikari and any person generally or specially authorized by him in this behalf may enter upon, survey and mark out any land and do all acts necessary for such purposes.

### **28. Registration Of Documents :-**

Nothing in the Indian Registration Act, 1908, (Act No. XVI of 1908) shall be deemed to require the registration of any document or map forming part of a plan prepared under this Act.

**29. Public Access To Documents And Maps :-**

Subject to the rules made in this respect, public shall have access to all documents and maps pertaining to a plan and copies thereof shall be furnished to any person applying on payment of the prescribed fee.

**30. Determination And Orders To Be Final :-**

Save as otherwise provided by or under this Act, any determination or order made in pursuance of the provisions of this Act, or the rules made thereunder shall not be questioned in any court of law.

**31. Suit Or Legal Proceeding Not To Lie For Acts Done In Good Faith :-**

Not suit or legal proceeding shall lie against any person for any thing which is in good faith done or intended to be done in pursuance of any provisions of this Act or of any rule or order made thereunder.

**32. Provision Of This Act To Prevail :-**

The provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**33. Power To Make Rules :-**

(1) The State Government may, by notification in the Gazette, make rules for the purposes of carrying into effect the provisions of this Act. (2) Without prejudice to the generality of the foregoing power, such rules may provide for-- (a) the procedure for and the manner of declaring a person to be a beneficiary ; (b) matters relating to the establishment and constitution of the Board and Zila Samitis ; (c) the procedure (including quorum) for the conduct of business by the Board and Zila Samitis ; (d) appointment and functions of Bhoomi Sanrakshan Adhikaris and allocation of business to Bhoomi Sanrakshan Adhikaris in the same district; (e) the particulars to be set out in the draft plan ; (f) the manner of notifying the intention and date of taking temporary possession; (g) the manner of inquiry for determining compensation payable for the land of which temporary possession has been taken and the persons entitled thereto ; (h) the time within which the costs of work carried out by the Bhoomi Sanrakshan Adhikari shall be paid

by the beneficiary and the interest on such costs ; (i) the form in which the intervals at which progress report shall be submitted by a Bhoomi Sanrakshan Adhikar ; (J) the form of statement of rights and liabilities of the beneficiaries; (k) the statements, returns, registers and other records required to be maintained by or under this Act; (l) the form and manner of service or publication of notices under this Act or the rules made thereunder; (m) filing and disposal of objections and appeals under this Act and the procedure to be followed in regard thereto ; (n) the duties of any officer or authority having jurisdiction under this act and procedure to be followed by such officer or authority ; and (o) other matters which are to be or may be prescribed. (3) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session, for a total period of fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette, subject to such modifications or annulments as the two Houses of the Legislature may agree to make ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

#### **34. Repeal Of U.P. Act No. Xi Of 1954 :-**

(1) The Uttar Pradesh Soil Conservation Act, 1954 is hereby repealed. (2) A plan confirmed under section 15 of the said Act shall be deemed to be a plan which has become final under this Act and a general notice thereof shall be published as required by section 12. A plan prepared under the former Act and not so confirmed shall be deemed to be a draft plan prepared under section 9 of this Act and be proceeded with accordingly.

#### **35. Removal Of Difficulties :-**

(1) Where any difficulty arises in relation to the transition from the provisions of the Uttar Pradesh Soil Conservation Act, 1954, to the provisions of this Act, the State Government may, for the purposes of facilitating such transition, direct, by an order notified in the Gazette, that the provisions of this of Act shall, for a limited period specified in the order, have effect subject of such modifications, as may be specified. (2) No order shall be made under this section after the expiration of two years from the date of commencement of this Act. (3) An order made under this section shall be laid before both the Houses of the State Legislature, as soon as may be after it is made.

**SCHEDULE 1**  
**FIRST SCHEDULE**

[See section (2)]

<b>Sl. No.</b>	<b>Name of the districts</b>	<b>Sl. No.</b>	<b>Name of the districts</b>
1	Agra	9	Sultanpur
2	Fatehpur	10	Tehri-Garhwal
3	Hamipur	11	Lucknow
4	Jalaun	12	Sitapur
5	Jhansi	13	Farrukhabad
6	Mathura	14	Allahabad
7	Mirzapur	15	Banda
8	Partapgarh	16	Meerut

**SCHEDULE 2**  
**SECOND SCHEDULE**

[See section 22 (2)]

Measures relating to Soil and Water conservation

- (a) construction, of mends, dauls and bundhis planting of munja, sarkanda, or other soil-binding grasses or plants thereon ;
- (b) levelling of the land ;
- (c) contour cultivation;
- (d) prohibition of deep cultivation by tractors in areas subject to erosion ;
- (e) prohibition from growing row crops ;
- (f) strip cropping;
- (g) growing of quick-maturing leguminous crops and other close-growing crops during rainy season;
- (h) green manuring and application of bulky organic manures, e.g., compost, farmyard manure, etc.
- (i) retirement of any land from cultivation if its continuance under agriculture is prejudicial to that land or some other land ;
- (j) control on grazing;
- (k) afforestation or planting of fruit trees or raising of pasture on any land for its protection from erosion or for the protection of any other land;
- (l) planting of trees or shrubs to serve as wind-breaks;
- (m) control on the felling or lopping of trees or clearance of bushes;
- (n) prevention from breaking of marginal and sub-marginal lands for cultivation purposes.

2. Measures against water-logging and impeded drainage such as--

- (a) conservation of water-logged areas into ponds;
- (b) opening of drainage cuts ;
- (c) pumping out sub-soil water;
- (d) increasing the number of culverts and aqueducts or widening the existing ones along railway, canal or road embankments.

3. Measures for improving bhur (sandy) soils such as--

- (a) construction of mends, dauls and bundhis and planting of munja, sarkanda or other soil-binding grasses or plants thereon ;



- (b) levelling of the land ;
  - (c) prohibition of deep cultivation by tractors;
  - (d) growing of leguminous crops;
  - (e) green manuring and application of bulky organic manure, e.g., compost, farmyard manure, etc.
  - (f) control on grazing.
4. Measures for prevention of usar formation and reclamation of usar land such as--
- (a) drainage of both surface and sub-surface water where the water-table is high ;
  - (b) construction of bundhis and impounding of rain and canal water in places where the water-table is low with a view to washing down the injurious salts ;
  - (c) providing drainage cuts where there is water-logging ;
  - (d) application of gypsum.
5. Maintenance and repair of works conducive to soil and water conservation, whether these works may have been executed under the plan or otherwise.
6. Such other measures as may be prescribed.