

Uttar Pradesh Consolidation Of Holdings Act, 1953

5 of 1954

[04 March 1954]

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Uttar Pradesh Consolidation Of Holdings Act, 1953

5 of 1954

[04 March 1954]

An Act to provide for Consolidation of Agricultural Holdings in Uttar Pradesh for the Development of Agriculture

Whereas it is expedient to provide for the Consolidation of Agricultural holding in Uttar Pradesh for the development of Agriculture;

It is hereby enacted as follows:

1. Received the assent of the President on March 4, 1954 and published in U.P. Gazette (Extra.), dated 8-3-1954.

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called the U.P. Consolidation of Holdings Act, 1953.

(2) It extends to the whole of Uttar Pradesh.

1[(3) This section shall come into force² at once and the remainder of the Act shall come into force on such date as the State Government may, by notification in the official Gazette appoint in this behalf and different dates may be appointed for different parts of Uttar Pradesh.]

1. Sub-section (3) of Section 1 in relation to territories transferred from Bihar to U.P. by or under Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968. has been omitted by U.P. Laws (Extension to Territories Transferred from Bihar) Act, 1976 (U.P. Act No. 52 of 1976), vide Section 3 and schedule (w.e.f. 15th Oct., 1976).

2. Section 1 came into force at once on 8-3-1954, Sections 2 to 54 came into force on 24th July, 1954, vide Notification No.2564/(4) 1-A--813-54. published in U.P. Gazette. Part 1-A, dated 24-7-1954.

2. Repeal :-

The U.P. Consolidation of Holdings Act, 1939, is hereby repealed.

3. Definitions :-

In this Act unless there is anything repugnant in the subject or context,--

(1) Assistant Consolidation Officer means a person appointed as such by the State Government to exercise the powers and perform the duties of an Assistant Consolidation Officer under this Act or the rules made thereunder 1[and shall include an Assistant Rectangulation Officer];

1[(1-A) Chak means the parcel of land allotted to a tenure-holder on consolidation;

(2) Consolidation means re-arrangement of holdings in a unit amongst several tenure-holders in such a way as to make their respective holdings more compact.

Explanation--For the purpose of this clause, holding, shall not include the following:

(i) land which was grove in the agricultural year immediately preceding the year in which the notification under Section 4 was issued;

- (ii) land subject to fluvial action and intensive soil erosion;
- (iii) land mentioned in Section 132 of the U.P. Zamindari Abolition and Land Reforms Act, 1950;
- (iv) such compact areas as are normally subject to prolonged waterlogging;
- (v) usar, kallar and rihala plots forming a compact area including cultivated land within such area;
- (vi) land in use for growing pan, rose, bela, jasmine and kewra; and
- (vii) such other areas as the Director of Consolidation may declare to be unsuitable for the purpose of Consolidation.

(2-A) Consolidation area means the area, in respect of which a notification under Section 4 has been issued, except such portions thereof to which the provision of the U.P. Zamindari Abolition and Land Reforms Act, 1950, 2[or any other law by which Zamindari system has been abolished], do not apply;

(2-AA) Consolidation Committee means a committee to be constituted in the manner prescribed for the purpose of the Act;

(2-B) Consolidation Lekhpal means a person appointed as such by the State Government to perform the duties of Consolidation Lekhpal under this Act or the rules made thereunder and shall, in areas as under Consolidation operations include a lekhpal appointed under the U.P. Land Revenue Act, 1901;

(3) Consolidation Officer means a person appointed as such by the State Government to exercise the powers and perform the duties of Consolidation Officer under this Act or the rules made thereunder;3[and shall include a Rectangulation Officer];

(3-A) Consolidator means a person appointed as such by the State Government to exercise the powers and perform the duties of a Consolidator under the Act or the rules made thereunder 4[and shall include a Rectangulator and also, in areas under Consolidation operations, the Supervisor Kanungo appointed under the U.P. Land Revenue Act, 1901 (U.P. Act No. III of 1901), for that area];

4[(3-B) Consolidation Scheme means the scheme of consolidation in a unit];

(4) Director of Consolidation means the person appointed as such by the State Government to exercise the powers and perform the duties of the Director of Consolidation under this Act or the rules made thereunder and shall include an Additional Director of Consolidation and Joint Director of Consolidation;

(4-A) Deputy Director, Consolidation means a person appointed as such by the State Government to exercise such powers and perform

such duties of the Director of Consolidation as may be delegated to him by the State Government and shall include a District Deputy Director of Consolidation and Assistant Director of Consolidation;

(4-B) District Deputy Director of Consolidation means the person who is for the time being the Collector of the District;

(4-C) Holding means a parcel or parcels of land held under one tenure by a tenure-holder singly or jointly with other tenure-holders;

5[(5) Land means land held or occupied for purposes connected with agriculture, horticulture and animal husbandry (including pisciculture and poultry farming), and includes--

(i) the site, being part of a holding, of a house or other similar structure, and

(ii) trees, wells and other improvements existing on the plots forming the holdings];

(6) Legal representative has the meaning assigned to it in the Code of Civil Procedure, 1908;

(7) Prescribed means prescribed by the rules made under this Act;

(8) Publication in the unit or publish in the unit with reference to any document means reading out of the document in the unit on a date of which prior notice shall be given by beat of drum and proclamation by beat of drum, or in any other customary mode, in the unit of the fact that the document is open to public inspection at an appointed place and time:

Provided that where a Consolidation Committee has been constituted for the unit each member of the said committee shall also be individually informed of the fact of publication;

3[(8-A) Rectangulation means the process of dividing the area of a unit into rectangles and parts of Chaks during Consolidation];

(9) Settlement Officer Consolidation means the person appointed as such by the State Government to exercise the powers and perform the duties of a Settlement Officer, Consolidation, under this Act or the rules made thereunder and shall include an Additional Settlement Officer, Consolidation and Assistant Settlement Officer, Consolidation

(10) State Government means the Government of Uttar Pradesh;

6[(11) "Tenure-holder" means a 7[bhumidhar with transferable rights or bhumidhar with non-transferable rights] and includes--

(a) an asami,

(b) a Government lessee or Government grantee, or

(c) a co-operative farming society satisfying such conditions as may be prescribed; and

(11-A) Unit means a village or part thereof, and where the Director of Consolidation so notified by publication in the official Gazette two or more villages or part thereof, for which a single scheme of consolidation is to be framed; and

(12) Words and expressions--

(a) not defined in this Act but used or defined in U.P. Land Revenue Act, 1901; or

(b) not defined in this Act or in the U.P. Land Revenue Act, 1901 but used or defined in the U.P. Zamindari Abolition and Land Reforms Act, 1950;

shall have the meanings assigned to them in the Act in which they are used or defined; and

8[(13) The reference to the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and the U.P. Land Revenue Act, 1901, shall be construed as references to the said Acts as amended from time to time.]

1. Inserted by Section 2 of U.P. (Amendment) Act No. VIII of 1963.

2. Inserted by U.P. Act 30 of 1991, vide Section 3(a) (w.e.f. 19-2-1991).

3. Inserted by Section 2 of U.P. Consolidation of Holdings (Amendment) Act No. VIII of 1963.

4. Inserted by *ibid*.

5. Substituted by Section 2 of the U.P. Consolidation of Holdings (Amendment) Act No. VIII of 1963.

6. Substituted by Section 44 of Land Laws (Amendment) Act. 12 of 1965, dated 18-6-1965.

7. Substituted by U.P. Act 30 of 1991, vide Section 3(b) (w.e.f. 19-2-1991) for the words "bhumidhar" or "sirdar".

8. Inserted by Section 44 of Land Laws (Amendment) Act, 12 of 1965, dated 18-6-1965.

CHAPTER 2 REVISION AND CORRECTION OF MAPS AND RECORDS

4. Declaration And Notification Regarding Consolidations :-

1[(1) (a) The State Government may, where it is of opinion that a district or part thereof may be brought under consolidation operations, made a declaration to the effect in the Gazette, whereupon it shall become lawful for any officer or authority who may be empowered in this behalf by the District Deputy Director of Consolidation--

(i) to enter upon any survey, in connection with rectangulation or otherwise and to take levels of any land in such area;

(ii) to fix pillars in connection with rectangulation; and
(iii) to do all acts necessary to ascertain the suitability of the area for consolidation operations.

(b) The District Deputy Director of Consolidation shall cause public notice of the declaration issued under clause (a) to be given at convenient places in the said district or part thereof.

(2)(a) When the State Government decides to start consolidation operations, either in an area covered by a declaration issued under sub-section (1) or in any other area, it may issue a notification to this effect.

2[(b) Every such notification shall be published in the Gazette and in a daily newspaper having circulation in the said area and shall also be published in each unit in the said area in such manner as may be considered appropriate.]

