

Uttar Pradesh Imposition Of Ceiling On Land Holdings Act, 1960

1 of 1961

[24 December 1960]

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SCHEDULE 1 :- SCHEDULE I

**Uttar Pradesh Imposition Of Ceiling On Land Holdings Act,
1960**

1 of 1961

[24 December 1960]

An Act to provide for the imposition of ceiling on land holdings in Uttar Pradesh and certain other matters connected therewith Whereas it is necessary in the interests of the community to ensure increased agricultural production and to provide land for landless agricultural labourers and for other public purposes as best to subserve the common goods; And, whereas a more equitable distribution of land is essential; And, therefore, it is expedient to provide for the imposition of ceiling on land holdings in Uttar Pradesh for the aforementioned purposes; It is hereby enacted in the Eleventh Year of the Republic of India as follows : 1. Received the assent of the President of India on 24th December, 1960 and published in the U.P. Gazette (Extra.), dated 3rd January, 1961.

CHAPTER 1
PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960.

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

1[(3) It shall come into force at once except in the areas mentioned in Section 2, where it shall come into force from such date and in such manner as may be notified under that section, and different dates may be appointed for different areas.

1. In its application to transferred territories from Bihar, Sub-section (3) shall stand omitted, vide U.P. Act No. 52 of 1976 (w.e.f. 15-10-1976).

2. Application Of The Act To Certain Areas With Exceptions Or Modifications :-

The State Government may, by notification in the Official Gazette, apply the provisions of this Act, subject to such exceptions or modifications, not affecting the substance, as the circumstances of the case may require, to the areas mentioned below :

(i) the urban areas to which the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956, extends;

(ii) the 1[Kumaun and Garhwal Division] except the Kashipur Sub-division and such areas of Tarai and Bhabar Sub-division where no intermediaries exist; and

(iii) the Pargana of Jaunsar-Bawar in the Dehradun district.

1. Substituted by U.P. Act No. 20 of 1976 (w.e.f. 20-12-1968).

3. Definitions :-

1[In this Act, unless the context otherwise requires--

(1) 2[* * *]

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

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

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

3[(5) Corporation means a statutory corporation, that is to say, a corporation established by or under an Uttar Pradesh Act or a Central Act;]

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

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

(8) grove-land means any specific piece of land in a holding having trees not including 4[guava, papaya, banana or vine plants] planted thereon before January 24, 1971, in such numbers that they preclude, or when full grown will preclude, the land or any considerable portion thereof from being used primarily for any other purpose, and the trees on such land constitute a grove;

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

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

4[(11) irrigated land means land determined as such in the manner laid down in Section 4-A;]

5[(11-A) Adult means a person who has attained the age of 18 years, and minor means a person who is not an adult;]

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

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

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

(15) State irrigation work means a canal as defined in the Northern India Canal and Drainage Act, 1873, or a State Tube-well as defined in the United Provinces State Tube-wells Act, 1936, or lift irrigation work constructed, maintained or controlled by the State Government and operated by diesel or electric power for the supply of water from any perennial water source;

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

(17) tenure-holder means a person who is the holder of a holding but⁶[except in Chapter III] does not include--

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

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

(18) unirrigated land means any land other than ⁷[irrigated land, grove-land or usar land];

(19) University means a University established by law;

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

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

1. Substituted by U.P. Act No. 18 of 1973, Section 20 (w.e.f. 5-6-1973).

2. Omitted by U.P. Act No. 19 of 1975, Section 20 (w.e.f. 31-3-1975).

3. Substituted by U.P. Act No. 20 of 1976, Section 5(a) (w.e.f. 10-10-1975).

4. Substituted by U.P. Act No. 20 of 1976, Section 5(b) (w.e.f. 8-6-1973).

5. Substituted by U.P. Act No. 20 of 1976. Section 5(c) (w.e.f. 10-10-1975).

6. Inserted by U.P. Act No. 2 of 1975, Section 3(c) (w.e.f. 8-6-1973).

7. Substituted by U.P. Act. No. 2 of 1975, Section 3(d) (w.e.f. 8-6-1973).

4. Determination Of Area For Purposes Of Ceiling And Exemptions :-

1[For purposes of determining the ceiling area under Section 5 or any exemption under Section 6--

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

(ii) 2[one and one-half hectares of single crop land or two and a half hectares of any other un-irrigated land] in the following areas, namely--

(a) Bundelkhand;

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

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

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

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

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

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

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

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

shall count as one hectare of irrigated land.]

3[Explanation.--For the purposes of clause (ii), the expression single crop land means any un-irrigated land capable of producing only one crop in an agricultural year in consequence of assured irrigation from any State irrigation work or private irrigation work.

1. Substituted by U. P. Act No. 18 of 1973, Section 3, (w.e.f. 5-6-1973).

2. Substituted by U. P. Act No. 2 of 1975, Section 4(a), (w.e.f. 8-6-

1973).

3. Inserted by U. P. Act No. 2 of 1975, Section 4(b) (w.e.f. 8-6-1973).

4A. Determination Of Irrigated Land :-

1[The prescribed authority shall examine the relevant Khasras 2[such years as the State Government may notify in this behalf], the latest village map and such other records as it may consider necessary, and may also make local inspection where it considers necessary, and thereupon if the prescribed authority is of opinion :

firstly, (a) that, irrigation facility was available for any land in respect of any crop in any one of the aforesaid years, by--

(i) any canal included in Schedule No 1 of irrigation rates notified in Notification No. 1570-W-XXIII--62-W-1946, dated March 31, 1953, as amended from time to time;

or

(ii) any lift irrigation canal; or

(iii) any State tube-well or a private irrigation work; and

(b) that at least two crops were grown in such land in any one of the aforesaid years; or secondly, that irrigation facility became available to any land by a State Irrigation Work coming into operation subsequent to the enforcement of the Uttar Pradesh Imposition of Ceiling on Land Holdings(Amendment) Act, 1972 and at least two crops were grown in such land in any agricultural year between the date of such work coming into operation and the date of issue of notice under Section 10; or thirdly, (a) that any land is situated within the effective command area of a lift irrigation canal of a State tube-well or a private irrigation work; and

(b) that the class and composition of its soil is such that it is capable of growing at least two crops in an agricultural year;

then the Prescribed Authority shall determine such land to be irrigated land for the purposes of this Act.

Explanation I.--For the purposes of this section the expression effective command area means an area, the farthest field whereof in any direction was irrigated--

(a) in any of 3[such years as the State Government may notify in this behalf] or

(b) in any agricultural year referred to in the clause secondly.

Explanation II.--The ownership and location of a private irrigation work shall not be relevant for the purpose of this section.

Explanation III.--Where sugarcane crop was grown on any land in any of 3[such years as the State Government may notify in this behalf], it shall be deemed that two crops were grown on it in any of these years, and that the land is capable of growing two crops in an agricultural year.]

1. Inserted by U. P. Act No. 2 of 1975, Section 5 (w.e.f. 8-6-1973).

2. Substituted by U. P. Act No. 18 of 1992, Sch; Sl. No. 2, the words and figures "the years 1378 Fasli, 1379, 1379 Fasli and 1380 Fasli".

3. Substituted by U. P. Act No. 18 of 1992, the Sch. Sl. No. 2, for the words and figures "the years 1378 Fasli, 1379 Fasli and 1380 Fash"

CHAPTER 2

IMPOSITION OF CEILING ON LAND HOLDINGS, EXEMPTION AND ACQUISITION OF SURPLUS LAND

5. Imposition Of Ceiling :-

1[(1) 2[On and from the commencement of the Uttar Pradesh Laws (extension to Territories Transferred from Bihar) Act, 1976], no tenure-holder shall be entitled to hold in the aggregate throughout Uttar Pradesh, any land in excess of ceiling area applicable to him.

