



The Uttar Pradesh Revenue Code, 2006

Act 8 of 2012

Keyword(s):

Abadi or Village Abadi, Agriculture, Agricultural Labourer, Bank, Bhumi Prabandhak Samiti, Charitable, Collector, Consolidated Gaon, Grove Land, Holding, Land, Land Holder, Revenue Court, Village Artisan

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उद्देश्य और कारण

वर्तमान में उत्तर प्रदेश में राजस्व विधि से सम्बन्धित 39 अधिनियम प्रवृत्त हैं। इन अधिनियमों में से उत्तर प्रदेश जमीन अधिनियम और भूमि व्यवस्था अधिनियम, 1950 और यू0पी0 लैंड रेवेन्यू ऐक्ट, 1901 महत्वपूर्ण अधिनियम हैं। ब्रिटिश शासन के दौरान अनेक अधिनियम अधिनियमित किये गये थे। उनमें से अधिकतम उपबंध अप्रचलित हो गये हैं। इन अधिनियमों के कुछ उपबंध एक दूसरे से असंगत हो गये हैं। राजस्व विधि से सम्बन्धित विभिन्न अधिनियमों में भिन्न-भिन्न उपबन्धों के कारण राजस्व-मुकदमों में अत्यधिक वृद्धि हो गयी है। परिणामस्वरूप राजस्ववाद लम्बी अवधि से निस्तारण के लिये लम्बित है। इन परिस्थितियों में इन सभी अधिनियमों के सुसंगत उपबंधों को एकल अधिनियम में उपान्तरण सहित समेकित करना आवश्यक हो गया है। अतएव यह विनिश्चय किया गया है कि राजस्व में भू-खातदारों और भू-राजस्व से सम्बन्धित विधियों और उनसे सम्बन्धित तथा उनसे आनुषंगिक विषयों को समेकित करने और उनमें संशोधन करने की व्यवस्था की जाय। अतएव उपरिलिखित अपेक्षाओं की पूर्ति के लिए उत्तर प्रदेश राजस्व संहिता विधेयक, 2006 बनाया गया है।

तदनुसार उत्तर प्रदेश राजस्व संहिता विधेयक, 2006 पुरस्थापित किया जाता है।

आज्ञा से,
एस0 के0 पाण्डेय,
प्रमुख सचिव।

No. 1044(2)/LXXIX-V-1-12-1(ka)33-06

Dated Lucknow, December 12, 2012

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Rajaswa Samhita, 2006 (Uttar Pradesh Adhiniyam Sankhya 8 of 2012) as passed by the Uttar Pradesh Legislature and assented to by the President on November 29, 2012.

THE UTTAR PRADESH REVENUE CODE, 2006

(U.P Act no. 8 of 2012)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to consolidate and amend the law relating to land tenures and land revenue in the State of Uttar Pradesh, and to provide for matters connected therewith and incidental thereto

IT IS HEREBY enacted in the Fifty-seventh Year of the Republic of India as follows:-

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Revenue code, 2006.

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

(3) It shall come into force on such date as the State Government may, by notification, appoint, and different dates may be appointed for different areas or for different provisions of this Code.

2. The provisions of this Code, except Chapters VIII and IX shall apply to the whole of Uttar Pradesh, and Chapters VIII and IX shall apply to the areas to which any of the enactments specified at serial numbers 19 and 25 of the First Schedule was applicable on the date immediately preceding their repeal by this Code.

Short title,
extent and
commencement

Applicability of
the Code

Extension of the
Code to new areas

3. (1) Where after the commencement of this Code, any area is added to the territory of Uttar Pradesh, the State Government may, by notification, extend the whole or any provision of this Code, to such area.

(2) Where any notification is issued under sub-section (1), the provisions of any Act, rule or regulation in force in the area referred to in the said sub-section, which are inconsistent with the provisions so applied, shall be deemed to have been repealed.

(3) The State Government may, by a subsequent notification, amend, modify or alter any notification issued under sub-section (1)

Definitions

4. In this Code,-

(1) 'abadi' or 'village abadi' means such area in a village which, on the date of commencement of this Code, is being used for the purposes of residence of its inhabitants or for purposes ancillary thereto such as sahan and green trees wells etc. or which may have been or be hereafter reserved for such use;

(2) 'agriculture' includes horticulture, animal husbandry, pisciculture, flower farming, bee keeping and poultry farming;

(3) 'agricultural labourer' means a person whose main source of livelihood is manual labour on agricultural land;

(4) 'bank' shall have the meaning assigned to it in the Uttar Pradesh Regulation of Money Lending Act, 1976;

(5) 'Bhumi Prabandhak Samiti' means a Bhumi Prabandhak Samiti constituted under section 28-A of the U.P. Panchayat Raj Act, 1947;

(6) 'Board' means the Board of Revenue constituted or deemed to be constituted under section 7;

(7) 'charitable institution' means any establishment, undertaking, organization or association formed for a charitable purpose, and includes a specific endowment;

(8) 'Collector' means an officer appointed as such by the State Government under sub-section (1) of section 12, and shall include-

(a) an Additional Collector appointed by the State Government under sub-section(2) of the said section; and

(b) an Assistant Collector of the first class empowered by the State Government by notification to discharge all or any of the functions of a Collector under this Code;

(9) 'Consolidated Gaon Fund' means the Consolidated Gaon Fund constituted under section 69;

(10) '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;

Provided that where the question relates to the transfer of any land and the transferee is a minor, the expression 'family' shall include the parents of such minor;

(11) 'grove land' means any specific part of land in a holding having trees (not including papaya, banana plants) planted thereon in such manner 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 shall constitute a grove;

(12) 'holding' means a parcel of lands held under one tenure or one lease, engagement or grant;

- (13) 'improvement', in relation to a holding, means any work which adds materially to the value of the holding which is suitable thereto and consistent with the purpose for which it is held and which, if not executed on the holding, is either executed directly for its benefit or is, after execution, made directly beneficial to it, and, subject to the foregoing provisions, includes-
- (i) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;
 - (ii) the construction of works for the drainage of land or for the protection of land from floods, or from erosion or other damage from water;
 - (iii) the planting of trees and the reclaiming, clearing, enclosing, leveling or terracing of land;
 - (iv) the erection of buildings on, or in the vicinity of the holding elsewhere than in an abadi or urban area, required for the convenient or profitable use or occupation of the holding; and
 - (v) the renewal or reconstruction of any of the foregoing works, or alteration therein or additions thereto;
- (14) 'land', except in Chapters VII and VIII and sections 80, 81 and section 136, means land held or occupied for purposes connected with agriculture;
- (15) 'land holder' means the person to whom rent is or but for a contract, express or implied, would be payable;
- (16) "Revenue Court" means all or any of the following authorities (that is to say) the Board and all members thereof, Commissioners, Additional Commissioners, Collectors, Additional Collectors, Assistant Collectors, Settlement Officers, Assistant Settlement Officers, Record Officers, Assistant Record Officers, Tahsildar and Naib Tahsildar;
- (17) "Revenue Officer" means Commissioner, an Additional Commissioner, the Collector, an Additional Collector, the Sub-Divisional Officer, and Assistant Collector, Settlement Officer, an Assistant Settlement Officer, Record officer, an Assistant record Officer, the Tahsildar, Tahsildar (Judicial) the Naib Tahsildar or the Revenue Inspector ;
- (18) 'Sub Divisional Officer' means the Assistant Collector in charge of the Tahsil;
- (19) 'taungya plantation' means the system of afforestation in which the plantation of trees is, in the earlier stages, done simultaneously with the cultivation of agricultural crops which ceases, when trees so planted begin to form a canopy, rendering the cultivation of agricultural crops impossible;
- (20) 'village' means any local area whether compact or otherwise, recorded as a village in the revenue records of the district concerned, and includes an area which the State Government may, by general or special notification, declare to be a village.

- (21) 'village artisan' means a person whose main source of livelihood is manufacture or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto, and includes a carpenter, weaver, potter, blacksmith, silversmith, goldsmith, barber, washerman, cobbler or any other person who normally earns his livelihood by practicing a craft either by his own labour or by labour of any member of his family in any village;
- (22) words and expressions 'Gaon Fund' and 'Gram Sabha' shall have the meanings assigned to them in the U.P. Panchayat Raj Act, 1947.

CHAPTER-II

Revenue Divisions

Division of State into revenue areas

5. For the purposes of this Code, the State shall be divided into revenue areas comprising divisions which may consist of one or more districts, and each district may consist of one or more tahsils and each tahsil may consist of one or more pargana, and each pargana may consist of two or more villages:

Constitution of revenue areas

6.(1) The State Government may, by notification, specify

- (i) the districts which constitute a division;
- (ii) the tahsils which constitute a district;
- (iii) the villages which constitute a tahsil.

(2) The State Government may, by notification, alter the limits of any revenue area referred to in sub-section (1) by amalgamation, re-adjustment, division or in any other manner whatsoever, or abolish any such revenue area and may name and alter the name of any such revenue area, and in any case where any area is renamed, then all references in any law or instrument or other document to the area under its original name shall be deemed to be references to the areas as renamed unless expressly provided otherwise:

Provided that before passing any order under this sub-section on any proposal to alter the limits of any revenue area, the State Government shall publish, in the prescribed manner, such proposals for inviting objections, and shall take into consideration any objections to such proposals.

(3) The Collector may, by an order, published in the prescribed manner, arrange the villages in a tahsil into Lekhpal circles and the Lekhpal circles into Revenue Inspector circles and specify also the headquarters of each Revenue Inspector within his Circle.

(4) The divisions, districts, tahsil, pargana, Revenue Inspector circles, Lekhpal circles and villages, as existing at the commencement of this Code shall, until altered under the preceding sub-sections, be deemed to be the revenue areas specified under this section.

CHAPTER-III

Board and the Revenue Officers

Board of Revenue

7. (1) There shall be a Board of Revenue for Uttar Pradesh consisting of a Chairman and such other members as the State Government may, from time to time, appoint:

Provided that the Board as constituted and functioning immediately before the commencement of this Code shall be deemed to be the Board constituted under this section.

(2) The principal seat of business of the board shall be at Lucknow and the judicial member may hold their courts at Allahabad or Lucknow as the Chairman from time to time directs.

(3) No person shall be qualified for appointment as:-

(a) an Administrative Member of the Board, unless he has held an office not lower in rank than that of a Commissioner.

(b) as Judicial Member of the Board, unless he has been a revenue officer.

(4) The State Government may, at the time of making the appointment or at any time subsequent thereto, designate any member, as Judicial Member of the Board, and any such member shall be allotted only judicial business.

8. (1) The Board shall be the Chief Controlling Authority-

(a) in all matters relating to disposal of cases, appeals, references or revisions; and

(b) subject to the superintendence, direction and control of the State Government, in all other matters provided in this Code.

(2) Subject to the provisions of sub-section(1), the Board shall exercise, perform and discharge powers, functions and duties conferred upon it by or under this Code or any other law for the time being in force.

(3) The State Government may authorize any member of the Board to exercise, perform and discharge either generally or in respect of any particular locality or matter, all or any or the powers, functions and duties conferred or imposed on the Board.

9. (1) Subject to such rules or orders as the State Government may make or issue, the Board may distribute its business amongst its member as the Board may deem fit. Chairman may constitute bench or benches consisting of more than one member for disposal of a particular case or class of cases.

(2) All orders made or decrees passed by a member of the Board in accordance with such distribution shall be deemed to be orders or decrees, as the case may be, of the Board.

10. (1) Where any proceeding coming under the consideration of the Board on appeal or in revision is heard by a Bench composed of two or more members, the case shall be decided in accordance with the opinion of such members or of the majority, if any, of such members.

(2) Where the members of the Board constituting the Bench are equally divided in opinion as to the decision of a case, it shall be heard by a larger Bench to be constituted by the Chairman, and the case shall be decided in accordance with the opinion of the members constituting such Bench or of the majority, if any, of such members.

(3) All decisions given by a member sitting singly, or by a Division Bench comprising two members or a larger Bench constituted as aforesaid shall be deemed to be decisions of the Board.

11. (1) The State Government shall appoint in each division a Commissioner, who shall, within his division, exercise the powers and discharge the duties conferred and imposed on a Commissioner by or under this code or any other law for the time being in force.

(2) The State Government may appoint one or more Additional Commissioners in one or more Divisions.

(3) An Additional Commissioner shall exercise such powers and discharge such duties of Commissioner in such cases or classes of cases as the State Government or, in the absence of any direction from the State Government, the Commissioner of the division may direct.

Jurisdiction of the Board

Power to distribute business

Decisions of the Board

Commissioners and Additional Commissioners

(4) The provisions of this Code and every other law for the time being applicable to a Commissioner shall apply to the Additional Commissioner when exercising powers or discharging any duties under this section, as if he were the Commissioner of the Division.

Collectors and
Additional
Collectors

12. (1) The State Government shall appoint, in each district, a Collector who shall be in charge of the revenue administration thereof and shall exercise all the powers and discharge all the duties conferred and imposed on a Collector by or under this Code or any other law for the time being in force.

(2) The State Government may appoint one or more Additional Collectors in a district.

(3) An Additional Collector shall, subject to the direction and control of the State Government or of the Collector, exercise all powers and discharge all duties of Collector.

(4) The provisions of this Code and every other law for the time being applicable to the Collector shall apply to the Additional Collector when exercising powers or discharging any duties under this section as if he were the Collector of the district.

Sub-Divisional
Officers and
Additional Sub-
Divisional
Officers

13. (1) The State Government may appoint in each district as many persons as it thinks fit to be Assistant Collectors.

(2) The State Government may place an Assistant Collector in charge of one or more sub-divisions of a district, and such an officer shall be called the Assistant Collector in-charge of a sub-division or a Sub-Divisional Officer.

(3) The officers referred to in sub-section (1) or sub-section (2) shall exercise all the powers and discharge all the duties conferred and imposed upon them by or under this Code or any other law for the time being in force, subject to the control of the Collector.

(4) The State Government may designate an Assistant Collector appointed to a district to be an Additional Sub-Divisional Officer for one or more tahsils of the district.

(5) Subject to the provisions of this Code, the Additional Sub-Divisional Officer shall exercise such powers and discharge such duties of a Sub-Divisional Officer in such cases or classes of cases as the State Government, or in the absence of any direction from the State Government, the Collector may direct.

Tahsildars and
Tahsildars
Judicial

14. (1) The State Government may appoint in each district as many persons as it thinks fit to be Tahsildars and Tahsildar Judicial.

(2) Subject to the provisions of this Code, the Tahsildar and Tahsildar Judicial shall exercise such powers and discharge such duties as the State Government or the Board, and in the absence of any directions from the State Government or the Board, the Collector may direct.

Naib-Tahsildars

15. The State Government may appoint in each district as many persons as it thinks fit to be Naib-Tahsildars who shall exercise the power and perform the duties conferred or imposed on them by or under this Code or under any other law for the time being in force.

Revenue
Inspectors and
Lekhpals

16. (1) The Collector may appoint in each tahsil one or more Revenue Inspector for the proper supervision, maintenance and correction of the village records, and for such other duties as the State Government may, from time to time, by general or special order specify.

(2) The Collector may appoint in each tahsil, as many Lekhpals for the preparation, maintenance and correction of the village records, and for such other duties as the State Government may from time to time by general or special order, specify.

17. It shall be lawful for the State Government or the authority competent to appoint, as the case may be, to appoint one and the same person, being otherwise competent according to law for any two or more of the offices provided for in this Chapter or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise, as it may deem expedient.

Combination of Offices

18. (1) The Collector may in cases in which there is claim outstanding on any revenue officer or on any person formerly employed as such in his district for public money or papers or other property of the State Government in his charge, by order, for reasons to be recorded, require the money, or the particular papers or property detained to be delivered either immediately to the bearer of the said order or to such person on such date and at such place as the order may specify.

Recovery of money, papers, and other Government property

(2) If the officer or other person aforesaid does not comply as directed, the Collector may cause him to be apprehended and may send him with a warrant in the prescribed form to be confined in the civil prison till he complies with the orders :

Provided that no person shall be detained in confinement by virtue of any such warrant for a period longer than thirty days.

19. (1) When any power is exercisable or any duty is dischargeable by any officer or authority under this Code, such power or duty may be exercised or discharged by any superior officer or authority as well.

Other power of Revenue Officers

(2) The revenue officers appointed under this Code shall, subject to the control of the state Government, exercise such other powers and discharge such other duties as the State Government may, by any general or special order, direct.

CHAPTER-IV

Boundaries and Boundary Marks

20. (1) Boundaries of all villages in the State and of all survey numbers in a village shall be fixed and demarcated by boundary marks.

Fixation and demarcation of boundaries

(2) The boundary marks shall, subject to the provisions hereinafter contained in this Chapter, be of such specifications and shall be constructed and maintained in such manner as may be prescribed.

21. (1) Every tenure-holder shall be responsible to maintain and repair at his cost the boundary marks lawfully erected in his holding or on the boundary thereof.

Obligation regarding maintenance and repair of boundary marks

(2) The Gram Sabha shall be responsible to maintain and repair at its cost the boundary marks, other than those mentioned in sub-section (1), lawfully erected in the villages situate within its jurisdiction.

22. (1) If any boundary mark lawfully erected in a Lekhpal circle is destroyed, removed or damaged, then the concerned Lekhpal shall be bound promptly to report the matter to the Naib Tehsildar.

Destruction etc. of boundary marks

(2) The Naib Tehsildar shall make an inquiry in respect of such report and shall submit his recommendation to the Sub-Divisional Officer.

23. (1) The Sub-Divisional Officer may, on receipt of the recommendations of the Naib Tehsildar under section 22, or otherwise, require a Gram Sabha in relation to a village and a tenure holder in relation to his holding, to erect or restore proper boundary marks or to repair or replace the same in such manner as may be prescribed.

Power to require erection, repair or renewal of boundary marks

(2) Where the Gram Sabha or a tenure holder fails to erect, restore, repair or replace the boundary marks as required under sub-section (1), the Sub-Divisional Officer may cause such boundary marks to be erected, restored, repaired or replaced, as the case may be, and recover the cost thereof from such Gram Sabha or the tenure holder in the manner prescribed.

Disputes regarding boundaries	<p>24. (1) The Sub-Divisional Officer may, on his own motion or on an application made in this behalf by a person interested, decide, by summary inquiry, any dispute regarding boundaries on the basis of existing survey map or, where the same is not possible in accordance with the provisions of the Uttar Pradesh Consolidation of Holdings Act 1953, on the basis of such map.</p> <p>(2) If in the course of an inquiry into a dispute under sub-section (1), the Sub-Divisional Officer is unable to satisfy himself as to which party is in possession or if it is shown that possession has been obtained by wrongful dispossession of the lawful occupant, the Sub-Divisional Officer shall-</p> <p>(a) in the first case, ascertain by summary inquiry who is the person best entitled to the property, and shall put such person in possession;</p> <p>(b) in the second case, put the person so dispossessed in possession, and for that purpose use or cause to be used such force as may be necessary and shall then fix the boundary accordingly.</p> <p>(3) Every proceeding under this section shall, as far as possible, be concluded by the Sub-Divisional Officer within six months from the date of the application.</p> <p>(4) Any person aggrieved by the order of the Sub-Divisional Officer may prefer an appeal before the Commissioner within 30 days of the date of such order. The order of the Commissioner shall be final.</p>
Rights of way and other easements	<p>25. In the event of any dispute arising as to the route by which a tenure holder or an agricultural labourer shall have access to his land or to the waste or pasture land of the village (other than by the public roads, paths or common land) or as to the source from or course by which he may avail himself of irrigational facilities, the Tahsildar may, after such local inquiry as may be considered necessary, decide the matter with reference to the prevailing custom and with due regard to the convenience of all the parties concerned. He may direct the removal of such obstacle and may, for that purpose, use or cause to be used such force as may be necessary and may recover the cost of such removal from the person concerned in the manner prescribed.</p>
Removal of obstacle	<p>26. If the Tehsildar finds that any obstacle impedes the free use of a public road, path or common land of a village or obstructs the road or water course or source of water, he may direct the removal of such obstacle and may, for that purpose, use or cause to be used such force as may be necessary and may recover the cost of such removal from the person concerned in the manner prescribed.</p>
Revisional powers of Sub-Divisional Officer	<p>27. The Sub-Divisional Officer may call for the record of any case decided by the Tahsildar under section 25 or 26, for the purpose of satisfying himself as to the legality or propriety of such decision, and may, after affording opportunity of hearing to the parties concerned, pass such orders as he thinks fit.</p>
Order not to debar from establishing any right of easement	<p>28. No order made under this Chapter shall debar any person from establishing such right of easement or customary right as he may claim by a civil suit.</p>

CHAPTER-V

Maintenance of village records

List of villages	<p>29. (1) The Collector shall prepare and maintain a register, in the form prescribed, containing list of all villages in his district and shall show therein-</p> <p>(a) the areas which are liable to fluvial action;</p> <p>(b) the areas which have precarious cultivation; and</p> <p>(c) such other particulars as may be prescribed.</p> <p>(2) The register shall be revised every five years or at such longer intervals as may be prescribed.</p>
Maintenance of Map and Field Book	<p>30. The Collector shall maintain, in the manner prescribed, a map and a field book (khasra) for each such village and shall cause to be recorded therein, annually, or at such longer intervals as may be prescribed, all changes in the boundaries of the village or survey numbers, and shall also cause to be corrected, any errors or omissions which are, from time to time, detected in such map or field book (khasra).</p>

31. The Collector shall maintain, in the form and manner prescribed, a record of rights (Khatauni) for each village, which shall contain the following particulars: namely: -

Record of Rights

- (a) the names of all tenure holders together with survey numbers or plot numbers held by them and their areas;
- (b) the nature or extent of the respective interests of such persons and the conditions or liabilities, if any, attaching thereto;
- (c) the rent or revenue, if any, payable by or to any such person;
- (d) particulars of all land (other than holdings) belonging to or vested in the State Government, Gram Sabha or a local authority;
- (e) such other particulars as may be prescribed.

32. (1) Subject to the control of the Collector, the Sub-Divisional Officer the Tahsildar, or the Revenue Inspector shall record, in the manner hereinafter provided in this Chapter, all changes in the record of rights (Khatauni), the field book (Khasra) and the map that may take place, and all transactions that may affect any of the rights or interests recorded, and correct therein any error proved to have been made in the records previously prepared.

Correction of records

(2) No application for correction of error under sub-section (1) where is claim is based solely on possession as well as involving intricate question of title, shall be maintainable.

33. (1) Every person obtaining possession of any land by succession shall submit report of such succession to the Revenue Inspector of the circle in which the land is situate in such form as may be prescribed.

Mutation in cases of succession

(2) On receipt of a report under sub-section (1) or on facts otherwise coming to his knowledge, the Revenue Inspector shall-

- (a) if the case is not disputed, record such succession in the record of rights (Khatauni);
- (b) in any other case, make such inquiry as may appear to him to be necessary and submit his report to the Tehsildar.
- (c) Any person whose name has not been recorded by Revenue Inspector or is aggrieved by the order passed by the Revenue Inspector under clause (a) or (b) may move an application before Tehsildar.

(3) The provisions of this section shall mutatis mutandis apply to every person admitted as a Bhumidhar with non-transferable rights or as an asami by the Bhumi Prabandhak Samiti in accordance with the provisions of this Code or any enactment repealed by it.

34. Every person obtaining possession of any land by transfer, other than transfer referred to in sub-section (3) of section 33 shall report such transfer, in the manner prescribed, to the Tahsildar of the Tahsil in which the land is situate.

Duty to report in cases of transfer

Explanation :-For the purposes of this section, the word transfer includes a family settlement or an exchange of holdings or parts thereof.

35. (1) On the receipt of a report under section 33 or section 34, or upon facts otherwise coming to his knowledge, the Tahsildar shall issue a proclamation and make such inquiry as appears and-

Mutation in cases of succession or transfer

- (a) if the case is not disputed, he shall direct the record of rights (Khatauni) to be amended accordingly;
- (b) if the case is disputed, he shall settle the same, as far as may be, by conciliation between the parties, and pass orders accordingly; and

(c) if the dispute is not settled by conciliation, he shall decide the dispute and direct the record of rights (Khatauni) to be amended accordingly.

(2) Any person aggrieved by an order of the Tahsildar under sub-section (1) may prefer an appeal to the Sub-Divisional Officer within a period of thirty days from the date of such order, and any person aggrieved by the order of Sub-Divisional Officer may prefer the second appeal before the Commissioner within thirty days from that order and the decision of the Commissioner shall be final.

Intimation of transfer and deposit of land revenue

36. (1) Notwithstanding anything contained in section 34, where any document purporting to create, assign or extinguish any title to or any charge on land or in respect of which a record of rights (Khatauni) is prepared, is registered under the Indian Registration Act 1908 the registering authority shall send intimation to the Tahsildar within whose jurisdiction such land is situate in such form and within such time, as may be proscribed.

(2) Notwithstanding anything contained in this Chapter, no order for correction of records under section 32 and no order for recording succession under section 33 and no amendment of record of rights (Khatauni) under section 35 and no correction under section 38 shall be recorded, unless the amount of land revenue due up-to-date in respect of the land to which such order relates has been deposited.

Bar against certain suits

37. No suit or other proceeding shall lie in any revenue court at the instance of any person obtaining possession of any land by succession or transfer, until he has made a report under section 33 or section 34, as the case may be.

Correction of errors and omission

38. (1) An application for correction of any error or omission in the map, field-book (Khasra) or record of rights (Khatauni) shall be made to the Tahsildar in the manner prescribed.

(2) On receiving an application under sub-section (1) or on any error or omission otherwise coming to his knowledge, the Tahsildar shall make such inquiry as may appear to him to be necessary, and refer the case along with his report to the Sub-Divisional Officer.

(3) The case shall be decided by the Sub-Divisional Officer after considering any objection filed before him or before the Tahsildar.

(4) Any person aggrieved by an order of Sub-Divisional Officer under sub-section (3) may prefer an appeal to the Commissioner within a period of thirty days from the date of such order, and the decision of the Commissioner shall be final.

Explanation- The power to correct any error or omission under this section shall not be construed to include the power to decide a dispute involving question of title.

Certain orders of revenue officers not to debar a suit

39. No order passed by a Revenue Inspector under section 33, or by a Tahsildar under sub-section (1) of section 35 or by a Sub-Divisional Officer under sub-section (3) of section 38 or by a Commissioner under sub-section (2) of section 35 or sub-section (4) of section 38 shall debar any person from establishing his rights to the land by means of a suit under section 144.

Presumption as to entries

40. All entries in the village map field-book (Khasra) and record of right (Khatauni) prepared in accordance with the provisions of this Code shall be presumed to be true, until the contrary is proved.

Kisan Bahi

41. (1) Every time when a record of rights (Khatauni) is prepared under this Chapter, the Collector shall as soon as may be, cause to be supplied to every tenure-holder, a Kisan Bahi containing such particulars as may be prescribed.

(2) The Kisan Bahi shall be a consolidated pass-book for all the holdings held by a tenure-holder in the district.

(3) In the case of a joint holding, it shall be sufficient for the purpose of this section if Kisan Bahi is supplied only to such one or more of the recorded co-tenure holders as may apply for it.

(4) The tenure holder shall be liable to pay such cost for the Kisan Bahi and in such manner as may be prescribed.

(5) Every person holding Kisan Bahi shall, from time to time, be entitled, without any extra payment, to get the amendments made in the record of rights (Khatauni) incorporated in his Kisan Bahi.

(6) Whenever a bank or other public financial institution advances loan to a tenure holder on the basis of a representation of the tenure holder that he is a holder of the holdings recorded in the Kisan Bahi, it shall endorse the details of the loan so advanced in the Kisan Bahi. Only the original Kisan Bahi and not a duplicate shall be produced by a tenure holder to such institution for the purpose.

(7) The tenure holder shall also submit to such bank or other financial institution an affidavit declaring that he has not taken any other loan (which remains wholly or partly unpaid) on the security of the holdings comprised in the Kisan Bahi nor has he transferred the holding or any share therein to any person in any other manner whatsoever.

(8) Any tenure holder who in such an affidavit makes any statement which is false and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years and shall, also be liable to fine.

(9) Such bank or other financial institution shall also endorse the final repayment of the loan on the Kisan Bahi.

42. Every person whose rights, interests or obligations are required to be or have been entered in any record or register maintained under his Chapter shall be bound, on the requisition of any revenue officer engaged in compiling or revising such record or register, to furnish or produce for his inspection, within such time as may be specified, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

Duty to produce information or documents

Chapter-VI

Revision of village records

43. (1) Whenever the State Government is of opinion that in any district or other local area, a revision of records or a re-survey, or both is necessary, it shall publish a notification to that effect, and thereupon such district or area shall be deemed to be under record operation or survey operation or both, as the case may be.

Notification of record and survey operations

(2) The State Government may, by a subsequent notification, amend or cancel the notification issued under sub-section (1), or declare the operation to be closed.

44. (1) The State Government may appoint a Record Officer who shall be in-charge of the record operation or the survey operation or both and may also appoint as many Assistant Record Officers as it may deem fit.

Record Officer and Assistant Record Officer

(2) The Assistant Record Officer shall, for so long as the notification under sub-section (1) of section 43 is in force, exercise the powers conferred on him by this Code and shall discharge such other duties as may be entrusted to him by the Record Officer.

45. Where any district or other local area is under record or survey operation, the powers conferred by sections 23 to 26 shall be exercised by the Record Officer.

*Power of Record Officer during record or survey operation

46. When any district or other local area is under record operation, the Record Officer shall cause to be revised, for each village comprised therein, the field book (Khasra) and the record of rights (Khatauni).

Revision of records during record operation

Revision of records during survey operation

47. When any district or other local area is under survey operation, the Record Officer shall cause to be prepared for each village comprised therein, a map, and thereafter, proceed to revise the field book (khasra) and the record of rights (khatauni).

Powers of Record Officer as to erection of boundary marks

48. When any local area is under survey operation the Record Officer may issue a proclamation directing all Gram Sabha and Bhumidhars to erect, within fifteen days such boundary marks, as he may think necessary to defined the limits of the villages and fields and in default, he may cause such boundary marks to be erected and the Collector shall recover the cost of their erection from the Gram Sabhas or Bhumidhars concerned.

Procedure of revision of map and records

49. (1) For revising the map and records under sections 46 and 47, the Record Officer shall, subject to the provisions of sub-sections (2) to (8), cause to be carried out survey, map correction, field to field partal and test and verification of current record of rights (khatauni) in accordance with the procedure prescribed.

(2) After the test and verification of the current record of rights, the Naib Tahsildar shall correct clerical mistakes and errors, if any, in such records, and shall cause to be issued to the concerned tenure holders and other persons interested, notices containing relevant extracts from the current record of rights and such other records as may be prescribed showing their rights and liabilities in relation to land and mistakes and disputes discovered during the operations mentioned in sub-section (1).

(3) Any person to whom notice under sub-section (2) has been issued may within twenty one days of the receipt of notice, file before the Naib- Tahsildar objections in respect thereof disputing the correctness or nature of the entries in such records or extracts.

(4) Any person interested in the land may also file objection before the Naib- Tahsildar at any time before the dispute is settled in accordance with sub-section (5) or before the Assistant Record Officer, at any time before the objections are decided in accordance with sub- section (6).

(5) The Naib- Tahsildar shall-

(a) where objections are filed in accordance with sub-section (3) or sub-section (4) after hearing the parties concerned; and

(b) in any other case, after making such inquiry as he may deem necessary, correct the mistake, and settle the dispute by conciliation between the parties appearing before him, and pass orders on the basis of such conciliation.

(6) The record of all cases which cannot be disposed of by the Naib-Tahsildar by conciliation as required by sub-section (5), shall be forwarded to the Assistant Record Officer who shall dispose of the same, in accordance with the procedure laid down in section 24 and where the dispute involves a question of title, he shall decide the same after a summary inquiry.

(7) Where after the summary inquiry under sub-section (6), the Assistant Record Officer is satisfied that the land in dispute belongs the State Government or a local authority, he shall cause the person in unauthorised occupation of such land to be evicted and may, for that purpose, use or cause to be used such force as may be necessary.

(8) Any person aggrieved by an order of the Assistant Record Officer made under sub-section (6) or sub-section (7) may prefer an appeal to the Record Officer in the manner prescribed and every order of the Record Officer on such appeal shall, subject to the provisions of section 210, be final.

50. After the revision of map or records in accordance with section 49, the Assistant Record Officer shall confirm or amend the record of rights (Khatauni) under his dated signature.

Finalisation of record of rights

51. The assistant Record Officer shall thereafter prepare, for each village in the area under the record or survey operation, the records specified in sections 30 and 31 on the basis of the record of rights (Khatauni) referred to section 50 and the records so prepared shall be maintained by the Collector in place of the records previously existing.

Preparation of new record of rights

52. The provision of this Chapter shall, mutatis mutandis apply to a record operation or survey operation in respect of every such village or part thereof, where no map or other record referred to in section 46 or section 47 is available, and for this purpose, the Record Officer shall follow such procedure as may be prescribed.

Procedure for villages where no records are available

53. All entries in the record of rights (Khatauni) prepared in accordance with the provisions of this Chapter shall be presumed to be true until the contrary is proved.

Presumption as to the entries

Chapter VII

Ownership of Land and other Properties

54. All public roads, lanes and paths, bridges, ditches, dykes and fences on or beside them, the bed of rivers, streams, nallas, lakes, ponds and tanks and all canals and water channels, and all standing and flowing water, and all lands wherever situated, which are not owned by any person, and except in so far as any rights of any persons may be established in or over the same, and except as may be otherwise provided in any law for the time being in force, are hereby declared, with all rights in or over the same, or appertaining thereto, to be the property of the State Government :

Title of State in all lands etc.

Provided that nothing in this section shall be deemed to affect the rights of any person subsisting in any such property immediately before the date of commencement of this Code.

55. (1) Notwithstanding anything contained in this Code, the right to operate or work in any mine or to extract any mineral there from shall be governed by the Mines and Minerals (Development and Regulation) Act, 1957.

Mines and minerals

(2) Every lessee of building or land, leased or deemed to have been leased out by the State Government under any of the enactments repealed by this Code, for the purposes connected with the working or extraction of any mine or mineral, and operating on the date of commencement of this Code, shall continue to retain possession thereof on payment of such rent as was in force on the date of such commencement.

56. (1) All trees existing on any holding or grove shall, subject to the provisions of this Code or any other law for the time being in force, be deemed to belong to the person who holds such holding or grove.

Rights in trees

(2) All trees existing on the boundary of any holdings shall be deemed to belong jointly to the persons who hold the holdings on either side of such boundary.

(3) All trees in abadi or in any unoccupied land belonging to or held by any person immediately before the date of commencement of is Code shall continue to belong to such person and be held subject to any other law for the time being in force and to any rules made under this Code.

(4) Subject to the provisions of section 57, all trees, brushwood, jungle or other natural product, wherever growing or planted, other than the trees referred to in sub-sections (1) to (3) shall, with effect from the date of commencement of this Code be deemed to be the property of the State Government.

Explanation- For the purposes of this section, and section 59, the expression 'unoccupied land' means the land in a village other than the land held by tenure-holders.

Fruit bearing trees

57. (1) Where before the commencement of this Code, any fruit bearing tree was planted by any person on either side of any public road or path or canal with the permission in writing of any revenue officer or an officer of the Forest or Public Works Department or Irrigation Department of the State Government; not below the rank of a Tahsildar or an Assistant Conservator of Forest or an Assistant Engineer, as the case may be, then, notwithstanding that such land vests in the State Government, such person and his legal representatives shall be entitled to the fruits of such trees without payment of any charges whatsoever.

(2) Any person desiring to plant a fruit bearing tree after the commencement of this Code, on either side of any public road or path or canal may do so with the permission in writing of the Collector or any other officer authorized by the State Government in this behalf, and the provisions of sub-section (1) shall apply to the trees so planted.

(3) The right conferred under this section shall be heritable but the person planting the fruit bearing tree or his heirs shall have no right to the corpus of such tree or in the land on which it stands.

Disputes to be decided by Collector

58. (1) Where any dispute arises in respect of any property referred in section 54 or section 56 or section 57 or in respect of any right to such property, such dispute shall be decided by the Collector.

(2) Any person aggrieved by any order passed under sub-section (1) may file an appeal before the Commissioner within 2 month from the date of order.

Chapter VIII

Management of Land and other Properties

by Gram Sabha or other Local Authority

Entrustment of land etc. to Gram Sabhas and other local authorities

59. (1) The State Government may, by general or special order to be published in the manner prescribed, entrust all or any of the things specified in sub-section (2), which vest in the State Government, to a Gram Sabha or other local authority for the purposes of superintendence, preservation, management and control in accordance with the provisions of this code.

(2) The following things may be entrusted to a Gram Sabha or other local authority under sub-section (1), namely-

- (i) lands, whether cultivable or otherwise, except land for the time being comprised in any holding or grove;
- (ii) grove standing on the Gram Sabha land, pasture land, graveyard, cremation-ground, manure pits, Khaliyans, Chakroads, link roads, sector roads, land in river bed, road, Sadak Khanti, Sullage farm;
- (iii) forests; and fisheries;
- (iv) trees, other than trees in a holding or on the boundary of a holding or in a grove or abadi, or any trees on unoccupied land;
- (v) hats, bazars, melas, tanks, ponds, water-channels, private ferries, pathways and abadi sites;
- (vi) subject to the provision of the Treasure Trove Act, 1878, any properties specified in section 55 and belonging to the State Government.

(3) Every land or other thing-

(a) vested in a Gram Sabha or any other local authority under the provisions of the Uttar Pradesh Consolidation of Holdings Act, 1953 or the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960;

(b) placed under the charge of a Gram Sabha or any other local authority under any of the enactments repealed by this Code;

(c) otherwise coming into possession of a Gram Sabha or other local authority, either before or after the commencement of this Code;

shall be deemed to be entrusted to such Gram Sabha or other local authority, as the case may be, with effect from the date of commencement of this Code or from the date of such coming into its possession, for the purpose of superintendence, preservation, management and control, in accordance with the provisions of this Code.

(4) The State Government may, by a subsequent order to be published in the manner prescribed,-

(a) add to, amend, vary or rescind any earlier order issued under sub-section (1);

(b) transfer to any other Gram Sabha or other local authority, any land or other thing entrusted or deemed to be entrusted under sub-section(1) or sub-section (3) for superintendence, preservation, management and control;

(c) resume any land or other thing so entrusted, or deemed to be entrusted or transferred to any Gram Sabha or local authority on such terms and condition as prescribed :

(d) impose conditions and restrictions subject to which the powers of superintendence, preservation, management and control under this section shall be exercised.