1. Substituted by Section 3 of the U.P. Amendment Act No. VIII of 1963.

2 Substituted by UP. Act No. 30 of 1991, vide Section 4 (w.e.f. 19.2.91).

4A. Section 4A :-

1[(1) Where the State Government is of opinion that in the case of a district or part thereof in respect of which a notification has already been issued under Section 52 it is expedient in public interest so to do, it may make a declaration in the Gazette that such district or part thereof may again be brought under consolidation operation]:

2[Provided that no such declaration shall be issued within twenty years from the date of the notification referred to in the said section, but in special circumstances the State Government may, in public interest, issue such declaration after ten years from the said date.]

(2) The provisions of this Act shall mutatis mutandis apply to every notification issued under sub-section (1) as they apply to a notification under Section 4.]

1. Inserted by Act No. 35 of 1976, (w.e.f. 18, 1976.)

2. Substituted by Section 19 of U.P. Land Laws (Amendment) Act 24 of 1986.

5. Effect Of Notification Under Section 4 (2) :-

1(1) Upon the publication of the notification 2[under sub-section (2) of Section 4] in the Official Gazette, the consequences, as

hereinafter set forth, shall subject to the provisions of this Act, from the date specified thereunder till the publication of notification under. Section 52 or subsection (1) of Section 6, as the case may be, ensure in the area to which the3[notification under sub-section (2) of Section 4] relates, namely--

(a) the district or part thereof, as the case may be, shall be deemed to be under consolidation operations and duty of maintaining the record of rights and preparing the village map, the field-book and the annual register of each village shall be performed by the District Deputy Director of Consolidation, who shall maintain or prepare them, as the case may be, in the manner prescribed;

(b) (i) 4[* * *]

(ii) the findings of consolidation authorities in proceedings under this Act in respect of such right or interest in the land5[shall be accepted by] the authority or Court before whom the proceeding or suit was pending which may, on communication thereof by the parties concerned, proceed with the proceeding or suit, as the case may be;

(c) notwithstanding anything contained in the U.P. Zamindari Abolition and Land Reforms Act, 1950, no tenure-holder, except with the permission in writing of the Settlement Officer, Consolidation, previously obtained shall--

(i) use his holdings or any part thereof for purposes connected with agriculture, horticulture or animal husbandry including pisciculture and poultry farming; or

(ii) 6[* * *]

Provided that a tenure-holder may continue to use his holding, or any part thereof for any purpose for which it was in use prior to the date specified in the notification issued 7[under sub-section (2) of Section 4].

1[(2) Upon the said publication of the notification under sub-section (2) of Section 4 the following further consequences shall ensue in the area to which the notification relates, namely--

(a) every proceeding for the correction of records and every suit and proceeding in respect of declaration of rights or interest in any land lying in the area, or for declaration or adjudication of any other right in regard to which proceedings can or ought to be taken under this Act, pending before any court or authority whether of the first instance or of appeal, reference or revision, shall, on an order being passed in that behalf by the court or authority before whom such suit or proceeding is pending stand abated:

Provided that no such order shall be passed without giving to the parties notice by post or in any other manner and after giving them an opportunity of being heard:

Provided further that on the issue of a notification under sub-section (1) of Section 6 in respect of the said area or part thereof, every such order in relation to the land lying in such area or part, as the case may be, shall stand vacated;

(b) such abatement shall be without prejudice to the rights of the persons affected to agitate the right or interest in dispute in the said suits or proceedings before the appropriate consolidation authorities under and in accordance with the provisions of this Act and the rules made thereunder.

8[Explanation.--For the purposes of sub-section (2), proceeding under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 or an uncontested proceeding under Sections 134 to 137 of the U.P. Zamindari Abolition and Land Reforms Act, 1950, shall not be deemed to be a proceeding in respect of declaration of the right or interest, in any land.]

1. Inserted by Act No. 21 of 1966, dated 29-8-1966.

2. Substituted by Section 45 of Land Laws (Amendment) Act, 12 of 1965, dated 18-8-1965.

3. Substituted by *ibid*.

4. Omitted by Act No. 21 of 1966, dated 29-8-1966.

5. Substituted by Section 4 of Amendment Act No. VIII of 1963.

6. Omitted by U.P. Act No. 30 of 1991, vide Section 5. (w.e.f. 19-2-91).

7. Substituted by Section 45 of Land Laws (Amendment) Act 12 of 1965.

8. Substituted by Act No. 35 of 1976, dated 18-11-1976.

6. Cancellation Of Notification Under Section 4 :-

(1) It shall be lawful for the State Government at any time to cancel the1[notification] under Section 4 in respect of the whole or any part of the area specified therein.

(2) Where 1[notification] has been cancelled in respect of any unit under sub-section (1), such area shall, subject to the final order relating to the correction of land records, if any, passed on or before the date of such cancellation, cease to be under consolidation operation with effect from the date of the cancellation.

1. Substituted by section 4 of U.P. No. VIII of 1963.

6A. Special Provision With Respect To Undisputed Succession Or Transfer :-

1[(1) After the publication of notification under sub-section (2) of Section 4 or Section 4-A and before start of the proceeding under Section 8, a case of undisputed succession shall be disposed of by the Consolidator, and a case of undisputed mutation on the basis of transfer shall be disposed of by the Assistant Consolidation Officer, in such manner and after making such inquiry as may be prescribed:

Provided that no case shall be entertained, continued or disposed of under this section after start of the proceeding under Section 8.

(2) An order made under sub-section (1) shall not be a bar to an objection under Section 9.]

1. Inserted by U.P. Act No. 3 of 2002, vide Section 2 (w.e.f. 21-6-2002).

7. Revision Of Village Map :-

With a view to facilitate the revision of records of each village or part thereof in the unit and subject to the provisions hereinafter contained, the District Deputy Director of Consolidation shall before 1[the provisional Consolidation Scheme] for a unit is prepared cause to revise the village maps of such unit.

1. Substituted by Section 5 of U.P. Act No. VIII of 1963.

8. Revision Of The Field-Book And The Current Annual Register :-

1[Determination of valuations and shares in joint holdings.--

(1) Upon the revision of the maps under Section 7, the District Deputy Director of Consolidation shall, subject to the provisions hereinafter contained, and in such manner as may be prescribed, cause to be--

(i) revised, the field-book of the unit after field-to-field parital, and the current annual register after its test and verification;

(ii) determined, in consultation with the Consolidation Committee, the valuation of--

(a) each plot after taking into consideration its productivity, location and availability of irrigation facilities, if any; and

(b) all trees, wells and other improvements existing in the plots for the purpose of calculating compensation thereof;

(iii) ascertained the share of each owner, if there be more owners

than one, out of the valuation determined under sub-clause (b) of clause (ii); and

(iv) determined the shares of individual tenure-holder in joint holdings for the purpose of effecting partition to ensure proper consolidation.

(2) The District Deputy Director of Consolidation shall cause to be prepared a khasra chakbandi, in the form prescribed, in respect of all the plots falling in the units as also a statement showing the mistakes²[undisputed cases of succession] and disputes discovered during the test and verification of the annual register and in the course of the field-to-field partial.]

1. Substituted by Section 6, *ibid*.

2. Inserted by U.P. Act No. 30 of 1991, vide Section 6 (w.e.f. 19-2-1991).

8A. Preparation Of Statement Of Principles :-

1[(1) The Assistant Consolidation Officer shall, in consultation with the Consolidation Committee, prepare, in respect of each unit under consolidation operations, a statement in the prescribed form (hereinafter called the Statement of Principles) setting forth the principles to be followed in carrying out the consolidation operations in the unit.

(2) The Statement of Principles shall also contain--

(a) details of areas, as far as they can be determined at this stage, to be earmarked for extension of abadi including area for abadi site for Harijans and landless persons in the unit, and for such other public purposes as may be prescribed;

(b) the basis on which the tenure-holders will contribute land for extension of abadi and for other public purposes; and

(c) details of land to be earmarked for public purposes out of land vested in Gaon Sabha or a Local Authority under Section 117 or Section 117-A of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950;

2[(4) the standard plot for each unit.]

2[(3) The standard plot referred to in clause (d) of sub-section (2) shall be determined by the Assistant Consolidation Officer after ascertaining from the members of the Consolidation Committee and the tenure-holders of the units, the best plot of the unit, regard being had to productivity, local and the existing soil class of the plot or plots.]

1. Inserted by Section 7 of U.P. Act No. VIII of 1963:

2. Inserted by U.P. Act No. 6 of 1978, Section 9 (w.e.f. 21-1-1978).

9. Issue Of Extracts From Records And Statements And Publication Of Records Mentioned In Sections 8 And 8-A And The Issue Of Notices For Inviting Objections :-

1[(1) Upon the preparation of the records and the statements mentioned in Sections 8 and 8-A, the Assistant Consolidation Officer shall--

(a) correct the clerical mistakes, if any, and send, or cause to be sent, to the tenure-holders concerned and other persons interested, notices containing relevant extracts from the current annual register and such other records as may be prescribed showing--

(i) their rights in the liabilities in relation to the land;

(ii) mistakes, 2[undisputed cases of succession] and disputes discovered under Section 8 in respect thereof;

(iii) specific shares of individual tenure-holders in joint holdings for the purpose of effecting partitions, where necessary, to ensure proper consolidation;

(iv) valuation of the plot; and

(b) valuation of trees, wells and other improvements for calculating compensation therefor and its apportionment amongst owners, if there be more owners than one;

(c) publish in the unit current khasra and current annual register, the khasra chakbandi, the Statement of Principles prepared under Section 8-A, and any other records that may be prescribed to show, inter alia, the particulars referred to in clause (a).