3[Explanation I.--In determining the ceiling-area applicable to a tenure-holders, all land held by him in his own right, whether in his own name, or ostensibly in the name of any other person, shall be taken into account.

Explanation II.--4[If on or before January 24, 1971, any land was held by a person who continues to be in its actual cultivatory possession and the name of any other person is entered in the annual register after the said date] either in addition to or to the exclusion of the former and whether on the basis of a deed of transfer or licence or on the basis of a decree, it shall be presumed, unless the contrary is proved to the satisfaction of the prescribed authority, that the first mentioned person continues to hold the land and that it is so held by him ostensibly in the name of the second mentioned person.]

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

(a) the Central Government, the State Government or any Local Authority or a Government Company or a Corporation ;

(b) a University ;

5[(c) an intermediate or degree college imparting education in agriculture or a post-graduate college;]

6[(d) bank as defined in clause (c) of Section 2 of the Uttar Pradesh Agricultural Credit Act, 19737, or a Co-operative Bank or a Co-operative Land Development Bank;]

(e) the Bhoodan Yagna Committee constituted under the U. P. Bhoodan Yagna Act, 19528.

(3) 9[Subject to the provisions of Sub-sections (4), (5), (6) and (7)] the ceiling area for purposes of Sub-section (1) shall be--

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

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

additional land which together with the land held by such adult son aggregates to two hectares, subject to a maximum of six hectares of such additional land.

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

(c) 10[* * *].

(d) 10[* * *]

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

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

(a) for purposes of determining whether an adult son of a tenure-holder is himself a tenure-holder within the meaning of 11[clause (a) or clause (b) of this sub-section].

(b) for purposes of service of notice under Section 9.

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

12[Provided that where a person immediately before his admission to the firm, co-operative society, or other society or association of person, held no land or an area of land less than the area proportionate to his aforesaid share then he shall be deemed to hold no share, or as the case may-be, only the lesser area in that holding, and the entire or the remaining area of the holding, as the case may be, shall be deemed to be held by the remainmg members in proportion to their respective shares in the firm, co-operative society, or other society or association of persons.]

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

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

(b) in any other case, it shall be governed by 13[clause (e)] of Sub-section (3).

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

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

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

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

14[Explanation I.--For the purposes of this sub-section, the expression transfer to land made after the twenty-fourth day of January, 1971, includes--

15[(a) a declaration of a person as a co-tenure-holder made after the twenty-fourth day of January, 1971 in a suit or proceeding irrespective of whether such suit or proceeding was pending on or was instituted after the twenty-fourth day of January, 1971];

(b) any admission, acknowledgment, relinquishment or declaration in favour of a person to the like effect, made in any other deed or instrument or in any other manner.]

16[Explanation II].--The burden of proving that a case falls within clause (b) of the proviso shall rest with the party claiming its benefit.

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

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

(a) 17[* * * *]

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

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

18[Explanation J.--If a suit is instituted after the said date for declaration that a partition of land has taken place on or before the said date, then such declaration shall be ignored and not be taken

into account, and it shall be deemed that no partition has taken place on or before the said date.]

16[Explanation II].--The burden of proving that a case falls within the first proviso shall rest with the party claiming its benefit.

19[(8) Notwithstanding anything contained in Sub-sections (6) and (7), no tenure-holder shall transfer any land held by him during the continuance of proceedings for determination of surplus land in relation to such tenure-holder and every transfer made in contravention of this sub-section shall be void.

Explanation.-- For the purposes of this sub-section, proceedings for, determination of surplus land shall be deemed to have commenced on the date of publication of notice under Sub-section (2) of Section 9 and shall be deemed to have concluded on the date when an order in relation to such tenure-holder is passed under Sub-section (1) of Section 11 or under Sub-section (1) of Section 12, or as the case may be, under Section 13.]

1. Substituted by U. P. Act No. 18 of 1973, Section 3, (w.e.f. 5-6-1973).

2. Substituted by U. P. Act No. 52 of 1976, Sch. Serial No. 1, for the words "on and from the commencement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972".

3. Inserted by U. P. Act No. 2 of 1975, Section 6 (w.e.f. 8-6-1973).

4. Substituted by U. P. Act No, 20 of 1976, Section 6 (w.e.f. 17-1-1975).

5. Substituted by U. P. Act No. 2 of 1975, Section 6(b) (w.e.f. 8-6-1973).

6. Substituted by U. P. Act No. 19 of 1975, Section 21 (w.e.f. 31-3-1975).

7. For this Act, please See Volume Ist of Pathaks U. P. Local Act at Page No. 111.

8. For this Act, please See Volume IInd of Pathaks U. P. Local Act at Page No. 423.

9. Substituted by U. P. Act No. 2 of 1975, Section 6(c) (i) (w.e.f. 8-6-1973).

10. Omitted by U. P. Act No. 2 of 1975, Section 6(c)(ii) (w.e.f. 8-6-1973).

11. Substituted by U. P. Act No. 2 of 1975, Section 6(c)(iii) (w.e.f. 8-6-1973).

12. Inserted by U. P. Act No. 2 of 1975, Section 6(d) (w.e.f. 8-6-1973).

13. Substituted by U. P. Act No. 2 of 1975, Section 6(e) (w.e.f. 8-6-1973).

14. Inserted by U. P. Act No. 2 of 1975, Section 6(f) (w.e.f. 8-6-1973).
15. Substituted by U. P. Act No. 20 of 1976 (w.e.f. 17-1-1975).
16. Renumbered by U. P. Act No. 2 of 1975 (w.e.f. 8-6-1973).
17. Omitted, by U. P. Act No. 20 of 1976 (w.e.f. 10-10-1975).
18. Inserted by U. P. Act No. 2 of 1975 (w.e.f. 8-6-1973).
19. Inserted by U. P. Act No. 20 of 1976 (w.e.f. 10-10-1975).

6. Exemption Of Certain Land From The Imposition Of Ceiling :-

1[2[(1)] Notwithstanding anything contained in this Act, land falling in any of the categories mentioned below shall not be taken into consideration for the purposes of determining the ceiling area applicable to, and the surplus land of tenure-holder, namely,--

- (a) land used for an industrial purpose (that is to say, for purposes of manufacture, preservation, storage or processing of goods), and in respect of which a declaration under Section 143 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, subsists;
- (b) land occupied by a residential house;
- (c) land used as cremation ground or as a grave-yard, but excluding cultivated land;
- (d) land used for tea, coffee or rubber plantations, and to the extent prescribed, land required for purposes ancillary thereto and for development of such plantations;
- (e) land held from, before January 24, 1971, for purposes of a stud farm to the extent prescribed;
- (f) land held from before the first day of May, 1959, by or under a public religious or charitable waqf, trust, endowment, or institution, the income from which is wholly utilized for religious or charitable purposes, and not being a waqf, trust or endowment of which the beneficiaries wholly or partly are settlers or members of his family or his descendants;
- 3[(g) land held from before June 8, 1973, by a Goshala of a public nature, registered under the Uttar Pradesh Goshala Adhiniyam, 1964, to the extent prescribed;]
- (h) 4[* * *].

5[Explanation.--Nothing in clause (f) of Sub-section (1) shall apply in relation to a Goshala referred to in clause (g) of that sub-section.]

5[(2) No person shall transfer any land referred to in clause (d) or clause (e) or clause (f) or clause (g) of Sub-section (1) without

prior permission of the State Government, and every transfer made without such permission shall, notwithstanding anything contained in any other law for the time being in force, be void :

Provided that nothing in this sub-section shall apply to any transfer by or in favour of any person specified in Sub-section (2) of Section 5.