(5) Where any of the thing specified in sub-section (2) has been entrusted or deemed to have been entrusted to a Gram Sabha, and the village or any part thereof in which such things are situated lies outside the circle of the Gram Sabha, such Gram Sabha or its Bhumi Prabandhak Samiti shall, subject to any general or special order issued by the State Government in this behalf, perform, discharge and exercise the functions, duties and powers assigned, imposed or conferred by or under this Code or the U.P. Panchayat Raj Act, 1947 on a Gram Sabha or a Bhumi Prabandhak Samiti as if that village or part also lay within that circle.

(6) Where any of the things specified under sub-section (2) has been entrusted or deemed to be entrusted to a local authority other than the Gram Sabha, the provisions of this Chapter shall *mutatis mutandis* apply to such local authority.

60. (1) Subject to the provisions of this Code, every Bhumi Prabandhak Samiti shall be charged, for and on behalf of the Gram Sabha, with the superintendence, preservation, management and control of all land and other things entrusted or deemed to be entrusted to that Gram Sabha under section 59 or over which such Gram Sabha is entitled to take possession under this Code or any other law for the time being in force.

Superintendence,
management and
control by
Bhumi
Prbandhak
Samiti

(2) Without prejudice to the generality of the foregoing provisions, the functions and duties of the Bhumi Prabandhak Samiti shall include: -

(a) the settlement and management of land;

(b) the preservation, maintenance and development of forests and trees;

(c) the maintenance and development of abadi sites and village communications;

(d) the management of hats, bazars and melas;

(e) the maintenance and development of fisheries and tanks;

(f) the development of cottage industries;

(g) the development and improvement of agriculture;

(h) the conduct and prosecution of suits and proceedings by or against the Gram Sabha; and

(i) such other matters as may be prescribed;

Management of village tanks

61. Where a tank in any village is entrusted or deemed to be entrusted to any Gram Sabha under section 59, then, notwithstanding anything contained in any contract or grant or any law for the time being in force, its management by such Gram Sabha shall be regulated by the following conditions, namely:-

(a) where the area of the tank measures 0.5 acre or less, it shall be reserved for public use by the inhabitants of the village;

(b) where the area of the tank exceeds measures 0.5 acre, the Bhumi Prabandhak samiti shall, with the previous approval of the Sub-Divisional Officer, let it out in the manner prescribed.

Explanation- For the purpose of this section, the term 'tank', includes talab, pond, pokhar and other land covered perennially with water.

Conduct of suits and legal proceedings

62. (1) Subject to the provisions of sub-section (2) and such other conditions as may be prescribed, the Chairman or such members of the Bhumi Prabandhak Samiti as may be authorised in this behalf by such Samiti, may sign any document and do all other things for the proper conduct and prosecution of suits and other proceedings for and on behalf of the Gram Sabha.

(2) No suit or other proceedings to which any Gram Sabha is a party shall be compromised or withdrawn on behalf of such Gram Sabha, unless such compromise or withdrawal is approved by a resolution of the Bhumi Prabandhak Samiti and prior sanction of the Sub-Divisional Officer is obtained.

Land which may be allotted for abadi sites

63. (1) The Sub-Divisional officer may of his own motion or on the resolution of the Bhumi Prabandhak Samiti earmark the following classes of land for the provision of abadi sites for allotment to persons specified in section 64 :-

(a) all lands entrusted or deemed to be entrusted to a Gram Sabha under clause (i) of sub-section (2) of section 59;

(b) all lands coming into possession of Gram Sabha under any other provision of this Code;

(2) Notwithstanding anything contained in any other provision of this Code or in the U.P. Panchayat Raj Act, 1947, the Bhumi Prabandhak Samiti may, with the previous approval of the Sub-Divisional Officer, allot the following classes of land for the purposes of building houses:-

(a) any land referred to in sub-section (1);

(b) any land earmarked for abadi sites under the Uttar Pradesh Consolidation of Holdings Act, 1953;

Act No. 1 of 1894

(c) any land acquired for abadi under the provisions of the Land Acquisition Act, 1894.

64. (1) The following order of preference shall be observed in making allotment of land referred to section 63:-

Allotment of
abadi sites

(a) an agricultural labourer or a village artisan residing in the Gram Sabha and belonging to a scheduled caste or scheduled tribe or other Backward Classes or a person of general category living below poverty line as determined by the State Government.

(b) any other agricultural labourer or a village artisan residing in the Gram Sabha.

(c) any other person residing in the Gram Sabha and belonging to a scheduled caste or scheduled tribe or other Backward Classes or a person of general category living below poverty line as determined by the State Government.

Provided that preference will be given to widow and physically handicapped person within same category.

Explanation- For the purposes of this sub-section-

(1) "other backward class" means the backward classes of citizens specified in Schedule-I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 (U.P. Act, No. 4 of 1994);

(2) "person of general category living below poverty line" means such persons as may be determined from time to time by the State Government.

(2) In making an allotment under this section, preference shall be given to a person who either holds no house or has insufficient accommodation considering the requirement of his family.

(3) Every land allotted under this section shall be held by the allottee on such terms and conditions as may be prescribed.

65. (1) Where any land referred in section 63 has been allotted for building a house under section 64, and any person other than an allottee is in occupation of such land in contravention of the provisions of this Code, the Sub-Divisional Officer may, of his own motion and shall, on the application of the allottee, put the allottee in possession of such land, and may, for that purpose, use or cause to be used such force as he may consider necessary.

Delivery of
possession to
allottee

(2) Where any person, after being evicted under this section, reoccupies the land or any part thereof, without lawful authority, he shall be punished 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 allottee as damages for use and occupation.

(3) Where in any proceeding under sub-section (2), the court, at any stage after cognizance of the case has been taken, is satisfied by affidavit or otherwise that-

(a) the accused is in occupation of the land to which such proceeding relates, in contravention of the provisions of this Code, and

(b) the allottee is entitled to the possession of such land,

the court may, summarily, evict the accused from such land pending the final determination of the case, and may put the allottee in possession of such land.

(4) Where in any proceeding under sub-section (2), the accused is convicted, the interim order passed under sub-section (3) shall be confirmed by the court.

(5) Where, in any proceeding under sub-section (2), 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) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under sub-section (2) may be tried summarily.

(7) 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 each consisting of an officer not below the rank of sub-divisional magistrate, who shall, subject to the provisions of the Code of Criminal Procedure, 1973, exercise, in relation to such offence, the powers of a Judicial Magistrate of the First Class.

Act No. 2 of 1974

(8) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under sub-section (2) shall be cognizable and non-bailable.

Inquiry into irregular allotment of abadi sites

66. (1) The Collector may, of his own motion and shall, on the application of any person aggrieved by an allotment of land made under section 64, inquire in the manner prescribed of such allotment and if he is satisfied that the allotment is irregular, he may cancel the allotment, and thereupon, the right, title and interest of the allottee and of every other person claiming through him in the land allotted shall cease.

(2) No application under sub-section (1) shall be entertained, if it is made after the expiration of a period of three years from the date of allotment.

(3) Every order of the Collector made under this section shall be final.

Power to prevent damages, misappropriation and wrongful occupation of Gram Sabha properties

67. (1) Where any property entrusted or deemed to be entrusted under the provisions of this Code to a Gram Sabha or other local authority is damaged or misappropriated, or where any Gram Sabha or other authority is entitled to take possession of any land under the provisions of this Code and such land is occupied otherwise than in accordance with the said provisions, the Bhumi Prabandhak Samiti or other authority or the Lekhpal concerned, as the case may be, shall inform the Sub-Divisional Officer concerned in the manner prescribed.

(2) Where from the information received under sub-section (1) or otherwise, the Sub-Divisional Officer is satisfied that any property referred to in sub-section (1) has been damaged or misappropriated, or any person is in occupation of any land referred to in that sub-section in contravention of the provisions of this Code, he shall issue notice to the person concerned to show cause why compensation for damage, misappropriation or wrongful occupation not exceeding the amount specified in the notice be not recovered from him, or, as the case may be, why he should not be evicted from such land.

(3) If the person to whom a notice has been issued under sub-section (2) fails to show cause within the time specified in the notice or within such extended time as the Sub-Divisional Officer may allow in this behalf, or if the cause shown is found to be insufficient, the Sub-Divisional Officer may direct that such person shall be evicted from the land, and may, for that purpose, use or cause to be used such force as may be necessary, and may direct that the amount of compensation for damage or misappropriation of the property or for wrongful occupation as the case may be, be recovered from such person as arrears of land revenue.

(4) If the Sub-Divisional Officer is of opinion that the person showing cause is not guilty of causing the damage or misappropriation or wrongful occupation referred to in the notice under sub-section (2), he shall discharge the notice.

(5) Any person aggrieved by an order of the Sub-Divisional Officer under Sub-section (3) or Sub-section (4), may within thirty days from the date of such order, prefer an appeal to the Collector.

(6) Notwithstanding anything contained in any other provision of this Code, and subject to the provisions of this section every order of the Sub-Divisional Officer under this section shall, subject to the provisions of sub-sections (5) be final.

(7) The procedure to be followed in any action taken under this section shall be such as may be prescribed.

Explanation- For the purposes of this section, the word "land" shall include the trees and buildings standing thereon.

68. (1) All sums received under this Code by a Gram Sabha, Gram Panchayat or a Bhumi Prabandhak Samiti shall be credited to the Gaon Fund

Provided that the amount of damages or compensation recovered under section 67 shall be credited to the Consolidated Gaon Fund.

(2) The Gaon Fund constituted under the enactments repealed by this Code and subsisting immediately before the commencement of such Code shall be deemed to have been constituted under this section.

(3) The Gram Fund shall be operated in such manner and shall be applied for such purposes as may be prescribed.

69. (1) There shall be established for each district, a Consolidated Gaon Fund to which the following amounts shall be credited, namely-

- (a) the amount referred to in the proviso to sub-section (1) of section 68;
- (b) all contributions received by the Collector under sub-section (2);
- (c) such other amounts as may be prescribed.

(2) Every Gram Sabha in a district shall pay to the Collector annually such percentage, not exceeding twenty five, as the State Government may from time to time notify, of the total amount credited to the Gaon Fund under section 67, in the manner prescribed.

(3) The Consolidated Gaon Fund shall be operated by the Collector and may be applied for the following purposes, namely-

- (a) the payment of fees and allowances, if any, of the lawyers appointed under section 72;
- (b) the payment of expenses incurred in connection with the conduct and prosecution of suits, applications or other proceedings by or against the Gram Sabha or the Bhumi Prabandhak Samiti under this Code;
- (c) the payment of expenses incurred on the development of lands of common utility, and
- (d) the payment of any other sum which the State Government may, by general or special order, declare to be an appropriate charge on such fund.

(4) The Consolidated Gaon Funds constituted under any of the enactments repealed by this Code and subsisting immediately before its commencement shall be deemed to have been constituted under this section.

Orders and direction of the State Government and the Collector

70. (1) The State Government and, subject to its control, the Collector may issue such orders or directions to the Bhumi Prabandhak Samiti as may appear to be necessary for purposes of this Code.

(2) It shall be the duty of the Bhumi Prabandhak Samiti and its office bearers to forthwith carry out the orders and comply with the directions issued under sub-section (1).

Alternative arrangement

71. If at any time the Collector is satisfied that-

(a) the Bhumi Prabandhak Samiti has failed without reasonable cause or excuse to discharge its duties or to perform the function imposed or assigned to it by or under this Code; or

(b) circumstances have so arisen that the Bhumi Prabandhak Samiti is or may be rendered unable to discharge the duties or perform the functions imposed or assigned by or under this Code; or

(c) it is otherwise expedient or necessary to do so; he may, direct that the duties, powers and functions of such Bhumi Prabandhak Samiti under this Code, shall, notwithstanding anything contained in any other law for the time being in force, be discharged, exercised and performed by an officer not below the rank of a Naib-Tahsildar and for such period and subject to such restrictions as may be specified.

Standing counsel and other lawyers

72. (1) The State Government may, on such terms and conditions and in such manner as may be prescribed appoint -

(a) one Standing Counsel (Revenue) each at Allahabad High Court and Lucknow Bench thereof;

(b) one Standing Counsel (Revenue) each for Board of Revenue Allahabad and Lucknow;

(c) one Divisional Government Counsel (Revenue) for the divisional head-quarters; and

(d) one District Government Counsel (Revenue) for the district head-quarters.

(2) The Collector may, on such terms and conditions and in such manner as may be prescribed, appoint not more than two Panel Lawyers (Revenue) for every tahsil.

(3) Subject to the provisions of sub-section (2) of section 62, the legal practitioners appointed under sub-section (1) or sub-section (2) may plead or act, without any written authority, on behalf of any Gram Sabha, Gram Panchayat or Bhumi Prabandhak Samiti in any court or authority for which he is so appointed,

(4) No Gram Sabha, Panchayat or Bhumi Prabandhak Samiti shall engage any legal practitioner other than one appointed under this section without prior permission of the Collector.

(5) Notwithstanding anything contained in the Court Fees Act, 1870, (Act no. 7 of 1870) no court fee shall be payable on any vakalatnama or memo of appearance filed by any legal practitioner appointed under this section.

(6) The legal practitioners appointed under this section shall not be competent to plead or act against any Gram Sabha, Gram Panchayat or Bhumi Prabandhak Samiti before any court for which he is so appointed.

73. (1) In any suit or other proceedings under this Code, the Gram Sabha shall be represented-

Representation of Gram Sabha

(a) in proceeding before the Collector or in a civil court, by the District Government Counsel (Revenue);

(b) in proceeding before the commissioner, by the Divisional Government Counsel (Revenue); and

(c) in proceeding before the Board or the High Court, by the separate Standing Counsels (Revenue) of Lucknow or Allahabad, as the case may be.

(2) Nothing in this Chapter shall preclude the State Government or the collector from appointing special counsel for the conduct of any suit or proceeding to which any Gram Sabha is party on such terms and conditions as may be prescribed.

Chapter IX

Tenures

74. There shall be following classes of tenure holders, namely-

Classes of tenures

(a) Bhumidhar with transferable rights;

(b) Bhumidhar with non-transferable rights;

(c) Asami, and

(d) Government lessee.

75. Every person belonging to any of the following classes, shall be called bhumidhar with transferable rights and shall have all the rights and be subject to all the liabilities conferred or imposed upon such bhumidhar by or under this Code, namely,

Bhumidhar with transferable rights

(a) every person who was a bhumidhar with transferable rights immediately before the date of commencement of this Code,

(b) every person who in any other manner acquires, on or after the said date, the rights of such a bhumidhar under or in accordance with the provisions of this Code or under any other law for the time being in force.

76. Every person belonging to any of the following classes shall be called a bhumidhar with non-transferable rights and shall have all the rights and be subject to all the liabilities conferred or imposed upon such bhumidhar by or under this Code, namely:-

Bhumidhar with non-transferable rights

(a) every person who was a bhumidhar with non-transferable rights immediately before the date of commencement of this Code ;

(b) every person who is admitted as a bhumidhar with non-transferable rights on or after the said date by the Bhumi Prabandhan Samiti to any land under or in accordance with the provisions of this Code;

(c) every person who is or has been allotted any land under the provision of the Uttar Pradesh Bhoodan Yajna Act, 1952;

(d) every person who is or has been allotted any land under the provision of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960;

(e) every person who in any other manner acquires on or after the said date, the rights of such a bhumidhar under or in accordance with the provisions of this Code, or any other law for the time being in force.

(2) Every person who was a Bhumidhar with non-transferable rights immediately before the commencement of this Code and had been such Bhumidhar for a period of ten years or more, shall become Bhumidhar with transferable rights on such commencement.

(3) Every person who was a Bhumidhar with non-transferable rights on the commencement referred to sections (1) and (2) or becomes Bhumidhar with non-transferable rights after such commencement shall become Bhumidhar with transferable rights after expiry of ten years from his becoming Bhumidhar with non-transferable rights.

(4) Notwithstanding anything contained in any other provisions of this Code, if any person transfers land by sale after becoming Bhumidhar with transferable rights under sub-section (1) or sub-section (2) or sub-section (3), he shall not be eligible for lease of any land vested in the Gram Sabha or the State Government or the surplus land defined in the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960.

Bhumidhar rights
not to accrue in
certain lands

77. Notwithstanding anything contained in this Code or any other law for the time being in force; no person shall acquire the rights of a bhumidhar in the following land :-

- (a) Khaliyan, manure pits, pasture land or land normally used as burial or cremation ground;
- (b) land covered by water and used for the purpose of growing singhara or other produce;
- (c) land situate in the bed of a river and used for casual or occasional cultivation;
- (d) such tracts of shifting or unstable cultivation which the State Government may by notification specify ;
- (e) land declared by the State Government to be intended or set apart for laungya plantation and notified as such;
- (f) grove land entrusted or deemed to be entrusted to a Gram Sabha or any other local authority under section 59;
- (g) land included in sullage farm or trenching ground entrusted or deemed to be entrusted to a Gram Sabha or any other local authority under section 59;
- (h) land acquired or held for a public purpose or a work of public utility;
- (i) land covered by a pond, tank or lake, or forming part of an embankment, bandh or bhita; and
- (j) any other land which the State Government may, by notification, specify in this behalf.

Explanation- The expression 'public purpose', in clause (h) shall include:

- (i) land set apart for military camping ground;
- (ii) land included within railway or canal boundaries;
- (iii) land acquired and held by a local authority for its own purposes;
- (iv) land referred to in section 29-C of the Uttar Pradesh Consolidation of Holdings Act, 1953 ; or
- (v) land reserved by a Gram Sabha for the purposes of public utility:

Provided that the land use of public utility land except the land of pond, grave-yard, cremation ground, Id-gah land covered by forest, religious-places or site of Holi, can be changed by the State Government for public interest in the manner as may be prescribed.

Asami

78. Every person belonging to any of the following classes, shall be called an asami, and shall have all the right and be subject to all the liabilities conferred or imposed upon such asami by or under this Code, namely:-

- (a) every person who was an asami immediately before the date of commencement of this Code;
- (b) every person who is admitted as an asami on or after the said date by the Bhumi Prabandhak Samiti to any land under or in accordance with the provisions of this Code:

(c) every person who is admitted as lessee on or after the said date, by a bhumidhar of any land under or in accordance with the provisions of this Code;

(d) every person who in any other manner acquires the rights of an asami under or in accordance with the provisions of this Code or any other law for the time being in force.

79. (1) A bhumidhar with transferable rights shall, subject to the provisions of this Code, have the right to exclusive possession of all land of which he is such a bhumidhar and to use it for any purpose whatsoever.

Right of bhumidhars to exclusive possession

(2) A bhumidhar with non-transferable right shall, subject to the provisions of this Code, have the right to exclusive possession of all land of which he is such a bhumidhar, and to use such land for any purpose connected with agriculture.

80. (1) Where a bhumidhar with transferable rights uses his holding or part thereof for a purpose not connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming, the Sub-Divisional Officer may, *suo motu* or on an application moved by such bhumidhar, after making such enquiry as may be prescribed, make a declaration to that effect.

Use of bhumidhari land for non-agricultural purposes

(2) The application for declaration under section (1) shall contain such particulars and shall be made in such manner as may be prescribed.

(3) Where the application under sub-section (1) is made in respect of a part of the holding, the Sub-Divisional Officer may, in the manner prescribed, demarcate such part for purposes of such declaration.

(4) No declaration under this section shall be issued by the Sub-Divisional Officer, if he is satisfied that the land is to be used for a purpose which is likely to cause a public nuisance or to affect adversely public order, public health, safety or convenience or against uses proposed in the Master Plan.

81. Where a declaration has been made under section 80 the following consequences shall, in respect of such holding or part to which it relates ensue:

Consequences of declaration

(a) all restrictions imposed by or under this Chapter in respect of transfer of land shall cease to apply to the bhumidhar with transferable rights.

(b) notwithstanding anything contained in Chapter XI, the land shall, with effect from the commencement of the agricultural year following the date of declaration, be exempted from payment of land revenue;

(c) the bhumidhar shall, in the matter of devolution be governed by the personal law to which he is subject.

82. (1) Whenever any holding or part thereof in respect of which a declaration has been made under section 80 is used for any purpose other than a purpose connected with agriculture, the Sub-Divisional Officer may, of his own motion or on an application made in that behalf and after making such inquiry as may be prescribed, cancel such declaration.

Cancellation of declaration

(2) Where a declaration is cancelled under sub-section (1) the following consequences shall in respect of the holding or part to which it relates ensue namely:-

(a) the holding or part shall become subject to all restrictions imposed by or under this Chapter in matters of transfer and devolution;

(b) the holding or part shall become liable to payment of land revenue with effect from the commencement of the agricultural year in which the order for cancellation of the declaration is made.

Provided that until any land revenue is reassessed on such holding or part in accordance with the provisions of this Code, the land revenue payable or deemed to be payable in respect of such holding or part before the grant of declaration under section 80 shall be deemed to be the land revenue payable in respect of such holding or part,

(c) where the land is in possession of any person other than the bhumidhar thereof on the basis of a contract or lease, and the terms of such contract or lease are inconsistent with the provisions of this Code, such contract or lease shall to the extent of the inconsistency, become void and the person in possession shall be liable to ejectment on the suit of the bhumidhar :

Provided that a mortgage with possession existing on the date of the cancellation of the declaration shall, to the extent of the amount due and secured on such land, be deemed to be substituted by a simple mortgage carrying such rates of interest as may be prescribed;

Recording of
declaration or
cancellation

83. Every declaration under section 80 or cancellation under section 82 shall be recorded in Record of Rights in the manner as may be prescribed.

Right of an asami
for exclusive
possession of his
holding

84. An asami shall, subject to the provision of this Code, have the right to exclusive possession of all land comprised in his holding and to use such land for any purpose connected with agriculture:

Provided that no asami shall be entitled to use any land declared by the State Government by notification to be intended or set apart for taungya plantation, for any purpose other than cultivation and raising of crops.

Consequences of
using the land in
contravention of
the provisions of
this Code

85. (1) Where a bhumidhar with non-transferable rights uses his holding or part thereof, in contravention of the provisions of section 79, he shall, notwithstanding anything contained in any other provision of this Code, be liable to ejectment from such holding or part on the suit of the Gram Sabha.

(2) Where an asami uses his holding or part thereof for any purpose not permitted by section 84, he shall, notwithstanding anything contained in any other provision of this Code, be liable to ejectment from such holding or part, on the suit of the land holder.

(3) A decree for ejectment under this section may direct payment of damages equivalent to the cost of works which may be required to restore the land to its original condition.

Extinction of
interest of
bhumidhar with
non-transferable
rights or asami

86. Where a bhumidhar with non-transferable rights or an asami has been ejected from any holding or part thereof in accordance with section 85, all rights and interest of such bhumidhar or asami in such holding or part together with any improvements made therein shall stand extinguished.

Improvement not
to be removed

87. (1) It shall be lawful for a bhumidhar to make any improvement in the land of which he is bhumidhar, for cultivation of such land or for more convenient use thereof.

(2) Where the right, title or interest of any tenure holder in any holding or part is extinguished under or in accordance with the provisions of this Code, he shall not be entitled to remove or appropriate any improvement made by him under subsection (1).

Transfers

Transferability of
a bhumidhar's
interest

88. (1) The interest of a bhumidhar with transferable rights shall, subject to the provision of this Code, be transferable.

(2) Save as otherwise expressly provided by this Code or any other law for the time being in force, the interest of a bhumidhar with non-transferable rights or an asami in any holding shall not be transferable.

89. (1) No bhumidhar shall have the right to transfer any holding or part thereof where such transfer contravenes or is likely to contravene the provisions of sub-section (2) or sub-section (3).

Restriction on transfer by bhumidhar

(2) Subject to the provisions of sub-section (3), no person shall have the right to acquire by purchase or gift any holding or part thereof from a bhumidhar with transferable rights where the transferee shall as a result of such acquisition become entitled to land which together with land, if any, held by him and his family shall exceed 5.04 hectares in Uttar Pradesh.

(3) The State Government may, by general or special order, authorise an acquisition in excess of the limits specified in sub-section (2) if such acquisition is for a charitable or industrial purpose and is in favour of a registered society or any company or other corporation or educational institution or a charitable institution and if it is of opinion that the acquisition would be in public interest, and in any such case, the provisions of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 shall not apply to such acquisition.

90. Notwithstanding anything contained in this Code or in any other law for the time being in force, no person, other than an Indian citizen, shall have the right to acquire any land, by sale or gift, or in any other manner involving transfer of possession in his favour, without prior permission in writing from the State Government.

Persons other than Indian nationals not to acquire land

Explanation- For the purposes of this section, the expression "an Indian citizen" includes any company or association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by Indian citizens.

91. No bhumidhar shall have the right to mortgage any holding or its part where possession of the mortgaged property is transferred or agreed to be transferred to the mortgagee as security for the amount of mortgage advanced or to be advanced or for interest thereon-

Restrictions on transfer by mortgage

92. Subject to the provisions of this Code, the interest of a bhumidhar with non-transferable rights in any holding or its part may be-

Mortgage and gift of land by bhumidhar with non-transferable rights

(a) transferred by mortgage without possession as security for a loan taken or to be taken from the State Government or a bank or a co-operative society or the U.P. State Agro Industrial Corporation Ltd. or any other financial institution owned and controlled by such Government;

(b) sold in execution of a decree of any court regarding the matter referred to in clause (a) or in proceedings for collection of land revenue under Chapter XII.

93. If any bhumidhar transfers possession of any holding or part thereof for the purpose of securing any money advanced by way of loan or in lieu of interest on such loan, then, notwithstanding anything contained in any law or contract or document of transfer, the transaction shall be deemed at all times and for the purposes of this Code, to be a sale to the transferee, and to every such sale, the provisions of section 89 shall apply.

Transfer of possession for securing money shall be deemed to be a sale

94. No bhumidhar or asami shall let out his holding or any part thereof except :-

Restrictions on lease

(a) in the cases provided for in section 95 or section 96, or

(b) to a recognised educational institution imparting instruction in agriculture.

Lease by a
disabled person

95. (1) A bhumidhar, or an asami holding land from a Gram Sabha, may let out the whole or part of his holding for a period not exceeding three years at a time, if he is a disabled person; that is to say, he belongs to any one of the under mentioned classes:-

(a) a mentally ill or mentally retarded person, the letting in such a case being made by his guardian or by the manager of his property;

(b) a person incapable of cultivation by reason of any physical infirmity;

(c) a deity or a waqf;

(d) a widow or an unmarried woman;

(e) a married woman provided she is divorced or has been deserted by her husband or is judicially separated from her husband or is living separately on account of cruelty of her husband or her husband's relatives, or her husband belongs to class (a), class (b), class (g) or class (h);

(f) a minor whose father is either dead or belongs to class (a), class (b), class (g); class (h) or class (i) or class (j), the letting in such a case being made by guardian of his property;

(g) a person below 25 years in age who is prosecuting studies in any recognized educational institution and whose father is either dead or belongs to class (a), class (b) class (h) class (i) or class (j);

(h) a person serving in the Military, Naval or Air services of the Union of India or his wife or her husband living with him or with her;

(i) any other Government servant or his wife or her husband living with him or with her;

(j) any person under detention or undergoing imprisonment;

(2) Where a bank acquires any land in proceedings under the Uttar Pradesh Agricultural Credit Act, 1973, it may let the whole or part of such land for a period not exceeding one year at a time, and after the expiry of the said period, the lessee shall cease to have any right, title or interest in the land so let.

Explanation:- The expressions 'mentally ill' and 'mentally retarded' shall have the meanings assigned to them in the Mental Health Act, 1987: (Act No.14 of 1987).

Lease by a
disabled co-shares

96. (1) Where any holding is held jointly by more persons than one and all of them are not subject to the disabilities mentioned in sub-section (1) of section 95, then the disabled co-sharer may alone let out his share in the holding.

(2) Where any share in any holding has been let out by a co-sharer in accordance with sub-section (1), the asami or co-sharer may sue for division of such share.

(3) No other relief shall be combined in a suit for division under sub-section (2).

Lease how made

97. Notwithstanding anything contained in the Transfer of Property Act, 1882 (Act no. 14 of 1882), or the Indian Registration Act, 1908 (Act no. 16 of 1908) a lease referred to in section 95 for a period exceeding one year shall be made either by a registered instrument or in the manner prescribed.

Explanation :- A lease which fails to comply with the provisions of this section shall not be deemed by reason thereof to be a transfer in contravention of the provisions of this Chapter.

98. (1) Without prejudice to the provisions of this Chapter, no bhumidhar belonging to a scheduled caste shall have the right to transfer, by way of sale, gift, mortgage or lease any land, situate outside the limits, of Development authorities constituted under Uttar Pradesh Urban Planning and development Act, 1973, to a person not belonging to a scheduled caste, except with the previous permission of the Collector in writing:

Restrictions on transfer by Bhumidhars belonging to a scheduled caste

Provided that no such permission shall be granted by the Collector if the transferor will come to hold less than 1.265 hectare of land in Uttar Pradesh as a result of such transfer.

(2) For the purposes of granting permission under this section the Collector may make such inquiry as may be prescribed.

99. Without prejudice to the provisions of this Chapter, no bhumidhar belonging to a scheduled tribe shall have the right to transfer, by way of sale, gift, mortgage or lease any land to a person not belonging to a scheduled tribe.

Restrictions on transfer by bhumidhars of scheduled tribes

100. A bhumidhar or an asami belonging to a scheduled caste or a scheduled tribe may, notwithstanding anything contained in any other provision of this Code, transfer his interest in any holding or part, by mortgage without possession as security for a loan taken or to be taken from the State Government or any institution referred to in clause (a) of section 92.

Mortgage by members of scheduled caste and scheduled tribes

101. (1) No bhumidhar shall without prior permission in writing of the Sub-Divisional Officer exchange his land with the land -

Exchange

(a) held by another bhumidhar; or

(b) entrusted or deemed to be entrusted to any Gram Sabha or a local authority under section 59.

(2) The Sub-Divisional Officer shall refuse permission under sub-section (1) in the following cases, namely :-

(a) if the exchange is not necessary for the consolidation of holdings or securing convenience in cultivation;

(b) if the difference between the valuation determined in the manner prescribed, of the lands given and received in exchange exceeds ten percent of the lower valuation.

(c) if the difference between the areas of the land given and received in exchange exceeds twenty five percent of the lesser area; or

(d) in the case of land referred to in clause (b) of sub-section (1), if it is reserved for planned use, or is land in which bhumidhari rights do not accrue.

(e) if the land is not located in same or adjacent village of the same tehsil.

(3) Nothing in this section shall be deemed to empower any person to exchange his undivided interest in any holding, except where such exchange is in between two or more same co-sharers.

(4) Nothing in the Indian Registration Act, 1908 (Act no. 16 of 1908) shall apply to an exchange in accordance with this section.

102. Where an exchange is made in accordance with section 101

Consequences of exchange

(a) the parties to the exchange shall have the same rights in the land received in exchange as they had in the land given;

(b) the Sub-Divisional Officer shall order the record of rights (Khatauni) to be corrected accordingly; and

(c) the amount of land revenue assessed, payable or deemed to be payable for the land so exchanged shall not be affected thereby.

Effect of lease in
contravention of
this Code

103. Where a bhumidhar has let out his holding or any part thereof in contravention of section 94, section 95, section 96 or section 99, the lessee shall, notwithstanding anything contained in any law or contract or document of lease, become and be deemed to be-

(a) where the total area of the land held by him, together with the land held by his family, including the land let out to him and any member of his family, does not exceed 5.04 hectares in Uttar Pradesh, bhumidhar with non-transferable rights thereof; and

(b) where the total area as aforesaid exceeds 5.04 hectares, a purchaser thereof, and the provision of section 89 shall, apply thereto.

Transfer in
contravention of
this Code to be
void

104. Except as provided in section 103 every transfer of interest in any holding or part thereof made by a bhumidhar or an asami in contravention of the provisions of this Code shall be void.

Consequences of
transfer by
Bhumidhar in
contravention of
the Code

105. (1) Where transfer of interest in any holding or part made by a bhumidhar is void under section 104, the following consequences shall, with effect from the date of such transfer, ensue, namely:-

(a) the subject matter of such transfer shall vest in the State Government free from all encumbrances;

(b) the tree; crops, wells and other improvements; existing on such holding or part shall vest in the State Government free from all encumbrances;

(c) the interests of the transferor and the transferee in the properties specified in clauses (a) and (b) shall stand extinguished;

(d) the extinction of interest of the transferor under clause (c) shall operate to extinguish the interest of any asami holding under him;

(2) Where any land or other property has vested in the State Government under sub-section (1) it shall be lawful for the Collector to take over possession of such land and other property, and to direct that any person occupying such land or property be evicted there from, and for that purpose, the Collector may use or cause to be used such force as may be necessary and the provisions of section 59 *mutatis mutandis* shall apply to such property.

Consequences of
transfer made by
asami in
contravention of
this Code

106. Where transfer of interest in any holding or part made by an asami is void under section 104, such asami shall be liable to ejection on the suit of the Gram Sabha or other land holder, as the case may be, in accordance with the provisions of this Code.

Devolution

Bequest by
Bhumidhar or
Asami

107. (1) Subject to the provisions of sub-section (2), a bhumidhar with transferable rights may bequeath his interest in any holding by will.

(2) In relation to a bhumidhar with transferable rights belonging to a scheduled caste or scheduled tribe, the provisions of section 98 and 99 shall apply to the making of bequests as they apply to transfer during life time.

(3) Every will made under this section shall, notwithstanding anything contained in any law, custom or usage, be in writing attested by two witnesses and registered.

(4) No bhumidhar with non-transferable rights or asami shall have the right to bequeath his interest in any holding by will.

(5) A bequest made in contravention of the provisions of this section shall be void.

108. (1) Subject to the provisions of Section 107, where a bhumidhar or asami, being a male dies, his interest in his holding shall devolve upon his heirs being the relatives specified in sub-section (2) in accordance with the following principles, namely:-

General order of succession to male Bhumidhar or Asami

(i) the heirs specified in any one clause of sub-section (2) shall take simultaneously in equal shares;

(ii) the heirs specified in any preceding clause of sub-section (2) shall take to the exclusion of all heirs specified in succeeding clauses, that is to say, those in clause (a) shall be preferred to those in clause (b), those in clause (b), shall be preferred to those in clause (c) and so on, in succession;

(iii) if there are more widows than one, of the bhumidhar or asami; or of any predeceased male lineal descendant who would have been an heir, if alive, all such widows together shall take one share;

(iv) the widow or widowed mother or the father's widowed mother or the widow of any predeceased male lineal descendant who would have been an heir, if alive, shall inherit only if she has not remarried.

(2) The following relatives of the male bhumidhar or asami are heirs, subject to the provision of sub-section (1) namely: -

(a) widow, and the male lineal descendants in the male line of descent per stirpes :

Provided that the widow and the son of a predeceased son how low-so-ever shall inherit per stirpes the share which would have devolved upon the predeceased son had he been alive;

(b) mother and father;

(c) unmarried daughter;

(d) married daughter;

(e) brother and unmarried sister being respectively the son and the daughter of the same father as the deceased; and son of a predeceased brother, the predeceased brother having been the son of the same father as the deceased;

(f) son's daughter;

(g) father's mother and father's father;

(h) daughter's son;

(i) married sister;

(j) half sister, being the daughter of the same father as the deceased;

(k) sister's son;

(l) half sister's son, the sister having been the daughter of the same father as the deceased;

(m) brother's son's son;

(n) mother's mother's son

(o) father's father's son's son;

109. Where before or after the commencement of this Code, any woman inherits the interest of a male bhumidhar, asami or Government lessee in any holding, and such woman dies, marries or remarries after such commencement, then, her interest in the holding shall, subject to the provisions of section 107 and 112 devolve upon the nearest surviving heir of the last male bhumidhar, asami or Government lessee, as the case may be.

Succession to woman inheriting as a female heir

Explanation - The expression 'nearest surviving heir' in this section means the heir ascertained in accordance with section 108.

Succession to woman holding otherwise than as a female heir

110. Where any female bhumidhar or asami or a Government lessee dies, after the commencement of this Code, then her interest in any holding or its part shall subject to the provision of sections 107 to 109 devolve, in accordance with the order of succession given below :-

(a) son, son's son, son's son's son, predeceased son's; widow, and predeceased son's predeceased son's widow, in equal shares per stirpes :

Provided firstly that the nearer shall exclude the remoter in the same branch:

Provided secondly that a widow who has remarried, shall be excluded;

(b) husband;

(c) unmarried daughter;

(d) married daughter

(e) daughter's son;

(f) father;

(g) widowed mother;

(h) brother, being the son of the same father as the deceased and brother's son per stirpes;

(i) unmarried sister;

(j) married sister;

(k) Sister' son;

Savings as to religious endowments, etc.

111. Nothing in this Chapter shall be construed to apply to the devolution of management of a Hindu devasthanam, math or debutter property or of a Muslim wakf comprising any holding, which shall continue to be governed by such personal or other law as may be applicable to it.

interest of co-tenure holders to pass by survivorship

112. (1) Where before or after the commencement of this Code, two or more co-widows inherit the interest of a male tenure-holder, and any one of them dies or remarries after such commencement without leaving any heir entitled to succeed in accordance with section 108, the interest of such co-widow shall pass by survivorship to the surviving widow, and where there are two or more surviving co-widows, then to the surviving co-widows in equal shares.

Devolution of interest among surviving co-tenure holders.

(2) Where any land is held by two or more co-tenure holders, and any one of them dies after the commencement of this Code without leaving any heir entitled to succeed under sections 108 to 110, the interest of such co-tenure holder shall pass to the surviving co-tenure holders in equal shares.

Persons other than Indian citizens and persons of Indian origin not to inherit

113. Notwithstanding anything contained in this Code or any other law for the time being in force, no person other than an Indian citizen and person of Indian origin who has acquired citizenship of any other country shall be entitled to acquire any land or any interest therein either by bequest or by inheritance,

Other conditions regarding devolution

114. The devolution of interest in any holding under this Chapter shall be subject to the following conditions:-

(a) If a bhumidhar or asami dies intestate, and at the time of his death; a child was in the womb who was subsequently born alive, then such child shall have the same right to inherit as if he or she had been born before the death of such bhumidhar or asami, and the inheritance shall be deemed to vest in such a case with effect from the date of death of such bhumidhar or asami;

(b) Where two persons have died in circumstances rendering it uncertain whether either of them and if so which survived the other, then for purposes of devolution of interest in any holding, it shall be presumed, until the contrary is proved, that the younger survived the elder;

(c) A person who commits murder of a bhumidhar or asami, or abets the commission of such murder, shall be disqualified from inheriting the interest of the deceased in any holding ;

(d) If any person is disqualified from inheriting the interest in the holding of any bhumidhar or asami under clause (c), such interest shall devolve as if the disqualified person had died before the death of such bhumidhar or asami.

Explanation. In this section, the expression 'murder' means any offence punishable under section 302, section 303, section 304, section 304-A, section 304-B, section 305 or section 306 of the Indian Penal Code.