(2) Any person to whom a notice under sub-section (1) has been sent, or any other person interested may, within 21 days of the receipt of notice, or of the publication under sub-section (1), as the case may be, file before the Assistant Consolidation Officer, objections in respect thereof disputing the correctness or nature of the entries in the records or in the extracts furnished therefrom or in the Statement of Principles, or the need for partition.]

1. Substituted by Section 8 of Amendment Act No. VIII of 1963.

2. Inserted by U.P. Act 30 of 1991. vide Section 7. (w.e.f. 19-2-1991).

9A. Disposal Of Cases Relating To Claims To Land And Partition Of Joint Holdings :-

1[(1) The Assistant Consolidation Officer shall--

- (i) where objections in respect of claims to land or partition of joint holdings are filed, after hearing the parties concerned; and
- (ii) where no objections are filed, making such enquiry as he may deem necessary;

settle the disputes, correct the mistakes and effect partition as far as may be by consolidation between the parties appearing before him and pass orders on the basis of conciliation:

2[Provided that where the Assistant Consolidation Officer, after making such enquiry as he may deem necessary, is satisfied that a case of succession is undisputed, he shall dispose of the case on the basis of such enquiry.]

(2) All cases which are not disposed of by the Assistant Consolidation Officer under sub-section (1), all cases relating to valuation of plots and all cases relating to valuation of trees, wells or other improvement, for calculating compensation therefor, and its appointment amongst co-owners, if there be more owners than one, shall be forwarded by the Assistant Consolidation Officer to the Consolidation Officer, who shall dispose of the same in the manner prescribed.

(3) The Assistant Consolidation Officer, while acting under sub-section (1) and the Consolidation Officer, while acting under sub-section (2), shall be deemed to be a court of competent jurisdiction, anything to the contrary contained in any other law for the time being in force notwithstanding.]

1. Inserted by Section 9 of Amendment Act No. VIII of 1963.

2. Inserted by U.P. Act 30 of 1991. vide Section 8 (w.e.f. 19-2-1991).

9B. Disposal Of Objections On The Statement Of Principles

:-

1[(1) Where objection have been filed against the Statement of Principles under Section 9, the Assistant Consolidation Officer shall, after affording opportunity of being heard to the parties concerned and after taking into consideration the views of the Consolidation Committee, submit his report to the Consolidation Officer, who shall dispose of the objections in the manner prescribed.

(2) Where no objections have been filed against the Statement of Principles within the time provided therefor under Section 9, the Consolidation Officer shall, with a view to examining its correctness, make local inspection of the unit, after giving due notice to the Consolidation Committee, and may thereafter make such

modifications or alterations in the Statement of Principles as he may consider necessary.

(3) Any person aggrieved by an order of the Consolidation Officer under sub-section (1), or sub-section (2), may, within 21 days of the date of the order, file an appeal before the Settlement Officer, Consolidation whose decision, except as otherwise provided by or under this Act, shall be final.

(4) The Consolidation Officer and the Settlement Officer, Consolidation shall, before deciding an objection or an appeal, make local inspection of the unit after giving due notice to the parties concerned and the Consolidation Committee.]

1. Inserted by Section 9 of Amendment Act No. VIII of 1963.

9C. Partition Of The Joint Holdings :-

1[(1) The Assistant Consolidation Officer, or the Consolidation Officer, may partition joint holding under Section 9-A, notwithstanding anything to the contrary contained in Section 178 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (U.P. Act No. 1 of 1951), or any other law, and may also partition the same suo motu.

(2) The partition of joint holdings shall be effected on the basis of shares, provided that where the tenure-holders concerned agree, it may be effected on the basis of specific plots.]

1. Inserted by Section 9 of Amendment Act No. VIII of 1963.

10. Preparation And Maintenance Of Revised Annual Registers :-

1[(1) The annual register shall be revised on the basis of the orders passed under sub-section (1) and sub-section (2) of Section 9-A. It shall thereafter be prepared in the form prescribed and published in the unit.

(2) Where any entry in the annual register, published under sub-section (1), is modified in pursuance of an order passed under this Act or under any other law, a reference to the order along with an extract of its operative portion shall be noted against the said entry.]

1. Substituted by Section 10 of Amendment Act No. VIII of 1963.

11. Appeals :-

1[(1) Any party to the proceedings under Section 9-A aggrieved by

an order of the Assistant Consolidation Officer or the Consolidation Officer under that section, may within 21 days of the date of the order, file an appeal before the Settlement Officer, Consolidation, who shall, after affording opportunity of being heard to the parties concerned, give his decision thereon which, except as otherwise provided by or under this Act, shall be final and not be questioned in any court of law.

(2) The Settlement Officer, Consolidation, hearing an appeal under sub-section (1) shall be deemed to be a court of competent jurisdiction, anything to the contrary contained in any law for the time being in force notwithstanding.]

1. Substituted by Section 10 of Amendment Act No. VIII of 1963.

11A. Bar Of Objections :-

1[No question in respect of--

(i) claims to land;

(ii) partition of joint holdings; and

(iii) valuation of plots, trees, wells and other improvements, where the question is sought to be raised by a tenure-holder of the plot or the owner of the tree, well or other improvements recorded in the annual register under Section 10,

relating to the consolidation area, 2[which has been raised under section 9 or which might or ought to have been raised under that section] but has not been so raised, shall be raised, or heard at any subsequent stage of the consolidation proceedings.]2

1. Substituted by Section 12 of U.P. Act No. VIII of 1963.

2. Substituted by U.P. Act No. 4 of 1969, vide Section 24 (w.e.f. 1-9-1969).

11B. Section 11B :-

1[* * *]

1. First Inserted by U.P. Act 38 of 1958, then by Section 13 of Amendment Act No. VIII of 1963 and now Omitted by Amendment Act No. VIII, 1963, Section 13.

11C. Section 11C :-

1[In the course of hearing of an objection under Section 9-A or an appeal under Section 11, or in proceedings under Section 48, the Consolidation Officer, the Settlement Officer (Consolidation) or the Director of Consolidation, as the case may be, may direct that any

land which vests in the State Government or the Gaon Sabha or any other local body or authority may be recorded in its name, even though no objection, appeal or revision has been filed by such Government, Gaon Sabha, body or authority.]

1. Inserted by Act 35 of 1974.

12. Decision Of Matters Relating To Changes And Transactions Affecting Rights Or Interests Recorded In Revised Records :-

1[(1) All matters relating to changes and transfers affecting any of the rights or interests recorded in the revised records published under sub-section (1) of Section 10 for which a cause of action had not arisen when proceedings under Sections 7 to 9 were started or were in progress, may be raised before the Assistant Consolidation Officer as and when they arise, but not later than the date of notification under Section 52 or under sub-section (1) of Section 6.

(2) The provisions of Sections 7 to 11 shall mutatis mutandis, apply to the hearing and decision of any matter raised under sub-section (1) as if it were a matter raised under the aforesaid sections.]

1. Substituted by Section 14 of Amendment Act No. VIII of 1963.

12A. Assessment Of Land Revenue On New Holdings And Distribution Of Revenue On Parts Of Holdings :-

(1) Notwithstanding anything contained in the U.P. Zamindari Abolition and Land Reforms Act, 1950, the Settlement Officer, Consolidation, may subject to the rules made in this behalf--

(a) determine the amount of land revenue payable by a tenure-holder on land on which he acquires rights as a result of orders passed under1[* * *] this Act; and

(b) where necessary, also determine the amount of land revenue payable in respect of a portion of the tenure-holders holding.

(2) In assessing the amount of the land revenue payable under sub-section (1), the provisions of the U.P. Zamindari Abolition and Land Reforms Act, 1950 and the rules made thereunder shall mutatis mutandis apply.

1. The words and figures "Sections 7 to 11 and 12 or have been Omitted by Section 15 of Amendment Act No. VIII of 1963.

12B. Section 12B :-

1[* * *]

1. Omitted by Section 16 of Amendment Act No. VIII of 1963.

12C. Section 12C :-

1[* * *]

1. Omitted by Section 16 of Amendment Act No. VIII of 1963.

12D. Amalgamation Of Holdings :-

1[Two or more tenure-holders may, at any time, before the publication of the revised annual register under sub-section (1) of Section 10, apply to the Consolidation Officer to amalgamate their holdings of like tenure on such terms as may be agreed upon between them. The Consolidation Officer may, if the proposed amalgamation is in the interest of Consolidation, give after to the same.]