(3) Any land which is the subject of any transfer which by virtue of Sub-section (2) is void, shall be deemed to be surplus land, and shall, with effect from October 10, 1975, or the date of such purported transfer, whichever is later, stand transferred to and vest in the State Government free from all encumbrances, and all rights, title and interests of all persons in such land shall stand extinguished :

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

(4) Where any land is deemed to be surplus land under Sub-section (3)--

6[(i) the provisions of Section 14 shall mutatis mutandis apply in relation to such land with the substitution of references to the dates mentioned in Sub-section (1) of that section by references to the date mentioned in Sub-section (1) of this section; and]

(ii) the amount payable therefore under Section 17 shall be paid to the person in whose favour such transfer was purported to be made.]

1 Substituted by U. P. Act No. 18 of 1975, Section 3 (w.e.f. 5-6-1973)

2. Renumbered as Sub-section (1) by U. P. Act No. 20 of 1976, Section 7 (w.e.f. 10-10-1975)

3. Substituted by U. P. Act No. 2 of 1975, Section 7(a) (w.e.f. 8-6-1973).

4. Omitted. by U. P. Act No. 2 of 1975, Section 7(b) (w.e.f. 8-6-1973).

5. Inserted by U. P. Act, No. 20 of 1976, Section 7 (w.e.f. 10-10-1975).

6. Substituted by U. P. Act No. 56 of 1976 (w.e.f. 6-8-1976).

7. Bar Of Suit On Basis Of Certain Contracts For Transfer Of Land :-

1[No suit shall lie for the specific performance of any contract for transfer of any land where such transfer is liable to be ignored

under Sub-section (6) of Section 5.]

1. Substituted by U. P. Act No. 18 of 1973, Section 3.

8. Rights Of Tenure-Holder And Other Members Of His Family In Land Held Within Ceiling Area :-

1[Where the land held by the wife or minor son or daughter of a tenure-holder has been aggregated with the land held by the tenure-holders family under 2[clause (a) or clause (b)] of Sub-section (3) of Section 5, the land left with them shall be deemed to be held jointly by them in proportion to the market value of the land respectively held by them before the declaration of surplus land under this Act.]

1. Substituted by U. P. Act No. 18 of 1973, Section 3.

2. Substituted by U. P. Act No. 2 of 1975, Section 8 (w.e.f. 8-6-1973).

9. General Notice To Tenure-Holders Holding Land In Excess Of Ceiling Area For Submission Of Statement In Respect Thereof :-

1[(1)] As soon as may be, after the date of enforcement of this Act, the Prescribed Authority shall, by general notice, published in the Official Gazette, call upon every tenure-holder holding land in excess of the ceiling area applicable to him on the date of enforcement of this Act, to submit to him within 30 days of the date of publication of this notice, a statement in respect of all his holdings in such form and giving such particulars as may be prescribed. The statement shall also indicate the plot or plots for which he claims exemption and also those which he would like to retain as part of the ceiling area applicable to him under the provisions of this Act.

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

3[Provided that at any time after October 10, 1975, the Prescribed Authority may, by notice, call upon any tenure-holder holding land in excess of the ceiling area applicable to him on the said date, to submit to him within thirty days from the date of service of such

notice a statement referred to in Sub-section (1) or any information pertaining thereto.]

3[(2-A) Every tenure-holder holding land in excess of the ceiling area on January 24, 1971, or at any time thereafter who has not submitted the statement referred to in Sub-section (2) and in respect of whom no proceeding under this Act is pending on October 10, 1975 shall, within thirty days from the said date furnish to the Prescribed Authority a statement containing particulars of all land--

(a) held by him and the members of his family on January 24, 1971;

(b) acquired or disposed of by him or by members of his family between January 24, 1971 and October 10, 1975.]

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

1. Re-numbered as Sub-section (1) by U. P. Act No. 18 of 1973, Section 4 (w.e.f. 8-6-1973).

2. Inserted by U. P. Act No. 18 of 1973, Section 4 (w.e.f. 8-6-1973).

3. Inserted by U. P. Act No. 20 of 1976, Section 8 (w.e.f. 10-10-1975).

10. Notice To Tenure-Holders Failing To Submit A Statement Or Submitting An Incomplete Or Incorrect Statement :-

(1) In every case where a tenure-holder fails to submit a statement or submits an incomplete or incorrect statement, required to be submitted under Section 9, the Prescribed Authority shall, after making such enquiry as he may consider necessary either by himself or by any person subordinate to him, cause to be prepared a statement containing such particulars as may be prescribed. The statement shall in particular indicate the land, if any, exempted 1[under Section 6] and the plot or plots proposed to be declared as surplus land.

(2) The Prescribed Authority shall thereupon cause to be served upon every such tenure-holder in such manner as may be prescribed, a notice together with a copy of the statement prepared under Sub-section (1) calling upon him to show cause within a period specified in the notice, why the statement be not taken as correct. The period specified shall not be less than ten days from the date of service of the notice.

1. Substituted by U. P. Act No. 18 of 1973, Section 5 (w.e.f. 5-6-1973).

11. Determination Of Surplus Land Where No Objection Is Filed :-

(1) Where the statement submitted by a tenure-holder in pursuance of the notice published under Section 9, is accepted by the Prescribed Authority or whether the statement prepared by the Prescribed Authority under Section 10 is not disputed within the specified period, the Prescribed Authority shall accordingly, determine the surplus land of the tenure-holder.

(2) The Prescribed Authority shall, on application made within thirty days from the date of the order under Sub-section (1) by a tenure-holder aggrieved by such order passed in his absence and on sufficient cause being shown for his absence, set aside the order and allow such tenure-holder to file objection against the statement prepared under Section 10 and proceed to decide the same in accordance with the provisions of Section 12.

(3) Subject to the provisions of Section 13, the order of the Prescribed Authority shall be final and conclusive and be not questioned in any court of law.

12. Determination Of Surplus Land By The Prescribed Authority Where An Objection Is Filed :-

(1) Where an objection has been filed under sub-section (2) of Section 10 or under sub-section (2) of Section 11, or because of any appellate order under Section 13, the Prescribed Authority shall, after affording the parties reasonable opportunity of being heard and of producing evidence, decide the objections after recording his reasons, and determine the surplus land.

(2) Subject to any appellate order under Section 13, the order of the Prescribed Authority under sub-section (1) shall be final and conclusive and be not questioned in any court of law.

12A. Section 12A :-

1[In determining the surplus land under Section 11 or Section 12, the Prescribed Authority shall, as far as possible, accept the choice indicated by the tenure-holder to the plot or plots which he and other members of his family, if any, would like to retain as part of the ceiling area applicable to him or them under the provisions of this Act, whether indicated by him in his statement under Section 9 or in any subsequent proceedings :

Provided that--

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

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

(c) where any person holds land in excess of the ceiling area including any land mortgaged to the State Government or to a²[bank as defined in clause (c) of Section 2 of the Uttar Pradesh Agricultural Credit Act, 1973] or to a co-operative land development bank or other co-operative society or to the Corporation or to a Government Company, the surplus land to be determined shall, as far as possible, be land other than that so mortgaged;

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

(i) it shall be open to the transferee to claim refund of the proportionate amount of consideration, if any, advanced by him to the transferor, and such amount shall be charged on the ³[amount] payable to the transferor under Section 17 and also on any land retained by the transferor within the ceiling area, which shall be liable to be sold in satisfaction of the charge, notwithstanding anything contained in Section 153 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 ;

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

1. Inserted by U.P. Act No. 18 of 1973, Section 6 (w.e.f. 8-6-1973).

2. Substituted by U.P. Act No. 20 of 1976 (w.e.f. 31-3-1975).

3. Substituted by U.P. Act No. 20 of 1976 (w.e.f. 31-3-1976).

13. Appeals :-

(1) Any party aggrieved by an order under subsection (2) of Section 11 or Section 12, may, within thirty days of the date of the order, prefer an appeal to the 1[Commissioner] within whose jurisdiction the land or any part thereof is situate.