115. (1) Where a bhumidhar or an asami holding land from a Gram Sabha dies without known heir, the Sub-Divisional Officer may take possession of the land held by such bhumidhar or asami, and may lease it for a period of one agricultural year at a time, in the manner prescribed.

Escheat

(2) The terms and conditions of every lease under sub-section (1) shall be such as may be prescribed.

(3) If within three years of the date on which the Sub-Divisional Officer takes possession of the land any claimant applies for the land being restored to him, the Sub-Divisional Officer may, after such inquiry as he thinks fit, allow or reject his claim.

(4) Any person aggrieved by an order rejecting his claim under sub-section (3) may, within one year from the date of communication of such order to him, file a suit for declaration of his rights under section 144.

(5) The Sub-Divisional Officer shall continue to lease out the land in accordance with sub-sections (1) and (2) till the suit referred to in sub-section (4) is finally decided.

(6) If no claimant appears within three years from the date of taking possession of the land by the Sub-Divisional Officer, or if the claimant whose claim has been rejected under sub-section (3) does not file a suit in accordance with sub-section (4), or the suit, if filed is finally dismissed, then the land shall be deemed to have vested in the Gram Sabha or the local authority under section 59 with effect from the following date, namely-

(a) where no claimant appears, from the date of expiry of the three years period referred to in sub-section (3); or

(b) where the claimant does not file a suit for declaration, from the date of expiry of the one year period referred to in sub-section (4); or

(c) where the suit filed by the claimant under sub-section (4) is finally dismissed, from the date of such final dismissal.

(7) Where any claimant succeeds in any claim under sub-section (3) or in any suit filed under sub-section (4), he shall, notwithstanding anything contained in any law for the time being in force, be entitled to possession of the land and to the rent realised from the lessee after deducting all arrears of land revenue due in respect of such land and the expenses of its management.

DIVISION

116. (1) A bhumidhar may sue for the division of the holding of which he is a co-sharer. Suit for division of holding

(2) In every such suit, the court may also divide the trees, wells and other improvements existing on such holding.

(3) One suit may be instituted for the division of more holdings than one where all the parties to the suit other than the Gram Sabha are, jointly interested in each of the holdings.

(4) To every suit under this section, the Gram Sabha concerned shall be made a party.

Duty of Court in suits for division of holding

117. (1) In every suit for division of holding under section 116 the Court of Assistant Collector shall-

- (a) follow such procedure as may be prescribed;
- (b) apportion the land revenue payable in respect of each such division.

(2) A division of holding referred to in section 116 shall not affect the joint liability of the tenure-holders there of in respect of the land revenue payable before the date of the final decree.

SURRENDER AND ABANDONMENT

Surrender by bhumidhar

118. (1) A bhumidhar may surrender his interest in any holding or any part thereof by giving an application in writing to the Tahsildar intimating his intention to do so and by giving up possession thereof to him whether or not such holding is let.

(2) Where only part of a holding has been surrendered, the Tahsildar shall apportion the land revenue payable by such bhumidhar.

Surrender by asami

119. An asami may surrender his interest in any holding (but not any part thereof) by giving notice in writing to the land holder intimating his intention to do so, and by giving up possession thereof to him.

Effect of surrender

120. (1) A bhumidhar or asami shall be deemed to have surrendered any land held by him, with effect from the date when possession over such land is given up in accordance with section 118 or section 119,

(2) Where any land is so surrendered-

(a) by an asami, his right, title or interest in such land shall be deemed to have been extinguished from the date of such surrender,

(b) by a bhumidhar, the right, title and interest of such bhumidhar and of every other person claiming through him in such holding or its part shall be deemed to have been extinguished from the said date.

Liability for rent-revenue in use of surrender

121. Notwithstanding the provisions of section 118 to 120, the bhumidhar, or asami shall continue to be liable to pay the land revenue or the rent, as the case may be, for the holding in respect of the agricultural year next following the date of surrender, unless the notice of surrender was given before the first day of April.

Abandonment by bhumidhar

122. (1) If a bhumidhar does not pay the land revenue and does not use it for agriculture for a continuous period of three agricultural years and has left the village in which he usually resides and whose whereabouts are not known, then the Collector may, after such inquiry, as he may deem necessary, take possession of the land held by such bhumidhar.

(2) Where the Collector has taken possession of any land under sub-section (1), he may let it out on behalf of the bhumidhar for a period of one agricultural year at a time in the manner prescribed.

(3) If the bhumidhar or any other person lawfully entitled to the land claims it within a period of three years from the commencement of the agricultural year next following the date on which the Collector took possession thereof, it shall be restored to him on payment of dues, if any and on such terms and conditions as the Collector may think fit.

(4) Where no claim is preferred under sub-section (3) or if any claim is preferred but is disallowed, the Collector shall make an order declaring the holding abandoned.

(5) Every order of the Collector under sub-section (4) shall be published in the manner prescribed, and shall, subject to the result of any Suit under section 144, be final.

(6) Nothing in this section shall apply to any holding held by a bhumidhar in whose favour a declaration has been made under section 80 where such declaration continues to be in force.

123. Where any holding has been abandoned under section 122, the following consequences shall ensue, namely:

Consequence of abandonment

(a) the holding shall vest absolutely in the State Government free from all encumbrances;

(b) the bhumidhar concerned shall cease to have any right, title or interest in such holding;

(c) the bhumidhar concerned shall continue to be liable for land revenue due in respect of such holding for the agricultural year during which the order referred to in sub-section (4) of the said section was made.

124. (1) When the interest of a bhumidhar in any land is extinguished under the provisions of this Code or any other law for the time being in force, the Sub-Divisional Officer may on the application of the Gram Sabha concerned evict any person in unauthorised occupation of such land and deliver possession thereof to the Gram Sabha in such manner as may be prescribed.

Delivery of possession to Gram Sabha

(2) The provisions of sub-section (1) shall *mutatis mutandis* apply to the eviction of an asami holding land from a Gram Sabha, or from a bank under sub-section (2) of section 95.

LEASE OF LAND BY GRAM SABHA

125. The Bhumi Prabandhak Samiti may, with the previous approval of the Sub-Divisional Officer, admit any person as—

Admission by Bhumi Prabandhak Samiti to land entrusted to Gram Sabha

(a) bhumidhar with non-transferable rights to any land entrusted or deemed to be entrusted to the Gram Sabha under section 59 other than land specified in section 77;

(b) asami to any land specified in section 77 except in clause (a) or clause (h) or (i) thereof where such land is entrusted or deemed to be entrusted to the Gram Sabha under section 59 other than a tank specified in clause (a) of section 61.

126. (1) In the admission of any person to land as bhumidhar with non-transferable rights or as asami under section 125, hereinafter in this Chapter referred to as allotment of land, the Bhumi Prabandhak Samiti shall observe the following order of preference:-

Order of preference in admission to land by Bhumi Prabandhak Samiti

(a) a landless widow, sons unmarried daughters or parents residing in the gram sabha of a person who has lost his life while in active service in the Armed Forces of the Union;

(b) a landless person residing in the gram sabha who has become wholly disabled while in active service in the Armed Forces of the Union;

(c) a landless agricultural labourer residing in the gram sabha and belonging to a scheduled caste or scheduled tribe, other backward class or a person of general category living below poverty line as determined by the State Government.

(d) any other landless agricultural labourer residing in the gram sabha;

(e) a landless person residing in the gram sabha who has retired or been released or discharged from service in the Armed Forces of the Union, otherwise than as an officer;

(f) a landless freedom fighter residing in the gram sabha, who has not been granted political pension;

(g) any bhumidhar or asami residing in the gram sabha and holding land less than 1.26 hectares;

(h) any other landless agricultural labourer belonging to a scheduled caste or scheduled tribe, other backward class or a person of general category living below poverty line as determined by the State Government not residing in the gram sabha but residing in the Nyaya Panchayat circle referred to in section 42 of U.P. Panchayat Raj Act 1947.

Explanation- For the purposes of this sub-section-

(i) 'allotment' includes any allotment made under the corresponding provisions of any enactment repealed by this Code;

(ii) 'Gram Sabha' means Gram Sabha as defined under the U.P. Panchayat Raj Act 1947;

(iii) a person shall be deemed to be 'landless' if he or his spouse or their minor children and where the allottee is himself a minor, then his parents hold no land on the date of allotment or within two years immediately preceding the said date;

(iv) the expression 'freedom fighter' means a person so defined in the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of freedom fighters and Ex-Serviceman) Act, 1993.

(v) "other backward class" means the backward classes of citizens specified in Schedule-I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 (U.P. Act, No. 4 of 1994);

(vi) "person of general category living below poverty line" means such persons as may be determined from time to time by the State Government.

(2) The land that may be allotted under sub-section (1) shall not exceed such area as together with the land held by him as bhumidhar or asami immediately before the allotment would aggregate to 1.26 hectares.

Consequences of allotment

127. (1) Where any land is allotted to a person in accordance with sections 125 and 126 and any tree or other improvement exists on such land, then unless the contrary intention appears, such tree or improvement shall also be deemed to be allotted to the person concerned along with the land.

(2) The allottee shall hold the land so allotted on such term and conditions as may be prescribed,

Cancellation of allotment and lease

128. (1) The Collector may, of his own motion and shall on the application of any person aggrieved, inquire in the manner prescribed into any allotment and if he is satisfied that the allotment is in contravention of the provisions of this Code or any of the enactments repealed by this Code or the rules made there under, he may cancel the allotment and the lease, if any.

(a) in the case of an allotment of land made before the commencement of this code, within five years from the date of such commencement;

(b) in the case of an allotment of land made on or after the date of such commencement, within five years from the date of such allotment or lease.

(2) Where the allotment of lease of any land is cancelled under sub-section (1), the following consequences shall ensue, namely-

(a) the right, title and interest of the allottee or lessee or any other person claiming through him in such land and in every tree or other improvement existing thereon shall cease, and the same shall revert to the Gram Sabha;

(b) the Collector may direct delivery of possession over such land, tree or improvement forthwith to the Gram Sabha after ejection of every person holding or retaining possession thereof and may for that purpose use or cause to be used such force as may be necessary,

(3) Where in proceedings for cancellation of allotment or lease referred to in Clause (b) of Sub-section (1) the Collector is satisfied that any land referred to in section 77 excepting clause (a) or clause (h) or (i) thereof has been allotted to any person as bhumidhar with non-transferable rights, he may instead of canceling the allotment or lease, direct that the allottee or lessee shall be treated as an asami under clause (b) of section 125.

(4) Every order made by the Collector under this section shall, subject to the provisions of section 211, be final,

(5) The provisions of sections 5 and 49 of the Uttar Pradesh consolidation of Holding Act, 1953 shall not apply to the proceeding under this section.

129. (1) Where any person is admitted to any land in accordance with section 125, or where any land is let out to any person by the State Government and any person, other than the allottee or lessee, is in occupation of such land in contravention of the provisions of this Code, the Assistant Collector may, of his own motion, and shall, on the application of the allottee or the lessee, as the case may be, put him in possession of such land, and may for that purpose use or cause to be used such force as he considers necessary.

Restoration of possession to allottee or the Government lessee

(2) The provisions of sub-sections (2) to (8) of section 65 shall mutatis mutandis apply in relation to reoccupation of any land or part thereof after possession has been delivered under sub-section (1)

Ejection

130. No bhumidhar shall be liable to ejection from the land held by him except as provided by or under this Code.

Bhumidhars not to be ejected

131. (1) No asami shall be liable to ejection from the land held by him, except on a suit of the landholder or Gram Sabha, which may be filed on one or more of the following grounds, namely-

Suit for ejection etc. against asami

(a) that the interest of the asami in the land held by him has extinguished under the provisions of this Code;

(b) that the asami was holding land from year to year or for a period which has already expired or will expire before the end of the current agricultural year,

(c) that the asami is using the land for any purpose not permitted by section 84;

(d) that the land holder was suffering from any of the disabilities referred to in sub-section (1) of section 95 and either his disability has ceased or he wishes to bring the land under his personal cultivation,

(e) that the asami was in arrears of rent for a period of more than one year and has failed to pay the same to the land holder within a period of thirty days despite service of a notice of demand;

(f) that the asami has transferred the whole or part of the land held by him in contravention of the provisions of this Code;

(2) No notice to quit to the asami shall be necessary before filing a suit under this section.

(3) The land holder may in a suit for ejectment also claim arrears of rent

(4) A land holder may, without suing for ejectment sue the assami for arrears of rent.

Right to crops and trees

132. (1) Where in execution of a decree passed in a suit under section 131, an asami is ejected, and the court is satisfied that any ungathered crops or trees belonging to the judgment debtor exist on the land, the court shall, not withstanding anything contained in the Code of Civil Procedure, 1908, proceed in the following manner:

(a) if the amount due from the judgment debtor is equal to or greater than the value of such crops or trees, the court shall deliver the possession of the land with the crops and trees to the decree holder, and all rights of the judgment-debtor in or upon such crops or trees shall therefore pass to the decree-holder;

(b) if the amount due from the judgment-debtor is less than the value of such crops or trees, and-

(i) the decree-holder pays the difference between such amount and the value to the judgment-debtor, the court shall deliver possession of the land to the decree-holder and all rights of the judgment-debtor in such crops or trees shall therefore pass to the decree-holder,

(ii) the decree-holder does not pay such difference the judgment-debtor shall have the right of tending gathering or removing such crops or trees or fruits of such trees, until such crops or trees have been gathered or removed or die or are cut down, as the case may be, paying such compensation for the use and occupation of land as the court fix.

(2) The court executing the decree may, on the application of any party, determine the value of the crops or trees and the compensation payable by the judgment debtor under the provisions of sub-section (1).

Suit for injunction, compensation etc.

133. The Gram Sabha or the land-holder may, in lieu of suing for ejectment of an asami under section 131, file a suit in the Court of Sub Divisional Officer.

(a) for injunction restraining him from putting the land to any unauthorised use or causing any waste or damage to it;

(b) for compensation for such use, waste or damage; or

(c) for repair of the waste or damage caused to the land.

Ejectment of persons occupying land without title

134. (1) Where a person takes or retains possession of any land forming part of the holding of any bhumidhar or asami otherwise than in accordance with the provisions of the law for the time being in force and without the consent of such bhumidhar or asami, such person shall be liable to ejectment on the suit of the bhumidhar or asami concerned, and shall also be liable to pay damages at the rate prescribed.

(2) To every suit relating to any land referred to in sub-section (1), the State Government and Gram Sabha shall be impleaded as necessary parties.

Consequences of failure to file suit under section 134

135. If a suit for ejectment from any land under sub-section(1) of section 134 is not instituted by a bhumidhar or asami, or if a decree for ejectment obtained in any such suit is not executed within the period of limitation provided for the institution of

such decree, as the case may be, the following consequences shall ensue, with effect from the date of expiry of such period namely-

(a) where the land forms part of the holding of a bhumidhar with transferable rights, the person taking or retaining possession shall become bhumidhar with non-transferable rights and shall be liable to pay land revenue therefor at double the pre-existing rates;

(b) where the land forms part of the holding of a bhumidhar with non-transferable rights, the person taking or retaining possession shall become like bhumidhar with non-transferable right and shall be liable to pay land revenue therefor at double the pre-existing rates;

136. (1) The Sub-Divisional Officer may, of his own motion or the application of the Gram Sabha or other local authority, eject any person taking or retaining possession of any land specified in sub-section (2), if such possession is in contravention of the provisions of this Code and is without the consent of such Gram Sabha or the local authority and shall also be liable to pay damages at the rates prescribed.

Ejection of trespassers of Gaon Sabha land.

(2) The provisions of sub-section (1) shall apply to the following categories of land, namely -

(a) any land entrusted or deemed to be entrusted to any Gram Sabha or local authority under the provisions of this Code or any other law for the time being in force;

(b) any land over which a Gram Sabha or local authority is entitled to take possession under the provisions of this Code;

(c) any land which belongs to or is owned or held by a Gram Sabha or local authority;

(d) that the asami is holding land specified in clause (d) or clause (e) of section 77 and that the cultivation of crops in such land has become impossible;

(e) that the asami was admitted to the land under clause (b) of section 125 and the Gram Sabha proposes to use it for a public purpose.

(3) No person shall be evicted from any land under this section unless adequate opportunity to show cause has been afforded to him.

(4) In evicting a person under this section, the Sub-Divisional Officer may use or cause to be used such force as may be necessary.

Explanation- For the purposes of this section, the word 'land' includes trees and improvements existing on such land

137. (1) An asami ejected or apprehending ejection from or prevented from obtaining possession of any land otherwise than in accordance with the provisions of any law for the time being in force, may sue the person so ejecting him, trying to eject him or keeping him out of possession-

Remedies for wrongful ejection

(i) for possession of the land;

(ii) for compensation for wrongful dispossession; or

(2) When a decree is passed for compensation for wrongful dispossession but not for possession, the compensation awarded shall be for the whole period during which the asami was entitled to remain in possession.

RENT

Rent payable by
an asami

138. Subject to such restrictions and conditions as may be prescribed, an asami shall, on being admitted to the occupation of any land, be liable to pay such rent as may be agreed upon between him and his landholder or the Gram Sabha, as the case may be.

Application for
fixation of rent

139. (1) Where any person is in occupation of any land as an asami, without the rent being agreed upon, the asami or his landholder may apply to the Tahsildar for fixation of rent.

(2) On receipt of an application under sub-section (1), the Tahsildar shall make an inquiry in such manner as may be prescribed, and shall fix the rent in accordance with the rules made under this Code.

(3) The rent fixed under sub-section (2) shall be payable by the asami with effect from the date when he occupied the land as such asami.

(4) Any person aggrieved by an order of the Tehsildar under sub-section (2) may file an appeal to the Sub-Divisional Officer, and notwithstanding anything contained in other provisions of this Code, the order of the Sub-Divisional Officer shall be final.

Remission for
calamity by court,
decreasing claim
for arrears.

140. (1) Where the court hearing a suit for recovery of arrears of rent is satisfied that the holding was substantially decreased by diluvion or otherwise, or the produce thereof was substantially diminished by drought, hail, deposit of sand or other calamity during the period for which the arrear is claimed, it may allow such remission from the rent, as may appear to it to be just :

Provided that no such remission shall be deemed to vary the rent payable by the asami otherwise than for the period in respect of which it is made.

(2) Where a court allows remission under sub-section (1) the State Government or any authority empowered by it in this behalf, shall order consequential remission in the land revenue in accordance with such principles as may be prescribed.

Commutation of
rent

141. (1) Where the rent in respect of any holding is payable otherwise than in cash, the Assistant Collector may, of his own motion or on the application of the Gram Sabha or the person by or to whom the rent is payable, commute the rent in the manner prescribed.

(2) The rent commuted under sub-section (1) shall be payable from the first day of July following the date of the order of commutation unless the order provides for some other date.

Recovery of
arrears of rent
from asami of
Gaon Sabha, etc.

142. Arrears of rent due from an asami holding land from a Gram Sabha or other local authority either before or after the commencement of this Code, shall be recoverable as an arrear of land revenue.

Power to write off
arrears

143. The whole or any part of the arrears of rent, in respect of any land or other property entrusted or deemed to be entrusted to a Gram Sabha or other local authority under the provisions of this Code may, in such circumstances as may be prescribed, be written off as irrecoverable by the Bhumi Prabandhak Samiti or by the local authority, as the case may be, by resolution passed in that behalf.

Provided that no resolution passed by a Bhumi Prabandhak Samiti shall take effect until it is confirmed by the Sub-Divisional Officer.

Declaratory suits

Declaratory suits
by tenure holders

144. (1) Any person claiming to be a bhumidhar or asami of any holding or part thereof, whether exclusively or jointly with any other person, may sue for a declaration of his rights in such holding or part.

(2) In every suit under sub-section (1) instituted by or on behalf of:-

- (a) a bhumidhar, the State and the Gram Sabha shall be necessary parties;
- (b) an asami, the land-holder shall be a necessary party.

145. Notwithstanding anything to the contrary contained in section 34 of the Specific Relief Act, 1963, the Gram Sabha may institute a suit against any person claiming to be entitled to any right in any land for the declaration of the right of such person in such land, and the court may, in its discretion, make a declaration of the right of such person, and the Gram Sabha need not in such suit ask for any further relief.

Declaratory suit
by Gram Sabha

146. If in the course of a suit under section 144 or 145, it is proved by affidavit or otherwise-

Provision for
injunction

(a) that any property, tree or crops standing on the land in dispute is in danger of being wasted, damaged or alienated by any party to the suit; or

(b) that any property to the suit threatens or intends to remove or dispose of the said property, trees or crops in order to defeat the ends of justice, the court may grant a temporary injunction, and where necessary, also appoint a receiver.

CHAPTER X

Government Lessees

147. Every person who holds any land on lease from the State Government, whether such lease was granted before or after the commencement of this Code, shall be called a Government lessee in respect of such land.

Definition of
Government lessee

148. Notwithstanding anything contained in this Code, every Government lessee shall be entitled to hold such land in accordance with the terms and conditions of the lease.

Government
lessees right to
hold land

149. A Government lessee may be evicted from the land held by him on one or more of the following grounds, namely-

Ejection of
Government lessee

(a) that he has failed to pay the rent or any other sum due under the lease within six months from the date on which it became due;

(b) that he has used such land for any purpose other than that for which it was granted;

(c) that the term of his lease has expired or the lease has been cancelled;

(d) that he has contravened any terms or conditions of the lease.

150. The provisions of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupations), Act, 1972 shall, mutatis mutandis, apply to the eviction of Government lessee as apply to the unauthorised occupants within the meaning of that Act, and the Sub-Divisional Officer shall be deemed to be the prescribed authority for the purposes of that Act.

Provision of U.P.
Act no. 22 of 1972
to apply

151. (1) If a person takes or retains possession over any land, let out to a Government lessee, otherwise than in accordance with the terms and conditions of the lease and without the consent of such lessee, such person shall be liable to ejection on the suit of the Government lessee concerned and shall also be liable to pay damages at the rates prescribed.

Trespass on land
held by a
Government lessee

(2) The State Government shall be made a party, but the Gaon Sabha shall not be a necessary party to a suit instituted under sub-section (1).

(3) If a suit for eviction referred to in sub-section (1) is not instituted by a Government lessee or a decree for eviction obtained in any such suit is not executed within the period of limitation provided therefor, then the following consequences shall, with effect from the expiry of such period ensue, namely -

(a) the person taking or retaining possession over the land let out to the Government lessee shall be liable to eviction in accordance with section 150;

(b) the right, title and interest of the Government lessee in such land shall stand extinguished and the term of his lease shall be deemed to have expired.

Dues recoverable
as arrear of land
revenue

152. Arrears of rent or any other sum due from a Government lessee may be recovered as an arrear of land revenue.

CHAPTER XI

Assessment of Land Revenue

Land held by
bhumidhar liable to
payment of land
revenue

153. (1) All lands held by a bhumidhar, wherever situate and to whatever purpose applied; shall be liable to assessment (by such authority and in such manner as may be prescribed) and payment of land revenue to the State Government;

Provided that the State Government may by notification exempt any land, whether wholly or partially, from such liability on such terms and conditions as it may think fit.

(2) Land revenue may be assessed on land, notwithstanding that it has been exempted under the proviso to sub-section (1).

(3) No length of occupation shall release any land from the liability to payment of land revenue.

(4) Notwithstanding anything contained in sub-section (1); sub-section (2) or sub-section (3), the following lands shall be exempted from the payment of land revenue, namely-

- (a) land occupied by buildings other than improvement;
- (b) grave-yards and cremation grounds.

Land revenue
payable by
bhumidhar

154. (1) Every person, who held any land as a bhumidhar from before the date of commencement of this Code, shall pay and continue to pay to the State Government, the same amount of land revenue which he was liable to pay in respect of such land for the agricultural year preceding the year in which this Code comes into force.

(2) Every person, who after such commencement, acquires bhumidhari rights in any land shall, subject to the provisions of this Code, pay to the State Government the same amount of land revenue which was payable in respect of such land, immediately before the date of such acquisition.

(3) Every person who after such commencement, acquires bhumidhari rights in any land, where no land revenue was payable in respect of such land immediately before the date of such acquisition, shall be liable to pay land revenue determined by the Sub-Divisional Officer in accordance with such principles as may be prescribed.

Variation of land
revenue

155. Notwithstanding anything contained in this Chapter, the land revenue payable by a bhumidhar may be varied in the manner prescribed on the ground of an increase or decrease in the area of his holding or in the productivity of the land comprised therein by fluvial action or other natural cause.

Exemption of land
revenue in certain
cases

156. Notwithstanding anything contained in this code, every member of a family, the total area of land held by whose members as bhumidhar, does not exceed 1.26 hectares (3.125 acres) shall be exempted from the liability to pay land revenue to the State Government.

Remission or
suspension of land
revenue on the
occurrence of
agricultural
calamity

157. (1) Notwithstanding anything contained in this Code, the State Government may, on the occurrence of an agricultural calamity affecting the crops of any village, or part of a village, remit or suspend, for any period, the whole or any part of the land revenue of any holding affected by such calamity.

(2) The State Government may likewise remit or suspend, for any period, the rent payable by an asami to the Gram Sabha, in a village or part where such calamity has occurred.

Power of state
Government to
remit rent in certain
cases

158. Whenever the land revenue is increased or decreased under section 155 or is remitted or suspended under section 157, the State Government may increase or decrease or as the case may be, remit or suspend the whole or part of any rent payable by an asami, other than an asami of a Gram Sabha.

<p>159. Where the payment of any rent has been suspended under section 157-</p> <p>(a) the period during which such suspension continues shall be excluded in computing the period of limitation allowed for a suit for recovery of the rent, and</p> <p>(b) no suit or application shall lie, for the period of such suspension, for its recovery.</p>	<p>Consequences of suspension of rent</p>
<p>160. Every order of the State Government under this Chapter shall be final and shall not be called in question in any court.</p>	<p>Finality of orders</p>
<p>161. Where the amount payable on account of land revenue or any instalment thereof involves a fraction of a rupee, the same shall be rounded off to the nearest rupee, and for this purpose, where such amount contains a part of a rupee, then if such part is fifty paise or more, it shall be increased to one rupee, and if such part is less than fifty paise, it shall be ignored.</p>	<p>Rounding off the amount of land revenue</p>
<p>162. (1) The Collector shall inquire annually into the case of all lands exempted from the payment of land revenue.</p>	<p>Finality of orders</p>
<p>(2) If the exemption has been granted on any condition and the same has been broken, he shall report the matter to the Board for orders, and the orders of the Board thereon shall be final.</p>	
<p>CHAPTER XII Collection of Land Revenue</p>	
<p>163. (1) The land revenue assessed on any holding shall be the first charge on such holding, and also on trees or buildings standing thereon or the rents, profits or produce thereof.</p>	<p>Land Revenue to be the first charge</p>
<p>(2) The claim of the State Government in respect of any other sum recoverable as arrears of land revenue shall have priority over all unsecured claims against any land and the holder thereof.</p>	
<p>164. All co-bhumidhars of any holding shall be jointly and severally liable to the State Government for the payment of land revenue for the time being assessed thereon and all persons succeeding whether by devolution or otherwise to the interest of such bhumidhars shall be liable for all arrears of land revenue due in respect of such land.</p>	<p>Bhumidhars to be jointly and severally liable</p>
<p>165. The land revenue leviable in respect of an agricultural year shall become due on the first day of that year, and shall be payable at such times, in such installments, to such persons, at such places and in such manner as may be prescribed.</p>	<p>Land Revenue when becomes due and payable</p>
<p>166. The State Government may make such arrangements and employ such agency for the collection of land revenue as it may deem fit.</p>	<p>Arrangements for collection of land revenue</p>
<p>167. Any land revenue due and not paid on or before the date specified in section 165 becomes there from an arrear and the persons liable for its payment shall become defaulters.</p>	<p>Defaulters</p>
<p>168. A statement of account certified by the Tahsildar shall, for the purposes of this Chapter, be conclusive evidence of the existence of the arrear of land revenue, of its amount and of the person who is the defaulter.</p>	<p>Certified account to be evidence of arrears</p>
<p>169. As soon as an arrear of land revenue has become due, a writ of demand may be issued by the Tahsildar against the defaulter calling upon him to appear or to pay the amount within a time to be specified.</p>	<p>Writ demand</p>
<p>170. (1) An arrear of land revenue remaining unpaid within the time specified in the writ of demand, may be recovered by any one or more of the following processes, namely-</p>	<p>Process for recovery of arrears</p>
<p>(a) by arrest and detention of the defaulter;</p>	
<p>(b) by attachment and sale of his movable property including agricultural produce;</p>	

- (c) by attachment of any bank account or locker of the defaulter,
- (d) by attachment of the land in respect of which the arrear is due;
- (e) by lease or sale of the land in respect of which the arrear is due;
- (f) by attachment and sale of other immovable property of the defaulter ;
- (g) by appointing a receiver of any property, movable or immovable, of the defaulter;

Explanation- For the removal of doubts, it is hereby declared that two or more processes hereinbefore mentioned may be issued and enforced simultaneously or one after the other.

(2) Sums of money recoverable as arrears of land revenue, but not due in respect of any specific land, may be recovered by processes under this section from any immovable property of the defaulter including any holding of which he is a bhumidhar or asami.

Arrest and detention

171. (1) Any person committing default in payment of an arrear of land revenue may be arrested and detained in custody in the Tahsil lock-up and if there is no such lock-up, at such other place as may be prescribed, for a period not exceeding fifteen days, unless the arrears are sooner paid.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable to arrest or detention for an arrear of land revenue, where and for so long as such person-

(a) is a woman or a minor, or a senior citizen of 65 years, or a person as referred in section 95 (1) (a);

(b) belongs to the Armed Forces of the Union;

(c) is exempt under section 133, 135 or 135-A of the Code of Civil Procedure, 1908.

(3) No person shall be detained in custody under this section, unless the officer issuing the arrest warrant has reason to believe that the process of detention will compel the payment of the whole or a substantial portion of the arrears.

(4) The officer issuing the arrest warrant may withdraw such warrant if the defaulter pays or undertakes to pay the whole or substantial portion of the arrears and furnishes adequate security therefore.

Attachment and sale of movable property

172. (1) The Sub-Divisional Officer may attach and sell movable properties of the defaulter including agricultural produce.

(2) The following properties shall be exempted from attachment under sub-section (1) and sale under sub-section (5), namely-

(a) the necessary wearing apparel, cooking, vessels, beds and bedding of the defaulter, his wife and children and such personal ornaments as, in accordance with the religious usage, cannot be parted with by any woman;

(b) tools of a village artisan and, if the defaulter is an agriculturist, his implements of husbandry (except an implement driven by mechanical power) and such cattle and seed as may in the opinion of the attaching officer be necessary to enable him to earn his livelihood as such;

(c) articles set apart exclusively for the use of religious worship.

Explanation I- For the purposes of this sub-section, the expression "agriculturist" means a person who cultivates land personally and who depends for his livelihood mainly on the income from agricultural land.

Explanation-II For the purposes of Explanation-I a person shall be deemed to cultivate land personally, if he cultivates land-

(a) by his own labour;

(b) by the labour of any member of his family; or

(c) by servants or labourers on wages payable in cash or in kind or both.

(3) Where any movable property is attached by actual seizure and the defaulter furnishes security to the satisfaction of the attaching officer, the property so

attached shall be left in the custody of the defaulter. In case the defaulter is not available at the time of the attachment or if he is available but fails to furnish security to the satisfaction of the attaching officer, the attached property may be left in the custody of any responsible person who is willing to undertake its custody:

Provided that in the case of live-stock, it may be removed to the nearest pound if neither the defaulter furnishes such security nor any responsible person is willing to undertake its custody.

(4) The person who undertakes the custody of any movable property under sub-section (3) shall execute a bond (supurdnama) in the prescribed form (which shall be exempt from stamp duty) and shall preserve and maintain such property and produce it whenever required. The supurdar shall be liable for all damages or loss caused to the property given in his custody or for failure to produce it when required. Such damages or loss shall be determined by the Sub-Divisional Officer and shall be recoverable from the supurdar as arrears of revenue.

(5) If the amount of arrears is not paid within a period of thirty days from the date of attachment of movable properties under this section, the Sub-Divisional Officer may sell the same in the manner prescribed.

173. The attachment of any bank account of the defaulter shall, so far as possible, be made by serving a garnishee order on the manager in charge of the branch of the bank concerned in the manner laid down in rules 46, 46-A and 46-B of Order 21 contained in the First Schedule to the Code of Civil Procedure, 1908, and in the case of a locker hired by the defaulter, the same shall be sealed in the presence of such manager who shall, thereafter, await further orders of the Sub-Divisional Officer regarding preparation of inventory of its contents and their ultimate disposal.

Attachment of bank account and locker of the defaulter

174. (1) The Sub-Divisional Officer may attach any land in respect of which any arrears of land revenue is due.

Attachment of holding

(2) Where the amount of arrears in respect of which attachment was made under sub-section (1) is paid, such attachment shall stand withdrawn.

(3) If the amount of arrears is not paid within a period of thirty days from the date of such attachment, the Collector may proceed in accordance with the provisions of section 175 or section 176, as the case may be.

175. (1) Where any land is attached under section 174 the Sub-Divisional officer may, notwithstanding anything contained in this code but subject to such conditions as may be prescribed, let out the same for such period not exceeding ten years (commencing from the first day of July next following) as he deems fit, to any person other than the defaulter,

Lease of holding

(2) The person to whom any land is let out under sub-section (1) shall be bound to pay the whole of the arrears due in respect of such land and to pay the land revenue, during the period of lease, at the rate payable by defaulter in respect of such land immediately preceding its attachment.

(3) If during the period of lease, the lessee commits default in payment of any amount due under the lease, and no other person is to take the land on lease for the remaining period thereof then such amount may be recovered from such lessee by anyone or more of the processes mentioned in section 170 and the lease shall be liable to be determined.

(4) Upon the expiry of the period of lease, the land shall be restored to the tenure holder concerned free of any claim on the part of the State Government for any arrear of revenue in respect of such land.

176. (1) Where a suitable person is not forthcoming to take on lease the land attached under section 174, or where the lease of such land is determined under section 175, the Sub-Divisional Officer may sell the whole or any part of such land in such manner as may be prescribed appropriate the sale proceeds in accordance with section 200.

Sale of holding

(2) The Sub-Divisional Officer shall report to the Collector every sale of land under sub-section (1).

Attachment and
sale of other
immovable
property

177. Notwithstanding anything contained in any law for the time being in force, the Collector may realize any arrears of land revenue by attachment and sale of the interest of a defaulter in any other immovable property belonging to such defaulter:

Provided that the house or other building (with materials and sites thereof) and the land immediately appurtenant thereto belonging to agriculturist and occupied by him shall be exempted from attachment this section.

Explanation- For the purposes of this section, the expression 'agriculturist' shall have the meaning assigned to it in section 172.

Appointment of
receiver

178. (1) Where any arrear of land revenue is due from any defaulter, the Collector may by order-

(a) appoint, for such period as he may deem fit, a receiver of any movable or immovable property of the defaulter.

(b) remove any person from the possession or custody of the property and commit the same to the possession, custody or management of the receiver.

(c) confer upon the receiver all such powers as to bringing and defending suits and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits and the execution of documents, as the defaulter himself has, or such those powers as the Collector thinks fit.

(2) Nothing in this section shall authorise the Collector to remove from the possession or custody of property any person to whom the defaulter has not a present right to remove.

(3) The Collector may, from time to time, extend the duration of appointment of the receiver.

(4) No order under sub-section (1) or sub-section (3) shall be made except after giving notice to the defaulter to show cause, and after considering any representation that may be received by the Collector in response to such notice:

Provided that an interim order under sub-section (1) or sub-section (3) may be made at any time before or after the issue of such notice:

Provided further that where an interim order is made before the issue of such notice, the order shall stand vacated, if no notice is issued within two weeks from the date of the interim order.

(5) The provision of rules 2 to 4 of order 40 contained in the First Schedule to the Code of Civil Procedure, 1908 shall *mutatis mutandis* apply in relation to a receiver appointed under this section.

(6) The receiver shall function subject to the control of Collector and furnish such information, returns or statements as the Collector may deem fit.

(7) The Collector may by order passed in writing and without assigning any reason, remove any receiver at any time before the expiry of the term of such receiver and appoint any other person as receiver in his place, if he is satisfied that continuance of that receiver shall not be desirable or expedient on ground of inefficiency, gross negligence, willful default, disobedience, misconduct serious omission, or misappropriation of any property. A person removed from the receivership under this section shall not be entitled to claim any damages or compensation on the ground of his removal.

(8) The Collector shall have power to determine, after giving opportunity to the receiver, what loss, if any, has been caused by the willful default, disobedience misconduct, serious omission or gross negligence of, or on account of any misappropriation by the receiver and to recover the amount of loss from receiver as an arrear of land revenue.

(9) The rent, profits or any other income from the property shall, after defraying the expenses of management including the remuneration of the receiver, be adjusted towards discharge of the arrears, and the balance, if any shall be paid to the defaulter.

(10) As soon as the arrears are discharged under sub-section (9) or otherwise, the Collector shall restore the property to the defaulter.

179. For the purposes of collection of land revenue or other dues recoverable as arrears or land revenue, in accordance with this Chapter, the recovery officer shall follow such procedure as may be prescribed.

Procedure of recovery

180. (1) The costs of any of the processes mentioned in section 170 to 178 including costs of arrest and detention shall be such as may be prescribed.

Recovery of costs and collection charges

(2) The State Government may impose collection charges at a rate, not exceeding ten percent of the amount due, as may be prescribed:

Provided that no collection Charges shall be payable if the amount due is paid before arrest of the defaulter or before sale of the attached property, as the case may be.

(3) Such costs and collection charges may be added to and be recoverable in the same manner as an arrear of land revenue.

181. (1) If at any time before or after the commencement of any proceedings for the recovery of any arrears of land revenue under this Chapter, the defaulter dies, the proceedings (except arrest and detention) may be commenced or continued against the legal representatives of the defaulter as if the legal representatives were themselves the defaulter:

Recovery proceedings against legal representatives etc.

Provided that such legal representative shall be liable only to the extent of the property of the deceased which has come to his or her hands.

(2) Where any person has become surety for the amount due from the defaulter, he may be proceeded against under this Chapter as if he were himself the defaulter.

Attachment and sale of immovable propertiers

182. (1) Every process of attachment of any immovable property under section 174 or section 177, or for lease of any land under section 175 shall be issued by the Collector.

Attachment of immovable property

(2) Every such attachment shall be effected in the manner prescribed in Order XXI Rule 54 of the First Schedule to the code of Civil Procedure, 1908.

183. (1) Where any claim is preferred by any person other than the defaulter or any person claiming under him in respect of any property attached under this Chapter, the Collector may, after an inquiry, held after reasonable notice, admit or reject such claim:

Objection against attachment

Provided that no such claim shall be entertained.