1. Substituted by Section 17 of Amendment Act No. VIII of 1963.

CHAPTER 3 PREPARATION OF CONSOLIDATION SCHEME

13. Section 13 :-

1[* * *]

1. Omitted by U.P. Act No. VIII of 1963.

13A. Section 13A :-

1[* * *]

1. Omitted by U.P. Act No. VIII of 1963.

13B. Section 13B :-

1[* * *]

1. Omitted by U.P. Act No. VIII of 1963.

13C. Section 13C :-

1[* * *]

1. Omitted by U.P. Act No. VIII of 1963.

13D. Section 13D :-

1[* * *]

1. Omitted by U.P. Act No. VIII of 1963.

14. Section 14 :-

1[* * *]

1. Omitted by U.P. Act No. VIII of 1963.

15. Section 15 :-

1[* * *]

1. Omitted by U.P. Amendment Act No. XXXVIII of 1958.

16. Section 16 :-

1[* * *]

1. Omitted by U.P. Act No. VIII of 1963.

16A. Section 16A :-

1[* * *]

1. Omitted by U.P. Amendment Act No. XXXVIII of 1958.

16B. Section 16B :-

1[* * *]

1. Omitted by U.P. Amendment Act No. XXXVIII of 1958.

17. Section 17 :-

1[* * *]

1. Omitted by U.P. Act No. VIII of 1963.

18. Section 18 :-

1[* * *]

1. Omitted by U.P. Act No. VIII of 1963.

19. Conditions To Be Fulfilled By A Consolidation Scheme :-

1[(1) A Consolidation Scheme shall fulfill the following conditions, namely,--

(a) the rights and liabilities of a tenure-holder, as recorded in the annual register prepared under Section 10, are, subject to the deductions, if any, made on account of contributions to public purposes under this Act, secured in the lands allotted to him;

(b) the valuation of plots allotted to a tenure-holder, subject to deductions, if any, made on account of contributions to public purposes under this Act, in equal to the valuation of plots originally

held by him:

Provided that, except with the permission of the Director of Consolidation, the area of the holding or holdings allotted to a tenure-holder shall not differ from the area of his original holding or holdings by more than twenty-five per cent of the latter;

(c) the compensation determined under the provisions of this Act. or the rules framed thereunder, is awarded--

(1) to the tenure-holder--

(i) for trees, wells and other improvements, originally held by him and allotted to another tenure-holder; and

(ii) for land contributed by him for public purposes;

(2) to the Gaon Sabha, or any other local authority, as the case may be, for development, if any, effected by it in or over land belonging to it and allotted to a tenure-holder;

(d) the principles laid down in the Statement of Principles are followed;

(e) every tenure-holder is, as far as possible, allotted a compact area at the place where he holds the largest part of his holding:

Provided that no tenure-holder may be allotted more chaks than three, except with the approval in writing of the Deputy Director of Consolidation;

(f) every tenure-holder is, as far as possible, allotted the plot on which exists his private source of irrigation or any other improvement, together with an area in the vicinity equal to the valuation of the plots, originally held by him there; and

(g) every tenure-holder is, as far as possible, allotted chaks in conformity with the process of rectangulation in rectangulation units.

(2) A Consolidation Scheme before it is made final under Section 23, shall be provisionally drawn up in accordance with the provisions of Section 19-A.]

1. Substituted by Section 19 of Amendment Act No. VIII of 1963.

19A. Preparation Of Provisional Consolidation Scheme By The Assistant Consolidation Officer :-

1[(1) The Assistant Consolidation Officer shall in consultation with the Consolidation Committee, prepare in the form prescribed a Provisional Consolidation Scheme for the unit.

(2) Notwithstanding anything contained in this Act, the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, or any other law for the time being in force, it shall be lawful for the

Assistant Consolidation Officer where in his opinion it is necessary or expedient so to do, to allot to a tenure-holder, after determining its valuation, 2[any land belonging to the State Government, or] any land vested in the Gaon Sabha, or any other local authority, as a result of notification issued under Section 117 or 117-A of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (U.P. Act 1 of (1950):

Provided that where any such land is used for a public purpose, it shall be allotted only after the Assistant Consolidation Officer has declared in writing that it is proposed to transfer the rights of the public as well as of all individuals in or over that land to any other land specified in the declaration and earmarked for that purpose in the Provisional Consolidation Scheme.]

1. Inserted by Section 20 of Amendment Act No. VIII of 1963.

2. Inserted U.P. Act 30 of 1991, vide Section 9 (w.e.f. 19-2-1991).

20. Publication Of The Provisional Consolidation Scheme And Receipt Of Objections Thereon :-

1[(1) Upon the preparation of the Provisional Consolidation Scheme, the Assistant Consolidation Officer shall send, or cause to be sent, to the tenure-holders concerned and persons interested, notice containing relevant extracts therefrom. The Provisional Consolidation Scheme shall, thereafter, be published in the unit.

(2) Subject to the provisions contained in Section 11-A, any person to whom notice has been sent under sub-section (1), and any other person affected by the Provisional Consolidation Scheme, disputing the propriety or correctness of the entries in the Provisional Consolidation Scheme, or in the extracts furnished therefrom, may, within fifteen days of the receipt of the notice, or of the date of publication of the Provisional Consolidation Scheme, as the case may be, file an objection before the Assistant Consolidation Officer or the Consolidation Officer.

(3) Any person affected, or any person having any interest or right, in addition to the right of public highway, in or over any public land, or having other interest or right which is substantially prejudiced by the declaration made under sub-section (2) of Section 19-A, may within fifteen days after the publication of the Provisional Consolidation Scheme, file any objection before the Assistant Consolidation Officer or other Consolidation Officer stating the nature of such interest or right.]

1. Substituted by U.P. Amendment Act No. VIII of 1963.

21. Disposal Of Objections To The Provisional Consolidation Scheme :-

(1) All objections received by the Assistant Consolidation Officer shall, as soon as may be, after the expiry of the period of limitation prescribed thereof, be submitted by him to the Consolidation Officer, who shall dispose of the same, as also the objection received by him, in the manner hereinafter provided, after notice to the parties concerned and the Consolidation Committee.

(2) Any person, aggrieved by the order of the Consolidation Officer under sub-section (1) may, within 1[15] days of the date of the order, file an appeal before the Settlement Officer, Consolidation, whose decision shall, except as otherwise provided by or under this Act, be final.

2[(3) The Consolidation Officer shall, before deciding the objections, and the Settlement Officer, Consolidation, may, before deciding an appeal make local inspection of the plots in dispute after notice to the parties concerned and the Consolidation Committee.

(4) If, during the course of the disposal of an objection or the hearing of an appeal. Consolidation Officer or the Settlement Officer, Consolidation, as the case may be, is of the opinion that material injustice is likely to be caused to a number of tenure-holders in giving effect to the Provisional Consolidation Scheme, as prepared by the Assistant Consolidation Officer, or as subsequently modified by the Consolidation Officer, as the case may be, and that a fair and proper allotment of land to the tenure-holders of the units is not possible without revising the Provisional Consolidation Scheme, or getting a fresh one prepared, it shall be lawful, for reasons to be recorded in writing for--

(i) the Consolidation Officer to revise the Provisional Consolidation Scheme, after giving opportunity of being heard to the tenure-holders concerned, or to remand the same to the Assistant Consolidation Officer, with such directions as the Consolidation Officer, may consider necessary; and

(ii) the Settlement Officer, Consolidation, to revise the Provisional Consolidation Scheme, after giving opportunity of being heard to the tenure-holders concerned or to remand the same to the Assistant Consolidation Officer, or the Consolidation Officer, as the Settlement Officer, Consolidation, may think fit, with such directions as he may consider necessary.]

(5) 3[* * *]

(6) 3[* * *]

1. Substituted for the figure "21" by Section 22 of Amendment Act No. VIII of 1963.
2. Substituted by Section 22 of Amendment Act No. VIII of 1963.
3. Sub-sections (S) and (6) of Sections 21 have been Omitted by Section 22 of Amendment Act No. VIII of 1963.

22. Section 22 :-

1[* * *]

1. Omitted by Section 23 of Amendment Act No. VIII of 1963 (w.e.f. 8-3-1963).

23. Confirmation Of The Provisional Consolidation Scheme And The Issue Of The Allotment Orders :-

1[(1) The Settlement Officer, Consolidation, shall confirm the Provisional Consolidation Scheme--

(a) if no objections are filed within the time specified in Section 20; or

(b) where such objections are filed, after such modifications, or alterations, as may be necessary in view of the orders passed under sub-sections (1) to (4) of Section 21.

(2) The Provisional Consolidation Scheme so confirmed shall be published in the unit and, except as otherwise provided by or under this Act, shall be final.

(3) (i) Where the allotments made under Section 19-A are not modified under Section 21 and are confirmed under sub-section (1), the extract contained in the notice issued under Section 20, shall, [except as provided by or under this Act] be treated as final allotment orders for the tenure-holders concerned.

(ii) In cases not covered by clause (i), revised extract specifying the modified allotments, as confirmed under sub-section (1), shall be issued by--

(a) the Consolidation Officer, where the allotments are not modified by the Settlement Officer, Consolidation; and

(b) by the Settlement Officer, Consolidation, where he has modified the allotments,

and the same shall 2[except as otherwise provided by or under this Act] be the final allotment orders for the tenure-holders concerned.]