(2) The 1[Commissioner] shall dispose of the appeal as expeditiously as possible and his decision thereon shall be final, conclusive and be not questioned in any court of law.

(3) Where an appeal is preferred under this section, the 1[Commissioner] may stay enforcement of the order appealed against for such time and on such conditions as may be considered just and proper:

2[Provided that the enforcement of the order appealed against shall not be stayed in respect of that part of the land the surplus character of which was either not disputed in an objection under sub-section (2) of Section 10 or under sub-section (2) of Section 11 or is not disputed in the appeal and any stay order passed under this sub-section before twenty-eighth day of September, 1970, shall on an application being made in that behalf to the Appellate Court by the State Government, be modified by that court accordingly.

Explanation.--For the purposes of this proviso any dispute respecting the regularity, validity or a legal notice under Section 9 or Section 10 or of the proceedings before the prescribed authority shall not, by itself, be deemed to be a dispute respecting the surplus character of land.]

1. Substituted by U.P. Act No. 3 of 1986, Section 2, for the words "District Judge".

2. Substituted by U.P. Act No. 35 of 1970, Section 8.

13A. Re-Determination Of Surplus Land In Certain Cases :-

1[(1) The Prescribed Authority may, at any time, within a period of two years from the date of notification under 2[sub-section (4) of Section 14] rectify any mistake apparent on the face of the record :

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

(2) The provisions of Sections 10, 11, 12, 12-A, 13, 14, 3[15 and 16] shall mutatis mutandis apply in relation to any proceedings under subsection (1), and for purposes of application of Section 10, the notice under the proviso to sub-section (1), shall be deemed to be a notice under Section 9.]

1. Inserted by U.P. Act No. 18 of 1973, Section (w.e.f. 5-6-1973).

2. Substituted by U.P. Act No. 56 of 1976 (w.e.f. 6-8-1976), for the words and figures "sub-section (1) of Section 14".

3. Substituted by U.P. Act No. 20 of 1976 (w.e.f. 10-10-1975).

14. Acquisition Of Surplus Land :-

1[(1) The Collector shall at any time after--

(a) in case, where the order passed under sub-section (1) of Section 11 has become final, the date of its so becoming final; or

(b) in case, where no appeal has been preferred under Section 13, the date of expiry of the period of limitation provided therefor ; or

(c) in case, where an appeal has been preferred under Section 13, the date of its decision ;

take possession of the surplus land determined under Section 11, Section 12 or Section 13 and also of any ungathered crop or fruits of trees, not being crops or fruits to which sub-section (1) of Section 15 applies, after evicting any person found in occupation of such land, crops or fruits and may for that purpose use or cause to be used such force as may be necessary.

(2) Notwithstanding anything contained in sub-section (1), a tenure-holder may, at any time, voluntarily deliver possession to the Collector over the whole or any part of the land held by him which has been or is likely to be declared surplus under or in accordance with the provisions of the Act.

(3) Where the Collector has taken possession of any surplus land or ungathered crops or fruits of trees under sub-section (1) or sub-section (2) such land, crops or fruits of trees shall, with effect from the date referred to in clause (a), clause (b) or clause (c), as the case may be, of sub-section (1), stand transferred to and vest in the State Government free from all encumbrances and all rights, title and interests of all persons in such land shall, with effect from such date, stand extinguished :

Provided that the encumbrances, if any, shall attach to the amount payable under Section 17 in substitution for the surplus land.

(4) The Prescribed Authority shall, as soon as may be after the date mentioned in clause (a), clause (b) or clause (c), as the case may be, of sub-section (1), notify in the Official Gazette every surplus land determined under this Act, or under Section 9 of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1974 or under Section 31 of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1976.]

1. Substituted by U.P. Act No. 56 of 1976 (w.e.f. 6-8-1976).

15. Disposal Of Property Left On Surplus Land :-

(1) Where possession of the surplus land is taken by the Collector under the provisions of 1[sub-section (1) of Section 14], the Collector shall permit the person in possession--

(i) to tend, gather or remove any ungathered crop or fruits of trees on such land within such period as may be necessary; and

(ii) to remove any other property belonging to such person and existing on such land within such period, not being less than twenty-one days from the date of the order, as the Collector may,

fix in this behalf.

2[Explanation.--For the purposes of this section, the expression ungathered crops or fruits of trees means any crop or fruits which existed on 1[the date of taking possession of the surplus land] under sub-section (1) of Section 14 and does not include any subsequent crop or fruits of trees.]

(2) On failure of the persons concerned to gather or remove the crop or fruits of trees or any other property on the surplus land, within the period fixed therefor under sub-section (1), the Collector may remove or cause to be removed and sold by public auction any such crop or fruits or trees or property in such manner as may be prescribed.

(3) Where any crop, fruits or property is sold under sub-section (2), the sale proceeds thereof, shall, after deducting the expenses of the sale, be paid to the person in possession after lapse of thirty days from the date of the sale :

Provided that where a claim to such sale proceeds is made by any other person before the Collector within thirty days of the date of the sale, the Collector shall decide such claim and, if necessary, make an apportionment and order payment accordingly. Where on the material before him the Collector is unable to decide such claims or make an order of apportionment, he shall direct the parties concerned to get the matter in dispute decided by a court of competent jurisdiction. The balance of the sale proceeds shall thereupon be paid or apportioned, as the case may be, according to the decision of the court.

1. Substituted by U.P. Act No. 56 of 1976 (w.e.f. 6-8-1976).

2. Inserted by U.P. Act No. 20 of 1976 (w.e.f. 10-10-1975).

16. Damages For Use And Occupation Of Surplus Land :-

1[Where any tenure-holder holds any land on or after the commencement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972, in excess of the ceiling area applicable to him, he shall be liable to pay to the State Government for the period commencing from the first day of July, 1973, until the date on which the Collector takes possession of surplus land 2[* * *] Section 14, or the date on which the tenure-holder voluntarily delivers possession to the Collector under 3[the said sub-section] whichever is earlier, such compensation for use and occupation as may be prescribed.]

1. Omitted by U.P. Act No. 18 of 1973, Section 9 (w.e.f. 8-6-1973)

- and again inserted by U.P. Act No. 20 of 1976 (w.e.f. 10-10-1975).
2. The words and figure "under sub-section (8) of" omitted by U.P. Act No. 56 of 1976 (w.e.f. 6-8-1976).
3. Substituted by U.P. Act No. 56 of 1976 (w.e.f. 6-8-1976).

CHAPTER 3

DETERMINATION AND PAYMENT OF AMOUNT

17. Manner Of Calculation Of Amount :-

1[(1) Subject to the provisions of the sub-section (2), every tenure-holder, whose surplus land has vested in the State under the provisions of this Act, shall be entitled to receive and be paid: 1[amount] as laid down in the Schedule and as determined in the manner provided hereinafter.

2[(2) The sub-tenant or asami of the tenure-holder, not being an asami mentioned in Section 11 of the U.P. Zamindari Abolition and Land Reforms Act, 1950, shall be entitled to receive and be paid a portion out of the amount payable to the tenure-holder. The proportion of amount payable to the sub-tenant or the asami shall be the aggregated of the land revenue for the unexpired period of his subordinate interest computed at hereditary rates, so, however, that the sub-tenant or the asami shall not, in any case, be entitled to more than one-fourth of the amount payable to the tenure-holder. The amount shall be apportioned between the tenure-holder and the subtenant or the asami by the Prescribed Authority.]