(a) where, before the claim is preferred, the property attached has already been sold; or

(b) where the Collector considers that the claim is designedly or unnecessarily delayed; or

(c) where the claim is preferred after 30 days from the date of attachment.

(2) The person against whom an order is made under sub-section (1) may, within three months from the date of the order, prefer an appeal before the commissioner to establish the right which he claims to the property attached but subject to the result of such appeal, if any the order of the Collector shall be final.

184. (1) Where any immovable property is sought to be sold under the provisions of this Chapter, the Collector or an Assistant Collector authorised by him, shall issue a proclamation of the intended sale in the form prescribed specifying therein-

Proclamation of sale

(a) the details of the property sought to be sold;

(b) the estimated value of such property;

(c) the land revenue, if any, payable therefor.

	(d) the encumbrances, if any;
	(e) the amount of arrears for the recovery of which property is sought to be sold;
	(f) the date, time and place of the intended sale; and.
	(2) Where the area of the Land sought to be sold exceeds 5.04 hectares, a single proclamation may be issued under sub-section (1), but the actual sale shall be made in lots of 1.26 hectares or more.
	(3) No sale shall take place until the expiry of twenty-one days from the date on which the proclamation is issued under this section.
	(4) A copy of the proclamation shall be served on the defaulter.
Affixation of proclamation	185. A copy of the sale proclamation referred to in section 184 shall be affixed in each of the following places:-
	(a) the office of the Collector;
	(b) the office of the Tahsildar of the tahsil in which the property situate;
	(c) some other public building in the village or the area in which the property is situate;
	(d) the dwelling house of the defaulter.
Sale when and by whom made	186. (1) Every such sale shall be made by the Collector or by the Assistant Collector authorised by him.
	(2) No sale shall take place on a Sunday or other holiday notified for State Government offices.
	(3) The Collector or the Assistant Collector may, from time to time, postpone the sale for any sufficient reason.
	(4) Where a sale is postponed for a period longer than twenty one days, or where the property is resold for default in payment of the purchase money, a fresh proclamation shall be issued in the form prescribed for the original sale.
Stoppage of the sale	187. If the defaulter pays the arrears in respect of which the property is to be sold together with the cost of the process at any time before the date fixed for the sale, the officer conducting the sale shall stop such sale.
Prohibition to bid	188. (1) No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, directly or indirectly, bid for or acquire or attempt to acquire the property sold or any interest therein.
	(2) Where no bid is offered up to the amount for which the sale has been ordered, the Collector may order for bid upto the amount of such arrears.
Deposit by purchaser and re-sale on default	189. (1) The person declared to be the purchaser shall be required to deposit immediately twenty five percent of the amount of his bid, and in default of such deposit, the property shall be forthwith re-sold, and such person shall be liable for the expenses incurred on the first sale and any deficiency in price occurring on re-sale, and the same may be recovered from him by the Collector as if the same were an arrear of land revenue.
	(2) A deposit under sub-section (1) may be made either in cash or by a demand draft (issued by a scheduled bank) or partly in cash and partly by such draft.
	<i>Explanation-</i> For the purposes of this section, the expression 'demand draft' includes a banker's cheque.
Deposit of purchase money	190. The balance amount of the purchase money shall be paid by the purchaser on or before the fifteenth day from the date of the sale in the office of the Collector or at the district treasury or sub-treasury, and in case of default-
	(a) the property shall be resold; and
	(b) the deposit made under section 189 shall be forfeited to the State Government.

191. Where the right, title or interest of a person belonging to a scheduled caste or scheduled tribe in any land is sold by public auction under or in accordance with the provisions of this Code, and any other person belonging to such caste or tribe pays an amount equal to the amount of the highest bid within a period of thirty days from the date of such auction, then, notwithstanding anything contained in any other provision of this Code or any other law for the time being in force, the person so offering the amount shall be entitled to preference in the matter of sale over and above any person not belonging to such caste or tribe:

Auction-sale of land held by Scheduled Caste or Scheduled Tribe

Provided that if there are more persons than one making such deposit, bids shall be called from them on the spot, and the highest bidder shall be entitled to such preference.

192. (1) Any person whose holding or other immovable property has been sold under this Chapter may, at any time within thirty days from the date of sale, apply to the Collector for setting aside the sale, on his depositing, in the office of the Collector or at the district treasury or sub-treasury-

Application to set aside sale on deposit of arrears

(a) for payment to the purchaser, a sum equal to five percent of the purchase money; and

(b) for payment on account of the arrear, the amount specified in the sale proclamation, less any amount which may, since the date of such proclamation, have been paid on account;

(c) the cost of the processes of sale including the collection charges, if any.

(2) If the amount has been deposited in accordance with sub-section (1) the Collector shall set aside the sale.

(3) Where a person has applied for setting aside the sale under this section, he shall not be entitled to make or prosecute an application under section 193.

193. (1) At any time within thirty days from the date of sale, the defaulter or the auction purchaser or any other person whose interests are affected by such sale, may apply to the Commissioner to set aside the sale on the ground of any material irregularity or mistake in publishing or conducting it.

Application to set aside sale for irregularity

(2) No sale shall be set aside under sub-section (1), unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of such irregularity or mistake.

(3) The order of the Commissioner under this section shall be final.

194. (1) On the expiration of thirty days from the date of sale, if no application is made under section 192 or section 193, or if such application has been made and rejected by the Collector or the Commissioner, as the case may be, the Collector shall, subject to the provisions of sub-section (2), confirm the sale.

Confirmation of sale

(2) Where in a sale of immovable property made under this Chapter, the amount of purchase money-

(a) exceeds rupees fifty lakh; or

(b) is less than the amount of arrears specified in the sale proclamation, then the Collector shall report the matter to the Commissioner, who may confirm the sale or may pass such order as he thinks fit.

(3) Every order of the Collector or the Commissioner under this section shall be final.

195. Notwithstanding anything contained in section 192, section 193 section 194, if the Collector or the Commissioner, as the case may be, has reason to believe that the sale of an immovable property made under this Chapter ought to be set aside he may, after notice to the auction purchaser to show cause, if any, set aside the sale for the reasons to be recorded in writing.

Setting aside of sale by Collector or Commissioner

196. If no application under section 193 is made within the time specified therein, all claims regarding irregularity or mistake in publishing or conducting the sale shall be barred.

Bar of claims against in certain cases

Refund of purchase money	197. Where the sale of any property is set aside under section 192 or section 193, the purchaser shall be entitled to receive back his purchase money, plus, in the case mentioned in section 192, an amount equivalent to five percent of such money deposited for that purpose by the defaulter.
Certificate of sale	198. (1) After a sale has been confirmed in accordance with section 194, the Collector shall grant to the purchaser a certificate, in the form prescribed, specifying the property sold and the name of the person who at the time of sale was declared to be its purchaser. (2) The certificate, duly signed and sealed by the Collector shall be deemed to be a valid transfer of the property specified therein, and it need not be registered as a conveyance, except as provided in section 89 of the Indian Registration Act, 1908. (3) The property specified in the certificate shall be deemed to have vested in the purchaser on the date when it was sold, and not on the date when the sale was confirmed.
Certified purchaser to be put in possession	199. (1) The collector shall put the person declared to be the purchaser of such property into possession, and for that purpose, he may use or cause to be used such force as may be necessary. (2) Nothing in this section shall authorise the Collector to remove from the possession of any property any person whom the defaulter had, before the issue of process, no present right to remove.
Application of sale proceeds	200. Where the sale of a property has been confirmed under section 194, the proceeds of the sale shall be utilized in the following order- (a) for meeting the cost of the process and the collection charges, if any; (b) for payment of the arrears for the recovery whereof the property was sold; (c) the balance, if any, shall be paid to the defaulter.
Summary ejection of unauthorized occupanis	201. Any person taking or retaining possession of any land or other property attached, leased or sold under this Chapter otherwise than in accordance with the provisions of the said Chapter may be summarily ejected by the Collector who may use or cause to be used such force as may be necessary.
Bar of suits	202. Subject to the provisions of section 203, no suit or other proceedings shall lie in any civil court in respect of any assessment or collection of land revenue or the recovery of any sum recoverable as an arrear of land revenue.
Payment before suit	203. (1) Whenever proceedings are taken under this Chapter against any person for the recovery of any arrear of land revenue, he may pay the amount claimed to the recovery officer, and upon such payment the proceedings shall be stayed, and the person against whom such proceeding were taken may, notwithstanding anything contained in any other provisions of this code, sue the State Government in the civil court for the recovery of amount so paid.
Other payments not to be a valid discharge	204. No payment on account of rent or other dues in respect of any land attached under this Chapter, made after such attachment, by the asami or any other person in possession thereof to any person other than the revenue officer authorised in this behalf shall operate as a valid discharge.
Applicability of the Chapter	205. The provisions of this Chapter shall apply to the recovery of all arrears of land revenue and all other sums recoverable as an arrear of land revenue whether due before or after the commencement of this Code.

CHAPTER-XIII

Jurisdiction and Procedure of Revenue Courts

206. (1) Notwithstanding anything contained in any law for the time being in force, but subject to the provisions of this Code, no civil court shall entertain any suit, application or proceeding to obtain a decision or order on any matter which the State Government, the Board, any revenue court or revenue officer is, by or under this Code, empowered to determine, decide or dispose of.

Jurisdiction of civil court and revenue courts

(2) Without prejudice to the generality of the provisions of sub-section (1), and save as otherwise expressly provided by or under this Code-

(a) no civil court shall exercise jurisdiction over any of the matters specified in the Second Schedule; and

(b) no court other than the revenue court or the revenue officer specified in column 4 of the Third Schedule shall entertain any Suit application or proceeding specified in column 3 thereof.

(3) Notwithstanding anything contained in this Code, an objection that a court or officer mentioned in sub-section (2)(b) had or had no jurisdiction with respect to any suit, application or proceeding, shall not be entertained by any appellate, revisional or executing court, unless the objection was taken before the court or officer of the first instance, at the earliest opportunity, and in all cases where issues are settled at or before such settlement, and unless there has been a consequent failure of justice.

207. (1) Any party aggrieved by a final order or decree passed in any suit, application or proceeding specified in column 3 of the Third Schedule, may prefer a first appeal to the court or officer specified against it in column 5, where such order or decree was passed by a court or officer specified against it in column 4 thereof

First appeal

(2) A first appeal shall also lie against an order of the nature specified-

(a) in section 47 of the Code of Civil Procedure, 1908; or

(b) in section 104 of the said Code; or

(c) in Order 43 Rule 1 of the First Schedule to the said Code.

(3) The period of limitation for filing a first appeal under this section shall be thirty days from the date of the order or decree appealed against.

208. (1) Where in any suit, application or proceeding specified in column 3 of the Third Schedule, any final order or decree is passed in any first appeal filed under section 207, and any party to such appeal is aggrieved by it, such party may prefer a second appeal to the court specified against it in column 6.

Second appeal

(2) The appellate court shall not entertain a second appeal unless it is satisfied that the case involves a substantial question of law.

(3) The period of limitation for filing a second appeal under this section shall be ninety days from the date of the order or decree appealed against.

209. Notwithstanding anything contained in sections 207 and 208, no appeal shall lie against any order or decree-

Bar against certain appeals

(a) made under Chapter V of this Code;

(b) granting or rejecting an application for condonation of delay under section 5 of the Limitation Act, 1963;

(c) rejecting an application for review;

(d) granting or rejecting an application for stay;

(e) remanding the case to any subordinate court; or

(f) where such order or decree is of an interim nature.

Power to call for
the records

210. The Board or the Commissioner may call for the record of any suit or proceeding decided by any subordinate revenue court in which no appeal lies, or where an appeal lies but has not been preferred, for the purpose of satisfying itself or himself as to the legality or propriety of any order passed in such suit or proceeding; and if such subordinate court appears to have-

- (a) exercised a jurisdiction not vested in it by law; or
- (b) failed to exercise a jurisdiction so-vested; or
- (c) acted in the exercise of such jurisdiction illegally or with material irregularity;

the Board, or the Commissioner, as the case may be, may pass such order in the case as it or he thinks fit.

(2) If an application under this section has been moved by any person either to the Board or to the Commissioner, no further application by the same person shall be entertained by the other of them.

(3) No application under this section shall be entertained after the expiry of a period of thirty days from the date of the order sought to be revised or from the date of commencement of this Code, whichever is later.

Board's power of
review

211. (1) The Board may, of its own motion or on the application of any party interested, review any order passed by itself and pass such orders in reference thereto as it thinks fit.

(2) No order shall be reviewed under sub-section (1), except on the following grounds-

- (a) discovery of any new and important matter or evidence;
- (b) some mistake or error apparent on the face of record;
- (c) any other sufficient reason.

(3) Orders passed on review shall not be reviewed.

Power to transfer
cases

212. (1) Where it appears to the Board that it will be expedient for the ends of justice to do so, it may direct that any case be transferred from one revenue officer to another revenue officer of an equal or superior rank in same district or any other district.

(2) The Commissioner, the Collector or the Sub-Divisional Officer may make over any case or class of cases arising under the provisions of this Code or any other enactment for the time being in force, for decision from his own file to any revenue officer subordinate to him and competent to decide such case or class of cases, or may withdraw any case or class of cases from any such revenue officer and may deal with such case or class of case himself or refer the same for disposal to any other revenue officer competent to decide such case or class of cases.

State Government
to be necessary
party in certain
cases

213. Subject to the provisions of this Code or the rules made there under, the State Government shall be made a party to any suit instituted by or against the Gram Sabha or local authority under this Code.

Applicability of
Code of Civil
Procedure, 1908
and Limitation
Act, 1963

214. Unless other wise expressly provided by or under this Code, the provisions of the Code of Civil Procedure, 1908 and the Limitation Act, 1963 shall apply to every suit, application or proceedings under this Code.

Orders not to be
invalid on account
of irregularity in
procedure

215. No order passed by a revenue officer shall be reversed or altered in appeal or revision on account merely of any error, omission or irregularity in the summons, notice, proclamation, warrant or order or other proceedings before or during any inquiry or other proceedings under this Code, unless such error, omission or irregularity has in fact occasioned a failure of justice.

216. Any notice or other document required or authorised to be served under this Code may be served either,-

Service of notice

- (a) by delivering it to person on whom it is to be served; or
- (b) by registered post addressed to that person at his usual or last known place of abode; or
- (c) in case of an incorporated company or body, by delivering it or sending it by registered post addressed to the secretary or other principal functionary of the company or body at its principal office; or
- (d) in any other manner laid down in the Code of Civil Procedure, 1908 for service of summons.

217. Notwithstanding anything contained in the provisions of this Code, the Board or any other revenue court shall have no jurisdiction in respect of a matter which involves a question as to the validity of the provisions of this Code or any other law for the time being in force or any rule or notification made or issued there under.

Revenue Courts to have no power to adjudicate upon the validity of enactment

CHAPTER XIV

Miscellaneous

218. The State Government may by notification, exempt any land owned by it or by the Central Government or by any local authority from the application of all or any of the provisions of this Code, and may likewise cancel or modify any such notification.

Power to exempt from the provisions of the Code

219. The State Government may, by notification, delegate to the Board or any other officer or authority subordinate to it any of the powers conferred on it by this Code, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the notification.

Delegation

220. Subject to such conditions or restrictions that may be prescribed, any officer appointed under this Code may enter at any time upon any land with such public servants as he considers necessary, for carrying out any of his duties under this Code, or any other law for the time being in force.

Power to enter upon land etc.

221. All documents, statements, records and registers prepared or maintained under this Code or the rules framed there under shall be open to inspection during such hours and subject to such conditions and on payment of such fees as may be prescribed, and any person shall on payment of the prescribed fee, be entitled to obtain the certified copy of such document or any portion of any such document, statement record or register.

Right to inspect and obtain copies

222. For the purposes of computing the area fixed under any of the provisions of this Code, one and a half hectares of land shall count as one hectare in the following areas :-

Computation of areas in certain districts

- (a) Jhansi division;
- (b) trans-Jamuna portions of Allahabad, Etawah, Agra and Mathura districts;
- (c) District Sonbhadra;
- (d) Tappa Upraudh and Tappa Chaurasi Balai (Pahar) of tehsil Sadar in district Mirzapur, and
- (e) Pargana Sakteshgarh and the villages mentioned in the Fourth Schedule in hilly patis of parganas Ahraura and Bhagwat of tehsil Chunar of Mirzapur district.

Mode of recovery of fines etc.

223. Any fee, fine, cost, expense, penalty or compensation payable to or recoverable by the State Government, a Gram Sabha or other local authority under this Code or any other law for the time being in force may, Without prejudice to any other mode of recovery, be realised as if it were an arrear of land revenue.

Power to call for statement

224. (1) Where any revenue officer considers it necessary for the enforcement of the provisions of this Code, it may call upon any tenure holder or any person in possession of any land to furnish within such time as may be specified, a statement containing the nature and extent of his interest in the land held or possessed by him as well as by members of his family.

(2) The tenure holder or other person referred to in sub-section (1) may also be called upon to disclose the name and address of any other person possessing any interest in such land including the nature and extent of such interest.

Protection of action taken in good faith

225. (1) No officer or servant of the State Government shall be liable in any civil or criminal proceeding in respect of any act done or purporting to be done under this Code or any rules made there under, if the act was done in good faith and in the course of execution of the duties or the discharge of functions imposed by or under this Code.

(2) No suit or other proceeding shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions of this Code or by anything in good faith done or intended to be done in pursuance of the provisions of this Code or any rules made there under.

CHAPTER- XV

Penalties

Penalty for encroachment etc.

226. (1) Any person who,-

(a) encroaches upon or causes any obstruction to the use of any public road (including chak road), path or common land of a village; or

(b) fails to comply with any order or direction made by the Sub-Divisional Officer under sub-section (1) of section 23; or

(c) fails to comply with any order or direction made by the Tahsildar under section 25 or section 26; or

(d) fails to comply with any order made under section 42 or section 48;

shall be liable to a fine which in a case referred to in clause (a) shall not be less than five hundred rupees and not exceed two thousand rupees and in any other case shall not be less than one hundred rupees and not exceed five hundred rupees.

(2) Every person referred to in sub-section (1) may be required by the Sub-Divisional Officer or the Tahsildar, as the case may be to execute a personal bond for such sum not exceeding five thousand rupees as the officer concerned may deem fit for abstaining from the repetition of such act or failure.

Damages or destruction etc. of boundary-marks

227. (1) If any person willfully destroys or injures or without lawful authority removes any boundary marks lawfully erected under Chapter IV or under any other law for the time being in force, he may be ordered by the Tahsildar to pay such amount not exceeding one hundred rupees for each mark so destroyed, injured or removed, as may in the option of the Tahsildar be necessary to defray the expense of restoring the same and of rewarding the informant, if any,

(2) The recovery of damages under sub-section (1) shall not debar prosecution for any offence under the Indian Penal Code in respect of such destruction, injury or removal.

228. (1) Every person who cuts, removes or otherwise appropriates any tree or any portion thereof which is the property of the State Government or any local authority or a Gram Sabha, without any authority there for shall be liable to pay the value there of, which shall be recoverable from him in addition to any penalty to which he may be liable under the provisions of this Code for the occupation of the land or otherwise, and notwithstanding any criminal proceedings which may be instituted against him in respect of such cutting, removal or appropriation.

Penalty for cutting or removing trees illegally

(2) The Collector may, at any time, direct the confiscation of any tree or portion thereof referred to in sub-section (1).

229. Every person who:-

Penalty for not furnishing required statement or information etc.

(a) fails to furnish any statement or information lawfully required under the provisions of this Code; or

(b) furnishes any statement or information which is false and which he has reasons to believe to be false; or

(c) obstructs the Collector or any other revenue officer or Gram Sabha in taking possession of any land in accordance with the provisions of this Code or

(d) obstructs any officer or public servant in doing any of the acts specified in section 220.

shall, on conviction, be liable to imprisonment which may extend to two years or with fine or with both.

CHAPTER- XVI

Repeal and savings

230. (1) The enactments specified in the First Schedule are hereby repealed.

Repeal

(2) Notwithstanding anything contained in sub-section (1), the repeal of such enactments shall not affect-

(a) the continuance in force of any such enactment in the State of Uttaranchal;

(b) the previous operation of any such enactment or anything duly done or suffered there under; or

(c) any other enactment in which such enactment has been applied, incorporated or referred to; or

(d) the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title or obligation or liability already acquired, accrued or incurred (including, in particular, the vesting in the State of all estates and the cessation of all rights, title and interest of all the intermediaries therein), or any remedy or proceeding in respect thereof, or any release, or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted or the proof of any past act or thing; or

(e) any principle or rule of law or established jurisdiction, form or course of pleading practice or procedure or existing usage, custom, privilege, restriction, exemption, office or appointment

Provided that anything done or any action taken (including any rules, manuals, assessments, appointments and transfers made, notifications, summonses, notices, warrants, proclamations issued, powers conferred, leases granted, boundary marks fixed, records of rights and other records prepared or maintained, rights acquired or liabilities incurred) under any such enactment shall, in so far as they are not inconsistent with the provisions of this Code, be deemed to have been done or taken under the corresponding provisions of this Code, and shall continue to be in force accordingly, unless and until they are superseded by anything done or action taken under this Code.

Applicability of the Code to pending proceedings

231. (1) Save as otherwise expressly provided in this Code, all cases pending before the State Government or any revenue court immediately before the commencement of this Code, whether in appeal, revision, review or otherwise, shall be decided in accordance with the provisions of the appropriate law, which would have been applicable to them had this Code not been passed.

(2) All cases pending in any civil court immediately before the commencement of this Code which would under this Code be exclusively triable by a revenue court; shall be disposed of by such civil court according to the law in force prior to the date of such commencement.

Power to remove difficulties

232. (1) The State Government may, for the purposes of removing any difficulty, particularly in relation to the transition from the provisions of the enactments repealed by this Code to the provisions of this Code, by a notified order, direct that the provisions of this Code shall during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission as it may deem necessary or expedient:

Provided that no such order shall be made after two years from the date of commencement of this Code.

(2) Every order made under sub-section (1) shall be laid before both the Houses of the State Legislature, as soon as may be after it is made.

(3) No order made under sub-section(1) shall be called in question in any court on the ground that no difficulty as is referred to in that sub-section existed or was required to be removed.

Rules

233. (1) The State Government may by notification make rules for carrying out the purposes of this Code.

(2) With out prejudice to the generality of the foregoing power, such rules may also provide for-

(i) The terms and conditions of service of the Chairman and other members of the Board;

(ii) Regulating the distribution of business of the Board and making territorial division of its jurisdiction;

(iii) Guide lines for alteration, abolition or creation of revenue areas;

(iv) The procedure for demarcation of boundaries, the specification, construction and maintenance of boundary marks, levy and recovery of cost thereof;

(v) The procedure of preparation and maintenance of maps, documents, statements, records and registers under this Code, procedure for their inspection and supply of certified copies or extracts thereof;

(vi) The procedure for submission of reports about succession and transfer, by the registering authority to the Tahsildar and for revision of village records, including proceedings for mutation and correction of village records;

(vii) The procedure for preparation, supply and maintenance of Kisan Bahi and matters connected therewith, including fees to be charged therefore;

(viii) The procedure regarding plantation of trees on the sides of public roads, paths or canals, and determination of disputes regarding trees in abadi and unoccupied land;

(ix) The protection, preservation and disposal of properties belonging to or vested in the State Government, Gram Sabha or other local authority, including determination of compensation for damages misappropriation or wrongful occupation there of;

(x) The principles for assessment of land revenue, including its variation, remission, suspension, and apportionment;

(xi) The procedure for collection of land revenue and other public moneys, and the matters connected with the execution of various processes there for, including the fixation of costs and collection charges;

(xii) The procedure regarding fixation and commutation of rent, including circumstances in which the arrears of rent could be written off;

(xiii) The procedure for appointment of legal practitioners in litigation relating to a Gram Sabha or a Bhumi Prabandhak Samiti, and the terms and conditions of such appointment;

(xiv) The procedure relating to the conduct and prosecution of suits, appeals and other proceedings, including the procedure of conducting various inquiries under the provisions of this Code;

(xv) The procedure for granting lease by the Collector; cancellation of such lease and eviction of unauthorised occupants from the land belonging to the State Government, Gram Sabha and local authority;

(xvi) The procedure regarding allotment of land entrusted to the Gram Sabha, restoration of possession to the allottee and cancellation of such allotment;

(xvii) The duties of any officer authority having jurisdiction under this Code and the procedure to be followed by him;

(xviii) Imposition of limits of time within which any act specified under this Code has to be performed;

(xix) The fees to be paid in respect of suits, appeals, applications and other proceedings under this Code;

(xx) The regulation of fishing in rivers, lakes, ponds and tanks entrusted to a Gram Sabha or other local authority;

(xxi) The regulation of pasture lands, cremation or burial grounds, and catching, hunting and shooting of animals and birds in villages;

(xxii) Any other matter for which rules are required to be or may be made under this Code.

(3) The rules and orders made by the State Government or the Board before the commencement of this Code, under any of the enactments repealed and in force on the date of such commencement, shall, except to the extent of inconsistency with the provisions thereof, continue to be in force, until they are rescinded, altered or substituted in accordance with the provisions of this Code.

(4) It shall be lawful for the State Government in making rules under this section, to prescribe that any person committing a breach of the same shall in addition to any other consequences that would ensue from such breach, be punishable with such fine not exceeding one thousand rupees as the officer or authority specified for the purpose may deem fit to impose.

234. (1) Subject to the provisions of this Code and the rules made there under, the Board may, with the previous approval of the State Government, make regulations—

Regulations

(a) governing the procedure of the revenue courts and the revenue officers in respect of suits, applications and proceedings under this Code;

(b) containing directions for the preparation, maintenance and supervision of land records and matters connected therewith;

(c) prescribing the duties of Tehsildars and Naib-Tehsildars and regulating their posting, transfers and their appointment in temporary vacancies.

(2) All regulations made in accordance with sub-section (1) shall have the force of law.

(3) The Revenue Court Manual and the Land Records Manual in force on the date of commencement of this Code, shall continue to remain in force until amended, rescinded or replaced by any regulations made under this section.

FIRST SCHEDULE

(See Sections 2 and 230)

LIST-A**Enactments of general application**

Serial	Name of the enactments repealed
No.	2
1.	The United Provinces Revenue Officers Regulation, 1803
2.	The Bengal Indigo Contracts Regulation 1823 (Bengal Regulation No 6 of 1823)
3.	The Bengal Indigo Contracts Regulation Act 1830 (Bengal Regulation No.5 of 1830)
4.	The Bengal Land Revenue (Settlement and Deputy Collectors) Regulation, 1833 (Bengal Regulation No.9 of 1833)
5.	The Bengal Indigo Contracts Act, 1836 (Act No. 10 of 1836)
6.	The Bundelkhand Alienation of Land Act 1903 (Act No.2 of 1903)
7.	Benares Family Domains Act, 1904 (Act No. iii of 1904)
8.	Uttar Pradesh Merged States (Application of Law) Act, 1950 (Act No.8 of 1950)
9.	Dudhi Robertsganj (District Mirzapur) Agriculturists Debts Relief Act, 1951 (U.P. Act 32 of 1951)
10.	The United Provinces Land Revenue Act, 1901
11.	The Pargana of Kaswar Raja Act, 1911
12.	The Pargana of Kaswar Raja Act, 1915
13.	The Gorakhpur Goraitis Act, 1919
14.	The United Provinces Board of Revenue Act, 1922
15.	The U.P. Abatement of Rent Suits Act, 1938
16.	The U.P. Hindu Women's Right to Property (Extension to Agricultural Lands) Act, 1942
17.	The U.P. Village Abadi Act, 1947
18.	The U.P. Agricultural Tenants (Acquisition of Privileges) Act, 1949
19.	The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950
20.	The Rampur Stay of Ejectment Suits and Proceeding Act, 1951
21.	The U.P. Commutation of Rent (Regulation of Proceedings) Act, 1952
22.	The U.P. Stay of Suits and Proceedings (Mirzapur) Act, 1952
23.	The Uttar Pradesh Land Reforms (Supplementary) Act, 1952
24.	The Rampur Thekedari and Pattedari Abolition Act, 1953
25.	The Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956
26.	The Uttar Pradesh Land Reforms (Evacuee Land) Act, 1957
27.	The Uttar Pradesh Government Estates Thekedari Abolition Act, 1958
28.	The U.P. Recovery of Government Dues (Acquired Estates and Determined Leases) Act, 1960
29.	The U.P. Malguzari Tatha Lagan Par Apatik Adhibhar Adhiniyam, 1965
30.	The Uttar Pradesh Board of Revenue (Regulation of Procedure) Act, 1966
31.	The Uttar Pradesh Government Estates Thekedari Abolition (Re-enactment and Validation) Act, 1970
32.	The Uttar Pradesh Land Tenures (Regulation of transfer) (Re-enactment and Validation) Act, 1972

LIST-B

**Enactments having special reference to territories
now comprised in the State of Uttaranchal**

1. Almora Honorary Assistant Collector's Decrees, and Orders Validating Act, 1938
2. Jaunsar Bawar Security of Tenure and Land Records Act, 1952
3. Kumaun Agricultural Lands (Miscellaneous Provision) Act, 1954
4. Jaunsar-Bawar Pargana (District Dehradun) Revenue Officials (Special Powers) Act, 1958
5. Jaunsar Bawar Zamindari Abolition and Land Reforms Act, 1956
6. Kumaun and Uttarakhand Zamindari Abolition and Land Reform Act, 1960
7. Kumaun and Garhwal Water (Collection, Retention and Distribution) Act, 1975

SECOND SCHEDULE

[See Sections 206 (2) (a)]

Matters excluded from the jurisdiction of the Civil Court

1. Any question regarding the demarcation of boundaries or fixing of boundary marks.
2. Any claim to question a decision determining abadi made by the Collector.
3. Any claim to have any entry made in any revenue records or to have any such entry omitted, amended or substituted.
4. Any question regarding the assessment, remission or suspension of land revenue or rent
5. Any claim connected with or arising out of the collection by the State Government or the enforcement by such Government of any process for the recovery of land revenue or any sum recoverable as an arrear of land revenue under this Code or any other law for the time being in force.
6. Any claim against the vesting of any property in the State Government, Gram Sabha or other local authority under this Code.
7. Any question relating to the levy or imposition of a fine, cost, expense, charge, penalty or compensation under this Code.
8. Any question regarding re-instatement of a bhumidhar or asami wrongfully ejected or dispossessed from any land.
9. Any claim to compel the performance of any duty imposed by this Code on any revenue officer appointed under this Code.
10. Any question, relating to division, creation amalgamation, abolition or re-adjustment of revenue areas and Lekhpal's circles under Chapter II.
11. Any question relating to the allotment of land referred to in section 65 or section 130 or cancellation of such allotment.
12. Any claim to question a direction issued by the Collector under section 72.
13. Any claim to question the delivery of possession over any land and part thereof referred to in section 129, or the eviction of any person under section 139 or section 204.
14. Any claim to question the validity of any order made by the State Government under Chapter XI.
15. Any claim regarding possession over any land.
16. Any claim to establish the rights of a co-tenure-holder in respect of any land.

THIRD SCHEDULE

(See Sections 206, 207 and 208)

Section	Description of suit application or proceedings	Court or Officer of original jurisdiction	First Appeal	Second Appeal
1	2	3	4	5
24	Boundary and boundary marks	Sub-Divisional Officer	Commissioner	-
35	Mutation cases	Tehsildar	Sub-Divisional Officer	Commissioner
54,56,57	Disputes relating to trees	Collector	Commissioner	-
67	Eviction of illegal occupier from land of Gram Sabha	Sub-Divisional Officer	Commissioner	-
82(2)(c)	Suit for ejection by a bhumidhar against the person in possession of any land on the basis of a contract or lease	Sub-Divisional Officer	Commissioner	Board
85(1)	Suit for ejection by Gram Sabha against a bhumidhar with non-transferable rights	Do	Do	Do
85(2)	Suit for ejection by a land holder against an asami	Do	Do	Do
96(2)	Suit for partition by a disabled co-sharer	Do	Do	Do
116	Suit for division of a holding	Do	Do	Do
131(1)	Suit for ejection of an asami	Do	Do	Do
131(4)	Suit for recovery of arrears or rent against an asami	Tahsildar	Collector	Nil
133	Suit for injunction, compensation etc.	Tahsildar	Collector	Nil
134	Suit for ejection against a person occupying land without title or for damages or for both	Sub-Divisional Officer	Commissioner	Board
137(1)	Suit for possession, compensation or injunction	Do	Do	Do
139(1)	Application for fixation of rent	Tahsildar	Sub-Divisional Officer	Nil
141(1)	Application for commutation of rent	Sub-Divisional Officer	Collector	Nil
144	Suit for declaration by bhumidhar or asami	Do	Commissioner	Board
145	Suit for declaration by Gram Sabha	Do	Do	Do
151(1)	Suit by a Government lessee for ejection or for damages or both	Do	Do	Do

NOTE- The suits appearing in the entries relating section 82(2) (c) to section 131 (1) sections, 134, 137(1) and section 139(1) to Section 151(1) may be heard and decided also by any Assistant Collector, First Class (other than the Sub-Divisional Officer) to whom the case may be transferred by general or special order of the Collector.

FOURTH SCHEDULE

(See Section 222)

List-"A"

List of villages of Pargana Ahraura

- | | |
|-------------------|--------------------|
| 1. Amdin | 11. Kutlupur |
| 2. Baghor | 12. Lohra |
| 3. Baghri | 13. Maddhupur |
| 4. Bantara | 14. Majhui |
| 5. Bat | 15. Mubarakpur |
| 6. Bhawanipur | 16. Magnar Haraiya |
| 7. Dhotwa | 17. Pavahi |
| 8. Ghurahi | 18. Sukrut |
| 9. Khamalhria | 19. Takia |
| 10. Khan Arzampur | |

List-"B"

List of villages of Pargana Bhagwat

- | | |
|-----------------|-----------------|
| 1. Ban Imlis | 4. Nibia |
| 2. Jargal Mahal | 5. Rampur Barno |
| 3. Semra Barho | 6. Sonbarsa |

STATEMENT OF OBJECTS AND REASONS

At present as many as 39 Acts relating to revenue law are enforced in the State of Uttar Pradesh. Out of these Acts, Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and U.P. Land Revenue Act, 1901 are the important Acts. Several enactments were enacted during the British regime. Most of the provisions of those have become obsolete. Some of the provisions of those enactments are inconsistent with each other. On account of different provisions in different enactments relating to revenue law, the revenue litigations have considerably increased. Consequently the revenue cases are pending for disposal for a very long period. Under these circumstances it has become necessary to consolidate with modifications of relevant provisions of all these enactments into single enactment. It has, therefore, been decided to provide for consolidating and amending the laws relating to land-tenures and land revenue in the State and for matters connected therewith and incidental thereto. The U.P. Revenue Code Bill, 2006 has, therefore, been prepared to fulfil the above mentioned requirements.

The Uttar Pradesh Revenue Code Bill, 2006, is introduced accordingly.

By order,
S.K. PANDEY,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 660 राजपत्र(हि०)-2012-(3034)-599 प्रतियां-(कम्प्यूटर/टी/आफसेट)।
पी०एस०यू०पी०-ए०पी० 70 सा० विधायी-2012-(3035)-500 प्रतियां-(कम्प्यूटर/टी/आफसेट)।

उत्तर प्रदेश
अध्यादेश
संख्या 4 सन्
2015

190-(1) उत्तर प्रदेश राजस्व संहिता (संशोधन) अध्यादेश, 2015
एतद्वारा निरसित किया जाता है।

निरसन और
अपवाद

(2) ऐसे निरसन के होते हुए भी, उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम के तत्समान उपबन्धों के अधीन कृत कार्य या कार्यवाही समझी जायेगी मानो इस अधिनियम के उपबन्ध सभी सारवान् समय पर प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश राजस्व संहिता, 2006 (उत्तर प्रदेश अधिनियम संख्या 8 सन् 2012) का अधिनियम उन उनतालीस अधिनियमों का समेकन करने के लिए किया गया है जो उत्तर प्रदेश राज्य में प्रवृत्त थे। तत्पश्चात् यह देखा गया कि उक्त संहिता में बहुत सी भाषाई त्रुटियाँ हैं जिन्हें ठीक करने की आवश्यकता थी। इसके अतिरिक्त, उत्तर प्रदेश जमींदारी विनाश और भूमि व्यवस्था अधिनियम, 1950 (उत्तर प्रदेश अधिनियम संख्या 1 सन् 1951) की धारा 122-ख की उपधारा (4-च), धारा 123, 172 और 174 के उन संशोधित उपबन्धों को भी सम्मिलित करना आवश्यक था जो वर्ष 2007 और 2008 में, अर्थात् राज्य विधान मंडल के दोनों सदनों द्वारा उक्त संहिता को पारित करने के पश्चात् संशोधित किये गये थे। उपर्युक्त को ध्यान में रखते हुए यह विनिश्चय किया गया कि उक्त संहिता को संशोधित करके भाषाई त्रुटियों को ठीक किया जाय और पूर्वोक्त संशोधित उपबन्धों को सम्मिलित किया जाय।

चूँकि राज्य विधान-मंडल सत्र में नहीं था और उपर्युक्त विनिश्चय को कार्यान्वित करने के लिए तुरन्त विधायी कार्यवाही करना आवश्यक था। अतएव, राज्यपाल द्वारा दिनांक 16 दिसम्बर, 2015 को उत्तर प्रदेश राजस्व संहिता (संशोधन) अध्यादेश, 2015 (उत्तर प्रदेश अध्यादेश संख्या 4 सन् 2015) प्रख्यापित किया गया।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिए पुरःस्थापित किया जाता है।

आज्ञा से,
अब्दुल शाहिद,
प्रमुख सचिव।

No. 369 (2)/LXXIX-V-1-16-1 (ka) 1-2016

Dated Lucknow, March 11, 2016

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh, Rajaswa Samhita (Sanshodhan) Adhinyam, 2016 (Uttar Pradesh Adhinyam Sankhya 4 of 2016) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 11, 2016 :-

THE UTTAR PRADESH REVENUE CODE (AMENDMENT) ACT, 2016

[U. P. Act No. 4 of 2016]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to amend the Uttar Pradesh Revenue Code, 2006.

IT IS HEREBY enacted in the Sixty-Seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Uttar Pradesh Revenue Code (Amendment) Act, 2016. Short title and commencement

(2) It shall be deemed to have come into force on December, 16, 2015.

General amendment in
U.P. Act no.8 of 2012

2. In the Uttar Pradesh Revenue Code, 2006, hereinafter referred to as the said Code-

(a) for the words "Gram Sabha" wherever occurring including headings, long title, preamble, marginal headings, schedules, except in sections 4, 64, 68, 72 and 126, the words "Gram Panchayat" shall be substituted;

(b) for the words "Gram Fund", wherever occurring, the words "Gaon Fund" shall be substituted.