1. Substituted by Section 24 of Amendment Act No. VIII of 1963.

2. Inserted by Section 46 of Land Laws (Amendment) Act 12 of

1965 (w.e.f. 18-6-1965).

CHAPTER 4 ENFORCEMENT OF THE SCHEME

24. Possession And Accrual Of Compensation For Tree, Etc.

:-

(1) The Settlement Officer, Consolidation, shall fix the date to be notified in the unit, from which the 1[Final Consolidation Scheme] shall come into force. On and after the said date a tenure-holder shall be entitled to enter into possession of the plots allotted to him.

(2) On and from the date of obtaining possession every tenure-holder getting tree, wells and other improvements existing on the plots allotted to him in pursuance of the enforcement of the 1[final consolidation scheme] shall be liable 1[for the payment of], any pay to the former tenure-holder thereof, compensation for the trees, wells and other improvements, allotted to him, to be determined in the manner hereinafter provided.

1. Substituted by Section 25 of Amendment Act No. VIII of 1963.

25. Section 25 :-

1[* * *]

1. Omitted by U.P. (Amendment) Act No. XXXVIII of 1958.

26. Section 26 :-

1[* * *]

1. Omitted by U.P. (Amendment) Act No. XXXVIII of 1958.

26A. Section 26A :-

1[* * *]

1. Omitted by U.P. (Amendment) Act No. XXXVIII of 1958.

27. New Revenue Records :-

1[(1) As soon as may be, after the final Consolidation Scheme has come into force, the District Deputy Director of Consolidation shall cause to be prepared for each village, a new map, field-book and record of rights in respect of the consolidation area, on the basis of the entries in the map, as corrected under Section 7, the khasra chakbandi, the annual register prepared under Section 10 and the allotment orders as finally made and issued in accordance with the

provisions of this Act. The provision of the U.P. Land Revenue Act, 1901 (U.P. Act III of 1901), shall subject to such modifications and alterations as may be prescribed, be followed in the preparation of the said map and records].

2[(2) All entries in the records of rights prepared in accordance with the provisions of sub-section (1) shall be presumed to be true until the contrary is proved.

(3) After the issue of notification under Section 52, the Collector shall, instead of the map, filed-book and record of rights previously maintained by him, maintain the map, field-book and record of rights prepared in accordance with the provisions of subsection (1) [and the provisions of U.P. Land Revenue Act, 1901, relating to the maintenance and correction of such map, field-book and record-of-rights shall mutatis mutandis apply.]

1. Substituted by U.P. (Amendment) Act No. VIII. 1963.

2. Substituted by Section 27 of Land Laws (Amendment) Act XII of 1965, dated 8-9-1965.

28. Delivery Of Possession :-

1[(1) The Assistant Consolidation Officer, on the application of the tenure-holder or the Land Management Committee, to whom chak or lands have been allotted under the Final Consolidation Scheme, 2[may, and where any land has been allotted to the State Government shall, without any application of the State Government, within six months of the date on which the said Scheme has come into force, put the tenure-holder or the Land Management Committee or the State Government, as the case may be, in actual physical possession of the allotted chak or lands], and for so doing shall have all the powers, including powers as regards contempt, resistance and the like as are exercisable by a civil court in execution of a decree for delivery of possession of immovable property:

Provided that the delivery of possession as aforesaid shall not affect the right of the person from whom possession is transferred to tend and gather the crops standing on such chaks or land or part thereof, on the date of the delivery, unless the Assistant Consolidation Officer decides, for reasons to be recorded, that the possession over the crop also shall be delivered:

Provided further that the person tending and gathering the standing crop, in accordance with the first proviso, shall be liable to pay to the persons who has been allotted the chak or lands,

compensation for the use of the land at such rate and in such manner as may be prescribed.

(2) On the expiry of six months from the date on which a tenure-holder or Land Management Committee 3[or the State Government] became entitled to enter into possession of the chak or lands allotted, whether before or after the coming into force of the Uttar Pradesh Consolidation of Holdings (Amendment) Act, 1962. or on the expiry of six months from the date of the coming into force of that Act, whichever is later, the tenure-holder or the Land Management Committee, 3[or the State Government] as the case may be, shall unless possession has been obtained earlier, be deemed to have entered into actual physical possession of the allotted chak or lands:

Provided that the fact that a tenure-holder or Land Management Committee 3[or the State Government] has thus entered into possession shall not affect the right of the person from whom possession is deemed to have been transferred to tend and gather the crop standing on the chak or lands, or part thereof, on the date of the expiry of the period of six months aforesaid].

1. Substituted by U.P. Act 34 of 1974.

2. Substituted by U.P. Act, 30 of 1991, vide Section 10 (a) (w.e.f. 19-2-1991), for the words "may, within six months of the date on which the said Scheme has come into force, put the tenure-holder or the Land Management Committee, as the case may be, in actual physical possession of the chak or lands allotted to the applicant."

3. Inserted by U.P. Act 30 of 1991, vide Section 10 (b) (w.e.f. 19-2-1991).

29. Compensation :-

(1) Where possession over standing crops is also delivered under Section 28, the Assistant Consolidation Officer shall determine in the manner prescribed the compensation payable in respect of such crops by the tenure-holder put in possession.

1[(1-A) Any person aggrieved by an order under sub-section (1) may, within fifteen days of the date of the order, prefer an appeal before the Consolidation Officer, whose decision thereon shall be final.]

(2) 2[* * *]

(3) 2[* * *]

1. Inserted by Section 28 of Amendment Act No. VIII of 1963.

2. Sub-sections (2) and (3) of Section 29 have been Omitted by

Act No. XXIV of 1956 (w.e.f. 3-7-1956).

29A. Recovery Of Compensation :-

(1) Where a tenure-holder from whom compensation is recoverable under this Act, fails to pay the same within the period prescribed therefor, the person entitled to receive it, may in addition to any other mode of recovery open to him, apply to the Collector within such time as may be prescribed to recover the amount due on his behalf as if it were an arrears of land revenue payable to Government.

(2) Where any compensation payable under this Act is not paid whether in whole or in part within three months of the date of obtaining possession under Section 24 or Section 28, as the case may be, interests at the rate of 6 per cent per annum shall be charged on the amount not so paid.

29AA. Reduction Of Land Revenue On Account Of Contribution Of Land For Public Purposes :-

1[(1) Where, as a result of contribution for public purposes under the provisions of Section 8-A, the area of the original holding of a tenure-holder is reduced, the land revenue payable for the holding shall be reduced by the Assistant Consolidation Officer in the same proportion as the area so contributed bears to the original total area of the holding, and the reduced land revenue shall be shown in the Provisional Consolidation Scheme.

(2) A tenure-holder aggrieved by the reduction made under subsection (1) may, within fifteen days of the date of publication of the Provisional Consolidation Scheme under section 20, file an objection before the Assistant Consolidation Officer or the Consolidation Officer, for getting the reduction of the land revenue determined in accordance with the provisions of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (U.P. Act I of 1951).]

1. Inserted by Section 29 of Amendment Act No. VIII of 1963.

29B. Compensation For Land Contributed By Tenure-Holders For Public Purposes :-

1[(1) (a) Every tenure-holder, any part of whose holding has been contributed for public purposes under this Act, shall be paid for the land so contributed, compensation equal to--

(i) in the case of the land of a 2[bhumidhar with transferable

rights], four times; and

(ii) in the case of the land of a 3[bhumidhar with non-transferable rights], two times of the land revenue reduced under Section 29-AA.

(b) In the case of trees, wells and other improvements, falling within the land so contributed, the amount of compensation shall be determined in accordance with the provisions of Section 19.

(2) The compensation payable to a tenure-holder shall, after adjustment of the cost of operations under this Act, if any, be paid to him in cash.

(3) Where any land, in respect of which compensation is paid under sub-section (1) is in the occupation of an asami, there shall be paid to the asami, out of the compensation payable to the 4[bhumidhar with transferable rights or bhumidhar with non-transferable rights], as the case may be, an amount equal to 5 per cent of such compensation in respect of the right, title and interest of the asami therein.]

1. Substituted by Section 30 of Amendment Act No. VIII of 1963.

2. Substituted by U.P. Act 30 of 1991], vide Section 11 (a) (i) for the words "bhumidhar" (w.e.f. 19-2-1991).

3. Substituted by U.P. Act 30 of 1991, vide Section 11(a) (ii), for the word "sirdar" (w.e.f. 19-2-1991).

4. Substituted by U.P. Act 30 of 1991], vide Section 11 (b) (w.e.f. 19-2-1991), for the words "bhumidhar or sirdar".

29C. Vesting Of Land Contributed For Public Purposes :-

1[(1) The land contributed for public purposes under this Act shall, with effect from the date on which the tenure-holders became entitled to enter into possession of the chaks allotted to them under the provisions of this Act as amended from time to time, vest and be always deemed to have vested in the Gaon Sabha 2[in an area in which Section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 applies and in the State Government in any other area], and shall be utilised for the purpose for which it was earmarked in the final Consolidation Scheme, or in case of failure of that purpose, for each other purposes as may be prescribed.]