(3) Nothing in this Act shall prevent any person, not being a person referred to in sub-sections (1) and (2), having any right, title or interest in the surplus land, or any person having any claim to 1[amount] against the person entitled thereto under the provisions of this Act, from claiming any right, title or interest in such 1[amount] in any court of competent jurisdiction.

1. Substituted and shall be deemed always to have been substituted by U.P. Act No. 20 of 1976, for the word "Compensation".

2. Substituted by U.P. Act No. 20 of 1976.

17A. Payment Of Amount To Waqfs, Trusts, Etc. :-

1[2[Notwithstanding anything in Section 17, following provisions shall apply in respect of 2[amount] payable to those public religious or charitable waqfs, trusts, endowments or institutions, a part of the income from which is utilized for religious or charitable purposes, namely--

(i) the surplus land held by such waqfs, trust, endowment or institution shall be deemed to be divided into two parts in the same proportions in which its income is

utilized respectively for religious or charitable purpose and for other purposes;
(ii) so far that part of the surplus land, the income from which is utilized for religious or charitable purposes is concerned, an annuity equivalent to the annual average of the actual net profits during the five years preceding July 1, 1972, to be determined in the prescribed manner shall be payable in lieu of the 2[amount] referred to in Section 17, and the provisions of Sections 18, 19, 20, 21, 22 and 23 shall mutatis mutandis apply in relation to the said annuity as they apply to the 2[amount] referred to in Section 17;

(iii) in respect of the remaining surplus land, the 2[amount] shall be payable in accordance with Section 17.

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

1. Inserted by U.P. Act No. 18 of 1973, Section 10 (w.e.f. 5-6-1973).

2. Substituted and shall be deemed always to have been substituted by U.P. Act No. 20 of 1976, for the word "Compensation".

17B. Refund Of Amount In Certain Cases :-

1[2[(1) Where as a result of any order passed on appeal under this Act or of any other order of any court or tribunal the possession of any land transferred to or vested in the State Government 3[* * *] under Section 14 is required to be restored to any tenure-holder or his successor-in-interest or any other person, whether before or after the enforcement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972, the Prescribed Authority shall order the tenure-holder to refund the whole or, as the case may be 4[the proportionate part of the amount] paid to him.

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

1. Inserted by U.P. Act No. 18 of 1973, Section 10 (w.e.f. 5-6-1973)

2. Substituted by U.P. Act No. 20 of 1976, shall be deemed always to have been substituted.

3. Omitted by U.P. Act No. 56 of 1976, for the words and figure "sub-section (2) of" (w.e.f. 5-8-1976).

4. Substituted by U.P. Act No. 20 of 1976, and shall be deemed always to have been substituted.

18. Prescribed Authority :-

1[All proceedings relating to assessment and payable of 2[amount payable under Section 17] shall be had before the 1[Prescribed Authority] appointed by the State Government in this behalf.

1. Substituted by U.P. Act No. 20 of 1976, for the words "Compensation Officer".

2. Substituted by U.P. Act No. 20 of 1976 and shall be deemed always to have been substituted.

19. Preliminary Publication Of The Draft Assessment Roll :-

(1) The 1[Prescribed Authority] shall, in respect of every person entitled to the 2[amount payable under Section 17], cause to be prepared a draft assessment roll in such form and in such manner as may be prescribed.

(2) The draft 3[assessment roll] prepared under sub-section (1), together with a notice calling upon every person referred to in that subsection, to show cause within twenty-one days from the date of service thereof, why the draft 3[assessment roll] be not taken as final, shall be served on every such person in such manner as may be prescribed.

1. Substituted by U.P. Act No. 20 of 1976, for the words "Compensation Officer".

2. Substituted by U.P. Act No. 20 of 1976 and shall be deemed always to have been substituted.

3. Substituted by U.P. Act No. 20 of 1976, for the words "Compensation Assessment Roll".

20. Cases Where No Objections Are Filed :-

(1) Where no objection is filed under Section 19, as to the correctness of the draft 1[assessment roll], the 2[Prescribed Authority] shall declare it as the 1[Assessment Roll].

(2) The Prescribed Authority shall, on application made within thirty days from the date of the order under sub-section (1) by the person aggrieved by such order passed in his absence and on sufficient cause being shown for his absence set aside the order and allow such person to show cause why the draft assessment roll be not taken as final.

(3) An appeal shall lie from an order, passed under sub-section (2) within thirty days of the date of that order, to the 3[Commissioner] in whose jurisdiction the land or any part thereof is situate.

1. Substituted by U.P. Act No. 20 of 1976, for the words "Compensation Assessment Roll".

2 . Substituted by U.P. Act No. 20 of 1976, for the words "Compensation Officer".

3. Substituted by U.P. Act No. 3 of 1986, Section 2, for the words "District Judge".

21. Disposal Of Objections :-

(1) The 1[Prescribed Authority] shall hear any person showing cause under sub-section (2) of Section 19 or in pursuance of any order under sub-section (2) or sub-section (3) of Section 20, and after affording an opportunity to such person for the production of evidence, give his decision in writing with reasons therefor. The 1[Prescribed Authority] shall prepare and declare the assessment roll in accordance with such decisions.

(2) An appeal shall lie from an order passed under sub-section (1), within thirty days of the date of that order, to the 2[Commissioner] in whose jurisdiction the land or any part thereof is situate.

(3) The 2[Commissioner] shall hear and decide the appeal as expeditiously as possible and, where necessary, the 3[assessment roll] shall be amended in accordance with such decision.

(4) Subject to the correction of any clerical or arithmetical mistake by the Prescribed Authority or the 1[Commissioner] the 3[assessment roll], declared under Section 20, or declared or modified under this Section, shall be final and conclusive and be not questioned in any court of law.

1 . Substituted by U.P. Act No. 20 of 1976, for the words "Compensation Officer".

2. Substituted by U.P. Act No. 3 of 1986, Section 2, for the words "District Judge".

3. Substituted by U.P. Act No. 20 of 1976, for the words "Compensation Assessment Roll".

22. Manner Of Payment Of Amount :-

1[(1) The amount entered in the assessment roll shall be deemed to have become due on the date on which possession of the land is taken under Section 14, and where possession of different lands of the person entitled to the amount is taken on different dates, on the last of such dates.

(2) There shall be paid by the State Government on the amount entered in the assessment roll, interest at the rate of 3 1/2 per cent per annum from the date it becomes due under sub-section (1) to the date of its final determination under Section 20 or Section 21, as the case may be.

(3) Subject to the provisions of Section 23, the amount with interest referred to in sub-section (2) shall be paid--

(i) if it does not exceed rupees one thousand, in cash in one lump sum;

(ii) in any other case, in five annual instalments of which the first instalment shall be of rupees one thousand, and the remainder shall be payable in four years in annual equal instalments :

Provided that the State Government may, in its discretion, make full payment of the amount outstanding at any time :

Provided also that in case of four instalments referred to in clause (ii), further interest on the amount outstanding shall be paid at the rate of 3½ per cent per annum from the date of final determination

of the amount under Section 20 or Section 21, as the case may be, till the date when each such instalment falls due.

(4) The payment of the said amount in accordance with the provisions of this Act shall be full discharge of all liability of the State Government in respect of the surplus land, but shall not prejudice the right of any other persons against the person to whom such payment is so made in respect of the said amount.]

1. Substituted by U.P. Act No. 5 of 1979, Section 2 (w.e.f. 12-1-1979).

23. Amount To Be Placed At The Disposal Of The Court Or Authority :-

1[Where before any court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to the whole or part of the amount 2[***] payable under this Act, the court or authority may require the 3[Prescribed Authority] to place at its disposal the amount so payable or to dispose it of in accordance with its orders. The 3[Prescribed Authority] shall comply with any such order of the court or authority.