(c) in Hindi version, for the word "ज़िला" or the word "ज़िले" or the word "ज़िलों", wherever occurring, the word "ज़िला" or "ज़िले" or "ज़िलों", shall respectively be substituted;

(d) in Hindi version, for the word "गाँव", wherever occurring, the word "गाँव" shall be substituted; and

(e) in Hindi version, for the word "बाकीदार" or the word "बकायादार" or the word "बकायेदार", wherever occurring, the word "व्यतिक्रमी" shall be substituted.

Amendment of
section 1

3. In section 1 of the said Code, in Hindi version, in sub-section (3), for the word "करें" the word "करे" shall be substituted.

Amendment of
section 3

4. In section 3 of the said Code, in Hindi version, in sub-section (3), for the words "उपान्तरण परिवर्तन" the words "उपान्तरण या परिवर्तन" shall be substituted.

Amendment of
section 4

5. In section 4 of the said Code-

(a) in Hindi version, in clause (8), in sub-clause (b), for the words "किसी कलेक्टर" the word "कलेक्टर" shall be substituted;

(b) in Hindi version, in clause (13), in sub-clause (4), for the word and punctuation mark "निर्माण;" the words and punctuation mark "निर्माण; और" and in sub-clause (v) thereof, for the word "पुनर्निर्माण" the word "पुनर्निर्माण" shall be substituted;

(c) in clause (16), for the words "Assistant Collectors, Settlement Officers, Assistant Settlement Officers, Record Officers, Assistant Record Officers, Tahsildar and Naib Tahsildar;" the words "Chief Revenue Officers, Assistant Collectors, Settlement Officers, Assistant Settlement Officers, Record Officers, Assistant Record Officers, Tahsildars, Tahsildars (Judicial) and Naib Tahsildars;" shall be substituted;

(d) for clause (17), the following clause shall be substituted, namely :-

"(17) Revenue Officer" means the Commissioner, an Additional Commissioner, the Collector, an Additional Collector, the Chief Revenue Officer, the Sub-Divisional Officer, an Assistant Collector, the Settlement Officer, an Assistant Settlement Officer, the Record Officer, an Assistant Record Officer, the Tahsildar, the Tahsildar (Judicial), the Naib Tahsildar and the Revenue Inspector."

(e) in Hindi version, in clause (19), for the words "बन्द रोपण प्रणाली" the words "वनरोपण प्रणाली" shall be substituted;

(f) in Hindi version, in clause (20), for the word and punctuation mark "करें।" the word and punctuation mark "करे;" shall be substituted;

(g) in Hindi version, in clause (21), for the word and punctuation mark "है।" the word and punctuation mark "है;" shall be substituted;

(h) in clause (22), for the words "Gaon Fund" and "Gram Sabha" the words "Gaon Fund", "Gram Sabha" and "Gram Panchayat" and for the punctuation mark '.,' the punctuation mark ',' shall be substituted;

(i) after clause (22), the following clauses shall be inserted, namely:-

“(23) ‘agricultural year’ means an year which begins from first day of July and ends on thirtieth day of June of a calendar year. It is also characterised as ‘fasli year’;

(24) ‘intermediary’ with reference to any estate means a proprietor, under-proprietor, sub-proprietor, thekedar, permanent lessee in Avadh and permanent tenure-holder of such estate or part thereof;

(25) ‘lease’ in relation to mines and minerals shall include a sub-lease, a prospecting lease and an agreement to lease or sublet, and ‘lessee’ shall be construed accordingly;

(26) ‘decree’ shall have the meaning assigned to it in section 2 of the Code of Civil Procedure, 1908 (Act no.V of 1908);

(27) ‘State Government’ means the State Government of Uttar Pradesh;

(28) ‘Central Government’ shall have the meaning assigned to it in section 3 of the General Clauses Act, 1897 (Act no.X of 1897);

(29) ‘Minjumla number’ means a shajra number denoting a component part of a field which has theoretically been partitioned but physically has not been partitioned.”

6. In section 5 of the said Code, for the words “the State shall be divided into revenue areas comprising divisions which may consist of one or more districts, and each district may consist of one or more Tahsils and each Tahsil may consist of one or more pargana, and each pargana may consist of two or more villages.” the words “the State shall be divided into revenue areas comprising of divisions which may consist of two or more districts, and each district may consist of two or more Tahsils and each Tahsil may consist of one or more parganas, and each pargana may consist of two or more villages.” shall be *substituted*.

Amendment of section 5

7. In section 6 of the said Code, in Hindi version,-

Amendment of section 6

(a) in sub-section (1), at the end of clause (three), for the punctuation mark “;” the punctuation mark “|” shall be substituted;

(b) in sub-section (3), for the words “निरीक्षक के मुख्यालयों” the words “निरीक्षक के मुख्यालय” shall be *substituted*.

8. In section 7 of the said Code-

Amendment of section 7

(a) sub-section (2) shall be *omitted*.

(b) in sub-section (3),-

(i) in Hindi version, in clause (a), for the words and punctuation mark “जब तक कि उसने ऐसा पद धारण किया हो जो आयुक्त के पद से निम्न श्रेणी का न हो।” the words and punctuation mark “जब तक कि उसने आयुक्त के पद से अन्यून श्रेणी का पद धारण न किया हो ;” shall be *substituted*;

(ii) in clause (b), for the words ‘unless he has been a revenue officer’ the words ‘unless he has held an office not below the rank of a Collector’ shall be *substituted*;

(c) in Hindi version, in sub-section (4), for the words “न्यायिक कारबार” the words “न्यायिक कार्य” shall be *substituted*.

9. In section 8 of the said Code in sub-section (1), for clause (a), the following clause shall be *substituted*, namely :-

Amendment of section 8

“(a) in all matters relating to disposal of cases, appeals or revisions; and”

10. In section 10 of the said Code, in Hindi version,-

Amendment of section 10

(a) in sub-section (2), for the words “विभाजित हो” the words “विभाजित हों” shall be *substituted*;

(b) in sub-section (3), for the words “मण्डल पीठ” the words “खण्ड पीठ” shall be *substituted*.

Amendment of
section 11

11. In section 11 of the said Code-

(a) in sub-section (1), for the words "being in force." the words "being in force, and shall exercise authority over all the revenue officers in his division." shall be *substituted*;

(b) in Hindi version, for sub-section (2), the following sub-section shall be *substituted*, namely-

"(2) राज्य सरकार एक या उससे अधिक मण्डलों में एक या उससे अधिक अपर आयुक्तों की नियुक्ति कर सकती है।"

(c) after sub-section (4), the following sub-section shall be *inserted*, namely :-

"(5) The State Government may, at the time of making the appointment or at any time subsequent thereto, designate any Additional Commissioner, as Additional Commissioner (Judicial), and any such Additional Commissioner (Judicial) shall be allotted only judicial business. Such an Additional Commissioner (Judicial) shall exercise such powers and discharge such duties of Commissioner in such cases or classes of cases as the State Government, or in the absence of any direction from the State Government, the Commissioner of the Division, may direct."

Amendment of
section 12

12. In section 12 of the said Code, after sub-section (4), the following sub-section shall be *inserted*, namely :-

"(5) The State Government may, at the time of making the appointment or at any time subsequent thereto, designate any Additional Collector, as Additional Collector (Judicial), and any such Additional Collector (Judicial) shall be allotted only judicial business. Such an Additional Collector (Judicial) shall exercise such powers and discharge such duties of Collector in such cases or classes of cases as the State Government, or in the absence of any direction from the State Government, the Collector of the District, may direct."

Amendment of
section 13

13. In section 13 of the said Code-

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

"(1) The State Government may appoint in each district as many persons as it thinks fit to be Assistant Collectors of the first or second class"

(b) for sub-section (2), the following sub-section shall be *substituted*, namely :-

"(2) The State Government may place an Assistant Collector first class in-charge of one or more sub-divisions of a district, and such an officer shall be called the Assistant Collector first class in-charge of a sub-division or a Sub-Divisional Officer."

(c) in sub-section (4), for the words "Assistant Collector" the words "Assistant Collector first class" shall be *substituted*;

(d) after sub-section (5), the following sub-section shall be *inserted*, namely :-

"(6) The State Government may, at the time of making the appointment or at any time subsequent thereto, designate any Assistant Collector first class, as Sub-Divisional Officer (Judicial) for one or more tahsils, and any such Sub-Divisional Officer (Judicial) shall be allotted only judicial business. Such a Sub-Divisional Officer (Judicial) shall exercise such powers and discharge such duties of a Sub-Divisional Officer in such cases or classes of cases as the State Government, or in the absence of any direction from the State Government, the Collector, may direct."

<p>14. In section 16 of the said Code, in Hindi version, for the words "विनिर्दिष्ट करें," wherever occurring, the words "विनिर्दिष्ट करे," shall be substituted.</p>	<p>Amendment of section 16</p>
<p>15. In section 18 of the said Code, for sub-section (2), the following sub-sections shall be substituted and inserted, namely :-</p>	<p>Amendment of section 18</p>
<p>"(2) If the officer or other person aforesaid does not comply as directed, the Collector shall impose a penalty of two hundred and fifty rupees each day till the direction is complied with, so however, total amount of such penalty shall not exceed twenty five thousand rupees:</p> <p>Provided that the officer or other person, as the case may be, shall be given a reasonable opportunity of hearing before any penalty is imposed on him.</p>	
<p>(3) Imposition of penalty under sub-section (2) shall not bar the prosecution for any offence or recovery of money, papers and other government property under any law for the time being in force.</p>	
<p>16. In section 20 of the said Code, in Hindi version, in sub-section (1), for the words "सर्वे संख्याओं" the words "सर्वे गाटा संख्याओं" and for the word "जायेगी" the word "जायेंगी" shall be substituted.</p>	<p>Amendment of section 20</p>
<p>17. In section 22 of the said Code, in Hindi version, in sub-section (1), for the words "लेखपाल के हल्के" the words "लेखपाल के हलके" shall be substituted.</p>	<p>Amendment of section 22</p>
<p>18. In section 24 of the said Code-</p> <p>(a) in Hindi version, in sub-section (1), for the word "स्व-प्रेरणा" the word "स्वप्रेरणा" and for the words "जाँच द्वारा विनिश्चय कर सकता है" the words "जाँच द्वारा कर सकता है" shall be substituted;</p> <p>(b) in sub-section (3), for the words "six months" the words "three months" shall be substituted.</p>	<p>Amendment of section 24</p>
<p>19. In section 25 of the said Code, in Hindi version, for the words "अवरोधों के निराकरण" the words "अवरोधों को हटाने" and for the words "ऐसे निराकरण की लागत" the words "ऐसे अवरोधों को हटाने की लागत" shall be substituted.</p>	<p>Amendment of section 25</p>
<p>20. In section 26 of the said Code, in Hindi version, for the words "ग्राम सभा" the word "गांव" shall be substituted.</p>	<p>Amendment of section 26</p>
<p>21. In section 27 of the said Code, for the punctuation mark '.' the punctuation mark ':' shall be substituted and thereafter the following proviso shall be inserted, namely:-</p>	<p>Amendment of section 27</p>
<p>"Provided that no application under this section shall be entertained after the expiry of a period of thirty days from the date of the order sought to be revised."</p>	
<p>22. Section 30 of the said Code shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :-</p>	<p>Amendment of section 30</p>
<p>"(2) The minjumla number shall be divided physically in the manner prescribed and revenue records including map and khasra shall be corrected accordingly."</p>	
<p>23. (a) Section 31 of the said Code, shall be re-numbered as sub-section (1) thereof;</p>	<p>Amendment of section 31</p>
<p>(b) in sub-section (1), as so re-numbered,-</p> <p>(i) in clause (b), for the words "respective interests" the words "respective interests including shares" shall be substituted;</p> <p>(ii) in Hindi version, in clause (b), for the words "दायित्वों या शर्तों," the words "दायित्व या शर्तें," shall be substituted;</p>	

(iii) in clause (d), for the words "State Government, Gram Sabha" the words "State Government, Central Government, Gram Panchayat" shall be *substituted*;

(c) after sub-section (1) as so re-numbered, the following sub-section shall be *inserted*, namely :-

"(2) Shares of the co-tenureholders shall be determined in the manner prescribed."

Amendment of
section 32

24. In section 32 of the said Code-

(a) in Hindi version, in sub-section (1), for the words "समस्त संब्यवहार" the words "समस्त संब्यवहारों" shall be *substituted*;

(b) at the end of sub-section (1), for the punctuation mark "." the punctuation mark ":" shall be *substituted* and thereafter the following proviso shall be *inserted*, namely :-

"Provided that order for correction in map shall be passed by the Collector."

Amendment of
section 33

25. In section 33 of the said Code-

(a) in sub-section (2), the clause (c) shall be re-numbered as sub-section (3) and in sub-section (3), as so re-numbered, for the words "under clause (a) or (b)" the words "under clause (a) or (b) of sub-section (2)" shall be *substituted*;

(b) the existing sub-section (3) shall be re-numbered as sub-section (4).

Amendment of
section 34

26. In section 34 of the said Code-

(a) in Hindi version, in the marginal heading, for the word "मामले" the word "मामलों" shall be *substituted*;

(b) the provision appearing before explanation shall be re-numbered as sub-section (1) and in the explanation the words "or an exchange of holdings or parts thereof" shall be *omitted*;

(c) in Hindi version, in the explanation to sub-section (1), for the word "परिवार" the word "पारिवारिक" shall be *substituted*;

(d) after explanation to sub-section (1), the following sub-section shall be *inserted*, namely :-

"(2) State Government may fix a scale of fees for getting entry recorded in the record of rights on the basis of transfer. A fee in respect of any such entry shall be payable by the person in whose favour the entry is to be made."

Amendment of
section 35

27. In section 35 of the said Code-

(a) in sub-section (1),-

(i) clause (b) shall be *omitted*;

(ii) for clause (c), the following clause shall be *substituted*, namely :-

"(c) if the case is disputed, he shall decide the dispute and direct, if necessary, the record of rights (khatauni) to be amended accordingly."

(b) for sub-section (2), the following sub-section shall be *substituted*, namely :-

"(2) Any person aggrieved by an order of the Tahsildar under sub-section (1) may prefer an appeal to the Sub-Divisional Officer within a period of thirty days from the date of such order."

28. In section 36 of the said Code, in Hindi version, in sub-section (1), for the words "रजिस्ट्रीकृत कराया गया है या कराया गया समझा गया है" the words "रजिस्ट्रीकृत कराया गया है" shall be *substituted*. Amendment of section 36

29. In section 38 of the said Code-

- (a) after sub-section (1) and before the Explanation, for sub-section (2), sub-section (3) and sub-section (4), the following sub-sections shall be *substituted* and *inserted*, namely :- Amendment of section 38

"(2) On receiving an application under sub-section (1) or on any error or omission otherwise coming to his knowledge, the Tahsildar shall make such inquiry as may appear to him to be necessary, and refer the case along with his report to the Collector in the case of map correction and to the Sub-Divisional Officer in matter of other correction.

(3) The case shall be decided by the Collector or the Sub-Divisional Officer, as the case may be, after considering any objection filed and evidence produced before him or before the Tahsildar.

(4) Any person aggrieved by an order of the Collector or the Sub-Divisional Officer, as the case may be, under sub-section (3), may prefer an appeal to the Commissioner within a period of thirty days from the date of such order, and the decision of the Commissioner shall be final.

(5) Any forged or manipulated entry in the map, the khasra or the record of rights (khatauni) may be expunged under this section.

(6) Notwithstanding anything contained in other provisions of this Code, the Revenue Inspector may correct any undisputed error or omission in the record of rights (khatauni) or *khasra* in such manner and after making such inquiry, as may be prescribed."

- (b) in Hindi version, in the explanation, for the words "लोप को सुधार" the words "लोप का सुधार" shall be *substituted*.

30. In section 39 of the said Code, for the words "sub-section (2) of section 35 or sub-section (4) of section 38" the words "sub-section (4) of section 38" shall be *substituted*. Amendment of section 39

31. In section 40 of the said Code, for the words "in the village map field book (Khasra) and record of right (Khatauni)" the words "in the record of rights (Khatauni)" shall be *substituted*. Amendment of section 40

32. In section 41 of the said Code-

- (a) in Hindi version, in sub-section (3), for the words "सह-खातेदारों को दी जाय।" the words "सह-खातेदारों को दी जाय जो इसके लिये आवेदन करें।" shall be *substituted*; Amendment of section 41

- (b) in Hindi version, for sub-section (4), the following section shall be *substituted*, namely-

"(4) खातेदार किसान बही के लिए ऐसा मूल्य ऐसी रीति से भुगतान करने का उत्तरदायी होगा, जैसी विहित की जाय।"

- (c) in sub-section (6), the words "Only the original Kisan Bahi and not a duplicate shall be produced by a tenure holder to such institution for the purpose" shall be *omitted*;

- (d) in Hindi version, in sub-section (7), for the words "किसी अन्य रीति चाहे जो भी हो, अन्तरित किया है" the words "किसी अन्य रीति चाहे जो भी हो से, अन्तरित किया है" shall be *substituted*.

Amendment of
section 43

33. In section 43 of the said Code-

- (a) in Hindi version, in sub-section (1), for the words "अभिलेख क्रियाओं या सर्वेक्षण क्रियाओं" the words "अभिलेख क्रिया या सर्वेक्षण क्रिया" shall be substituted;
- (b) for sub-section (2), the following sub-section shall be substituted, namely :-
"(2) The State Government may, by notification in the gazette, order that a survey operation or a record operation of abadi or village abadi or both shall be made in the manner prescribed."
- (c) after sub-section (2), the following sub-section shall be inserted, namely :-
"(3) The State Government may, by a subsequent notification, amend or cancel the notification issued under sub-section (1) or sub-section (2), or declare the operation to be closed."

Amendment of
section 44

34. In section 44 of the said Code-

- (a) in Hindi version, in sub-section (1), for the words " अभिलेख क्रियाओं या सर्वेक्षण या दोनों का प्रभारी होगा और उतने सहायक अभिलेख अधिकारी भी नियुक्त कर सकती है जितनी वह उचित समझे।" the words "अभिलेख क्रिया या सर्वेक्षण क्रिया या दोनों का प्रभारी होगा और उतने सहायक अभिलेख अधिकारी भी नियुक्त कर सकती है, जितने वह उचित समझे।" shall be substituted;
- (b) in sub-section (2), for the words and figures "sub-section (1) of section 43" the words and figures "sub-section (1) or sub-section (2) of section 43" shall be substituted.

Amendment of
section 45

35. In section 45 of the said Code, in Hindi version, in the marginal heading, for the words "अभिलेख सर्वेक्षण क्रिया" the words "अभिलेख या सर्वेक्षण क्रिया" shall be substituted.

Amendment of
section 46

36. In section 46 of the said Code, for the words "the record of rights (khatauni)" the words "the record of rights (khatauni) or the record of abadi or village abadi" shall be substituted.

Amendment of
section 47

37. In section 47 of the said Code, for the words "the field book (Khasra) and the record of rights (Khatauni)" the words "the field book (Khasra) and the record of rights (Khatauni) or the record of abadi or village abadi, as the case may be" shall be substituted.

Amendment of
section 48

38. In section 48 of the said Code, in Hindi version, for the words "सीमा चिन्ह" wherever occurring, the words "सीमा चिन्हों" and for the words "गांवों और क्षेत्रों की रक्षा करने के लिए" the words "गांवों और क्षेत्रों की सीमाओं को सीमांकित करने के लिए" shall be substituted.

Amendment of
section 49

39. In section 49 of the said Code-

- (a) in Hindi version,-
- (i) in sub-section (2), for the words "गलतियों" the words "त्रुटियों" and for the words "भूलों और विवाद का उल्लेख" the words "भूलों और विवादों का उल्लेख" shall be substituted;
- (ii) for sub-section (5), the following sub-section shall be substituted, namely:-
"(5) नायब तहसीलदार -
(क) जहां उपधारा (3) और उपधारा (4) के अनुसार आपत्तियां प्रस्तुत की जायं, वहाँ सम्बद्ध पक्षकारों को सुनवाई करने के पश्चात; और
(ख) किसी अन्य स्थिति में, ऐसी जाँच करने के पश्चात, जिसे वह आवश्यक समझे; भूल का सुधार करेगा और अपने समक्ष उपस्थित होने वाले पक्षकारों के बीच समझौता द्वारा विवाद का निपटारा करेगा और ऐसे समझौते के आधार पर आदेश देगा।"

(b) in sub-section (8), for the words "may prefer an appeal to the Record Officer in the manner prescribed" the words "may prefer an appeal within thirty days from the date of such order to the Record Officer in the manner prescribed" shall be substituted.

40. In section 52 of the said Code-

- (a) the existing provision of section 52 shall be re-numbered as sub-section (1);
- (b) in Hindi version, in sub-section (1), as so re-numbered, for the words "होगें" the words "होंगे" shall be substituted;
- (c) after sub-section (1), as so re-numbered, the following sub-section shall be inserted, namely :-

"(2) The provisions of this Chapter shall, *mutatis mutandis*, apply to record operation and survey operation of abadi or village abadi."

Amendment of section 52

41. In section 53 of the said Code, in Hindi version, for the words "उपधारित की जायेगी" the words "उपधारित की जायेंगी" shall be substituted.

Amendment of section 53

42. In section 54 of the said Code, in Hindi version, for the words and punctuation mark "जल और समस्त, भूमि" the words "जल और समस्त भूमि" and in the proviso, for the words "बात से किसी ऐसी सम्पत्ति पर निर्भर रहने वाले किसी व्यक्ति के अधिकार इस संहिता के प्रारम्भ होने के दिनांक से तत्काल पूर्व प्रभावित नहीं समझे जायेंगे।" the words "किसी बात से, किसी ऐसी सम्पत्ति पर इस संहिता के प्रारम्भ होने के दिनांक से ठीक पहले, विद्यमान किसी व्यक्ति के अधिकार, प्रभावित नहीं समझे जायेंगे।" shall be substituted.

Amendment of section 54

43. In section 55 of the said Code-

- (a) in Hindi version, in sub-section (1), for the words "(विनियमन और विकास)" the words "(विकास और विनियमन)" shall be substituted;
- (b) for sub-section (2), the following sub-section shall be substituted, namely :-

"(2) Every lessee of building or land, leased or deemed to have been leased out by the State Government under any of the enactments repealed by this Code, for the purposes connected with the working or extraction of any mine or mineral, and operating on the date of commencement of this Code, shall, subject to the terms and conditions of the lease aforesaid, continue to retain possession thereof on payment of such rent as was in force on the date of such commencement."

Amendment of section 55

44. In section 56 of the said Code, in Hindi version,-

- (a) in sub-section (1), for the words "ऐसे व्यक्ति से सम्बन्धित समझा जाएगा" the words "ऐसे व्यक्ति का समझा जाएगा" shall be substituted;
- (b) in sub-section (2), for the words "ऐसे व्यक्तियों से संयुक्त रूप से सम्बन्धित समझा जाएगा जो ऐसी सीमा के प्रत्येक ओर जोतों को धारण करते हों" the words "ऐसे व्यक्तियों का संयुक्त रूप से समझा जाएगा जो ऐसी सीमा के किसी ओर जोतों को धारण करते हों" shall be substituted;
- (c) in sub-section (4), for the words and punctuation marks "वृक्षों झाड़ जंगल, जंगल या अन्य प्राकृतिक उत्पाद, जहाँ कहीं उगे हों या आरोपित हों," the words and punctuation marks "वृक्षों, झाड़, जंगल, या अन्य प्राकृतिक उत्पाद, जहाँ कहीं उगे हों या रोपित हों," shall be substituted.

Amendment of section 56

45. In section 57 of the said Code, in Hindi version,-

- (a) in sub-section (1), for the words "यथास्थिति किसी तहसीलदार या किसी सहायक वन संरक्षक या किसी सहायक अभियन्ता की श्रेणी" the words "यथास्थिति तहसीलदार या सहायक वन संरक्षक या सहायक अभियन्ता की श्रेणी" shall be substituted;

Amendment of section 57

(b) in sub-section (1) and in sub-section (2), for the words "नहर के प्रत्येक ओर" the words "नहर के किसी ओर" shall be substituted;

(c) in sub-section (2), for the words "कोई व्यक्ति या कलेक्टर" the words and punctuation mark "कोई व्यक्ति, कलेक्टर" shall be substituted.

Amendment of
section 58

46. In section 58 of the said Code, in sub-section (2), for the figure and word "2 months" the words "thirty days" shall be substituted.

Amendment of
section 59

47. In section 59 of the said Code, in Hindi version-

(a) in sub-section (2),-

(i) in clause (two), for the words "सेक्टर मार्ग" the words "सेक्टर मार्ग" shall be substituted;

(ii) in clause (six), for the words "निखात निधि" the words "निखात निधि" and for the punctuation mark ";" the punctuation mark "|" shall be substituted;

(b) in sub-section (3), in clause (a) and clause (b), for the punctuation mark "." the punctuation mark ";" shall be substituted;

(c) in sub-section (4),-

(i) in clause (b), for the words "अन्य चीज स्थानीय प्राधिकरण को अन्तरित कर" the words "अन्य चीज को किसी अन्य ग्राम पंचायत या अन्य स्थानीय प्राधिकरण को अन्तरित कर" shall be substituted;

(ii) in clause (c), for the words "ऐसी निबन्धन एवं शर्तों पर जैसी कि विहित की जाय वापस ले सकती है" the words "ऐसी निबन्धन एवं शर्तों पर जैसी कि विहित की जाएं वापस ले सकती है" shall be substituted.

Amendment of
section 61

48. In section 61 of the said Code, in Hindi version, for the explanation, the following explanation shall be substituted, namely:-

"स्पष्टीकरण—इस धारा के प्रयोजन के लिए पद "तालाब" में तालाब, पोखर, तड़ाग और जल से आच्छादित अन्य भूमि भी है।"

Amendment of
section 63

49. In section 63 of the said Code-

(a) in Hindi version, in sub-section (1), in clause (b), for the word and punctuation mark "भूमि;" the word and punctuation mark "भूमि।" shall be substituted;

(b) in sub-section (2),-

(i) in clause (a), for the words and figure "any land referred to in sub-section (1)" the words and figure "any vacant land referred to in sub-section (1)" shall be substituted;

(ii) for clause (c), the following clause shall be substituted, namely:-

"(c) any land acquired under the provisions of Land Acquisition Act, 1894 (Act no.1 of 1894) and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act no.30 of 2013)."

Amendment of
section 64

50. In section 64 of the said Code-

(a) in Hindi version, in sub-section (3), for the words "ऐसी निबन्धन और शर्तों पर धारित किया जाएगा जैसा कि विहित किया जाए।" the words and punctuation mark "'ऐसे निबन्धन और शर्तों पर धारित किया जाएगा जो विहित की जायें।" shall be substituted;

(b) at the end of sub-section (3), for the punctuation mark "." the punctuation mark ":" shall be substituted and thereafter the following proviso shall be inserted:-

"Provided that if the allottee is a married man and his wife is alive, she shall be co-allottee of equal share in the land so allotted."

51. In section 65 of the said Code, in Hindi version,-

- (a) in sub-section (2), for the words "खाली कराये जाने के पश्चात" the words "बेदखल कराये जाने के पश्चात" and in the proviso, for the words "दोषी को" the words "अभियुक्त को" shall be substituted;
- (b) in sub-section (3),-
- (i) for the words and figure "जहां उक्त उपधारा (2)" the words and figure "जहां उपधारा (2)" and for the words "शपथ-पत्र या अन्यथा द्वारा" the words "शपथ-पत्र द्वारा या अन्यथा" shall be substituted;
- (ii) in clause (a) and clause (b), for the words "दोषी व्यक्ति" the word "अभियुक्त" shall be substituted;
- (c) in sub-section (4) and sub-section (5), for the words "दोषी व्यक्ति" the word "अभियुक्त" shall be substituted;
- (d) in sub-section (7), for the words "परगना मजिस्ट्रेट" the words "उप जिला मजिस्ट्रेट" shall be substituted.

Amendment of section 65

52. In section 66 of the said Code, in Hindi version, in sub-section (1), for the words and figure "कलेक्टर स्वप्रेरणा से और धारा 64 के अधीन किये गये भूमि के किसी आवंटन द्वारा क्षुब्ध किसी व्यक्ति के आवेदन पर ऐसे आवंटन की विहित रीति से जांच कर सकता है" the words and figure "कलेक्टर धारा 64 के अधीन किये गये भूमि के किसी आवंटन की विहित रीति से जांच कर सकता है और ऐसे आवंटन द्वारा क्षुब्ध किसी व्यक्ति के आवेदन पर ऐसे आवंटन की विहित रीति से जांच करेगा" shall be substituted.

Amendment of section 66

53. In section 67 of the said Code-

- (a) for the words "Sub-Divisional Officer" wherever occurring, the words "Assistant Collector" shall be substituted;
- (b) for sub-section (2), the following sub-section shall be substituted, namely:-
- "(2) Where from the information received under sub-section (1) or otherwise, the Assistant Collector is satisfied that any property referred to in sub-section (1) has been damaged or misappropriated, or any person is in occupation of any land referred to in that sub-section in contravention of the provisions of this Code, he shall issue notice to the person concerned to show cause why compensation for damage, misappropriation or wrongful occupation not exceeding the amount specified in the notice be not recovered from him and why he should not be evicted from such land."
- (c) in Hindi version,-
- (i) in sub-section (3), for the words "बकाये के रूप में की जा सकती है।" the words "बकाये के रूप में की जाय।" shall be substituted;
- (ii) in sub-section (5), for the words "अपील करेगा" the words "अपील कर सकता है" shall be substituted;
- (iii) in sub-section (6), for the words and punctuation mark "होगा, और" the word and punctuation mark "होगा।" shall be substituted.

Amendment of section 67

54. After section 67 of the said Code, the following section shall be inserted, namely :-

"67-A. Certain house sites to be settled with existing owners thereof. - (1) If any person referred to in sub-section (1) of section 64 has built a house on any land referred to in section 63 of this Code, not being land reserved for any public purpose, and such house exists on the November 29, 2012, the site of such house shall be held by the owner of the house on such terms and conditions as may be prescribed.

Insertion of new section 67-A

(2) Where any person referred to in sub-section (1) of section 64, has built a house on any land held by a tenure holder (not being a government lessee) and such house exists on November 29, 2000, the site of such house, notwithstanding anything contained in this Code, be deemed to be settled with the owner of such house by the tenure holder on such terms and conditions as may be prescribed.

Explanation:—For the purpose of sub-section (2), a house existing on November 29, 2000, on any land held by a tenure holder, shall, unless the contrary is proved, be presumed to have been built by the occupant thereof and where the occupants are members of one family by the head of that family.”

Amendment of
section 69

55. In section 69 of the said Code-

(a) in Hindi version,-

(i) in sub-section (3) in clause (a), for the word “नियुक्ति” the word “नियुक्त” and in clause (c) for the words “समान उपयोगिता” the words “सामान्य उपयोगिता” shall be substituted;

(ii) in sub-section (4), for the words “इसके प्रारम्भ होने के तत्काल पूर्व समेकित ग्राम निधियों” the words “इसके प्रारम्भ होने के तत्काल पूर्व विद्यमान रहने वाली समेकित गांव निधियों” shall be substituted;

(b) after sub-section (4), the following sub-section shall be inserted, namely-

“(5) The State Government may, by notification in the gazette, direct that a Consolidated Gaon Fund shall be established also for each tahsil for the purpose and in the manner prescribed.”

Amendment of
section 70

56. In section 70 of the said Code, in Hindi version, in sub-section (2), for the words and figure “वे तत्काल आदेशों को कार्यान्वित करें और उपधारा (1) के अधीन जारी किये गये निदेशों का अनुपालन करें” the words and figure “वे तत्काल उपधारा (1) के अधीन जारी किये गये आदेशों को कार्यान्वित करें और निदेशों का अनुपालन करें” shall be substituted.

Amendment of
section 71

57. In section 71 of the said Code-

(a) in Hindi version, in clause (a), for the words “क्षमा याचना के बिना” the words “प्रतिहेतु के बिना” shall be substituted;

(b) in clause (c), for the punctuation mark “.” the punctuation mark “:” shall be substituted and thereafter the following proviso shall be inserted, namely :-

“Provided that reasonable opportunity of hearing shall be given to the Bhumi Prabandhak Samiti before issuing any direction under this section.”

(c) in Hindi version, at the end of section 71 for the words “जैसा कि विहित किया जाय” the words “जिन्हें कि विनिर्दिष्ट किया जाय।” shall be substituted.

Amendment of
section 72

58. In section 72 of the said Code-

(a) in sub-section (1),-

(i) in Hindi version, for the word “निर्बन्धन” the word “निबन्धन” shall be substituted;

(ii) in clause (a), for the words “one Standing Counsel (Revenue)” the words “one or more Standing Counsel (Revenue)” shall be substituted;

(iii) in clause (b), for the words “one Standing Counsel (Revenue)” the words “one or more Standing Counsel (Revenue)” shall be substituted;

(iv) in clause (c), for the words and punctuation marks “one Divisional Government Counsel (Revenue) for the divisional head -quarters; and” the words and punctuation marks “one or more Divisional Government Counsel (Revenue) for the divisional head-quarters; and” shall be substituted;

(v) in clause (d), for the words "one District Government Counsel (Revenue) for the district head quarters" the words "one District Government Counsel (Revenue) and one or more Additional District Government Counsel (Revenue) for the district head-quarters" shall be substituted;

(b) in Hindi version, in sub-section (2), for the words "निर्बन्धन और शर्तों" the words "निबन्धन और शर्तों" and for the word "जैसा" the word "जैसी" shall be substituted;

(c) in sub-section (4), for the words "Gram Sabha, Panchayat or Bhumi Prabandhak Samiti" the words "Gram Sabha, Gram Panchayat or Bhumi Prabandhak Samiti" shall be substituted;

(d) in Hindi version, in sub-section (5), for the words "विधि व्यवसायी द्वारा" the words "किसी विधि व्यवसायी द्वारा दाखिल" shall be substituted;

(e) after sub-section (6), the following sub-section shall be inserted, namely :-

"(7) The State Government may, by notification in the Gazette, issue any direction, for monitoring of cases filed by or against Gram Panchayat, Gram Sabha or Bhumi Prabandhak Samiti and for performance based annual appraisal of Panel Advocates appointed under this Code or the enactments repealed by it, and also for appointing any law officer for the aforesaid purpose."

59. In section 76 of the said Code-

Amendment of section 76

(a) in sub-section (1),-

(i) for clause (c) and clause (d), the following clauses shall be substituted, namely:-

"(c) every person who is allotted any land on or after the said date under the provisions of the Uttar Pradesh Bhoodan Yojna Act, 1952;

(d) every person who is allotted any land on or after the said date under the provisions of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960;"

(ii) after clause (d), the following clause shall be inserted, namely :-

"(dd) every person who was an asami in possession of land not covered by section 77 of this Code, immediately before the date of the commencement of this Code and had been recorded as such in class-3 of the annual register (khatauni) of 1407 Fasli :

Provided that where the land in possession of a person, together with any other land, held by him in Uttar Pradesh exceeds the ceiling area determined under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, the rights of a Bhumidhar with non-transferable rights shall accrue in favour of such person in respect of so much area of the first mentioned land, as together with such other land held by him, does not exceed the ceiling area applicable to him, and the said area shall be demarcated in the prescribed manner in accordance with the principles laid down in the aforesaid Act;"

(b) in sub-section (2), for the words "ten years" the words "five years" shall be substituted;

(c) in Hindi version, for sub-section (3), the following sub-section shall be substituted, namely :-

"(3) प्रत्येक व्यक्ति जो उपधारा (1) और (2) में निर्दिष्ट प्रारम्भ पर असंक्रमणीय अधिकार वाला भूमिधर हो या ऐसे प्रारम्भ के पश्चात असंक्रमणीय अधिकार वाला भूमिधर हो जाता है, असंक्रमणीय अधिकार वाला भूमिधर होने से पाँच वर्ष की अवधि की समाप्ति पर संक्रमणीय अधिकार वाला भूमिधर हो जाएगा।"

(d) in sub-section (4),-

(i) for the words and figures "under sub-section (1) or sub-section (2) or sub-section (3)" the words and figures "under sub-section (2) or sub-section (3)" shall be substituted;

(ii) in Hindi version, for the words and figure "जोत आरोपण अधिनियम, 1960" the words and figure "जोत सीमा आरोपण अधिनियम, 1960" shall be substituted.

Amendment of
section 77

60. In section 77 of the said Code-

- (a) the existing provision shall be re-numbered as sub-section (1);
- (b) in Hindi version, in sub-section (1), as so renumbered, in clause (f) and clause (g), for the words "किसी अन्य प्राधिकारी" the words "किसी अन्य स्थानीय प्राधिकारी" shall be *substituted*;
- (c) the proviso to sub-section (1), as so renumbered, shall be *omitted* and after explanation, the following sub-sections shall be *inserted*, namely :-

"(2) Notwithstanding anything to the contrary contained in other provisions of this Code, where, any land or part thereof specified in sub-section (1) of this section is, surrounded by or, in between, the plot or plots of land purchased, acquired or resumed for public purpose, the State Government may, change the class of such public utility land, and if the class of such public utility land is changed, any other land equivalent to or more than that of public utility land aforesaid, shall be reserved for the same purpose in the same Gram Panchayat or other local authority, as the case may be or State Government may permit the exchange thereof under section 101 of this Code, in the manner prescribed:

Provided that the class of any public utility land may be changed only in exceptional cases on such terms and conditions, as may be prescribed. The reason for changing the class of public utility land shall be recorded in writing.

(3) The State Government, while changing the class of the land or permitting the exchange of the same under section 101 of the Code, shall consider the location, public utility and suitability of the land proposed to be reserved or exchanged.

(4) If class of land is changed under sub-section (2) of this section, the Collector shall order the record of rights (Khatauni) and the map to be corrected accordingly.

Explanation:- The expression 'public purpose', in sub-section (2) of this section means, *mutatis mutandis*, 'the public purpose' as defined in clause (za) of section 3 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act no.30 of 2013)."

Amendment of
section 78

61. In section 78 of the said Code-

- (a) for clause (a), the following clause shall be *substituted*, namely :-
- "(a) subject to the provisions of clause (dd) of sub-section (1) of section 76 of this Code, every person who was an asami immediately before the date of commencement of this Code;"
- (b) in Hindi version, in clause (b), for the words "असामी के रूप में कोई भूमि स्वीकार की गयी हो" the words "असामी स्वीकार किया गया हो" shall be *substituted*.