3[(2) The provisions of Section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (U.P. Act No. 1 of 1951) shall mutatis mutandis apply to such land 4[vested in the Gaon Sabha] as if the land had vested in the Gaon Sabha by virtue of a

declaration made by the State Government under sub-section (1) of that section and as if the declarations were made subject to the conditions respecting utilisation specified in sub-section (1) of this section.]

(3) 5[* * * *]

1. Substituted by Section 31 of Amendment Act No. VIII of 1963.
2. Inserted by U.P. Act 30 of 1991, vide Section 12 (a) (w.e.f. 19-2-1991).
3. Substituted by Act No. XXI of 1966. Section 3 (w.e.f. 26-8-1966).
4. Inserted by U.P. Act 30 of 1991, vide Section 12 (b) (w.e.f. 19-2-1991).
5. Omitted by Act No. XXI of 1966, Section 3 (w.e.f. 26-8-1966).

30. Consequences Which Shall Ensur On Exchange Of Possession :-

1[With effect from the date on which a tenure-holder enters, or is deemed to have entered into possession of the chak allotted to him, in accordance with the provisions of this Act, the following consequences shall ensue--

(a) the rights, title, interest and liabilities--

(i) of the tenure-holder entering, or deemed to have entered, into possession, and

(ii) of the former tenure-holder of the plots comprising the chak, in their respective original holdings shall ceases; and

(b) the tenure-holder entering into possession or deemed to have entered into possession, shall have in his chak the same rights, title, interests and liabilities as he had in the original holdings together with such other benefits of irrigation from a private source, till such source exists, as the former tenure-holder of the plots comprising the chak had in regard to them;

(c) land vested in the Gaon Sabha, or any local authority, and allotted to the tenure-holder shall be deemed to have been resumed by the State Government under the provisions of Section 117 or Section 117-A, as the case may be, of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (U.P. Act 1 of 1951), and settled with the tenure-holder;

(d) the rights of the public as well as all individuals in or over land included in a chak following a declaration made under the proviso to sub-section (2) of Section 19-A, shall cease and be in the land specified for the purpose in the final Consolidation Scheme; and

(e) the encumbrances, if any, upon the original holding or the tenure-holder entering, or deemed to have been entered, into possession, whether by way of lease, mortgage or otherwise, shall, in respect of that holding, cease, and be created on the holdings, or on such part thereof, as may be specified in the final Consolidation Scheme.

1. Substituted by Section 32 of Amendment Act No. VIII of 1963.

31. Section 31 :-

1[* * *]

1. Omitted by Section 33 of Amendment Act No. VIII of 1963.

32. Power To Transfer Holdings :-

1[A transfer, whether by exchange or otherwise, of rights, title, interest and liabilities of tenure-holders in their holdings, involved in giving effect to the final Consolidation Scheme affecting them shall, notwithstanding anything contained in the Uttar Pradesh Land Revenue Act, 1901 (U.P. Act III of 1901), and the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (U.P. Act 1 of 1951), be valid, and no tenure-holder or other person shall be entitled to object to or interfere with any such transfer.]

1. Substituted by Section 34 of Amendment Act No. VIII of 1963.

33. Costs :-

1[(1) The State Government shall fix the amount of costs of the operations conducted under the Act and shall recover from the tenure-holders of the unit such part thereof and in such manner as may be prescribed;] and

(2) If the State Government so decides, it may order that a specified amount be recovered in advance in the manner prescribed, as the first instalment of the costs of 2[the said operations.]

(3) Any amount payable as costs under this section shall be recoverable as arrears of land revenue.

1. Substituted by Section 35 of Amendment Act No. VIII of 1963.

2. Omitted by U.P. (Amendment) Act No. XXXVIII of 1958.

34. Section 34 :-

1[* * *]

1. Omitted by U.P. Act No. VIII of 1963.

35. Section 35 :-

1[* * *]

1. Omitted by U.P. Act No. VIII of 1963.

36. Section 36 :-

1[* * *]

1. Omitted by U.P. (Amendment) Act No. XXXVIII of 1958.

36A. Section 36A :-

1[* * *]

1. Omitted by U.P. (Amendment) Act No. XXXVIII of 1958.

CHAPTER 5 MISCELLANEOUS

37. Section 37 :-

1[* * *]

1. Omitted by U.P. (Amendment) Act No. XXXVIII of 1958.

38. Powers To Enforce Attendance Of Witnesses In Certain Matters :-

(1) The Director of Consolidation and Deputy Director of Consolidation, Settlement Officer, Consolidation Officer and Assistant Consolidation Officer shall have all such powers and rights, and privileges as are vested in a Civil Court on the occasion of any action, in respect of the following matters--

(a) the enforcing of the attendance of witnesses and examining them on oath, affirmation or otherwise and the issue of a commission or request to examine witnesses abroad;

(b) compelling any one for the production of any document;

(c) the punishing of a person guilty of contempt;

and a summon signed by such officer may be substituted for and shall be equivalent to any formal process capable of being issued in any action by a Civil Court for enforcing the attendance of witnesses and compelling the production of document.

(2) 1[* * *]

1. Omitted by U.P. (Amendment) Act No. XXXVIII of 1958.

39. Power For Production Of Documents, Etc. :-

(1) Subject to any conditions or restrictions that may be prescribed,

the Director of Consolidation, Deputy Director of Consolidation, Settlement Officer, Consolidation, Consolidation Officer or Assistant Consolidation Officer may, by written order, require any person to produce such documents, papers and registers or to furnish such information as he may deem necessary for the proper exercise of his powers or the proper discharge of his duties under this Act.

(2) Every person required to produce any document, paper or register or to furnish an information, under this section shall be deemed legally bound to do so within meaning of Sections 175 and 176 of the Indian Penal Code.

40. Proceedings Before Settlement Officer, Consolidation :-

Consolidation Officer and Assistant Consolidation Officer to be judicial proceedings

A proceeding before a Director of Consolidation, Deputy Director of Consolidation, Settlement Officer, Consolidation, Consolidation Officer and Assistant Consolidation Officer, shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 and for the purposes of Section 196 of the Indian Penal Code.

41. Application Of U.P. Land Revenue Act, 1901 :-

Unless otherwise expressly provided under this Act, the provisions of Chapters IX and X of the U.P. Land Revenue Act, 1901, shall apply to all proceedings including appeal and applications under this Act.

Section 41A - Affidavits

1[Affidavits to be filed in any proceedings under this Act, including an appeal or revision, shall be made in the same manner and conform to the same requirements as affidavits filed under the Code of Civil Procedure, 1908 and may be verified by any officer or other person appointed by the High Court under clause (b) or by an officer appointed by any other court under clause (c) of Section 139 of the said Code.]

1. Inserted by Act No. 31 of 1970.

42. Officers And Authorities :-

1[(1) The State Government may appoint such authorities and officers, and for such areas, as may be necessary, to give effect to the provisions of the Act.]

(2) The District Deputy Director of Consolidation may, subject to

such directions as the Director of Consolidation may issue from time to time, demarcate the circles to be assigned to Consolidation Lekhpals, Consolidation, and other authorities appointed for the district under sub-section (1).

1. Substituted by Section 37 of Amendment Act No. VIII of 1963.

42A. Correction Of Clerical Or Arithmetical Errors :-

Notwithstanding anything contained in any law for the time being in force, if the Consolidation Officer or the Settlement Officer, Consolidation, is satisfied that a clerical or arithmetical error apparent on the face of the record exists in any document prepared under any provision of this Act, he shall, either on his own motion or on the application of any person interested, correct the same.

43. Section 43 :-

1[* * *]

1. Omitted by Section 38 of Amendment Act No. VIII of 1963.

44. Delegation :-

The State Government may, by notification in the Official Gazette, and subject to such restrictions and conditions as may be specified in the notification--

(i) delegate to any officer or authority any of the powers conferred upon it by this Act, and

(ii) confer powers of the Director of Consolidation, Deputy Director, Consolidation, the Settlement Officer, Consolidation and the Consolidation Officer under this Act or the rules made thereunder, or any officer or authority.

44A. Powers Of Subordinate Authority To Be Exercised By A Superior Authority :-

Where powers are to be exercised or duties to be performed by any authority under this Act or the rules made thereunder, such powers or duties may also be exercised or performed by an authority superior to it.

45. Powers Of Officers To Enter Upon Land For Purposes Of Survey And Determination :-

The officers mentioned in this Act or any person acting under the

orders of any one of them may, in the discharge of any duty under this Act, enter upon and survey land and erect survey marks thereon and demarcate the boundaries thereof and do all other acts necessary for the proper performance of that duty.

45A. Penalty For Contravening Provisions Of Section 5 :-

(1) Any person contravening the provisions of Section 5 (c) (i) shall, on conviction by a court of competent jurisdiction, be liable to a fine not exceeding rupees one thousand.