1. Substituted by U.P. Act No. 20 of 1976 and shall be deemed always to have been substituted.

2. Omitted by U.P. Act No. 20 of 1976 and shall be deemed always to have been omitted.

3. Substituted by U.P. Act No. 20 of 1976, for the words "Compensation Officer".

CHAPTER 4

DISPOSAL AND SETTLEMENT OF SURPLUS LAND

24. Surplus Land A Mechanised Yarn :-

1[***].

1. Omitted by U.P. Act No. 18 of 1973, Section 11 (w.e.f. 5-6-1973).

25. Use Of Surplus Land For Other Public Purposes :-

The State Government may, instead of settling any surplus land in accordance with the provisions of this Act, use, or permit the use either temporarily or permanently of the whole or any portion of such land for any purpose for which such land could have been acquired under the Land Acquisition Act, 1894.

26. Settlement Or Letting Out Of Surplus Land By Collector

:-

(1) All settlement of surplus land vested in the State shall be made on behalf of the State Government by the Collector in accordance with the provisions of 1[Sections 26-A and 27.]

(2) 2[* * *]

1. Substituted by U.P. Act No. 4 of 1969, Section 28(i).

2. Sub-section (2), omitted by U.P. Act No. 4 of 1969, Section 28 (ii).

26A. Settlement Of Land Let Out For Interim Period Before The Commencement Of The Uttar Pradesh Land Laws (Amendment) Act, 1969 :-

1[The surplus land let out to any person for an interim period under sub-section (2) of Section 26, as it stood immediately before the commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1969, shall at the end of such period, be resumed by the Collector and thereafter, settled in accordance with the provisions of Section 27 :

Provided that where such person is a person who would if the surplus land so let out were excluded from consideration and if he was a resident of the circle he would have fallen under any of the clauses (b) to (h) of sub-section (1) of Section 198 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, then so much of such land, as together with the area, if any, otherwise held by him aggregate to not more than 1.26 hectares (3.125 acres) shall, at the desire of that person, either before or at the end of such period, be settled by the Collector with that very person.]

1. Inserted by U.P. Act No. 4 of 1969, Section 29 and substituted by U.P. Act No. 35 of 1970, Section 9.

27. Settlement Of Surplus Land :-

(1) The State Government shall settle out of the surplus land in a village in which no land is available for community purposes or in which the land as available is less than 15 acres with the 1[Gram Sabha] of that village so, however, that the total land in the village available for community purposes after such settlement does not exceed 15 acres. The land so settled with the 1[Gram Sabha] shall be used for planting trees, growing fodder or for such other community purposes, as may be prescribed.

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

3[(3) Any remaining surplus land shall be settled by the Collector in accordance with the order of preference and subject to the limits,

specified respectively in 4[sub-sections (1) and (3)] of Section 198 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.

5[***]

6[(4) The Commissioner may of his own motion and shall, on the application of any aggrieved person enquire into such settlement and if he is satisfied that the settlement is irregular he may after notice to the person in whose favour such settlement is made to show cause--

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

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

(5) Every order passed by the Commissioner under sub-section (4) shall be final.

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

7[(a) in the case of any settlement made or lease granted before November 10, 1980, before the expiry of a period of 8[seven years] from the said date; and

(b) in the case of any settlement made or lease granted on or after the said date, before the expiry of a period of 9[five years from the date of such settlement or lease or up to November 10, 1987, whichever be later].

10[(6-A) Where any surplus land has been settled by the Collector under sub-section (3), and any person other than the person in whose favour such settlement was made is in occupation of such land in contravention of the provisions of this Act, the Collector may, of his own motion and shall on the application of the person in whose favour such settlement was made, put him in possession of such land and may for that purpose use or cause to be used such force as he considers necessary.

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

with fine which may extend to three thousand rupees :

Provided that the Court convicting the accused may while passing the sentence direct that the whole or such portion of the fine that may be recovered as the Court considers proper, be paid to the person in whose favour such settlement was made as damages for use and occupation.

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

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

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

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

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

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

(6-F) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under sub-section (6-B) shall be cognizable and non-bailable and may be tried summarily.

(6-G) For the purpose of speedy trial of offences under this section, the State Government may, in consultation with the High Court, by notification/constitute, special courts consisting of an officer not below the rank of Sub-Divisional Magistrate, which shall, subject to the provisions of the Code of Criminal Procedure, 1973, exercise in relation to such offences the powers of a Judicial Magistrate of the first class.]

(7) The State Government may, 11[by a general or special order to be published in the manner prescribed], declare that as from a date to be specified in this behalf, all surplus land situate in a circle which could not be settled under the provisions of this Act, shall vest in the 1[Gram Sabha] concerned, and the provisions of Section 117 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, shall mutatis mutandis apply in relation to such vesting.

1. Substituted by U.P. Act No. 9 of 1994., for the words " Gaon Sabha".
2. Substituted by U.P. Act No. 18 of 1973, Section 12 (ii) (w.e.f. 6-6-1973).
3. Substituted by U.P. Act No. 4 of 1969, Section 30 and again substituted by U.P. Act No. 35 of 1970, Section 10.
4. Substituted by U.P. Act No. 20 of 1976 (w.e.f. 10-10-1975).
5. The words "except that the qualification of residence in the circle specified therein, shall not be applicable", omitted by U.P. Act No. 18 of 1973, Section 12 (iii).
6. Inserted by U.P. Act No. 18 of 1973, Section 12 (iv).
7. Substituted by U.P. Act No. 20 of 1982, Section 22 (w.e.f. 10-11-1980).
8. Deemed always to have been substituted by U.P. Act No. 24 of 1986, Section 20, for the words "two years" (w.e.f. 20-8-1982).
9. Deemed always to have been substituted by U.P. Act No. 24 of 1986, Section 20 (ii) (w.e.f. 20-8-1982) for the words "five years from the date of such settlement or lease".
10. Sub-sections (6-A) to (6-G), inserted by U.P. Act No. 20 of 1982 (w.e.f. 10-11-1980).
11. Substituted by U.P. Act No. 20 of 1976, Section 21 (iii).

28. Terms And Conditions Of Settlement :-

(1) All settlement of land under 1[Section 26-A or Section 27] shall be made in the manner and subject to such terms and conditions as may be prescribed.

(2) 2[* * *]

(3) Notwithstanding the provisions of any law for the time being in force, no person with whom any land has been settled under 1[Section 26-A or Section 27] or to whom land has been let out under sub-section (2) of Section 263[as it stood immediately before the commencement of Uttar Pradesh Land Laws (Amendment) Act, 1969] shall acquire any right in such land in derogation of the terms and conditions under which the land has been settled or let out.

1. Substituted by U.P. Act No. 4 of 1969, Section 31 (i), for the words and figures "Section 27".
2. Sub-section (2) omitted by U.P. Act No. 18 of 1973, Section 13 (w.e.f. 5-6-1973).
3. Inserted by U.P. Act No. 4 of 1969.

29. Subsequent Declaration Of Further Land As Surplus

Land :-

1[Where after the date of enforcement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972,--

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

(b) any unirrigated land becomes irrigated land as a result of irrigation from a State irrigation work or any grove-land loses its character, as grove-land or any land exempted under this Act ceases to fall under any of the categories exempted-- the ceiling area shall be liable to be re-determined 2[and accordingly the provisions of this Act, except Section 16, shall mutatis mutandis apply].

1. Substituted by U.P. Act No. 18 of 1973, Section 14 (w.e.f. 5-6-1973).

2. Substituted by U.P. Act No. 20 of 1976 (w.e.f. 10-10-1975).

30. Determination Of Surplus Land Regarding Future Acquisition :-

(1) Where any land has become liable to be treated as surplus land 1[* * *] under Section 29, the tenure-holder shall, within such period as may be prescribed, submit a statement to the Prescribed Authority in the form and in the manner laid down under Section 9 indicating in the statement the plot or plots which he would like to retain as a part of his ceiling area.