Amendment of
section 80

62. In section 80 of the said Code-

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

"80-Use of holding for Industrial, Commercial or Residential purposes.-(1) Where a bhumidhar with transferable rights uses his holding or part thereof, for industrial, commercial or residential purposes, the Sub Divisional Officer may, *suo motu* or on an application moved by such bhumidhar, after making such enquiry as may be prescribed, either make a declaration that the land is being

used for the purpose not connected with agriculture or reject the application. The Sub-Divisional Officer shall state the reasons in writing of such declaration or rejection and inform the applicant of his decision within forty five working days from the date of receipt of the application :

Provided that no such declaration under this section shall be made merely on the ground that the holding or part thereof is surrounded by boundary wall or is "Parti" on the spot:

Provided further that no application for the declaration under this sub-section moved by any co-bhumidhar having undivided interest in Bhumidhari land shall be maintainable, unless application is moved by all the co-bhumidhars of such bhumidhari land or their interests therein are divided in accordance with provisions of law."

- (b) in Hindi version, in sub-section (4), for the words "सार्वजनिक उत्पात" the words "सार्वजनिक न्यूसेन्स" shall be substituted;
- (c) after sub-section (4), the following sub-section shall be inserted, namely :-
 "(5) The State Government may fix the scale of fees for declaration under this section and different fees may be fixed for different purposes:

Provided that if the applicant uses the holding or part thereof for his own residential purpose, no fee shall be charged for the declaration under this section."

63. In section 81 of the said Code-

- (a) in Hindi version, for the words and punctuation mark "परिणाम सुनिश्चित किये जायेंगे।" the words and punctuation mark "परिणाम होंगे:-" shall be substituted;
- (b) at the end of clause (a), for the punctuation mark "." the punctuation mark ";" shall be substituted;
- (c) in Hindi version, in clause (b), for the words "अध्याय नौ" the words "अध्याय ग्यारह", for the words "कृषि वर्ग" the words "कृषि वर्ष" and for the word "दिनांक" the word "दिनांक" shall be substituted.

Amendment of section 81

64. In section 82 of the said Code-

- (a) in sub-section (1), for the words "any purpose other than a purpose connected with agriculture," the words "any purpose connected with agriculture," shall be substituted;
- (b) in Hindi version, in sub-section (2),-
- (i) in proviso to clause (b), for the word "पुनर्निधारित" the word "पुनर्निर्धारित" shall be substituted;
- (ii) in clause (c), for the words "इस संविदा के उपबन्धों" the words "इस संहिता के उपबन्धों" shall be substituted;
- (iii) in proviso to clause (c), for the words "प्रतिभूति देय" the words "देय एवं प्रतिभूत" shall be substituted.

Amendment of section 82

65. For section 83 of the said Code, the following section shall be substituted, namely :-

"83. Every declaration under section 80 or cancellation under section 82 shall be recorded in record of rights in the manner as may be prescribed and, even after declaration under section 80, the mutation order on the basis of transfer or succession shall be passed in the manner prescribed."

Amendment of section 83

66. In section 84 of the said Code, in Hindi version, in the proviso, for the words "टौगिया बागान" the words "टौगिया बागान" shall be substituted.

Amendment of section 84

Amendment of
section 85

67. In the section 85 of the said Code, in Hindi version,-

- (a) in sub-section (1), for the words "वाद के आधार पर" the words "वाद पर" shall be substituted;
- (b) in sub-section (2), for the words "इस संहिता किसी" the words "इस संहिता के किसी" and for the words "वाद के आधार पर" the words "वाद पर" shall be substituted;
- (c) in sub-section (3), for the words "कार्य के लागत" the words "कार्य की लागत" and for the word "क्षतियों" the word "क्षति" shall be substituted.

Amendment of
section 89

68. In section 89 of the said Code-

- (a) for sub-section (2), the following sub-section shall be substituted, namely :-
 "(2) Subject to the provisions of sub-section (3), no person shall have the right to acquire by purchase or gift any holding or part thereof from a bhumidhar with transferable rights, where the transferee shall, as a result of such acquisition, become entitled to land which together with land, if any, held by such transferee and where the transferee is a natural person, also together with land, if any, held by his family shall exceed 5.0586 hectares in Uttar Pradesh."
- (b) in Hindi version, in sub-section (3), for the words "अन्य निगम, शिक्षण संस्था" the words "अन्य निगम या शिक्षण संस्था" shall be substituted.

Amendment of
section 90

69. In section 90 of the said Code, in Hindi version, for the words "रीति में" the words "रीति से" shall be substituted.

Amendment of
section 92

70. In section 92 of the said Code-

- (a) in the marginal heading, for the words "Mortgage and gift of land by bhumidhar with non-transferable rights" the words "Mortgage of land by bhumidhar with non-transferable rights" shall be substituted;
- (b) in Hindi version, in clause (a), for the words "ऐसी सरकार द्वारा स्वामित्वाधीन एवं नियंत्रित" the words "ऐसी सरकार के स्वामित्वाधीन एवं नियंत्रणाधीन" shall be substituted.

Amendment of
section 94

71. In section 94 of the said Code, in Hindi version, in clause (b), for the words "कृषि में प्रशिक्षण देने वाले" the words "कृषि में प्रशिक्षण देने वाली" shall be substituted.

Amendment of
section 95

72. In section 95 of the said Code, in sub-section (1),-

- (a) in Hindi version,-
 - (i) for the words "किसी ग्राम सभा से प्राप्त भूमि धारण करने वाला कोई भूमिधर या असामी" the words "कोई भूमिधर या ग्राम पंचायत से प्राप्त भूमि धारण करने वाला कोई असामी" shall be substituted;
 - (ii) in clause (e), for the words and punctuation marks "या अपने पति के सम्बन्धियों की क्रूरता के कारण पृथक् से रह रही हो या उसका पति वर्ग (क), (ख) वर्ग (छ) या वर्ग (ज) का हो;" the words and punctuation marks "या अपने पति या अपने पति के सम्बन्धियों की क्रूरता के कारण पृथक् रह रही हो या उसका पति वर्ग (क), वर्ग (ख), वर्ग (छ) या वर्ग (ज) का हो;" shall be substituted;
- (b) in clause (g), for the words and figure "a person below 25 years in age" the words "a person below 35 years in age" shall be substituted;
- (c) in Hindi version, for clause (h), the following clause shall be substituted, namely :-
 "(ज) भारत सरकार की थल सेना, नौसेना या वायु सेना सम्बन्धी सेवा में सेवारत कोई व्यक्ति या उसके साथ रह रही उसकी पत्नी या उसके साथ रह रहा उसका पति;"

(d) for clause (i), the following clause shall be *substituted*, namely :-

“(i) any other person who is unable to cultivate his holding for the reasons prescribed:”

73. In section 96 of the said Code, in Hindi version,-

- (a) in sub-section (1), for the word “निःशक्ताओं” the word “निःशक्ताओं” shall be *substituted*;
- (b) in sub-section (2), for the words “ऐसा अंशधारक” the words “ऐसा असामी या सह-अंशधारक” shall be *substituted*.

Amendment of section 96

74. In section 97 of the said Code, in Hindi version,-

- (a) for the words “पट्टाया के रजिस्ट्रीकृत” the words “पट्टा, रजिस्ट्रीकृत” shall be *substituted*;
- (b) in explanation, for the words “अनुपालन नहीं करता है इस अध्याय के उपबन्धों के उल्लंघन में इस कारण से” the words “अनुपालन नहीं करता है इस कारण से इस अध्याय के उपबन्धों के उल्लंघन में” shall be *substituted*.

Amendment of section 97

75. For section 98 of the said Code, the following section shall be *substituted*, namely :-

Amendment of section 98

“98—(1) Without prejudice to the provisions of this Chapter, no bhumidhar belonging to a scheduled caste shall have the right to transfer, by way of sale, gift, mortgage or lease any land to a person not belonging to a scheduled caste, except with the previous permission of the Collector in writing:

Provided that the permission by the Collector may be granted only when-

- (a) the bhumidhar belonging to a scheduled caste has no surviving heir specified in clause (a) of sub-section (2) of section 108 or clause (a) of section 110, as the case may be; or
- (b) the bhumidhar belonging to a scheduled caste has settled or is ordinarily residing in the district other than that in which the land proposed to be transferred is situate or in any other State for the purpose of any service or any trade, occupation, profession or business; or
- (c) the Collector is, for the reasons prescribed, satisfied that it is necessary to grant the permission for transfer of land.

(2) For the purposes of granting permission under this section the Collector may make such inquiry as may be prescribed.”

76. In section 99 of the said Code, in Hindi version, for the words and punctuation mark “विक्रय, दान या पट्टेदारी” the words and punctuation marks “विक्रय, दान, बन्धक या पट्टा” shall be *substituted*.

Amendment of section 99

77. For section 101 of the said Code, the following section shall be *substituted*, namely :-

Amendment of section 101

“101. (1) Notwithstanding anything in section 77 of this Code, any bhumidhar may with prior permission in writing of the Sub-Divisional Officer exchange his land with the land-

- (a) held by another bhumidhar; or
- (b) entrusted or deemed to be entrusted to any Gram Panchayat or a local authority under section 59.

(2) The Sub-Divisional Officer shall refuse permission under sub-section (1) in the following cases, namely-

- (a) if the exchange is not necessary for the consolidation of holdings or

securing convenience in cultivation; or

(b) if the difference between the valuation, determined in the manner prescribed, of the lands given and received in exchange exceeds ten per cent of the lower valuation; or

(c) if the difference between the areas of the land given and received in exchange exceeds twenty-five per cent of the lesser area; or

(d) in the case of land referred to in clause (b) of sub-section (1), if it is reserved for planned use, or is land in which bhumidhari rights do not accrue; or

(e) if the land is not located in same or adjacent village of the same tahsil:

Provided that the State Government may permit the exchange with land mentioned in clause (d) aforesaid, on the conditions and in the manner, prescribed.

(3) Nothing in this section shall be deemed to empower any person to exchange his undivided interest in any holding, except where such exchange is in between two or more co-sharers;

(4) Nothing in the Registration Act, 1908(Act no.16 of 1908), shall apply to an exchange in accordance with this section."

Amendment of section 102

78. In section 102 of the said Code, in Hindi version, in clause (a), for the word "पक्षकारों" the word "पक्षकारों" and in clause (b), for the words "अधिकारों के अभिलेखों (खतौनी)" the words "अधिकार अभिलेख (खतौनी)" shall be substituted.

Amendment of section 103

79. in section 103 of the said Code-

- (a) in Hindi version, for the words "जहां तक धारा" the words "जहां धारा" and for the words "हो तो वहां" the words "हो वहां" shall be substituted;
- (b) In clause (a) and in clause (b) for the figures and word "5.04 hectares" the figures and word "5.0586 hectares" shall be substituted.

Amendment of section 104

80. For section 104 of the said Code, in the Hindi version, the following section shall be substituted, namely :-

"104—धारा 103 में यथा उपबंधित के सिवाय किसी भूमिधर या किसी असामी द्वारा, किसी जोत या उसके भाग में अपने हित का किया गया प्रत्येक अन्तरण, जो इस सहिता के उपबन्धों के उल्लंघन में हो, शून्य होगा।"

Amendment of section 105

81. In section 105 of the said Code-

- (a) in Hindi version, in sub-section (1),-
- (i) for the words, "निम्नलिखित परिणामों से यह सुनिश्चित किया जायेगा" the words "निम्नलिखित परिणाम होंगे" shall be substituted;
- (ii) for clause (a), the following clause shall be substituted, namely :-
 "(क)—ऐसे अंतरण की विषय-वस्तु सभी भारों से मुक्त होकर राज्य सरकार में निहित हो जायेगी;"
- (iii) in clause (b), for the words and punctuation marks "कुंआ और अन्य सुधारों को, सभी भार से मुक्त, राज्य सरकार में निहित समझा जाएगा" the words and punctuation marks "कुंये और अन्य सुधार सभी भारों से मुक्त होकर, राज्य सरकार में निहित हो जायेंगे" shall be substituted;
- (iv) in clause (d), for the words "अंतरिती के हितके निर्वापन" the words "अंतरक के हितकी समाप्ति" shall be substituted;
- (b) in sub-section (1), at the end of clause (d), for the punctuation mark ";" the punctuation mark "." shall be substituted;

(c) in Hindi version, in sub-section (2), for the words and punctuation marks "ऐसी भूमि और सम्पत्ति का कब्जा लेना विधिसम्मत होगा और वह किसी ऐसे व्यक्ति को, जिसका उस पर अध्यासन हो, बेदखल होने वाली ऐसी भूमि या सम्पत्ति के कब्जे का निदेश दे सकता है" the words and punctuation mark "कलेक्टर के लिये ऐसी भूमि या सम्पत्ति का कब्जा लेना और ऐसे व्यक्ति को जिसका ऐसी भूमि या सम्पत्ति पर अध्यासन हो, को उससे बेदखल करने का निदेश देना विधिसम्मत होगा" shall be substituted.

82. After section 106 and before section 107 of the said Code, in Hindi version, the heading "न्यागमन" shall be inserted.

Insertion of heading after section 106 and before section 107 of the Code

83. For section 108 including marginal heading of the said Code, the following section shall be substituted, namely :-

Amendment of section 108

"108.-General order of succession to male bhumidhar, asami or government lessee.(1) Subject to the provisions of section 107, where a bhumidhar, asami or government lessee, being a male dies, his interest in his holding shall devolve upon his heirs being the relatives specified in sub-section (2) in accordance with the following principles, namely:-

- (i) the heirs specified in any one clause of sub-section (2) shall take simultaneously in equal shares;
- (ii) the heirs specified in any preceding clause of sub-section (2) shall take to the exclusion of all heirs specified in succeeding clauses, that is to say, those in clause (a) shall be preferred to those in clause (b), those in clause (b) shall be preferred to those in clause (c) and so on, in succession;
- (iii) if there are more widows than one, of the bhumidhar, asami or government lessee, or of any predeceased male lineal descendant, who would have been an heir, if alive, all such widows together shall take one share;
- (iv) the widow or widowed mother or the father's widowed mother or the widow of any predeceased male lineal descendant who would have been an heir, if alive, shall inherit only if she has not remarried.

(2) The following relatives of the male bhumidhar, asami or government lessee are heirs, subject to the provisions of sub-section (1), namely:-

(a) widow, unmarried daughter and the male lineal descendants in the male line of descent per stirpes:

Provided that the widow and the son of a predeceased son how low-so-ever shall inherit per stirpes the share which would have devolved upon the predeceased son had he been alive;

- (b) mother and father;
- (c) married daughter;
- (d) brother and unmarried sister being respectively the son and the daughter of the same father as the deceased, and son of a predeceased brother, the predeceased brother having been the son of the same father as the deceased;
- (e) son's daughter;
- (f) father's mother and father's father;
- (g) daughter's son;
- (h) married sister;
- (i) half sister, being the daughter of the same father as the deceased;

- (j) sister's son;
 (k) half sister's son, the sister having been the daughter of the same father as the deceased;
 (l) brother's son's son;
 (m) father's father's son;
 (n) father's father's son's son;
 (o) mother's mother's son."

Amendment of
section 109

84. In section 109 of the said Code-

- (a) in Hindi version, for the words "किसी पुरुष भूमिधर, असामी या किसी जोत में सरकारी पट्टेदार" the words "किसी जोत में पुरुष भूमिधर, असामी या सरकारी पट्टेदार" and for the words "ऐसी स्त्री की ऐसे प्रारम्भ होने के पूर्व मृत्यु हो जाय," the words "ऐसी स्त्री की ऐसे प्रारम्भ होने के पश्चात् मृत्यु हो जाय," for the word "पुनर्विवाह" the word "पुनर्विवाह" and for the word "होता।" the word "होगा।" shall be substituted;
- (b) after explanation, the following proviso shall be inserted, namely:-
 "Provided that if any woman inheriting as a daughter, who has surviving heirs specified in clause (a) of section 110 of this Code, dies, her interest in the holding shall devolve upon heirs specified in clause (a) of section 110."

Amendment of
section 110

85. In section 110 of the said Code-

- (a) in Hindi version, in the marginal heading, for the words "भू-धारक का उत्तराधिकारी" the words "भू-धारक का उत्तराधिकार" shall be substituted;
- (b) for clause (a), the following clause shall be substituted, namely :-
 "(a) son, unmarried daughter, son's son, son's son's son, predeceased son's widow, and predeceased son's predeceased son's widow, in equal shares per stirpes:
 Provided firstly that the nearer shall exclude the remoter in the same branch:
 Provided secondly that a widow who has remarried, shall be excluded;
- (c) in clause (c), the words "unmarried daughter;" shall be omitted;
- (d) in Hindi version, in clause (h), for the words "और प्रति शाखा अनुसार भाई का पुत्र" the words "और भाई का पुत्र प्रति शाखा अनुसार" shall be substituted.

Amendment of
section 111

86. In section 111 of the said Code, in Hindi version, for the words "डिबटर सम्पत्ति" the words "देवोत्तर सम्पत्ति" and for the word "ऐसे वैयक्तिक या अन्य विधियों द्वारा शासित होता रहेगा, जो उस पर लागू होते हों" the words "ऐसी वैयक्तिक या अन्य विधियों द्वारा शासित होता रहेगा, जो उस पर लागू होती हों" shall be substituted.

Amendment of
section 112

87. In section 112 of the said Code, in Hindi version, in sub-section (1), for the words "प्राप्त करे" the words "प्राप्त करें" and for the words "सह-विधवायें को" the words "सह-विधवाओं को" shall be substituted.

Amendment of
section 113

88. In section 113 of the said Code, in Hindi version, for the words "भूमि का अर्जन या उसमें किसी हित का हकदार होगा।" the words "भूमि या उसमें किसी हित के अर्जन का हकदार होगा।" shall be substituted.

Amendment of
section 114

89. In section 114 of the said Code-

- (a) in clause (a), clause (c) and clause (d), for the words "bhumidhar or asami" the words "bhumidhar, asami or government lessee" shall be substituted.

(b) in Hindi version,—

(i) in clause (b), for the word "पाय" the word "पाये" shall be substituted;

(ii) in clause (c), for the word and punctuation mark "जाएगा।" the word and punctuation mark "जाएगा;" shall be substituted;

(b) for the explanation, the following explanation shall be substituted, namely :-

"Explanation. In this section, the expression 'murder' means any offence punishable under section 302, section 304, section 304-B, section 305 or section 306 of the Indian Penal Code."

90. In section 115 of the said Code, in Hindi version,-

Amendment of section 115

(a) in sub-section (1), for the words "भूमिधर या ग्राम सभा से प्राप्त भूमि को धृत करने वाले किसी असामी की ज्ञात उत्तराधिकार" the words "भूमिधर या ग्राम पंचायत से प्राप्त भूमि को धृत करने वाले किसी असामी की ज्ञात उत्तराधिकारी" shall be substituted;

(b) in sub-section (2), for the words "के निबन्धन ओर शर्तें" the words "की निबन्धन और शर्तें" shall be substituted;

(c) in sub-section (4), for the words "अपने अधिकार" the words "अपने अधिकारों" shall be substituted;

(d) in sub-section (6), in clause (c), for the words "अन्तिम निस्तारण" the words "अन्तिम खारिजा" shall be substituted.

91. In section 116 of the said Code, for sub-section (2), the following sub-section shall be substituted, namely:-

Amendment of section 116

"(2) In every such suit, the Court may also divide the trees, wells and other improvements existing on such holding but where such division is not possible, the trees, wells and other improvements aforesaid and valuation thereof shall be divided and adjusted in the manner prescribed."

92. In section 117 of the said Code, in Hindi version, in sub-section (1), for the words "कलेक्टर न्यायालय" the words "कलेक्टर का न्यायालय" and in clause (a), for the word "अनुश्रवण" the word "पालन" shall be substituted.

Amendment of section 117

93. In section 119 of the said Code, in Hindi version, for the words "असामी किस जोत" the words "असामी किसी जोत" shall be substituted.

Amendment of section 119

94. In section 120 of the said Code, in Hindi version, in sub-section (2),-

Amendment of section 120

(a) in clause (a), for the words "समर्पण दिनांक" the words "समर्पण के दिनांक" shall be substituted;

(b) in clause (b), for the word "जायगा" the words "जायेगा" shall be substituted.

95. In section 122 of the said Code-

Amendment of section 122

(a) in sub-section (1), for the words "does not use it for agriculture" the words "does not use the land for agriculture" shall be substituted;

(b) in Hindi version, in sub-section (6), for the words "प्रवृत्त रही हों" the words "प्रवृत्त हो" shall be substituted.

96. In section 123 of the said Code, in Hindi version,-

Amendment of section 123

(a) in clause (a), for the word "पूर्णता" the word "पूर्णतया" and for the word and punctuation mark "जायगी;" the word and punctuation mark "जायेगी;" shall be substituted;

(b) in clause (b), for the word "जायगा" the words "जायेगा" shall be substituted.

97. In section 124 of the said Code, in Hindi version, in sub-section (2), for the words and figure "उपधारा(2) किसी" the words and figure "उपधारा (2) के अन्तर्गत किसी" shall be substituted.

Amendment of section 124

Insertion of heading after section 124 and before section 125 of the Code

98. After section 124 and before section 125 of the said Code, in Hindi version, the heading "ग्राम पंचायत द्वारा भूमि का पट्टा" shall be inserted.

Amendment of section 125

99. In section 125 of the said Code, in Hindi version, for the words and punctuation mark "भूमि प्रबन्धक समिति, ग्राम सभा द्वारा" the words "भूमि प्रबन्धक समिति द्वारा" shall be substituted.

Amendment of section 126

100. In section 126 of the said Code-

- (a) in Hindi version, in the marginal heading, for the words "भूमि प्रबन्ध समिति" the words "भूमि प्रबन्धक समिति" shall be substituted;
- (b) in Hindi version, in sub-section (1),-
- (i) for the words and figures "किसी व्यक्ति को असंक्रमणीय अधिकार वाले भूमिधर के रूप में या धारा 125 के अधीन असामी के रूप में" the words and figures "धारा 125 के अधीन किसी व्यक्ति को असंक्रमणीय अधिकार वाले भूमिधर के रूप में या असामी के रूप में" shall be substituted;
- (ii) in clause (a), for the words "सक्रिय सेवा में रहते हुए शत्रु की कार्यवाही से मृत्यु हुई हो, विधवा, पुत्र, अविवाहित पुत्रियाँ" the words "सक्रिय सेवा में रहते हुए मृत्यु हुई हो, विधवा, पुत्र, अविवाहित पुत्रियाँ" shall be substituted;
- (iii) in clause (b), for the words "सक्रिय सेवा में रहते हुए शत्रु की कार्यवाही में पूर्णतया विकलांग हो गया हो" the words "सक्रिय सेवा में रहते हुए पूर्णतया विकलांग हो गया हो" shall be substituted;
- (iv) in clause (h), for the words and figures "संयुक्त प्रान्त पंचायत राज अधिनियम, 1947" the words and figures "उत्तर प्रदेश पंचायत राज अधिनियम, 1947 (1947 की अधिनियम संख्या-26)" shall be substituted;
- (c) in explanation to sub-section (1),-
- (i) in Hindi version, at the end of clause (i), clause (iii) and clause (v), for the punctuation mark '।' the punctuation mark ';' shall be substituted.
- (ii) clause (ii), shall be omitted;
- (iii) in Hindi version, in clause (iii), for the words "आवंटन के दिनांक की या उक्त दिनांक को ठीक पूर्ववर्ती दो वर्ष" the words "आवंटन के दिनांक को या उक्त दिनांक से ठीक पूर्ववर्ती दो वर्ष" shall be substituted;
- (iv) at the end of clause (iv), for the punctuation mark "." the punctuation mark ";" shall be substituted;
- (v) in Hindi version, in clause (v), for the words and figures "अधिनियम, 1994 की अनुसूची-1" the words and figures "अधिनियम, 1994 (अधिनियम संख्या-4 सन् 1994) की अनुसूची-1" shall be substituted;
- (d) in Hindi version, in sub-section (2), for the words "से कम हो" the words "से अधिक न हो" shall be substituted.

Amendment of section 127

101. In section 127 of the said Code-

- (a) in Hindi version, in sub-section (1), for the words "ऐसे वृक्ष या सुधार की भूमि सहित सम्बद्ध व्यक्ति को आवंटित किया गया समझा जायगा" the words "ऐसा वृक्ष या सुधार भी उस भूमि के साथ सम्बद्ध व्यक्ति को आवंटित किया गया समझा जायगा" shall be substituted;
- (b) at the end of sub-section (2), for the punctuation mark "." the punctuation mark ":" shall be substituted and thereafter the following proviso shall be inserted, namely :-

"Provided that if the allottee is a married man and his wife is alive, she shall be co-allottee of equal share in the land so allotted."

102. In section 128 of the said Code-

Amendment of section 128

- (a) in Hindi version, in sub-section (1), for the words and punctuation marks "कलेक्टर, किसी आवंटन के सम्बन्ध में, विहित रीति से, स्वतः जाँच कर सकता है और किसी व्यथित व्यक्ति के आवेदन पर जाँच करेगा; और यदि उसका समाधान हो जाय कि आवंटन इस संहिता के अधीन बनाये गये नियमों के उपबन्धों या इस संहिता द्वारा निरसित अधिनियमितियों में से किसी एक के उल्लंघन में है तो वह, आवंटन और पट्टा को, यदि कोई हो;—" the words and punctuation marks " कलेक्टर, किसी आवंटन के सम्बन्ध में, विहित रीति से, स्वप्रेरणा से जांच कर सकता और किसी व्यथित व्यक्ति के आवेदन पर जांच करेगा और यदि उसका समाधान हो जाय कि आवंटन इस संहिता या इस संहिता द्वारा निरसित किन्हीं अधिनियमितियों या उसके अधीन बनाये गये नियमों के उपबन्धों के उल्लंघन में है तो वह, आवंटन और पट्टा, यदि कोई हो, को निरस्त कर सकता है।" shall be substituted;
- (b) in sub-section (1), clause (a) and clause (b), shall be omitted;
- (c) after sub-section (1), the following sub-section shall be inserted, namely :-
- "(1-A) Any application under sub-section (1) may be moved in the case of an allotment of land made before the commencement of this Code, within five years from the date of such commencement and in the case of an allotment of land made on or after the date of such commencement, within five years from the date of such allotment or lease."
- (d) in Hindi version, in sub-section (2),-
- (i) for the words "निरसित किया जाए" the words "निरस्त किया जाए" shall be substituted;
- (ii) in clause (a), for the words "ऐसी भूमि में और उसके विद्यमान प्रत्येक वृक्ष" the words "ऐसी भूमि में और उस पर विद्यमान प्रत्येक वृक्ष" and for the word and punctuation mark "जायेंगे।" the word and punctuation mark "जायेंगे;" shall be substituted;
- (e) in Hindi version, in sub-section (3), for the word "जायगा" the word "जायेगा" shall be substituted.

103. In section 129 of the said Code, in Hindi version, in sub-section (1), for the words "स्वप्रेरणा से" the words "स्वप्रेरणा से आवंटिती या पट्टेदार को कब्जा दिला सकता है" shall be substituted.

Amendment of section 129

104. After section 129 and before Section 130 of the said Code, in Hindi version, the heading "बेदखली" shall be inserted.

Insertion of heading before section 130 of the Code

105. In section 131 of the said Code, in sub-section (1),-

Amendment of section 131

- (a) in Hindi version, in clause (e), for the words "तीन माह" the words "एक वर्ष" shall be substituted;
- (b) at the end of clause (f), for the punctuation mark ";" the punctuation mark "." shall be substituted.

106. In section 132 of the said Code-

Amendment of section 132

- (a) in Hindi version, in sub-section (1),-
- (i) for the words "रीति में कार्यवाही करेगा" the words "रीति से कार्यवाही करेगा" shall be substituted;

(ii) in clause (b), in sub-clause (i), for the word "जाएँ" the word "जायेंगे" shall be substituted;

(iii) in clause (b), in sub-clause (ii), for the words and punctuation marks "यथा नियत प्रतिपूर्ति का भुगतान करने पर ऐसी फसलों, पेड़ों या ऐसे पेड़ों के फलों को देखभाल करने, एकत्रित करने या हटाने का अधिकार होगा जब तक कि ऐसी फसल या पेड़ यथास्थिति, एकत्रित या हटाये या मृत या काटे नहीं जाते।" the words and punctuation marks "यथा नियत प्रतिकर का भुगतान करने पर ऐसी फसलों, पेड़ों या ऐसे पेड़ों के फलों की देखभाल करने, एकत्रित करने या हटाने का अधिकार होगा जब तक कि ऐसी फसल या पेड़ यथास्थिति, एकत्रित किये या हटाये या काटे नहीं जाते या वे मृत नहीं हो जाते।" shall be substituted;

(b) in Hindi version, in sub-section (2), for the words "देय प्रतिपूर्ति" the words "देय प्रतिकर" shall be substituted.

Amendment of
section 133

107. In section 133 of the said Code, in Hindi version, for the words "वाद चलाने के बदले में" the words "वाद चलाने के बजाय" and in clause (c) thereof, for the words "नुकसान की मरम्मत हेतु" the words "नुकसान की भरपाई हेतु" shall be substituted.

Amendment of
section 135

108. Section 135 of the said Code shall be deleted.

Amendment of
section 136

109. In section 136 of the said Code-

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

"(1) Notwithstanding anything contained in other provisions of this Code, the Sub-Divisional Officer may, of his own motion or on the application of the Gram Panchayat or other local authority, eject any person taking or retaining possession of any land specified in sub-section (2), if such possession is in contravention of the provisions of this Code and is without the consent of such Gram Panchayat or the local authority and shall also be liable to pay damages at the rates prescribed.;"

in sub-section (2), in clause (c), for the punctuation mark "." the punctuation";" shall be substituted;

in the Explanation, for the words "trees and improvements" the words "trees and other improvements" shall be substituted.

Amendment of
section 137

110. In section 137 of the said Code, in sub-section (1),-

in Hindi version, for the words "उपबंधों के अनुसार से भिन्न किसी भूमि से बेदखल किया गया या बेदखली की प्रत्याशा के भय से" the words "उपबंधों के अनुसार से अन्यथा किसी भूमि से बेदखल किया गया या बेदखली से आशंकित" shall be substituted;

in clause (i), for the word and punctuation mark "land;" the words and punctuation mark "land; or" shall be substituted.

Insertion of
heading after
section 143 and
before section 144
of the Code

111. After section 143 and before section 144 of the said Code, in Hindi version, the heading "घोषणात्मक वाद" shall be inserted.

Amendment of
section 144

112. In section 144 of the said Code, in Hindi version, in sub-section (2), in clause (b), for the words "पक्षकार होंगे" the words "पक्षकार होगा" shall be substituted.

113. For section 145 of the said Code, in Hindi version, the following section shall be substituted, namely:-

Amendment of section 145

"145-ग्राम पंचायत द्वारा घोषणात्मक वाद-विनिर्दिष्ट अनुतोष अधिनियम, 1963 की धारा 34 में अंतर्विष्ट किसी बात के प्रतिकूल होते हुए भी ग्राम पंचायत किसी व्यक्ति के विरुद्ध, जो किसी भूमि में किसी अधिकार के हक का दावा करता है, ऐसी भूमि में ऐसे व्यक्ति के अधिकार की घोषणा के लिए, वाद संस्थित कर सकती है और न्यायालय अपने विवेक से ऐसे व्यक्ति के अधिकार की घोषणा कर सकता है और ग्राम पंचायत को ऐसे वाद में किसी अन्य अनुतोष की मांग करने की आवश्यकता नहीं होगी।"

114. In section 146 of the said Code, in Hindi version,-

Amendment of section 146

(a) for the words "शपथ-पत्र या अन्यथा यह सिद्ध हो जाता है" the words "शपथ-पत्र द्वारा या अन्यथा यह सिद्ध हो जाता है" shall be substituted;

(b) in clause (b), for the words "हटाने बेच देने" the words "हटाने या बेच देने" and for the words "अस्थायी आदेश" the words "अस्थायी व्यादेश" shall be substituted.

115. After section 146 and before section 147 of the said Code, in Hindi version, the Chapter "अध्याय-दस" and heading "सरकारी पट्टेदार" shall be inserted.

Insertion of Chapter and Heading after section 146 and before section 147 of the Code

116. In section 149 of the said Code, in Hindi version, for the words "निम्नलिखित किसी एक या अधिक आधार" the words "निम्नलिखित में से किसी एक या अधिक आधारों" shall be substituted.

Amendment of section 149

117. In section 152 of the said Code, in Hindi version, in the heading, for the words "भू-राजस्व के बकाया की वसूली देयों की तरह" the words "भू-राजस्व के बकाये की भांति वसूली योग्य देय" shall be substituted.

Amendment of section 152

118. In section 153 of the said Code, in Hindi version, -

Amendment of section 153

(a) in sub-section (1), for the words and punctuation mark "किया जा रहा हो। भू-राजस्व निर्धारित किया जाएगा" the words and punctuation mark "किया जा रहा हो, भू-राजस्व निर्धारित किया जाएगा" shall be substituted;

(b) in sub-section (4), in clause (a), for the words "भवन द्वारा कब्जे की भूमि" the words "भवन द्वारा आच्छादित भूमि" shall be substituted;

119. For section 154 of the said Code, in Hindi version, the following section shall be substituted, namely:-

Amendment of section 154

"154-भूमिधर द्वारा देय भू-राजस्व- (1) प्रत्येक व्यक्ति जो इस संहिता के प्रारम्भ के दिनांक के पूर्व से भूमिधर के रूप में कोई भूमि धारण कर रहा हो, राज्य सरकार को भू-राजस्व की उसी धनराशि का भुगतान करेगा और करता रहेगा जो वह इस संहिता के प्रवर्तन में आने के वर्ष के पूर्ववर्ती कृषि वर्ष में ऐसी भूमि के लिए करने का दायी था।

(2) प्रत्येक व्यक्ति जो ऐसे प्रारम्भ के पश्चात् किसी भूमि में भूमिधरी अधिकार अर्जित करता है, इस संहिता के उपबन्धों के अधीन रहते हुए राज्य सरकार को भू-राजस्व की उसी धनराशि का भुगतान करेगा जो ऐसे अर्जन के दिनांक के ठीक पूर्व ऐसी भूमि के लिए देय थी।

(3) प्रत्येक व्यक्ति जो ऐसे प्रारम्भ के पश्चात् किसी भूमि में भूमिधरी अधिकार अर्जित करता है जिसके सम्बन्ध में ऐसे अर्जन के ठीक पूर्व कोई भू-राजस्व देय नहीं था, उप जिलाधिकारी द्वारा ऐसे सिद्धान्तों के अनुरूप, जैसे विहित किये जायें, अवधारित भू-राजस्व का भुगतान करने का दायी होगा।"

- Amendment of section 155 120. In section 155 of the said Code, in Hindi version, for the words "नहीं क्रिया या" the words "नदी क्रिया या" shall be substituted.
- Amendment of section 157 121. In section 157 of the said Code, in Hindi version, for sub-section (2), the following sub-section shall be substituted, namely:-
 "(2) इसी प्रकार, राज्य सरकार, किसी ग्राम या उसके भाग में जहाँ ऐसी विपत्ति आयी हो, असामी द्वारा ग्राम पंचायत को देय लगान माफ कर सकती है या उसे किसी अवधि के लिए स्थगित कर सकती है।"
- Amendment of section 159 122. In section 159 of the said Code, in Hindi version, in clause (a), for the word and punctuation mark "जाएगा;" the words and punctuation mark "जाएगा;और" shall be substituted.
- Amendment of section 165 123. In section 165 of the said Code, in Hindi version, for the words and punctuation mark "ऐसे समय पर ऐसी किस्तों में," the words and punctuation marks "ऐसे समय पर, ऐसी किस्तों में," shall be substituted.
- Amendment of section 168 124. In section 168 of the said Code, in Hindi version, for the words and punctuation marks "बाकीदार हो,निश्चायक होगा।" the words and punctuation marks "व्यतिक्रमी हो, का निश्चायक प्रमाण होगा।" shall be substituted.
- Amendment of section 170 125. In section 170 of the said Code-
 (a) in Hindi version, in sub-section (1),-
 (i) for the words and punctuation marks "भू-राजस्व की बकाया निम्नलिखित किसी एक या अधिक प्रक्रिया से वसूल की जा सकती है,अर्थात् ;" the words and punctuation marks "मांग पत्र में विनिर्दिष्ट समय के अन्दर भुगतान न किये गये भू-राजस्व की बकाया निम्नलिखित किसी एक या अधिक प्रक्रियाओं से वसूल की जा सकती है, अर्थात्:-" shall be substituted;
 (ii) in clause (a), for the words "गिरफ्तारी या निरुद्ध" the words "गिरफ्तारी या उसे निरुद्ध" shall be substituted;
 (iii) in clause (b), for the words "विक्रय करने" the words "विक्रय करके" shall be substituted;
 (iv) in clause (c), for the word "लाकर" the word "लॉकर" shall be substituted;
 (v) in clause (e), for the words "या बिक्री करके" the words "या उसकी बिक्री करके" shall be substituted;
 (vi) in clause (g), for the words "व्यतिक्रमी किसी" the words "व्यतिक्रमी की किसी" and for the words "रिसीवर नियुक्ति करके" the words "रिसीवर की नियुक्ति करके" shall be substituted;
 (b) in sub-section (2), for the words "bhumidhar or asami" the word "bhumidhar" shall be substituted.
- Amendment of section 171 126. In section 171 of the said Code-
 (a) in Hindi version, in sub-section (1), the words "एक बार में" shall be omitted;
 (b) in sub-section (2), for clause (a), the following clause shall be substituted, namely:-
 "(a) is a woman or a minor, or a senior citizen of 65 years or more, or a person as referred to in section 95(1) (a);"
 (c) in Hindi version, in sub-section (3), for the words "के विरुद्ध" the words "में निरुद्ध" and for the words "बाध्य नहीं करेगा" the words "बाध्य करेगा" shall be substituted;
 (d) after sub-section (4), the following sub-section shall be inserted, namely:-
 "(5) Notwithstanding anything contained in sub-section (1), no defaulter shall be arrested, unless the amount sought to be recovered exceeds fifty thousand rupees."

127. In section 172 of the said Code, in Hindi version,-

Amendment of
section 172

(a) in sub-section (2), for clause (c), the following clause shall be substituted, namely:-

“(ग) धार्मिक उपासना के उपयोग के लिए अनन्य रूप से अलग रखी गयी वस्तुएं।”

(b) in sub-section (3), for the words “अधिकारी की ऐसी प्रतिभूति” the words “अधिकारी को ऐसी प्रतिभूति” shall be substituted;

(c) in sub-section (4), for the words and punctuation marks “जब की अपेक्षित हो उसे प्रस्तुत करेगा। सुपुर्ददार उसकी अभिरक्षा में दी गयी सम्पत्ति की समस्त क्षति या हानि के लिए दायी होगा।” the words and punctuation marks “जहां कहीं अपेक्षित हो उसे प्रस्तुत करेगा। सुपुर्ददार उसकी अभिरक्षा में दी गयी सम्पत्ति की समस्त क्षति या हानि या आवश्यकता पड़ने पर उसे प्रस्तुत करने में विफलता के लिए दायी होगा।” shall be substituted;

(d) in sub-section (5), for the words “रीति में” the words “रीति से” shall be substituted.