(2) A transfer made in contravention of the provisions of Section 5 (c) (ii) shall not be valid or recognised; anything contained in any other law for the time being in force to the contrary notwithstanding.

46. Penalty For Destruction, Injury Or Removal Of Survey Or Boundary Marks :-

1(1) If any person destroys willfully or injures or removes without lawful authority a survey 2[or boundary] mark lawfully erected, he may be ordered by a Consolidation Officer to pay such compensation no exceeding 3[one thousand rupees] for each marks so destroyed, injured or removed, as may in the opinion of that officer be necessary to defray the expenses of restoring the same and of rewarding the person, if any, who gave information of the destruction, injury or removal.

(2) The orders for the payment of compensation under sub-section (1) shall not bar a prosecution under Section 435 of the Indian Penal Code.

1. Inserted by U.P. Act 30 of 1991, vide Section 13 (a) (w.e.f. 19-2-1991).

2. Inserted by U. P Act 30 of 1991, vide Section 13(b) (w.e.f. 19-2-1991).

3. Substituted by U.P. Act 30 of 1991, vide Section 13 (b), for the words "fifty rupees" (w.e.f. 19-2-1991).

47. Appeal Etc., To Be Allowed By Act :-

No appeal and no application for revision shall lie from any order passed under the provisions of this Act except as provided by or under this Act.

48. Revision And Reference :-

1[(1) The Director of Consolidation may call for and examine the record of any case decided or proceedings taken by any subordinate authority for the purpose of satisfying himself as to the regularity of the proceedings; or as to the correctness, legality or propriety of any order 2[other than interlocutory order] passed by such authority in the case of proceedings and may, after allowing the parties concerned an opportunity of being heard, make such order in the case of proceedings as he thinks fit

(2) Powers under sub-section (1) may be exercised by the Director of Consolidation also on a reference under sub-section (3).

(3) Any authority subordinate to the Director of Consolidation may, after allowing the parties concerned an opportunity of being heard, refer the record of any case or proceedings to the Director of Consolidation for action under sub-section (1).]

3[Explanation 4[(1)].--For the purposes of this section, Settlement Officers, Consolidation, Consolidation Officers, Assistant Consolidation Officers, Consolidator and Consolidation Lekhpals shall be subordinate to the Director of Consolidation]

5[Explanation (2).--For the purposes of this section the expression interlocutory order in relation to a case or proceedings, means such order deciding any matter arising in such case or proceeding or collateral thereto as does not have the effect of finally disposing of such case or proceeding].

6[Explanation (3).--The power under this section to examine the correctness, legality or propriety of any order includes the power to examine any finding, whether of fact or law, recorded by any subordinate authority, and also includes the power to re-appreciate any oral or documentary evidence.]

1. Substituted by Section 39 of Amendment Act No. VIII of 1963.

2. Inserted by U.P. Land Laws (Amendment) Act, 1982 (Act No. 20 of 1982), dated August 2, 1981

3. Inserted by the U.P. Land Laws (Amendment) Act No. 4 of 1969, vide Section 25.

4. Renumbered by U.P. Land Laws (Amendment) Act No. 20 of 1982.

5. Inserted by U.P. Land Laws (Amendment) Act No. 20 of 1982.

6. Inserted by U.P. Act No. 3 of 2002, vide Section 3 (deemed to have come into force on 10-11-1980).

48A. Special Provisions With Respect To Evacuee Property

:-

(1) Notwithstanding anything contained in the foregoing provisions of this Act--

(a) no decision of the Custodian of Evacuee Property (hereinafter in this section referred to as the Custodian), in relation to title to any land vested in him as evacuee property of the Administration of Evacuee Property Act, 1950, shall be called in question and varied or reversed by any officer or authority under this Act; and

(b) nothing in this Act shall be construed as requiring the Custodian to stay any proceedings in relation to title to any such land pending before him on the date of the coming into force of those provisions of this Act under which proceedings in relation to title to land are required to be stayed or as empowering the Consolidation Officer or any other officer or authority to refer for determination of any question of title in relation to such land involved in any proceedings before the Custodian on such date.

(2) Where as a result of consolidation operations in any village --

(a) lands, which are vested as evacuee property in the Custodian under this provision of the Administration of Evacuee Property Act, 1950, are included in holdings are not vested in the Custodian as evacuee property, such land shall, on and from the date of the coming into force of the Consolidation Scheme, cease to be so vested in the Custodian and the provisions of the said Act shall thereupon cease to apply in relation thereto; and

(b) in lieu of such lands, corresponding lands shall be included in holdings which are vested in the Custodian as evacuee property and such lands shall, on and from the date of the coming into force of the Consolidation Scheme be deemed to be evacuee property declared as such within the meaning of the aforesaid Act and be vested in the Custodian and the provisions of the said Act shall thereupon apply, so far as may be, in relation to such lands.

48B. Exchange Of Possession :-

(1) Where change of possession becomes necessary amongst tenure-holders including the Land Management Committee of the circle as a result of orders passed under 1[* * *] Section 48, it shall be lawful for them to exchange possession amongst themselves in accordance with such orders.

(2) Where change of possession cannot be effected by mutual arrangement, the Assistant Consolidation Officer shall elect delivery of possession to such tenure-holders and the Land Management Committee in accordance with the provisions of Section 28.

1. Omitted by Section 40 of Amendment Act No. VIII of 1963.

49. Bar To Civil Court Jurisdiction :-

Notwithstanding anything contained in any other law for the time being in force, the declaration and adjudication of rights of tenure-holders in respect of land by the lying in an area, for which a 1[notification] has been issued 2[under sub-section (2) of Section 4], or adjudication of any other right arising out of consolidation proceedings and in regard to which a proceeding could or ought to have been taken under this Act, shall be done in accordance with the provisions of this Act and no Civil or Revenue Court shall entertain any suit or proceeding with respect to rights in such land or with respect to any other matters for which a proceeding could or ought to have been taken under this Act:

3[Provided that nothing in this section shall preclude that Assistant Collector from initiating proceedings under Section 122-B of the Uttar Pradesh Zamindari 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].

1. Substituted by Section 41 of Amendment Act No. VIII of 1963

2. Substituted by Section 48 of U.P. Land Laws (Amendment) Act 12 of 1965. dated 18-6-1965.

3. Inserted by U.P. Land Laws (Amendment) Act No. 20 of 1982. dated 20-8-1982.

49A. Protection Of Action Taken Under This Act And Rules Made Thereunder :-

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or rules made thereunder.

50. Exemption From Court-Fee :-

No court-fee shall be payable on any application made or any document filed, with the exception of a Vakalatnama in a suit or proceedings under the provisions of this Act.

51. Instrument Not Necessary To Effect Transfer :-

1[Notwithstanding anything contained in any other law for the time being in force, no instrument in writing shall be necessary for

effecting a transfer of holdings involved in giving effect to a final Consolidation Scheme nor shall any such instrument, if executed, required registration.]

1. Substituted by Section 42 of Amendment Act No. VIII of 1963.

52. Close Of Consolidation Operations :-

(1) As soon as may be after fresh maps and records have been prepared¹[under sub-section (1) of Section 27], the State Government shall issue a notification in the official Gazette that the consolidation operation have been closed in the unit and village or villages forming part of the unit shall then cease to be under consolidation operations:

2[Provided that the issue of the notification under this section shall not affect the powers of the State Government to fix, distribute and recover the cost of operations under this Act.]

3[(1-A) The notification issued under sub-section (1) shall be published also in a daily newspaper having circulation in the area and in such other manner as may be considered proper].

2[(2) Notwithstanding anything contained in sub-section (1), any order passed by a Court of competent jurisdiction in cases of writs filed under the provisions of the Constitution of India, or in cases of proceedings pending under this Act on the date of issue of the notification under sub-section (1), shall be given effect to by such authorities as may be prescribed and the consolidation operation shall, for that purpose, be deemed to have not been closed.]

4[(3) Where the allotment or lease of any land made before the consolidation scheme becomes final under Section 23, is cancelled by an order under sub-section (4) of Section 198 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and such order becomes final, then notwithstanding anything contained in the provisions of this Act, such order shall be given effect to any such authorities as may be prescribed, in the following manner and the consolidation operation shall, for the purpose, be deemed to have not closed, namely,--

(a) the value of the land which was the subject-matter of such allotment or lease shall first be ascertained in the manner prescribed;

(b) the value referred to in clause (a) shall be deducted from the total value of land allotted to the tenure-holder concerned during consolidation proceedings;

(c) the tenure-holder shall be entitled, during consolidation

proceeding, to land equivalent in valuation to the said land.]

1. Substituted by Section 49 of UP. Land Laws (Amendment) Act 12 of 1965.
2. Inserted by Section 43 of Amendment Act No. VIII of 1963.
3. Inserted by U.P. Act 30 of 1991. Vide Section 14 (w.e.f. 19-2-1991).
4. Inserted by U.P. Act No. 35 of 1976 (w.e.f. 15-6-1976).