(2) (a) Where the statement submitted under sub-section (1) is accepted by the Prescribed Authority, it shall proceed to determine the surplus land accordingly.

(b) Where a tenure-holder fails to submit a statement required to be submitted under sub-section (1) or submits an incomplete or incorrect statement the Prescribed Authority shall proceed in the manner laid down under Section 10.

(c) The provisions of this Act in respect of declaration, acquisition, disposal and settlement of surplus land, shall mutatis mutandis, apply to surplus land covered by this section.

1. The words, letters, figures and brackets "under Clause (b) of sub-section (2) of Section 4 or" Omitted by U.P. Act No. 18 of 1973, Section 15 (w.e.f. 5-6-1973).

31. Land Gained By The Recess Of River :-

Where after the imposition of ceiling under this Act, any land is, by recession of any river, added to any holding, under any law or custom and the area of the land so added, together with the area of other existing land held by a tenure-holder, exceeds the ceiling area applicable to him--

(i) such land shall, to the extent necessary to make up the ceiling area applicable to him and contiguous to his existing holding, be deemed to be settled with the tenure-holder subject to the payment or proportionate additional land revenue and on the same terms and conditions as his existing holding;

(ii) the area in excess of the ceiling area applicable to tenure-holder, shall notwithstanding anything to the contrary in the Bengal Alluvion or Diluvion Regulation, 18251, or any custom or usage, for the time being in force, vest in the State Government; and

(iii) the land vesting in the State Government under the provisions of clause (ii) shall be surplus land and shall be dealt with as such in accordance with the provision of this Act.

1. See Pathaks U.P. Local Act, Vol. II, at page 378.

CHAPTER 5

MISCELLANEOUS

32. State Government To Be A Party To All Proceedings Under This Act :-

(1) The State Government shall be a party to every proceeding under the provisions of this Act.

(2) Notwithstanding anything contained in this Act, the period of limitation for filing an appeal by State Government shall be ninety days from the date of the order appealed against.

33. Power To Determine Or Modify Applicable Hereditary Rates :-

(1) For the purposes of this Act--

(i) the Prescribed Authority may, in areas where no hereditary rates have been sanctioned, fix the hereditary rates on such principles as may be prescribed ; and

(ii) the State Government may, in areas where marked changes have taken place since the last settlement in the extent of cultivated land, extent and manner of irrigation, means of communication, density of population or the cropping system,

modify, by publication in the Official Gazette, the existing sanctioned hereditary rates in the manner prescribed.

(2) The fixation of hereditary rates under clause (i) or the modification thereof under clause (ii) of sub-section (1) shall be so done that the fixation or modification of rates, as the case may be, for the same class of soil in the same area is as nearly uniform as may be possible, and the rates fixed shall in no case be more than one-fifth of the produce value of the land.

34. Section 34 :-

1[* * *].

1. Omitted by U.P. Act No. 18 of 1973, Section 16 (w.e.f. 5-6-1973).

35. Penalties :-

1[(1) Whoever,--

(a) fails to submit a statement as required under sub-section (2) or sub-section (2-A) of Section 9, or sub-section (1) of Section 30, or to furnish an affidavit under sub-section (1) of Section 38-A ; or

(b) makes or submits a statement or furnishes any information in a documents referred to in clause (a) which is false and which he has reason to believe to be false ; or

(c) otherwise contravenes any order passed under this Act; or

(d) obstructs any person from taking possession of any land in accordance with the provisions of this Act; or

(e) transfers any land in contravention of sub-section (8) of Section 5, or sub-section (2) of Section 5 ;

shall be punishable with imprisonment which may extend to two years or with fine or with both.

(2) Where the Collector has taken possession of any surplus land under2[***] Section 14 and any person thereafter occupies such land or any part thereof without any lawful authority, such person shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(3) Any court convicting a person under sub-section (2) may make an order for evicting the person summarily from such land, and such person shall be liable to such eviction without prejudice to any other action that may be taken against him under any law for the time being in force.

(4) Without prejudice to the provisions of sub-sections (2) and (3), the Collector may re-take possession of such land and may for that

purpose use or cause to be used such force as may be necessary for evicting any person found in occupation thereof.]

1. Substituted by U.P. Act No. 20 of 1976 (w.e.f. 10-10-1975).

2. Omitted by U.P. Act No. 56 of 1976 (w.e.f. 6-8-1976).

35A. Cognizance Of Offences :-

1[No Court shall take cognizance of any offence punishable under this Act except with the previous sanction of the State Government or an officer authorised by the State Government.]

1. Inserted by U.P. Act No. 20 of 1976 (w.e.f. 10-10-1975).

36. Offences By Companies And Co-Operative Society :-

(1) If the person committing any offence under this Act is a company, every person who at the time the offence was committed was incharge of, and was responsible to, the company for the conduct of its business, as well as the company shall be deemed to be guilty of the offence and shall be liable to be punished under Section 35 :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be punished.

Explanation.--For the purposes of this section--

(a) "Company" means any body corporate and includes a co-operative society or a firm or other association of individuals; and

(b) "Director" in relation to a firms means a partner in the firm.

37. Power Of Officers And Authorities In Hearing And Disposal Of Objections And The Procedure To Be Followed :-

Any officer or authority holding an inquiry or hearing an objection under this Act, shall, in so far as it may be applicable, have all the powers and the privileges of a civil court, and follow the procedure laid down in the Code of Civil Procedure, 1908, for the trial and disposal of suits relating to immovable property.

38. Powers Of The Appellate Court And The Procedure To Be Followed By It :-

(1) In hearing and deciding an appeal under this Act, the appellate court shall have all the powers and the privileges of a civil court and follow, the procedure for the hearing and disposals of appeals laid down in the Code of Civil Procedure, 1908.

(2) Where, under the provisions of this Act, an appeal has to be heard by the¹[Commissioner], he may either hear the appeal himself or transfer it for hearing to any ²[Additional Commissioner] subordinate to him.

1. Substituted by U.P. Act No. 3 of 1986, Section 3 (a) (w.e.f. 13-1-1986), for the words "District Judge".

2. Substituted by U.P. Act No. 3 of 1986, Section 3 (b) for the words "Additional District Judge, Civil Judge or Additional Civil Judge".

38A. Power To Call For Particulars Of Land From Tenure-Holders :-

¹[(1) Where the Prescribed Authority or the Appellate Court considers it necessary for the enforcement of the provisions of this Act, it may, at any stage of the proceedings under this Act, require any tenure-holder to furnish such particulars by affidavit in respect of the land held by him and members of his family as may be prescribed.

(2) The particulars of land filed under sub-section (1) may be taken into consideration in determining the surplus land of such tenure-holder.]

1. Inserted by U.P. Act No. 20 of 1976, Section 26 (w.e.f. 10-10-1975).

38B. Bar Against Res Judicata :-

¹[No finding or decision given before the commencement of this section in any proceeding or on any issue (including any order, decree or judgment) by any Court, Tribunal or authority in respect of any matter governed by this Act, shall bar the retrial of such proceeding or issue under this Act, in accordance with the provisions of this Act as amended from time to time.]

1. Inserted by U.P. Act No. 20 of 1976, Section 26 (w.e.f. 10-10-1975).

39. Protection Of Action Taken Under This Act :-

No suit, prosecution or other legal proceeding shall lie against any person for anything done or purported to be done in good faith and in pursuance of this Act or any rule framed or order passed under this Act.

40. Mode Of Recovery Of Any Amount Under This Act :-

1[Where any sum is payable by any person to the State Government, under the provisions of this Act, the same may, without prejudice to any other mode of recovery, be realised by the deduction from the amount, if any, payable to such person under Chapter III, or as an arrear of land revenue.]