128. In section 173 of the said Code, in Hindi version, -

Amendment of
section 173

(a) in the marginal heading, for the word “लाकर” the word “लौकर” shall be substituted;

(b) for the words “अधिकाधिक रीति में” the words “अधिकथित रीति से” and for the word “लाकर” the word “लौकर” shall be substituted.

129. In section 174 of the said Code-

Amendment of
section 174

(a) In sub-section (1), for the words “Sub-Divisional Officer” the word “Collector” shall be substituted;

(b) in Hindi version, in sub-section (2), for the words “कुर्की की हो” the words “कुर्की की गयी हो” shall be substituted.

130. In section 175 of the said Code-

Amendment of
section 175

(a) in sub-section (1), for the words “Sub-Divisional Officer” the word “Collector” shall be substituted;

(b) in Hindi version,-

(i) in sub-section (1), for the words “अनुगामी जुलाई” the words “ठीक आगामी जुलाई” shall be substituted;

(ii) in sub-section (3), for the word “पट्टादार” the word “पट्टेदार”, for the word “प्रक्रिया” the word “प्रक्रियाओं” and for the word “अवधारित” the word “समाप्त” shall be substituted.

131. In section 176 of the said Code-

Amendment of
section 176

(a) in sub-section (1),-

(i) for the words “Sub-Divisional Officer” the word “Collector” shall be substituted;

(ii) in Hindi version, for the word “अवधारित” the word “समाप्त” and for the words, figure and punctuation marks “ऐसी रीति से बेच सकता है, जैसा कि धारा 200 के अनुसार विक्रय आगम समुचित रूप में विहित किये जायें।” the words, figure and punctuation mark “विहित रीति से बेच सकता है और धारा 200 के अनुसार विक्रय आगम का प्रयोग कर सकता है।” shall be substituted;

(b) in sub-section (2), for the words “Sub-Divisional Officer” the word “Collector” and for the word “Collector” the words “Board of Revenue” shall be substituted.

Amendment of
section 177

132. In section 177 of the said Code, in Hindi version,-

- (a) for the words "कुर्की और बिक्री की वसूली" the words "कुर्की और बिक्री करके वसूली" shall be substituted;
- (b) in the proviso, for the words and punctuation marks "किसी कृषक की उससे एकदम संलग्न मकान, अन्य भवन (उसकी सामग्री एवं स्थल सहित) और भूमि, जो उसके द्वारा अध्यासित हो," the words and punctuation marks "किसी कृषक का मकान या अन्य भवन (उसकी सामग्री एवं स्थल सहित) और उससे एकदम संलग्न भूमि, जो उसके द्वारा अध्यासित हो," shall be substituted.

Amendment of
section 178

133. In section 178 of the said Code, in Hindi version,-

- (a) in sub-section (1), in clause (c), for the words "दस्तावेजों का" the words "दस्तावेजों का निष्पादन" shall be substituted;
- (b) in sub-section (6), for the words "रिसीवर कलेक्टर" the words and punctuation mark "रिसीवर, कलेक्टर" and for the word "समझे" the word "समझे" shall be substituted;
- (c) in sub-section (7), for the words and punctuation marks "जान बूझकर व्यतिक्रम अवज्ञा, किसी सम्पत्ति के सम्बन्ध में गम्भीर लोप, या दुर्विनियोग के आधार पर" the words and punctuation marks "जान बूझकर व्यतिक्रम, अवज्ञा, अवचार, गम्भीर लोप या किसी सम्पत्ति के दुर्विनियोग के आधार पर" shall be substituted;
- (d) in sub-section (8), for the words "कलेक्टर को रिसीवर की सुनवाई का अवसर देने के पश्चात् यह आवधारण करने कि" the words "कलेक्टर को रिसीवर को सुनवाई का अवसर देने के पश्चात् यह आवधारण करने की," shall be substituted.

Amendment of
section 179

134. In section 179 of the said Code, in Hindi version, for the words "इस अध्याय के अनुसार बकायों या भू-राजस्व के रूप में वसूली योग्य भू-राजस्व या अन्य देयों को संग्रह करने के प्रयोजनार्थ" the words "इस अध्याय के अनुसार भू-राजस्व अथवा भू-राजस्व के बकाये की भांति वसूली योग्य अन्य देयों का संग्रह करने के प्रयोजनार्थ" shall be substituted.

Amendment of
section 180

135. In section 180 of the said Code, in Hindi version,-

- (a) in sub-section (1), for the words "उपायों का व्यय" the words "प्रक्रियाओं का व्यय" shall be substituted;
- (b) in sub-section (3), for the words "उसी रीति में" the words "उसी रीति से" shall be substituted.

Amendment of
section 181

136. In section 181 of the said Code, in Hindi version,-

- (a) in sub-section (1), in proviso, for the words and punctuation mark "उस सीमा तक होगा जो उसके हाथ लगी है और जिसका विधिवत् निस्तारण नहीं हुआ है।" the words and punctuation mark "उस सीमा तक होगा जो उसके हाथ लगी है।" shall be substituted;
- (b) in sub-section (2), for the word "प्रतिभूत" the word "प्रतिभू" and for the words "स्वयं बाकीदार रहा हो" the words "स्वयं व्यतिक्रमी हो" shall be substituted.

Amendment of
section 182

137. In section 182 of the said Code, in Hindi version,-

- (a) in sub-section (1), for the words "प्रत्येक प्रक्रिया" the words "प्रत्येक आदेशिका" shall be substituted;
- (b) in sub-section (2), for the words, figures and punctuation mark "नियम 54, आदेश 21" the words and figures "आदेश 21 के नियम 54" shall be substituted.

138. In section 183 of the said Code-

Amendment of
section 183

- (a) in Hindi version, in sub-section (1), in proviso, in clause (c), for the words "या जहां कुर्की" the words "जहां कुर्की" shall be substituted;
- (b) in sub-section (2), for the words "three months" the words "sixty days" shall be substituted.

139. In section 184 of the said Code-

Amendment of
section 184

- (a) in sub-section (1),-
- (i) in Hindi version, for the word "उप कलेक्टर" the word "कलेक्टर" shall be substituted;
- (ii) in clause (b), for the words "the estimated value of such property" the words "the estimated value, reserve price and circle rate of such property" shall be substituted;
- (iii) in Hindi version, in clause (g), for the words "जैसा कि कलेक्टर" the words "जिन्हें कि कलेक्टर" shall be substituted;
- (b) in sub-section (2),-
- (i) in Hindi version, for the words "विक्रय किए जाने हेतु" the words "जहां विक्रय किए जाने हेतु" shall be substituted;
- (ii) for the figures and word "5.04 hectares" the figures and word "5.0586 hectares" shall be substituted.

140. In section 185 of the said Code, in Hindi version,-

Amendment of
section 185

- (a) for the words "प्रत्येक स्थानों" the words "प्रत्येक स्थान" and for the word and punctuation mark "जायेगी।" the word and punctuation mark "जायेगी:-" shall be substituted;
- (b) at the end of clause (a), the punctuation mark ";" shall be inserted;
- (c) in clause (c), for the words "कुछ अन्य" the words "कोई अन्य" shall be substituted.

141. In section 186 of the said Code, in Hindi version, -

Amendment of
section 186

- (a) in the marginal heading, for the words "किसके द्वारा किया गया" the words "किसके द्वारा किया जाय" shall be substituted;
- (b) for sub-section (2), the following sub-section shall be substituted, namely:-
"(2) कोई विक्रय रविवार या राज्य सरकार के कार्यालयों के लिए अधिसूचित अन्य अवकाश दिवस में नहीं किया जायेगा।"

142. In section 188 of the said Code, in Hindi version, in sub-section (1), for the words and punctuation marks "विक्रय की गयी सम्पत्ति, के लिए बोली नहीं लगायेगा या को अर्जित नहीं करेगा या अर्जित करने का प्रयास नहीं करेगा या उसमें कोई रुचि नहीं लेगा।" the words and punctuation mark "विक्रय की गयी सम्पत्ति अथवा उससे सम्बन्धित किसी हित के लिए बोली नहीं लगायेगा या उसको अर्जित नहीं करेगा या अर्जित करने का प्रयास नहीं करेगा।" shall be substituted.

Amendment of
section 188

143. In section 189 of the said Code, in Hindi version,-

Amendment of
section 189

- (a) in the marginal heading, for the words "क्रेता द्वारा जमा राशि और व्यतिक्रम पर पुनः विक्रय" the words "क्रेता द्वारा राशि का जमा किया जाना और व्यतिक्रम पर पुनः विक्रय" shall be substituted;
- (b) in sub-section (1), for the words "पुनः विक्रय में मूल्य में होने वाली किसी कमी या कमी" the words "पुनः विक्रय पर मूल्य में होने वाली किसी कमी" shall be substituted.

- Amendment of section 190
144. In section 190 of the said Code, in Hindi version,-
- (a) in the heading, for the words "क्रय धन का जमा" the words "क्रय धन का जमा किया जाना" shall be substituted;
- (b) for clause (b), the following clause shall be substituted, namely:-
" (ख) धारा 189 के अधीन जमा की गयी धनराशि राज्य सरकार को समपहृत हो जायेगी। "
- Amendment of section 191
145. In section 191 of the said Code-
- (a) for the words "an amount equal to the amount of the highest bid" the words "an amount equal to the amount of the highest bid and a sum equal to one percent amount of the purchase money for payment to the purchaser," shall be substituted;
- (b) after the existing proviso, the following proviso shall be inserted, namely :-
"Provided further that where the auction sale in favour of highest bidder is not confirmed due to the preference under this section, he shall be entitled to receive back the money deposited by him plus an amount equivalent to one percent of such money deposited for that purpose."
- Amendment of section 192
146. In section 192 of the said Code-
- (a) in sub-section (1),-
- (i) in Hindi version, for the words "अपास्त करने के लिए कलेक्टर को कलेक्टर के कार्यालय में या जिला कोषागार या उप कोषागार में आवेदन कर सकता है" the words "अपास्त करने के लिए कलेक्टर को निम्नलिखित धनराशि कलेक्टर के कार्यालय में या जिला कोषागार या उप कोषागार में जमा करके आवेदन कर सकता है" shall be substituted;
- (ii) in clause (a), for the words "five percent" the words "one percent" shall be substituted;
- (iii) in Hindi version, in clause (c), for the words "प्रक्रिया" the words "प्रक्रियाओं" shall be substituted;
- (b) in Hindi version, in sub-section (3), for the words "तो वह" the words "वहां वह" shall be substituted.
- Amendment of section 193
147. In section 193 of the said Code, in Hindi version,-
- (a) in sub-section (1), for the words "किसी तथ्यपरक अनियमितता या प्रकाशित करने या संचालित करने में किसी त्रुटि के आधार पर विक्रय को" the words "ऐसे विक्रय में किसी तथ्यपरक अनियमितता या उसे प्रकाशित करने या संचालित करने में किसी त्रुटि के आधार पर उस विक्रय को" shall be substituted;
- (b) in sub-section (3), for the word "पुनर्विलोकन" the word "पुनरीक्षण" shall be substituted.
- Amendment of section 194
148. In section 194 of the said Code-
- (a) in Hindi version, in sub-section (1) for the words "विक्रय के दिनांक से" the words "यदि विक्रय के दिनांक से" shall be substituted;
- (b) in sub-section (2),-
- (i) in Hindi version, in clause (a), for the words "अधिक हो सकती है" the words "अधिक है" shall be substituted;
- (ii) in clause (b), for the words "is less than the amount of arrears specified in the sale proclamation" the words "is less than the reserve price or the amount of arrears specified in the sale proclamation" shall be substituted.

149. In section 195 of the said Code, in Hindi version, the following section shall be *substituted*, namely :- Amendment of section 195

"195- धारा 192, धारा 193 या धारा 194 में किसी बात के होते हुए भी, यदि कलेक्टर या आयुक्त, जैसी भी स्थिति हो, को ऐसा विश्वास करने का कारण है कि इस अध्याय के अधीन हुए किसी स्थावर सम्पत्ति के विक्रय को अपास्त किया जाना चाहिए तो नीलामी क्रैता को कारण, यदि कोई है, बताने की नोटिस देते हुए वह विक्रय को लेखबद्ध किये जाने वाले कारणों पर अपास्त कर सकता है।"

150. In section 197 of the said Code, for the words "five percent" the words "one percent" shall be *substituted*. Amendment of section 197

151. In section 198 of the said Code, in Hindi version, at the end of sub-section (2), the punctuation mark "।" shall be *inserted*. Amendment of section 198

152. In section 199 of the said Code, in Hindi version, in sub-section (1), for the words "उपभोग कर" the words "उपयोग कर" shall be *substituted*. Amendment of section 199

153. In section 200 of the said Code, in Hindi version, for the word "उपभोग" the word "उपयोग" and in clause (a), for the words "संग्रह प्रभारी" the words "संग्रह प्रभारों" shall be *substituted*. Amendment of section 200

154. In section 201 of the said Code, in Hindi version, for the words and punctuation marks "तो कलेक्टर द्वारा सरसरी रूप से बेदखल कर दिया जायेगा जो ऐसा बल, जैसा आवश्यक समझा जाय का उपयोग कर सकता है या करा सकता है।" the words and punctuation marks "तो कलेक्टर द्वारा उसे सरसरी रूप से बेदखल कर दिया जायेगा एवं कलेक्टर इस हेतु ऐसा बल, जैसा आवश्यक हो का उपयोग कर सकता है या करा सकता है।" shall be *substituted*. Amendment of section 201

155. For section 202 of the said Code, in Hindi version, the following section shall be *substituted*, namely- Amendment of section 202

"202-वाद का वर्जन-धारा 203 के उपबन्धों के अधीन रहते हुए, भू-राजस्व के किसी निर्धारण या संग्रहण या भू-राजस्व के बकाया के रूप में वसूली योग्य किसी धनराशि की वसूली के सम्बन्ध में किसी सिविल न्यायालय में कोई वाद या कार्यवाही नहीं होगी।"

156. In section 203 of the said Code- Amendment of section 203

(a) The brackets and figure "(1)" shall be *omitted*.

(b) in Hindi version, for the words "अध्याय के अधीन शुरू की जाय" the words "अध्याय के अधीन कार्यवाही शुरू की जाय", for the words "भुगतान वसूली अधिकारी को करेगा" the words "वसूली अधिकारी को भुगतान कर सकता है" and for the words and punctuation mark "वाद कर सकता है।" the words and punctuation mark "वाद दायर कर सकता है।" shall be *substituted*.

157. In section 204 of the said Code, in Hindi version, for the words "इस निर्मित" the words "इस निमित्त" and for the words "व्यक्ति का" the words "व्यक्ति को" shall be *substituted*. Amendment of section 204

158. In section 206 of the said Code- Amendment of section 206

(a) in Hindi version, in sub-section (1), for the words "प्रार्थना-पत्र कार्यवाही" the words "प्रार्थना-पत्र या कार्यवाही" shall be *substituted*;

(b) in sub-section (2), in clause (b), for the word and figure "column 4" the word and figure "column 3" and for the word and figure "column 3" the word and figure "column 2" and in Hindi version, for the words "प्रार्थना-पत्र कार्यवाही" the words "प्रार्थना-पत्र या कार्यवाही" shall be *substituted*;

(c) in Hindi version, for sub-section (3), the following sub-section shall be *substituted*, namely:-

"(3) इस संहिता में किसी बात के होते हुये भी किसी अपीलीय, पुनरीक्षण या

निष्पादन न्यायालय द्वारा किसी ऐसी आपत्ति पर, कि उपधारा (2)(ख) में उल्लिखित किसी न्यायालय या अधिकारी को किसी वाद, प्रार्थना-पत्र या कार्यवाही के सम्बन्ध में अधिकारिता थी या नहीं थी, तब तक विचार नहीं किया जायेगा जब तक कि ऐसी आपत्ति, प्रथम बार के न्यायालय या अधिकारी के समक्ष शीघ्रतम अवसर पर और ऐसे सभी मामलों में जिसमें वाद बिन्दुओं का स्थिरीकरण किया जाता हो, वाद बिन्दुओं के स्थिरीकरण के समय या उसके पूर्व, न की गयी हो और जब तक कि न्याय पारिणामिक रूप से असफल न हुआ हो।”

Amendment of
section 207

159. In section 207 of the said Code-

- (a) in sub-section (1) for the word and figure “column 3” the word and figure “column 2”, for the word and figure “column 5” the word and figure “column 4” and for the word and figure “column 4” the word and figure “column 3” and in Hindi version, in sub-section (1), for the words “आदेश डिक्री” the words “आदेश या डिक्री” and for the words “विनिर्दिष्ट न्यायालय” the words “में विनिर्दिष्ट न्यायालय” shall be substituted;
- (b) in Hindi version, in sub-section (3), for the words, figure and punctuation marks “दाखिल किए जाने प्रथम अपील की अवधि की परिसीमा ऐसे आदेश या डिक्री, जिसके विरुद्ध अपील की गयी हो, के दिनांक से 30 दिन के भीतर होगी।” the words and punctuation marks “प्रथम अपील दाखिल किये जाने के लिए परिसीमा की अवधि, अपीलीय आदेश या डिक्री के दिनांक से तीस दिन होगी।” shall be substituted.

Amendment of
section 208

160. In section 208 of the said Code-

- (a) in sub-section (1), for the word and figure “column 3” the word and figure “column 2”, and for the word and figure “column 6” the word and figure “column 5” shall be substituted;
- (b) in Hindi version, in sub-section (3), for the words “अवधि की परिसीमा” the words “परिसीमा की अवधि” and for the words and figure “90 दिन के भीतर होगी” the words and figure “90 दिन होगी” shall be substituted.

Amendment of
section 209

161. In section 209 of the said Code-

- (a) in Hindi version, for the words “किसी बात के होते हुए किसी निम्नलिखित आदेश या डिक्री” the words “किसी बात के होते हुए भी निम्नलिखित किसी आदेश या डिक्री” shall be substituted;
- (b) in clause (a), for the words “Chapter V” the words “Chapter XI” shall be substituted;
- (c) in clause (c), for the word “review” the word “revision” shall be substituted;
- (d) in Hindi version, in clause (f), for the words “आदेश डिक्री” the words “आदेश या डिक्री” shall be substituted;
- (e) after clause (f), the following clauses and proviso shall be inserted, namely:-
 - (g) passed by Court or officer with the consent of parties; or
 - (h) where order has been passed ex-parte or by default:

Provided that any party aggrieved by order passed ex-parte or by default, may move application for setting aside such order within a period of thirty days from the date of the order:

Provided further that no such order shall be reversed or altered without previously summoning the party in whose favour order has been passed to appear and be heard in support of it.”

162. In section 210 of the said Code-

Amendment of section 210

- (a) for the figures and words "210. The Board" the figures, brackets and words "210. (1) The Board" and in Hindi version for the word "हुयी" the words "होती है" shall be substituted;
- (b) in sub-section (1), the words and punctuation mark "or where an appeal lies but has not been preferred," shall be omitted;
- (c) after sub-section (2) and before sub-section (3), the following explanation shall be inserted, namely:-
 "Explanation. - For the removal of doubt it is, hereby, declared that when an application under this section has been moved either to the Board or to the Commissioner, the application shall not be permitted to be withdrawn for the purpose of filing the application against the same order to the other of them."
- (d) in sub-section (3), for the words "thirty days" the words "sixty days" shall be substituted.

163. In section 211 of the said Code-

Amendment of section 211

- (a) in Hindi version, in sub-section (1), for the words "अपने द्वारा या संबंधित अपने द्वारा" the words "अपने द्वारा" shall be substituted;
- (b) in Hindi version, in sub-section (2),-
- (i) for the words, figure and brackets "की धारा (1)" the words, figure and brackets "का उपधारा (1)" shall be substituted;
- (ii) in clause (b), for the words "किसी गलती" the words "कोई गलती" shall be substituted;
- (c) after sub-section (3), the following sub-section shall be inserted, namely:-
 "(4) An application under sub-section (1), for review of any order, may be moved within sixty days from the date of such order."

164. In section 213 of the said Code, in Hindi version,-

Amendment of section 213

- (a) in the heading, for the words "पक्षकार होगा" the words "पक्षकार होगी" shall be substituted;
- (b) for the words "तदधीन" the words "तदधीन" and for the words "या के" the words "या उसके" shall be substituted.

165. In section 214 of the said Code, in Hindi version, for the words "इस संहिता द्वारा या अधीन" the words "इस संहिता द्वारा या इसके अधीन" shall be substituted.

Amendment of section 214

166. For section 215 of the said Code, in Hindi version, the following section shall be substituted, namely:-

Amendment of section 215

"215-प्रक्रिया में अनियमितता के कारण आदेश अविधिमान्य नहीं होंगे- किसी राजस्व अधिकारी द्वारा पारित कोई आदेश इस संहिता के अधीन किसी जांच या अन्य कार्यवाही के पूर्व या उसके दौरान सम्मन, नोटिस, उद्घोषणा, वारंट या आदेश अथवा अन्य कार्यवाही में त्रुटि, लोप या अनियमितता मात्र के कारण किसी अपील या पुनरीक्षण में तब तक उल्टा या परिवर्तित नहीं किया जायेगा जब तक कि ऐसी त्रुटि, लोप या अनियमितता से वास्तव में न्याय का हनन न हुआ हो।"

167. In section 216 of the said Code, in Hindi version,-

Amendment of section 216

- (a) in clause (b), for the words "पता लिखे रजिस्टर्ड डाक द्वारा" the words "के पते पर रजिस्टर्ड डाक द्वारा" shall be substituted;
- (b) for clause (c), the following clause shall be substituted, namely:-
 "(ग) किसी निगमित कम्पनी या निकाय के मामले में, उसी कम्पनी या निकाय के सचिव या अन्य मुख्य कार्यकारी को सम्बोधित कर उसके प्रधान कार्यालय में देकर या उसके पते पर रजिस्टर्ड डाक द्वारा भेजकर; या"
- (c) in clause (d), for the words "दिए गए किसी अन्य रीति से" the words "दी गयी किसी अन्य रीति से" shall be substituted.

- Amendment of section 217 168. In section 217 of the said Code, in Hindi version, for the words "ऐसे मामलों" the words "ऐसे मामले" shall be substituted.
- Amendment of section 219 169. In section 219 of the said Code, in Hindi version, for the words "अपने से अधीनस्थ" the words "अपने अधीनस्थ" for the words "जिसका प्रयोग" the words "जिनका प्रयोग", for the word "निर्बन्धनों" the word "निबन्धनों" and for the words "विनिर्दिष्ट की जाय" the words "विनिर्दिष्ट की जायें" shall be substituted.
- Amendment of section 220 170. In section 220 of the said Code, in Hindi version, for the words "निर्बन्धनों और शर्तों" the words "निबन्धनों और शर्तों", for the words and punctuation marks "आवश्यक समझे, किसी भी समय किसी को ग्रहण कर सकता है।" the words and punctuation marks "आवश्यक समझे, किसी भी समय किसी भी भूमि पर प्रवेश कर सकता है।" shall be substituted.
- Amendment of section 221 171. In section 221 of the said Code, in Hindi version, for the words "कोई व्यक्ति" the words "कोई भी व्यक्ति" and for the words "भाग की प्रतिलिपि" the words "भाग की सत्यापित प्रतिलिपि" shall be substituted.
- Amendment of section 222 172. In section 222 of the said Code-
 (a) in clause (a), for the words "Jhansi division" the words "Jhansi division and Chitrakoot division" shall be substituted;
 (b) in clause (d), for the words and brackets "Balai (Pahar)" the words brackets "(Balai Pahar)" shall be substituted;
 (c) in clause (e), for the words "Bhagwat of tahsil Chunar" the words "Bhagwat of tahsil Chunar and pargana Bhagwat of tahsil Madihan" shall be substituted;
 (d) in Hindi version, in clause (e), for the word "साकेतगढ़" the word "सकटेशगढ़" shall be substituted.
- Amendment of section 223 173. In section 223 of the said Code, in Hindi version, for the words "या के द्वारा" the words "या उनके द्वारा" shall be substituted.
- Amendment of section 224 174. In section 224 of the said Code, in Hindi version,-
 (a) in sub-section (1), for the words and punctuation mark "भूमि के कब्जादार किसी व्यक्ति से," the words and punctuation mark "भूमि पर काबिज किसी व्यक्ति से," and for the words "जैसा विहित किया जाय" the words "जैसा विनिर्दिष्ट किया जाय" shall be substituted;
 (b) in sub-section (2), for the words and punctuation marks "जो ऐसी भूमि में, प्रकृति और विस्तार सहित, कोई रुचि रखता हो," the words and punctuation marks "जो ऐसी भूमि में, हित रखता हो, जिसके अन्तर्गत हित की प्रकृति और विस्तार भी शामिल है," shall be substituted.
- Amendment of section 225 175. In section 225 of the said Code, in Hindi version, in the heading, for the word "परित्राण" the word "संरक्षण", and in sub-section (1), for the word "यह" the word "वह" and for the words "द्वारा या के अधीन" the words "द्वारा या इसके अधीन" shall be substituted.
- Insertion of new sections 176. After section 225, the following sections shall be inserted, namely:-
 "225-A - Determination of questions in summary proceeding. - Notwithstanding anything contained in other provisions of this Code, all the questions arising for determination in any summary proceeding under this Code shall be decided upon affidavits, in the manner prescribed:
 Provided that if Revenue Court or Revenue Officer is satisfied that the cross examination of any witness, who has filed affidavit, is necessary, it or he may direct to produce the witness for such cross examination.

225-B - Lodging of Caveat- (1) Where an application is expected to be made in any suit, appeal, revision or other proceeding under this Code, any person claiming the right to oppose the application, may, either personally or through his counsel, after serving a copy of caveat through registered post on the person by whom the application is expected to be made, lodge a caveat in the court in respect thereof.

(2) Where a caveat has been lodged and notice thereof has been served, the applicant shall, when presenting the application in court, furnish proof of having given prior notice in writing to the caveator or his counsel of the date on which the application is proposed to be presented.

(3) If any caveat is filed under this section, the entry of the same shall be made in the register of caveat in the manner prescribed.

225-C - Constitution of Committee. - (1) Notwithstanding anything to the contrary contained in any other provisions of this Code or the Rules made thereunder, the Collector shall constitute, such Committee at Gram Panchayat level, as may be notified by the State Government from time to time to assist in the disposal of cases and redressal of grievances in the manner prescribed.

(2) Every committee constituted under sub-section (1) shall consist of a Chairman and four other members, who shall be nominated or designated in the manner prescribed:

Provided that in each such committee, there shall be at least one woman member, one member belonging to the Scheduled Castes or the Scheduled Tribes and one member belonging to the Other Backward Class.

225-D - Power of an Assistant Collector of First Class not in charge of a sub-division.- An Assistant Collector of the first class not in charge of a sub-division of a district shall exercise all or any of the powers conferred on an Assistant Collector of the first class in charge of a sub-division in such cases or classes of cases as the Collector may, from time to time, refer to him for disposal.

225-E -Powers of Assistant Collector of second class- Assistant Collectors of the second class shall have power to investigate and report on such cases as the Collector or Assistant Collector in charge of a sub-division of a district may, from time to time, commit to them for investigation and report.

225-F -Consolidation of cases- (1) Where more cases than one involving substantially the same question for determination and based on the same cause of action are pending in different courts, they shall, on application being made by any party to the court to which all the courts concerned are subordinate, be transferred and consolidated in one court and decided by a single judgment.

(2) When two or more suits or proceedings are pending in the same court, and the court is of opinion that it is expedient in the interest of justice, it may by order direct their joint trial, where upon all such suits and proceedings may be decided upon the evidence in all or any of such suits or proceedings."

177. In section 226 of the said Code-

- (a) in sub-section (1), for the words "not be less than five hundred rupees and not exceed two thousand rupees" the words "not be less than one thousand rupees and not exceed ten thousand rupees" and for the words "not be less than one hundred rupees and not exceed five hundred rupees" the words "not be less than five hundred rupees and not exceed five thousand rupees" shall be substituted;
- (b) in sub-section (2), for the words "five thousand rupees" the words "fifteen thousand rupees" shall be substituted.

Amendment of section 226

Amendment of
section 227

178. In section 227 of the said Code-

- (a) in the marginal heading, *for* the words "Damages or destruction etc. of boundary marks" the words "Damages for destruction etc. of boundary marks" shall be *substituted*;
- (b) in sub-section (1),-
- (i) in Hindi version, *for* the words and punctuation mark "इस प्रकार नष्ट की गयी, क्षति पहुँचायी गयी" the words and punctuation mark "इस प्रकार नष्ट किये गये, क्षति पहुँचाये गये" shall be *substituted*;
- (ii) *for* the words "one hundred rupees" the words "one thousand rupees" shall be *substituted*.

Amendment of
section 228

179. In section 228 of the said Code, in Hindi version, in sub-section (1), *for* the words "काम ले लाता है," the words "काम में लाता है" and *for* the words "माँगी हो" the words "भागी हो" shall be *substituted*.

Amendment in
section 229

180. In section 229 of the said Code, in Hindi version, in clause (c), *for* the words "कलेक्टर या किसी स्थानीय प्राधिकारी" the words "कलेक्टर या किसी अन्य राजस्व अधिकारी" shall be *substituted*.

Amendment of
section 230

181. In section 230 of the said Code, in sub-section (2), in clause (a) *for* the word "Uttaranchal" the word "Uttarakhand" shall be *substituted*.

Amendment of
section 231

182. In section 231 of the said Code, in Hindi version, in sub-section (1), *for* the words and punctuation mark "अन्य रूप में हो," the words and punctuation mark "अन्य रूप में हों," and *for* the words and punctuation mark "पारित न हुयी हो, तो" the words and punctuation mark "पारित न हुयी होती।" shall be *substituted*.

Amendment of
section 232

183. In section 232 of the said Code, in Hindi version, in sub-section (1), *for* the words "परिवर्तनों" the words "परिवर्द्धनों" shall be *substituted*.

Amendment of
section 233

184. In section 233 of the said Code-

- (a) in sub-section (2),-
- (i) in Hindi version, in clause (iv), *for* the words "सीमाओं के सीमांकन" the words "सीमाओं के निर्धारण" and *for* the words "इसके लागत" the words "उनकी लागत" shall be *substituted*;
- (ii) *after* clause (iv), the following clause shall be *inserted*, namely:-
"(iv-a) the procedure for survey operation and record operation including demarcation of abadi by the use of available modern technology and digitalization process;"
- (b) in Hindi version, in sub-section (2),-
- (i) *for* clause (vii), the following clause shall be *substituted*, namely:-
"(सात) किसान बही को तैयार करने, उसकी आपूर्ति तथा उसके अनुरक्षण की प्रक्रिया और उससे सम्बन्धित मामले जिसमें उसके लिए प्रभारित की जाने वाली फीस भी है;"
- (ii) in clause (viii), *for* the words "बेदखली भूमि" the words "अनाध्यासित भूमि" and *for* the words "सम्बन्धित विवाद" the words "सम्बन्धित विवादों" shall be *substituted*;
- (iii) in clause (x), *for* the words "भू-राजस्व के सिद्धान्त" the words "भू-राजस्व के निर्धारण के सिद्धान्त" and *for* the word "नियुक्ति" the word "प्रभाजन" shall be *substituted*;
- (iv) in clause (xi), *for* the words "जिसमें लागत नियत करना और संग्रहण प्रभार भी है" the words "जिसमें लागत और संग्रहण प्रभार नियत करना भी शामिल है" shall be *substituted*;

(v) for clause (xii), the following clause shall be *substituted*, namely:-

“(बारह) लगान नियत करने और उसके संराशीकरण की प्रक्रिया जिसमें ऐसी परिस्थितियां भी शामिल हैं जिनमें लगान का बकाया बट्टे खाते में डाला जा सकता है;”

(vi) in clause (xiii), for the words “भूमि प्रबन्धक” the words “भूमि प्रबन्धक समिति” and for the words “विधि व्यवसायी” the words “विधि व्यवसायियों” shall be *substituted*;

(vii) in clause (xiv), for the words “वाद, अपील और अन्य कार्यवाहियों” the words “वादों, अपीलों और अन्य कार्यवाहियों” shall be *substituted*;

(viii) in clause (xviii), for the words “कोई विशिष्ट कार्य किया जाना चाहिए” the words “कोई कार्य किया जाना चाहिए” shall be *substituted*;

(ix) in clause (xxi), for the words “पकड़ना, शिकार करना या गोली मारने” the words “पकड़ने, शिकार करने या गोली मारने” shall be *substituted*;

(x) in clause (xxii), for the words “नियम बनाया जाना हो या बनाया जा सकता हो” the words “नियम बनाये जाने हों या बनाये जा सकते हों” shall be *substituted*;

(c) in Hindi version, in sub-section (3), for the words “इस संहिता के प्रारम्भ होने के पूर्व निरसित किन्हीं अधिनियमन के अधीन राज्य सरकार या परिषद द्वारा बनाए गए” the words “किन्हीं निरसित अधिनियमनों के अधीन राज्य सरकार या परिषद द्वारा इस संहिता के प्रारम्भ होने के पूर्व बनाए गए” shall be *substituted*;

(d) in sub-section (4), for the words “one thousand rupees” the words “twenty five thousand rupees” shall be *substituted*.

185. In section 234 of the said Code-

Amendment of
section 234

(a) in sub-section (1),-

(i) in Hindi version, for the word and punctuation mark “है।” the word and punctuation mark “है—” shall be *substituted*;

(ii) in Hindi version, in clause (a), for the word “वाद” the word “वादों” for the words “राजस्व न्यायालय” the words “राजस्व न्यायालयों” and for the words and punctuation mark “प्रक्रिया, और” the words and punctuation mark “प्रक्रिया; और” shall be *substituted*;

(b) at the end of clause (c), for the punctuation mark “.” the punctuation mark “;” shall be *substituted* and thereafter the following clauses shall be *inserted*, namely:-

“(d) procedure for issuing licences to the petition writers;

(e) such other matters as may be prescribed by rules.”

(c) for sub-section (3), the following sub-section shall be *substituted*, namely:-

“(3) The Revenue Court Manual, the Land Records Manual, Collection Manual and Land Revenue (Survey and Record Operation) Rules, 1978, in force on the date of commencement of this Code, shall continue to remain in force, to the extent they are not inconsistent with the provisions of this Code, until amended, rescinded or repealed by any regulations made under this section.”

186. In the heading of List-B of the First Schedule to the said Code, for the word “Uttaranchal” the word “Uttarakhand” shall be *substituted*.

Amendment of
First Schedule

Amendment of
Second Schedule187. In the Second Schedule, to the said Code, for the Serial Nos.11, 12 and 13, the following shall respectively be *substituted*, namely:-

11.	Any question relating to the allotment of land referred to in section 64 or section 125 or cancellation of such allotment.
12.	Any claim to question a direction issued by the Collector under section 71.
13.	Any claim to question the delivery of possession over any land and part thereof referred to in section 124, or the eviction of any person under section 134 or section 201.

Amendment of Third
Schedule

188. In the Third Schedule to the said Code-

- regarding section 35, in column 5, the word "Commissioner" shall be *omitted*;
- regarding section 67, in column 3, for the word "Sub-Divisional Officer" the words "Assistant Collector" and in column 4 thereof, for the word "Commissioner" the word "Collector" shall be *substituted*;
- in Hindi version, regarding section 96(2), in column 2, for the word "अंशधारा" the word "अंशधारी" shall be *substituted*;
- in the Note, for the words and punctuation mark "सहायक कलेक्टर," the words and punctuation mark "सहायक कलेक्टर प्रथम श्रेणी," shall be *substituted*.

Amendment of
Fourth Schedule

189. In the Fourth Schedule to the said Code-

- in Hindi version, in List-A, at Serial no.4, for the word "बंतारा" the word "बंतारा" shall be *substituted*;
- in Hindi version, in List-A, at Serial No.7, for the word "घोतवा" the word "घोतवा" shall be *substituted*;
- in Hindi version, in List-A, at Serial No.8, for the word "धुराही" the word "धुराही" shall be *substituted*.
- For the List-B, the following List shall be *substituted*, namely:-
"List-B"

List of Villages of Pargana Bhagwat

1.	Ban Imlis,	10.	Nibia,
2.	Jargal Mahal,	11.	Rampur Barho,
3.	Semra Barho,	12.	Sonbarsa,
4.	Khatkharia,	13.	Bisumpura,
5.	Koharadih,	14.	Khamhria,
6.	Talar,	15.	Purainia,
7.	Chit Bisram,	16.	Nikerika,
8.	Padarwa,	17.	Dhansiria,
9.	Hinauta,	18.	Garhwa.

Repeal and
saving

190. (1) The Uttar Pradesh Revenue Code (Amendment) Ordinance, 2015 is hereby repealed.

U.P.
Ordinance
no. 4 of 2015

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the co-responding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Revenue Code, 2006 (U.P. Act no. 8 of 2012) has been enacted to consolidate thirty nine Acts which were in force in the state of Uttar Pradesh. Thereafter it was noticed that there are many linguistic errors in the said Code which were required to be corrected Besides it was also necessary to include the amended provisions of sub-section (4-F) of section 122-B, sections 123, 172 and 174 of the Uttar Pradesh Zamindari abolition and Land Reforms Act, 1950 (U.P. Act no. 1 of 1951) which were amended in the year, 2007 and 2008 i.e. after passage of the said Code by both Houses of the State Legislature. In view of the above it was decided to amend the said Code to correct the linguistic errors and to include the amended provisions as aforesaid.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Revenue Code (Amendment) Ordinance, 2015 (U.P. Ordinance no. 4 of 2015) was promulgated by the Governor on December 16, 2015 .

This bill is introduced to replace the provisions of the aforesaid Ordinance

By order,
ABDUL SHAHID,
Pramukh Sachiv.