52A. Special Provisions For Chak Roads Or Chak Guls :-

1[(1) In the case of a unit in relation to which a notification under sub-section (1) of Section 52 has been issued before the commencement of the Uttar Pradesh Consolidation of Holdings (Amendment) Act, 1970, the Collector may, if he is of opinion that there exists no provisions or inadequate provisions of Chak Roads or Chak Guls in the unit and shall, if a representation in that behalf be not less than ten per cent of the total number of tenure-holders is made to him within six months of the said commencement, proceed to take action under sub-section (2), anything to the contrary contained in Section 52 notwithstanding.

(2) The Collector shall cause a notice of the proposal to take action under this section and also of the representation, if any, received under sub-section (1) to be given in the unit by beat of drum and in such other manner, if any, as he thinks fit, and direct any Consolidation Officer to inspect the locality and take reasonable steps to ascertain the wishes of the tenure-holders, or, as the case may be, of such of them as have not joined in the representation, and to make such other inquiry into the matter as he thinks fit.

(3) Such Consolidation Officer shall make a report to the Collector on the advisability or otherwise of drawing up a plan making provision or, as the case may be, more adequate provision for Chak Roads or Chak Guls in the unit, and the Collector on being satisfied after considering such report that it is necessary or expedient so to do, shall cause a draft plan to be prepared.

(4) The Assistant Consolidation Officer shall thereupon, after ascertaining informally the wishes of as many tenure-holders of the unit as he considers practicable, prepare a draft plan in the prescribed form proposing such provision or additional provision of Chak Roads or Chak Guls as may be necessary. In preparing the draft plan the Assistant Consolidation Officer shall have regard to the following principles, namely:--

(a) That as far as practicable, provision of Chak Roads and Chak

Guls should be made primarily by utilising land vested in the Gaon Sabha and secondarily out of land held by those tenure-holders whose Chaks are connected with the proposed Chak Roads or Chak Guls, and in the last resort, out of any other land;

(b) The re-arrangement of Chaks should be made only to the extent it is really necessary for making provision of Chak Roads and Chak Guls with the minimum possible dislocation in the Consolidation Scheme already confirmed.

(5) The draft plan prepared under sub-section (4) shall be published in the prescribed manner.

(6) Any person affected by the draft plan may, within 15 days from the date of such publication, file an objection in writing before the Consolidation Officer.

(7) (a) The Consolidation Officer shall dispose of all objections after notice to the parties concerned.

(b) Any person aggrieved by the order of the Consolidation Officer under clause (a) may within 15 days from the date of the order file an appeal before the Settlement Officer, Consolidation, whose decision thereon shall be final.

(c) Before deciding the objections under clause (a) the Consolidation Officer, and before deciding the appeal under clause (b), the Settlement Officer, Consolidation, may make a local inspection of the site in dispute after notice to the parties concerned.

(d) It shall be lawful, for reasons to be recorded in writing, for the Consolidation Officer under clause (a) and the Settlement Officer, Consolidation, under clause (b) to modify the draft plan in accordance with the principles specified in sub-section (4) and for the Settlement Officer, Consolidation, to remand the same either to the Consolidation Officer or to the Assistant Consolidation Officer with such directions as he thinks fit.

(8) The Settlement Officer, Consolidation, shall confirm the plan --

(a) if no objections are filed within the time specified in sub-section (6); or

(b) where such objections are filed, after such modifications or alterations as may be necessary in view of the orders passed on objection and appeal under subsection (7).

(9) The plan confirmed under sub-section (8) shall be published in the unit in the prescribed manner and shall come into force on the date of such publication and thereupon the Consolidation Scheme and the allotment orders made final under section 23 shall stand amended to the extent indicated in the plan, and fresh allotment

orders shall be issued by the Settlement Officer, Consolidation accordingly.

(10) The provisions of Chapter IV shall mutatis mutandis apply in relation to the said plan as they apply in relation to the final Consolidation Scheme, and for the purposes of application of Chapter IV, land contributed for Chak Roads and Chak Guls provided under this section shall be deemed to be land contributed for public purposes under Section 8-A.]

1. Inserted by U.P. Act No. 31 of 1970, vide Section 3 (w.e.f. 16-9-1970.)

53. Mutual Exchange Of Chaks Between Tenure-Holders :-

It shall be lawful for the Settlement Officer, Consolidation, at any stage of the consolidation proceedings but before the preparation of the final records under Section 27, to allow mutual exchange of chaks or part thereof 1[by agreement] between the tenure-holders, where he is satisfied that the exchange will improve the shape of chaks, or reduce their number and generally lead to greater satisfaction amongst them.

1. Inserted by Section 44 of Amendment Act No VIII of 1963.

53A. Recognition Of Consolidation Scheme Prepared By Tenure-Holders :-

(1) The Deputy Director, Consolidation, may recognise a 1[Consolidation Scheme] in respect of a village, whether within or without a consolidation area prepared voluntarily by the tenure-holders of the village, where he is satisfied that it conforms to the broad principles of consolidation under the Act, and has the support of all the tenure-holders concerned and is otherwise fair to all concerned.

(2) The 1[Consolidation Scheme] recognised under sub-section (1) shall be deemed to have been prepared and confirmed under the provisions of this Act, and shall be enforced thereunder.

1. Substituted by Section 45 of Amendment Act No. VIII of 1963.

53B. Limitation :-

The provisions of Section 5 of the Indian Limitation Act, 1908 shall apply to the applications, appeals, revisions and other proceedings under this Act or the rules made thereunder.

54. Rules Making Powers :-

(1) The State Government 1[may by notification in the Gazette] make rules for the purposes of carrying into effect the provision of this Act.

(2) Without prejudice to the generality of foregoing power, such rules may provide for--

(a) the form of 2[notification] 3[under sub-section (2) of Section 4];

(b) the Constitution of the Consolidation Committee under clause (2-AA) of Section 3, determination of the terms of members of the Consolidation Committee and action to be taken on a vacancy occurring therein;

(c) the procedure for the disposal of suits and proceedings stayed under Section 5;

4[(cc) the conditions to be observed by the Settlement Officer (Consolidation) in granting permission referred to in clause (c) of sub-section (1) of Section 5, for transfer of holdings in this Consolidation area;]

(d) procedure relating to the revision of maps and records including declaration of rights, partition of joint holdings, valuation of plots, determination and apportionment of compensation for wells, trees and other improvements and the preparation and publication of the Statement of Principles under Sections 7 to 11 and 12; and

(e) the determination of land revenue over new holdings and distribution thereof on the portions of old holdings under Section 12-A;

5[(f) procedure relating to amalgamation of holdings under Section 12-D;

(g) the procedure and the manner relating to the preparation, publication and confirmation of the Consolidation Scheme under Sections 19-A, 21 and 23;

(h) the procedure and the manner of issue of allotment orders under Section 23];

(i) the procedure and the manner in which the view of the Consolidation Committee shall be obtained on matters specified for this purpose;

(j) the determination of the public purpose for which areas may be earmarked and the manner in which this shall be done;

(k) the matters relating to transfer of rights from the public land to other land earmarked for public purpose;

(l) the procedure for entering into possession under Sections 24 and 28;

- (m) the procedure and the manner for determination of compensation to be paid to, or recovered from any person under this Act;
- (n) the circumstances and the manner which shall be taken into consideration in distributing the cost of consolidation, including the proportion in which the distribution may be made;
- (o) the matters relating to the mode of service of notice or documents under this Act;
- (p) the procedure to be followed in all proceedings including applications and appeals under this Act;
- (q) the duties of any officer or authority having jurisdiction under this Act and the procedure to be followed by such officer and authority;
- (r) the time within which applications and appeals may be presented under this Act in cases for which no specific provision in that behalf has been made herein;
- (s) imposing limits of time within which things to be done for the purposes of the rules must be done, with or without powers to any authority therein specified to extend limits imposed;
- (t) the transfer of proceedings from one authority or officer to another; and
- (u) any other matter which is to be, or may be prescribed.

6[(3) All rules made under this section shall, as soon as may, after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of not less than thirty days comprised in its one session, or two or more successive sessions and shall, unless some later date is appointed, take affect from the date of their publication in the Gazette subject to such modifications or annulments as the two Houses of the Legislature may, during the said period agree to make so, however, that any such modification or annulment shall without prejudice to the validity of anything previously done thereunder.]

1. Substituted for the words "may make rules" by Section 47 of U.P. Land Laws (Amendment) Act No. 30 of 1975 (w.e.f. 19.8.1975).

2. Substituted by UP. Act VIII of 1963. vide Section 46 for "declaration".

3. Substituted by U.P. Act No. 12 of 1965 (w.e.f. 11-6-1965)

4. Inserted by U.P. Act No. 35 of 1976, dated 13-11-1976 and shall allowed always to have been inserted.

5. Substituted by section 46 of U.P. Act No. VIII of 1963.

6 Substituted for sub-sections (3),(4) and (5) by Section 47 of U.P.

Act No. 30 of 1975.