1. Substituted by U.P. Act No. 20 of 1976, Section 27 (w.e.f. 10-10-1975).

41. Recovery Of Arrears Of Land Revenue, Etc. :-

All arrears of land revenue, or cesses or other dues in respect of any holding or holdings, part or parts whereof have been acquired under this Act, and all amounts due from the holder thereof under the Land Improvement Loans Act, 1883, or the Agricultural Loans Act, 1884 or the U.P. Agricultural Income Tax Act, 1948 or the U.P. Large Land Holdings Tax Act, 1957 may, without prejudice to any other mode of recovery, be recovered by deducting the outstanding amount from the 1[amount] payable under Chapter III.

1. Substituted by U.P. Act No. 20 of 1976, Section 28 (w.e.f. 10-10-1975).

42. Application Of The Limitation Act, 1963 :-

1[The provisions of 2[Sections 4, 5 and 12 of the Limitation Act 1963], shall be applicable to all proceedings, includings proceedings in appeals, applications and objections under this Act.

1. Substituted for words and figure "Indian Limitation Act, 1908" by U.P. Act No. 18 of 1973, Section 17 (i) (w.e.f. 5-6-1973).

2. Substituted for the words and figures "Sections 5 and 12 of the Indian Limitation Act, 1908" by U.P. Act No. 18 of 1973, Section 17 (ii) (w.e.f. 5-6-1973).

43. Delegation Of Powers :-

The powers of the Collector under this Act may be exercised by an Assistant Collector of the first class incharge of the sub-division in which the surplus land lies or by any other Assistant Collector of the first class specially empowered by the Collector in this behalf.

44. Power To Make Rules :-

1[(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.]

(2) In particular and without prejudice to the generality of the

foregoing power, such rules may provide for all or any of the following matters, namely,--

(a) the manner in which any notice or order under this Act may be served or published ;

(b) the procedure which the Collector shall follow while exercising powers conferred by this Act;

2[(bb) conditions pertaining to the grant of permission to transfer land under sub-section (2) of Section 6];

(c) the manner and the principle under which expenses, referred to in sub-section (3) of Section 15, shall be calculated ;

(d) the fees payable on a petition or appeal under this Act; and

(e) the matters which are to be and may be prescribed.

(3) 3[* * *]

1. Substituted by U.P. Act No. 20 of 1976, Section 25 (w.e.f. 10-10-1975).

2. Inserted by U.P. Act No. 20 of 1976, Section 25 (w.e.f. 10-10-1975).

3. Omitted by U.P. Act No. 20 of 1976 (w.e.f. 10-10-1975).

45. Repeal :-

(1) With effect from the thirtieth day of June, 1961, the U.P. Large Land Holdings Tax Act, 1957 (U.P. Act No. XXXI of 1957), except Section 28 thereof, shall stand repealed.

(2) Notwithstanding the repeal of the U.P. Large Land Holdings Tax Act, 1957, and without prejudice to the provisions of the U.P. General Clauses Act, 1904, the repeal under sub-section (1) shall not--

(a) affect the previous operation of the Act so repealed or anything done or suffered thereunder ; or

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or

(d) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; or

(e) affect the right to take action under Section 15 of the U.P. Large Land Holdings Tax Act, 1957, in accordance with the provisions of that Act in respect of a land holdings which he has escaped assessment;

and any such investigation legal proceedings, remedy or action for

assessment may be instituted, continued, enforced or taken and any such penalty, forfeiture, punishment or assessment may be imposed or made as if the U.P. Large Land Holdings Tax Act, 1957, had remained in force on all material dates.

SCHEDULE 1

SCHEDULE I

(Section 17)

PART I

(Areas where the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 applies)

(a) Bhumidhar	Forty times of land revenue determined at hereditary rates applicable, [* *] and where the land revenue payable is less than that determined at hereditary rates applicable, an additional amount equal to twenty times of difference between the two.
(b) Bhumidhar in respect of the surplus land held by his asami mentioned in Section 11 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.	(i) If the asami holds land in perpetuity one-eighth of the[amount] calculated as in the case of item (a) above. (ii) If the asami holds land for his life time, five-eighths of the[amount] calculated as in the case of item (a) above. [(iii) If the asami holds land for a specified period, an amount arrived at after deducting the amount payable to the asami in accordance with the provisions contained in item (e) (iii) from the amount calculated as in the case of item (a) above.]
(c) Sirdar	Twenty times the land revenue determined at hereditary rate applicable and where the land revenue payable is less than that determined at hereditary rates applicable an additional amount equal to twenty times of the difference between the two.
(d) Asami of a [Gram Sabha] or of a Local Authority.	Five times rent payable by him.
(e) Asami mentioned in Section 11 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.	(i) If the asami holds land in perpetuity, seven-eighths of the[amount] calculated as in the case of item (a) above, (ii) If the asami holds land for his life-time, three eighths of the[amount] calculated as in the case of item (a) above. (iii) if the asami holds land for a specified period, half of the land revenue determined at hereditary rates applicable for each year of the unexpired period of the lease, subject to a maximum of thirty-five

times the land revenue so computed.

Explanation.--The hereditary rate applicable to any portion of the holding which is barren, shall be deemed to be Re. -/1/-per acre.

PART II

(Areas where Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 does not apply)

(a) Occupancy, Ex-proprietary, hereditary tenants and grantees or favourable rate of rent.	Twenty times the rent determined at the hereditary rates applicable and where the rent payable is less than the amount so determined an additional amount equal to twenty times of the difference between the two.
(b) Other tenants....	Five times the rent payable.

Explanation.--The hereditary rate applicable to any portion of the holdings which is barren, shall be deemed to be Re. 1/- per acre.

PART III

Government Lessee

(a) The 2[amount] payable to a Government lessee shall be calculated with reference to the 2[amount] provided for tenure-holder falling under Part I or II, as the case may be, with whose terms and conditions the terms of the Government grant conform as near as possible.

1[(b) The amount payable to a sub-lessee of a Government lessee mentioned in clause (9) of Section 3 shall be seven-eighths of the amount calculated as in the case of item (a) above and the balance shall be paid to the Government lessee concerned.]

PART IV

(a) Buildings	Ten to twenty times as may be determined having regard to conditions and nature of the buildings, of the gross annual letting value or if no letting value is known the letting value as ascertained in the manner prescribed.
(b) (1) Masonry wells, tube-wells or pucca irrigational channels in use.	Cost of constructing a similar well or channel, as the case may be, minus depreciation at the rate of 2 per cent per annum thereof.
(2) Masonry wells or Pucca irrigation channels not in use.	Cost of the material of the cylinder and platform or the channel, as the case may be, minus depreciation at the rate of 2 per cent per annum thereof.
(c) Trees--	
(1) Fruit bearing trees Note.--[* * * *]	Eight times the annual fair average value of fruit crops.

(2) For young fruit trees which have not yet borne fruits.	Cost of the plant and expenditure on labour and planting.
(3) Trees whose value lies mainly in the timber thereof.	[Eight times the annual fair average value of such trees.]

5[Explanation.--For the purposes of item (c) the expression average value, in relation to a tree means the arithmetic mean of twenty years profits accruing from such tree.]

1. Omitted by U.P. Act No. 20 of 1976.
2. Substituted by U.P. Act No. 20 of 1976, and shall be deemed to have been always substituted.
3. Substituted by U.P. Act No. 28 of 1961, Section 3 (iii) (w.e.f. 30-9-1961).
4. Substituted by U.P. Act No. 9 of 1994, for the words "Gaon Sabha"
5. Substituted by U.P. Act No. 20 of 1976, and shall be deemed to have been always substituted.