पूर्वोक्त विनिश्चय को क्रियान्वित करने के उद्देश्य से, उत्तर प्रदेश राजस्व संहिता (संशोधन) विधेयक, 2018, उत्तर प्रदेश राज्य विधान मण्डल में पुरःस्थापित किया गया था और उसके द्वारा पारित किया गया था। उक्त विधेयक, महामहिम राष्ट्रपति के विचारार्थ राज्यपाल महोदय द्वारा आरक्षित कर लिया गया था और उस पर महामहिम राष्ट्रपति की सहमति प्राप्त करने के लिए भारत सरकार को प्रेषित किया गया था। भारत सरकार ने उक्त विधेयक में कतिपय संशोधन करने का सुझाव दिया था। भारत सरकार के सुझाव पर विचार करने के पश्चात् यह विनिश्चय किया गया कि उक्त विधेयक को वापस ले लिया जाय और उसके स्थान पर भारत सरकार द्वारा सुझाये गये संशोधनों को सम्मिलित करते हुए उत्तर प्रदेश राजस्व संहिता (संशोधन) विधेयक, 2019 राज्य विधान मण्डल में पुरःस्थापित किया जायेगा।

चूंकि, राज्य विधान मण्डल सत्र में नहीं था और पूर्वोक्त विनिश्चय को कार्यान्वित करने के लिये तुरन्त विधायी कार्यवाही करनी आवश्यक थी। अतः राज्यपाल द्वारा दिनांक 10 मार्च, 2019 को उत्तर प्रदेश राजस्व संहिता (संशोधन) अध्यादेश, 2019 (उत्तर प्रदेश अध्यादेश संख्या 2 सन् 2019) प्रख्यापित किया गया था।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिये पुरःस्थापित किया जाता है।

आज्ञा से,
जे० पी० सिंह-II,
प्रमुख सचिव।

No. 1469(2)/LXXIX-V-1-19-1(Ka)4-19

Dated Lucknow, August 5, 2019

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Rajaswa Samhita (Sanshodhan) Adhiniyam, 2019 (Uttar Pradesh Adhiniyam Sankhya 7 of 2019) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 2, 2019. The Rajaswa Anubhag-1 is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH REVENUE CODE (AMENDMENT)

ACT, 2019

(U.P. Act No. 7 of 2019)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to amend the Uttar Pradesh Revenue Code, 2006 for facilitating the availability of land for industrialization and agricultural development in the state of Uttar Pradesh and for changes in subjects related to inheritance of land holders.

IT IS HEREBY enacted in the Seventieth Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Revenue Code (Amendment) Act, 2019.

(2) It shall be deemed to have come into force on March 10, 2019.

Amendment of section 24 of U.P. Act no. 8 of 2012

2. In section 24 of the Uttar Pradesh Revenue Code, 2006 hereinafter referred to as the principal Act, in sub-section (4), for the words "the order of the Commissioner shall be final," the words "The order of the Commissioner shall, subject to the provisions of section 210, be final" shall be substituted.

3. In section 38 of the principal Act, in sub-section (4), for the words "The decision of the Commissioner shall be final," the words "The decision of the Commissioner shall, subject to the provisions of section 210, be final" shall be *substituted*. Amendment of section 38

4. In section 66 of the principal Act, in sub-section (3) for the words "Every order of the Collector made under this section shall be final", the words "Every order of the Collector made under this section shall, subject to the provisions of section 210, be final" shall be *substituted*. Amendment of section 66

5. In section 69 of the principal Act, in sub-section (3) for clause (c) the following clause shall be *substituted*, namely :- Amendment of section 69

"(c) The payment of expenses incurred on protection, preservation and development of lands of common utility; and"

6. In section 72 of the principal Act, in sub-section (1) for clause (c) the following clause shall be *substituted*, namely:- Amendment of section 72

"(c) one or more Divisional Government Counsel (Revenue) for the divisional head-quarters who shall also look after the work related to Circuit Courts of the Board, (wherever Circuit Courts exist at Division level) and"

7. In section 77 of the principal Act, in sub-section (2) for the words "in the same Gram Panchayat" the words "in the same or any nearby Gram Panchayat" shall be *substituted*. Amendment of section 77

8. For section 80 of the principal Act, the following section shall be *substituted*, namely :- Amendment of section 80

"80 (1) Where a bhumidhar with transferable rights uses his holding or part thereof, for industrial, commercial or residential purposes, the Sub-Divisional Officer may, suomotu or on an application moved by such bhumidhar, after making such enquiry as may be prescribed, either make a declaration that the land is being used for the purpose not connected with agriculture or reject the application. The Sub-Divisional officer shall take a decision on the application within forty five working days from the date of receipt of the application. In case the application is rejected, the Sub-Divisional officer shall state the reasons in writing for such rejection and inform the applicant of his decision.

(2) Where a bhumidhar with transferable rights proposes to use in future his holding or part thereof, for industrial, commercial or residential purposes, the Sub-Divisional Officer may on an application moved by such bhumidhar, after making such enquiry as may be prescribed, either make a declaration that the land may be used for the purpose not connected with agriculture or reject the application, within forty five working days from the date of receipt of the application. In case the application is rejected, the Sub-Divisional officer shall state the reasons in writing of such rejection and inform the applicant of his decision:

Provided that for declaration under this sub-section there must exist a boundary wall surrounding the holding or part thereof, which is proposed to be used for such purpose:

Provided further that if the bhumidhar fails to start the proposed non agricultural activity within a period of five years from the date of declaration under this sub-section, then the declaration under sub-section (2) for the holding or part thereof shall lapse:

Provided also that a declaration under this sub-section (2) shall not amount to change of land use and the land shall continue to be treated as agricultural land only. However, the bhumidhar shall be entitled to obtain loan and other necessary permissions, clearances etc. for the activity or project, proposed on the holding or part thereof, for which declaration under this sub-section has been obtained.

(3) A bhumidhar possessing declaration under sub-section (2) for his holding or part thereof, may apply to Sub-Divisional officer for converting declaration under sub-section (2) to a declaration under sub-section (1), after completion of construction activity or start of the proposed non- agricultural activity, within a period of five years from declaration under sub-section (2). On receipt of such an application, the Sub-Divisional officer, after making such enquiry as necessary, shall approve or reject the application within a period of 15 days from the receipt of the application. In case of rejection, he shall record in writing the reasons for such rejection:

Provided that for conversion of declaration under sub-section (2) to a declaration under sub-section (1), the bhumidhar shall be liable to pay only the balance amount of fee payable, calculated at prevailing circle rate, after adjusting the amount already paid by him for declaration under sub-section (2) earlier.

(4) No application for a declaration under sub-section (1) or (2), moved by any co-bhumidhar having undivided interest in bhumidhari land shall be maintainable, unless application is moved by all the co-bhumidhars of such bhumidhari land. In case only one of the co-bhumidhar wants to get a declaration for his share in the land with joint interest, then such an application shall be entertained only after the respective shares of the co-bhumidhars in the land have been divided in accordance with the provisions of law.

(5) The application for declaration [under sub-section (1) or sub-section (2)] shall contain such particulars and shall be made in such manner as may be prescribed.

(6) Where the application under sub-section (1) or sub-section (2) is made in respect of a part of the holding, the sub-divisional officer may, in the manner prescribed, demarcate such part for purposes of such declaration.

(7) No declaration under this section shall be made by the sub-divisional officer, if he is satisfied that the land or part thereof is being used or is proposed to be used for a purpose which is likely to cause a public nuisance or to affect adversely public order, public health, safety or convenience or which is against the uses proposed in the master plan.

(8) In case the land or part thereof for which a declaration under this section is being sought falls within the area notified under any Urban or Industrial Development Authority, then prior permission of the concerned Development Authority shall be mandatory.

(9) The State Government may fix the scale of fees for declaration under this section and different fees may be fixed for different purposes:

Provided that if the applicant uses the holding or part thereof, for his own residential purpose, no fee shall be charged for the declaration under this section."

9. In section 81 of the principal Act, for the words and figures "section 80" the words and figures "sub-section (1) of section 80" shall be *substituted*:

10. In section 89 of the principal Act, for sub-section (3) the following sub-sections shall be *substituted*, namely:-

"(3) The State Government or an officer authorized for this purpose under this Act may approve an acquisition or purchase done or proposed to be done, in excess of the limits specified in sub-section (2), if such acquisition or purchase is in favour of a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any educational or a charitable institution; and if it is of opinion that the acquisition or purchase would be in public interest and likely to generate economic activities (other than agricultural) and provide employment. In such case, the provisions of the Uttar Pradesh Imposition of Ceiling on Land Holding Act, 1960 shall not apply to such acquisition:

Amendment of
section 81

Amendment of
section 89

Provided that where the land has been acquired or purchased by a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any educational or a charitable institution, without obtaining prior approval under this sub-section the State Government or an officer authorized for this purpose under this Act, may give its approval for regularizing such acquisition or purchase afterwards on payment of an amount as fine, which shall be five percent of the cost of the land in excess of the limit prescribed under sub-section (2), calculated as per the circle rate prevailing at the time of making the application.

(4) Permission under sub-section (3) for acquisition or purchase of land by a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any educational or a charitable institution in excess of limits prescribed under sub-section (2) shall be granted, on the conditions and in the manner prescribed, by :-

(i) the Collector concerned for acquisition or purchase of land upto 20.2344 hectares;

(ii) the Commissioner concerned for acquisition or purchase of land more than 20.2344 hectares and upto 40.4688 hectares;

(iii) the State Government for acquisition or purchase of land more than 40.4688 hectares.

Provided that if the applicant fails to set up the project within a period of five years from the date of grant of permission under sub-section (3), the same shall lapse and the land acquired or purchased in excess of the limit prescribed under sub-section (2) shall vest in the State and the consequences of section 105 shall become applicable:

Provided further that the State Government may extend the period of permission granted under sub section (3) for a further period of maximum three years, after recording reasons for the same.”

11. For section 94 of the principal Act, the following section shall be substituted, namely:-

Amendment of
section 94

“94 (1) A Bhumidhar may lease out his holding or any part thereof to any person, firm, company, partnership firm, limited liability partnership firm, trust, society or any other legal entity for agriculture or for setting up a solar energy plant. Such lease shall be known as the private lease by a bhumidhar.

(2) Private lease by a Bhumidhar means a contract based on an agreement, with mutually agreed terms and conditions, between Lessor, who may be a Bhumidhar and the Lessee who wishes to undertake agricultural activities or set up a solar energy plant, by which the Lessor grants permission to the Lessee to use the land or holding or any part thereof for agricultural purposes or for establishment of solar energy plant, against a consideration in cash or kind or a share of produce, payable to the Lessor as per the lease agreement.

(3) Period of private lease by a bhumidhar – maximum period of the private lease by a Bhumidhar shall not exceed fifteen years at a time:

Provided that, after the expiration of the first lease period, the duration of lease period may be further extended by mutual consent of the Lessor and the Lessee:

Provided further that for purpose of establishing a solar energy plant, the maximum period may be upto thirty years.

(4) Conditions of the private Lease by a bhumidhar- The terms and conditions of the private lease by a bhumidhar shall be as mutually agreed between the Lessor and Lessee. The general conditions of the lease shall be in the manner as may be prescribed.”

Amendment of
section 95

12. For section 95 of the principal Act, the following section shall be substituted, namely:-

“95 Private lease by a bhumidhar may be oral or in writing or Registered
Lease- how made, (1) Private Lease by a bhumidhar for a single crop or
its termination for period upto one year may be either oral or in writing.
and any dispute Lease agreement for period exceeding one year shall be
arising thereto made by a registered instrument only.

(2) Private Lease by a bhumidhar to be recorded in remarks column of Record of Rights - In case of written or registered lease agreement, a copy of the agreement or deed shall be made available to Revenue Inspector concerned, who shall pass order for recording the details of the private lease by a bhumidhar lease agreement (names and other details of Lessor and Lessee; date of agreement; period of lease; proposed use of land; and annual lease rent) in the Remarks column of Record of Rights (khatauni).

(3) Private Lease by a bhumidhar shall not create any type of Tenancy Right- An agreement of private lease by a Bhumidhar either registered under the Registration Act 1908 or countersigned by a Revenue Officer or Gram Pradhan or notarized by a Notary or oral, shall not create or confer any rights or interest in favour of the Lessee over the leased land, including protected tenancy or occupancy right or any other right against eviction or lease termination, other than those contained in this Act or Rules, the lease agreement shall not be used by the Lessee to establish and permanent right over the leased land in any Court of Law.

(4) Resumption of Land- After expiration of the private lease by a bhumidhar period of or termination of such private lease, the instrument of private lease by a bhumidhar shall be a nullify and if the period of such private lease is not extended, the leased land shall automatically revert to the Lessor and the Lessee shall hand over peaceful possession of the land, free from all encumbrances, to the Lessor and shall cease to have any right, title or interest in the land so leased out.

Explanation- Regardless of any dispute, arising out of private lease made under Section-94, pending before any Court of Law, the Lessor shall be entitled to get peaceful possession of the leased land after the expiration of the private lease period and the Lessee shall have no right to retain possession over the leased land.

(5) Effect of Private Lease by a bhumidhar - The provisions contained in the Code regarding private lease by a bhumidhar shall not have retrospective effect.

(6) Termination of the private lease by a bhumidhar -

(a) Unless extended by mutual consent between the Lessor and Lessee, the private lease agreement would terminate on expiry of the private lease period mentioned in the agreement,

(b) In case of non-payment of consideration amount or annual lease rent by the Lessee by the due date, or if any of the terms and conditions of the private lease are violated by him, the private lease by a bhumidhar agreement may be terminated by the Lessor, prior to expiry of the lease period, after giving due notice to the Lessee in writing.

(c) In case the private lease agreement is proposed to be terminated prematurely by the Lessor, then the Lessee shall be entitled to remove such structures, machinery etc. that were created or installed by the Lessee on the leased land. The Lessee would also be entitled to recover such damages and compensation from the Lessor, as agreed upon and laid down in the private lease agreement.

(d) In case the Lessee wishes to terminate the lease agreement prematurely or surrenders the land during the private lease by a bhumidhar period, then he shall have to give at least six months' notice to the Lessor and shall also be liable to pay the annual rent for the remaining part of the year to the Lessor, in addition to such other compensation, as agreed upon and laid down in the private lease by a bhumidhar agreement or as prescribed.

(e) In case after expiration of the private lease by a bhumidhar period or termination of the lease agreement, the Lessee fails to handover peaceful possession of the leased land to the Lessor, the Lessee shall be treated as unauthorised occupant and shall be liable to be ejected from the leased land. The Lessee shall also be liable to pay such penal rent or damages to the Lessor for the period of unauthorised occupation, as provided in the private lease by a bhumidhar agreement, in addition to the cost of such ejection.

(f) The Lessor and Lessee may terminate the private lease by a bhumidhar on mutually agreed terms at any time.

(7) Disputes arising out of the private lease by a bhumidhar-

(a) In an event of a dispute arising out of the private lease agreement by a bhumidhar, or any terms and conditions thereof; the Lessee and the Lessor shall make all efforts to amicably resolve and settle the dispute amongst themselves or if mutually agreed, by using mediation by a third party arbitrator or Gram Panchayat or Village Revenue Committee.

(b) If the dispute is not settled through the mechanism mentioned in clause (a) either party may file a petition before the Sub-Divisional Officer.

(c) The Sub-Divisional Officer shall adjudicate the dispute using the summary procedure within a period of thirty days of its institution.

(d) An appeal against the order, other than an interim order, passed by a Sub-Divisional Officer, shall lie before the Commissioner. The decision of Commissioner shall subject to the provision of section 210, be final."

13. Sections 96 and 97 of the principal Act shall be *omitted*.

Omission of sections 96 and 97

14. Section 103 of the principal Act shall be *omitted*.

Omission of section 103

15. For section 104 of the principal Act, the following section shall be *substituted*, namely:-

Amendment of section 104

"104. Every Lease or transfer of interest in any holding or part thereof made by a bhumidhar or any asami in contravention of the provisions of this Code shall be void."

16. In section 105 of the principal Act, in sub-section (1) after clause (d) the following clause shall be *inserted*, namely :-

Amendment of section 105

"(e) the provisions of this section shall not apply to any lease made under section 94."

17. In section 108 of the principal Act, for sub-section (2) the following sub-section shall be *substituted*, namely:-

Amendment of section 108

"(2) The following relatives of the male bhumidhar, asami or government lessee are heirs, subject to the provisions of sub section (1), namely-

(a) widow, unmarried daughter and the male lineal descendants in the male line of descent as per stirpes :

Provided that the widow and the son and unmarried daughter of a predeceased son how low-so-ever shall inherit per stirpes the share which would have devolved upon the predeceased son had he been alive;

(b) mother and father;

(c) married daughter;

(d) brother and unmarried sister being respectively the son and the daughter of the same father as the deceased, and son and unmarried daughter of a predeceased brother, the predeceased brother having been the son of the same father as the deceased;

(e) son's daughter;

(f) father's mother and father's father;

(g) daughter's son and unmarried daughter;

(h) married sister;

(i) half sister, being the daughter of the same father as the deceased;

(j) sister's son and unmarried daughter;

(k) half sister's son, and unmarried daughter, the sister having been the daughter of the same father as the deceased;

(l) brother's son's son and unmarried daughter;

(m) father's father's son and unmarried daughter;

(n) father's father's son's son and unmarried daughter;

(o) mother's mother's son and unmarried daughter."

Amendment of
section 110

18. In section 110 of the principal Act, the following section shall be substituted namely:-

"110 Where any female bhumidhar, asami or a government lessee dies, after the commencement of this Code, then her interest in any holding or its part shall subject to the provisions of Sections 107 to 109 devolve, in accordance with the order of succession given below—

(a) son, unmarried daughter, son's son and unmarried daughter, son's son's son and unmarried daughter, predeceased son's widow, and predeceased son's predeceased son's widow, in equal shares as per stirpes:

Provided firstly that the nearer shall exclude the remoter in the same branch :

Provided secondly that a widow who has remarried, shall be excluded;

(b) husband;

(c) married daughter;

(d) daughter's son and unmarried daughter;

(e) father;

(f) widowed mother;

(g) brother, being the son of the same father as the deceased and brother's son and unmarried daughter as per stirpes;

(h) unmarried sister;

(i) married sister;

(j) sister's son and unmarried daughter."

19. In section 210 of the principal Act, in the Hindi version, in sub-section (1) for the words "कोई अपील नहीं हुयी" the words "कोई अपील नहीं हो सकती" shall be substituted. Amendment of section 210

20. In the third Schedule to the principal Act, in the entries against sub-section (4) of section 131 and 133 for the word "Tehsildar" the words "Sub-divisional officer" shall be substituted. Amendment of the third schedule

U.P.
Ordinance
no.2 of
2019

21. (1) The Uttar Pradesh Revenue Code (Amendment) Ordinance, 2019 is hereby repealed. Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Revenue Code, 2006 has been enacted to consolidate, and amend the law relating to land tenures and land revenue in the State of Uttar Pradesh. It was decided to amend the said Act with a view to facilitating the availability of land for industrialization and agricultural development in the State of Uttar Pradesh, to authorize a bhumidhar or an asami to lease out his/her holding or any part thereof to any person, firm, company, partnership firm, limited liability partnership firm, trust, society or any other legal entity for agriculture or for setting up a solar energy plant and for making changes in the subjects related to inheritance of land holders in the whole of the state.

In order to implement the aforesaid decision the Uttar Pradesh Revenue Code (Amendment) Bill, 2018 was introduced in, and passed by, the Uttar Pradesh State Legislature. The said Bill was reserved by the Governor for the consideration of the President and sent to the Government of India for obtaining the assent of the President thereon. The Government of India had suggested certain amendments in the Bill. After considering the suggestion of the Government of India it was decided that the said Bill should be withdrawn and in place thereof the Uttar Pradesh Revenue Code (Amendment) Bill, 2019 by incorporating the amendments suggested by the Government of India shall be introduced in the State Legislature.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision the Uttar Pradesh Revenue Code (Amendment) Ordinance, 2019 (U.P. Ordinance no.2 of 2019) was promulgated by the Governor on March 10, 2019.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
J.P. SINGH-II,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 186 राजपत्र-(हिन्दी)-2019-(555)-599 प्रतियां-(कम्प्यूटर/टी/आफसेट)।
पी०एस०यू०पी०-ए०पी० 63 सा० विधायी-2019-(556)-300 प्रतियां-(कम्प्यूटर/टी/आफसेट)।

पूर्वोक्त विनिश्चय को क्रियान्वित करने के उद्देश्य से, उत्तर प्रदेश राजस्व संहिता (संशोधन) विधेयक, 2018, उत्तर प्रदेश राज्य विधान मण्डल में पुरःस्थापित किया गया था और उसके द्वारा पारित किया गया था। उक्त विधेयक, महामहिम राष्ट्रपति के विचारार्थ राज्यपाल महोदय द्वारा आरक्षित कर लिया गया था और उस पर महामहिम राष्ट्रपति की सहमति प्राप्त करने के लिए भारत सरकार को प्रेषित किया गया था। भारत सरकार ने उक्त विधेयक में कतिपय संशोधन करने का सुझाव दिया था। भारत सरकार के सुझाव पर विचार करने के पश्चात यह विनिश्चय किया गया कि उक्त विधेयक को वापस ले लिया जाय और उसके स्थान पर भारत सरकार द्वारा सुझाये गये संशोधनों को सम्मिलित करते हुए उत्तर प्रदेश राजस्व संहिता (संशोधन) विधेयक, 2019 राज्य विधान मण्डल में पुरःस्थापित किया जायेगा।

चूंकि, राज्य विधान मण्डल सत्र में नहीं था और पूर्वोक्त विनिश्चय को कार्यान्वित करने के लिये तुरन्त विधायी कार्यवाही करनी आवश्यक थी। अतः राज्यपाल द्वारा दिनांक 10 मार्च, 2019 को उत्तर प्रदेश राजस्व संहिता (संशोधन) अध्यादेश, 2019 (उत्तर प्रदेश अध्यादेश संख्या 2 सन् 2019) प्रख्यापित किया गया था।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिये पुरःस्थापित किया जाता है।

आज्ञा से,
जे० पी० सिंह-II,
प्रमुख सचिव।

No. 1469(2)/LXXIX-V-1-19-1(Ka)4-19

Dated Lucknow, August 5, 2019

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Rajaswa Samhita (Sanshodhan) Adhiniyam, 2019 (Uttar Pradesh Adhiniyam Sankhya 7 of 2019) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 2, 2019. The Rajaswa Anubhag-1 is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH REVENUE CODE (AMENDMENT)

ACT, 2019

(U.P. Act No. 7 of 2019)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to amend the Uttar Pradesh Revenue Code, 2006 for facilitating the availability of land for industrialization and agricultural development in the state of Uttar Pradesh and for changes in subjects related to inheritance of land holders.

IT IS HEREBY enacted in the Seventieth Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Revenue Code (Amendment) Act, 2019.

(2) It shall be deemed to have come into force on March 10, 2019.

Amendment of section 24 of U.P. Act no. 8 of 2012

2. In section 24 of the Uttar Pradesh Revenue Code, 2006 hereinafter referred to as the principal Act, in sub-section (4), for the words "the order of the Commissioner shall be final," the words "The order of the Commissioner shall, subject to the provisions of section 210, be final" shall be substituted.

3. In section 38 of the principal Act, in sub-section (4), for the words "The decision of the Commissioner shall be final," the words "The decision of the Commissioner shall, subject to the provisions of section 210, be final" shall be *substituted*.

Amendment of section 38

4. In section 66 of the principal Act, in sub-section (3) for the words "Every order of the Collector made under this section shall be final", the words "Every order of the Collector made under this section shall, subject to the provisions of section 210, be final" shall be *substituted*.

Amendment of section 66

5. In section 69 of the principal Act, in sub-section (3) for clause (c) the following clause shall be *substituted*, namely :-

Amendment of section 69

"(c) The payment of expenses incurred on protection, preservation and development of lands of common utility; and"

6. In section 72 of the principal Act, in sub-section (1) for clause (c) the following clause shall be *substituted*, namely:-

Amendment of section 72

"(c) one or more Divisional Government Counsel (Revenue) for the divisional head-quarters who shall also look after the work related to Circuit Courts of the Board, (wherever Circuit Courts exist at Division level) and"

7. In section 77 of the principal Act, in sub-section (2) for the words "in the same Gram Panchayat" the words "in the same or any nearby Gram Panchayat" shall be *substituted*.

Amendment of section 77

8. For section 80 of the principal Act, the following section shall be *substituted*, namely :-

Amendment of section 80

"80 (1) Where a bhumidhar with transferable rights uses his holding or part thereof, for industrial, commercial or residential purposes, the Sub-Divisional Officer may, suomotu or on an application moved by such bhumidhar, after making such enquiry as may be prescribed, either make a declaration that the land is being used for the purpose not connected with agriculture or reject the application. The Sub-Divisional officer shall take a decision on the application within forty five working days from the date of receipt of the application. In case the application is rejected, the Sub-Divisional officer shall state the reasons in writing for such rejection and inform the applicant of his decision.

(2) Where a bhumidhar with transferable rights proposes to use in future his holding or part thereof, for industrial, commercial or residential purposes, the Sub-Divisional Officer may on an application moved by such bhumidhar, after making such enquiry as may be prescribed, either make a declaration that the land may be used for the purpose not connected with agriculture or reject the application, within forty five working days from the date of receipt of the application. In case the application is rejected, the Sub-Divisional officer shall state the reasons in writing of such rejection and inform the applicant of his decision:

Provided that for declaration under this sub-section there must exist a boundary wall surrounding the holding or part thereof, which is proposed to be used for such purpose:

Provided further that if the bhumidhar fails to start the proposed non agricultural activity within a period of five years from the date of declaration under this sub-section, then the declaration under sub-section (2) for the holding or part thereof shall lapse:

Provided also that a declaration under this sub-section (2) shall not amount to change of land use and the land shall continue to be treated as agricultural land only. However, the bhumidhar shall be entitled to obtain loan and other necessary permissions, clearances etc. for the activity or project, proposed on the holding or part thereof, for which declaration under this sub-section has been obtained.

(3) A bhumidhar possessing declaration under sub-section (2) for his holding or part thereof, may apply to Sub-Divisional officer for converting declaration under sub-section (2) to a declaration under sub-section (1), after completion of construction activity or start of the proposed non- agricultural activity, within a period of five years from declaration under sub-section (2). On receipt of such an application, the Sub-Divisional officer, after making such enquiry as necessary, shall approve or reject the application within a period of 15 days from the receipt of the application. In case of rejection, he shall record in writing the reasons for such rejection:

Provided that for conversion of declaration under sub-section (2) to a declaration under sub-section (1), the bhumidhar shall be liable to pay only the balance amount of fee payable, calculated at prevailing circle rate, after adjusting the amount already paid by him for declaration under sub-section (2) earlier.

(4) No application for a declaration under sub-section (1) or (2), moved by any co-bhumidhar having undivided interest in bhumidhari land shall be maintainable, unless application is moved by all the co-bhumidhars of such bhumidhari land. In case only one of the co-bhumidhar wants to get a declaration for his share in the land with joint interest, then such an application shall be entertained only after the respective shares of the co-bhumidhars in the land have been divided in accordance with the provisions of law.

(5) The application for declaration [under sub-section (1) or sub-section (2)] shall contain such particulars and shall be made in such manner as may be prescribed.

(6) Where the application under sub-section (1) or sub-section (2) is made in respect of a part of the holding, the sub-divisional officer may, in the manner prescribed, demarcate such part for purposes of such declaration.

(7) No declaration under this section shall be made by the sub-divisional officer, if he is satisfied that the land or part thereof is being used or is proposed to be used for a purpose which is likely to cause a public nuisance or to affect adversely public order, public health, safety or convenience or which is against the uses proposed in the master plan.

(8) In case the land or part thereof for which a declaration under this section is being sought falls within the area notified under any Urban or Industrial Development Authority, then prior permission of the concerned Development Authority shall be mandatory.

(9) The State Government may fix the scale of fees for declaration under this section and different fees may be fixed for different purposes:

Provided that if the applicant uses the holding or part thereof, for his own residential purpose, no fee shall be charged for the declaration under this section."

9. In section 81 of the principal Act, for the words and figures "section 80" the words and figures "sub-section (1) of section 80" shall be *substituted*:

10. In section 89 of the principal Act, for sub-section (3) the following sub-sections shall be *substituted*, namely:-

"(3) The State Government or an officer authorized for this purpose under this Act may approve an acquisition or purchase done or proposed to be done, in excess of the limits specified in sub-section (2), if such acquisition or purchase is in favour of a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any educational or a charitable institution; and if it is of opinion that the acquisition or purchase would be in public interest and likely to generate economic activities (other than agricultural) and provide employment. In such case, the provisions of the Uttar Pradesh Imposition of Ceiling on Land Holding Act, 1960 shall not apply to such acquisition:

Amendment of
section 81

Amendment of
section 89

Provided that where the land has been acquired or purchased by a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any educational or a charitable institution, without obtaining prior approval under this sub-section the State Government or an officer authorized for this purpose under this Act, may give its approval for regularizing such acquisition or purchase afterwards on payment of an amount as fine, which shall be five percent of the cost of the land in excess of the limit prescribed under sub-section (2), calculated as per the circle rate prevailing at the time of making the application.

(4) Permission under sub-section (3) for acquisition or purchase of land by a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any educational or a charitable institution in excess of limits prescribed under sub-section (2) shall be granted, on the conditions and in the manner prescribed, by :-

(i) the Collector concerned for acquisition or purchase of land upto 20.2344 hectares;

(ii) the Commissioner concerned for acquisition or purchase of land more than 20.2344 hectares and upto 40.4688 hectares;

(iii) the State Government for acquisition or purchase of land more than 40.4688 hectares.

Provided that if the applicant fails to set up the project within a period of five years from the date of grant of permission under sub-section (3), the same shall lapse and the land acquired or purchased in excess of the limit prescribed under sub-section (2) shall vest in the State and the consequences of section 105 shall become applicable:

Provided further that the State Government may extend the period of permission granted under sub section (3) for a further period of maximum three years, after recording reasons for the same.”

11. For section 94 of the principal Act, the following section shall be substituted, namely:-

Amendment of
section 94

“94 (1) A Bhumidhar may lease out his holding or any part thereof to any person, firm, company, partnership firm, limited liability partnership firm, trust, society or any other legal entity for agriculture or for setting up a solar energy plant. Such lease shall be known as the private lease by a bhumidhar.

(2) Private lease by a Bhumidhar means a contract based on an agreement, with mutually agreed terms and conditions, between Lessor, who may be a Bhumidhar and the Lessee who wishes to undertake agricultural activities or set up a solar energy plant, by which the Lessor grants permission to the Lessee to use the land or holding or any part thereof for agricultural purposes or for establishment of solar energy plant, against a consideration in cash or kind or a share of produce, payable to the Lessor as per the lease agreement.

(3) Period of private lease by a bhumidhar – maximum period of the private lease by a Bhumidhar shall not exceed fifteen years at a time:

Provided that, after the expiration of the first lease period, the duration of lease period may be further extended by mutual consent of the Lessor and the Lessee:

Provided further that for purpose of establishing a solar energy plant, the maximum period may be upto thirty years.

(4) Conditions of the private Lease by a bhumidhar- The terms and conditions of the private lease by a bhumidhar shall be as mutually agreed between the Lessor and Lessee. The general conditions of the lease shall be in the manner as may be prescribed.”

Amendment of
section 95

12. For section 95 of the principal Act, the following section shall be substituted, namely:-

“95 Private lease by a bhumidhar may be oral or in writing or Registered
Lease- how made, (1) Private Lease by a bhumidhar for a single crop or
its termination for period upto one year may be either oral or in writing.
and any dispute Lease agreement for period exceeding one year shall be
arising thereto made by a registered instrument only.

(2) Private Lease by a bhumidhar to be recorded in remarks column of Record of Rights - In case of written or registered lease agreement, a copy of the agreement or deed shall be made available to Revenue Inspector concerned, who shall pass order for recording the details of the private lease by a bhumidhar lease agreement (names and other details of Lessor and Lessee; date of agreement; period of lease; proposed use of land; and annual lease rent) in the Remarks column of Record of Rights (khatauni).

(3) Private Lease by a bhumidhar shall not create any type of Tenancy Right- An agreement of private lease by a Bhumidhar either registered under the Registration Act 1908 or countersigned by a Revenue Officer or Gram Pradhan or notarized by a Notary or oral, shall not create or confer any rights or interest in favour of the Lessee over the leased land, including protected tenancy or occupancy right or any other right against eviction or lease termination, other than those contained in this Act or Rules, the lease agreement shall not be used by the Lessee to establish and permanent right over the leased land in any Court of Law.

(4) Resumption of Land- After expiration of the private lease by a bhumidhar period of or termination of such private lease, the instrument of private lease by a bhumidhar shall be a nullify and if the period of such private lease is not extended, the leased land shall automatically revert to the Lessor and the Lessee shall hand over peaceful possession of the land, free from all encumbrances, to the Lessor and shall cease to have any right, title or interest in the land so leased out.

Explanation- Regardless of any dispute, arising out of private lease made under Section-94, pending before any Court of Law, the Lessor shall be entitled to get peaceful possession of the leased land after the expiration of the private lease period and the Lessee shall have no right to retain possession over the leased land.

(5) Effect of Private Lease by a bhumidhar - The provisions contained in the Code regarding private lease by a bhumidhar shall not have retrospective effect.

(6) Termination of the private lease by a bhumidhar -

(a) Unless extended by mutual consent between the Lessor and Lessee, the private lease agreement would terminate on expiry of the private lease period mentioned in the agreement,

(b) In case of non-payment of consideration amount or annual lease rent by the Lessee by the due date, or if any of the terms and conditions of the private lease are violated by him, the private lease by a bhumidhar agreement may be terminated by the Lessor, prior to expiry of the lease period, after giving due notice to the Lessee in writing.

(c) In case the private lease agreement is proposed to be terminated prematurely by the Lessor, then the Lessee shall be entitled to remove such structures, machinery etc. that were created or installed by the Lessee on the leased land. The Lessee would also be entitled to recover such damages and compensation from the Lessor, as agreed upon and laid down in the private lease agreement.

(d) In case the Lessee wishes to terminate the lease agreement prematurely or surrenders the land during the private lease by a bhumidhar period, then he shall have to give at least six months' notice to the Lessor and shall also be liable to pay the annual rent for the remaining part of the year to the Lessor, in addition to such other compensation, as agreed upon and laid down in the private lease by a bhumidhar agreement or as prescribed.

(e) In case after expiration of the private lease by a bhumidhar period or termination of the lease agreement, the Lessee fails to handover peaceful possession of the leased land to the Lessor, the Lessee shall be treated as unauthorised occupant and shall be liable to be ejected from the leased land. The Lessee shall also be liable to pay such penal rent or damages to the Lessor for the period of unauthorised occupation, as provided in the private lease by a bhumidhar agreement, in addition to the cost of such ejection.

(f) The Lessor and Lessee may terminate the private lease by a bhumidhar on mutually agreed terms at any time.

(7) Disputes arising out of the private lease by a bhumidhar-

(a) In an event of a dispute arising out of the private lease agreement by a bhumidhar, or any terms and conditions thereof; the Lessee and the Lessor shall make all efforts to amicably resolve and settle the dispute amongst themselves or if mutually agreed, by using mediation by a third party arbitrator or Gram Panchayat or Village Revenue Committee.

(b) If the dispute is not settled through the mechanism mentioned in clause (a) either party may file a petition before the Sub-Divisional Officer.

(c) The Sub-Divisional Officer shall adjudicate the dispute using the summary procedure within a period of thirty days of its institution.

(d) An appeal against the order, other than an interim order, passed by a Sub-Divisional Officer, shall lie before the Commissioner. The decision of Commissioner shall subject to the provision of section 210, be final."

13. Sections 96 and 97 of the principal Act shall be *omitted*.

Omission of sections 96 and 97

14. Section 103 of the principal Act shall be *omitted*.

Omission of section 103

15. For section 104 of the principal Act, the following section shall be *substituted*, namely:-

Amendment of section 104

"104. Every Lease or transfer of interest in any holding or part thereof made by a bhumidhar or any asami in contravention of the provisions of this Code shall be void."

16. In section 105 of the principal Act, in sub-section (1) after clause (d) the following clause shall be *inserted*, namely :-

Amendment of section 105

"(e) the provisions of this section shall not apply to any lease made under section 94."

17. In section 108 of the principal Act, for sub-section (2) the following sub-section shall be *substituted*, namely:-

Amendment of section 108

"(2) The following relatives of the male bhumidhar, asami or government lessee are heirs, subject to the provisions of sub section (1), namely-

(a) widow, unmarried daughter and the male lineal descendants in the male line of descent as per stirpes :

Provided that the widow and the son and unmarried daughter of a predeceased son how low-so-ever shall inherit per stirpes the share which would have devolved upon the predeceased son had he been alive;

(b) mother and father;

(c) married daughter;

(d) brother and unmarried sister being respectively the son and the daughter of the same father as the deceased, and son and unmarried daughter of a predeceased brother, the predeceased brother having been the son of the same father as the deceased;

(e) son's daughter;

(f) father's mother and father's father;

(g) daughter's son and unmarried daughter;

(h) married sister;

(i) half sister, being the daughter of the same father as the deceased;

(j) sister's son and unmarried daughter;

(k) half sister's son, and unmarried daughter, the sister having been the daughter of the same father as the deceased;

(l) brother's son's son and unmarried daughter;

(m) father's father's son and unmarried daughter;

(n) father's father's son's son and unmarried daughter;

(o) mother's mother's son and unmarried daughter."

Amendment of
section 110

18. In section 110 of the principal Act, the following section shall be substituted namely:-

"110 Where any female bhumidhar, asami or a government lessee dies, after the commencement of this Code, then her interest in any holding or its part shall subject to the provisions of Sections 107 to 109 devolve, in accordance with the order of succession given below—

(a) son, unmarried daughter, son's son and unmarried daughter, son's son's son and unmarried daughter, predeceased son's widow, and predeceased son's predeceased son's widow, in equal shares as per stirpes:

Provided firstly that the nearer shall exclude the remoter in the same branch :

Provided secondly that a widow who has remarried, shall be excluded;

(b) husband;

(c) married daughter;

(d) daughter's son and unmarried daughter;

(e) father;

(f) widowed mother;

(g) brother, being the son of the same father as the deceased and brother's son and unmarried daughter as per stirpes;

(h) unmarried sister;

(i) married sister;

(j) sister's son and unmarried daughter."

19. In section 210 of the principal Act, in the Hindi version, in sub-section (1) for the words "कोई अपील नहीं हुयी" the words "कोई अपील नहीं हो सकती" shall be substituted. Amendment of section 210

20. In the third Schedule to the principal Act, in the entries against sub-section (4) of section 131 and 133 for the word "Tehsildar" the words "Sub-divisional officer" shall be substituted. Amendment of the third schedule

U.P.
Ordinance
no.2 of
2019

21. (1) The Uttar Pradesh Revenue Code (Amendment) Ordinance, 2019 is hereby repealed. Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Revenue Code, 2006 has been enacted to consolidate, and amend the law relating to land tenures and land revenue in the State of Uttar Pradesh. It was decided to amend the said Act with a view to facilitating the availability of land for industrialization and agricultural development in the State of Uttar Pradesh, to authorize a bhumidhar or an asami to lease out his/her holding or any part thereof to any person, firm, company, partnership firm, limited liability partnership firm, trust, society or any other legal entity for agriculture or for setting up a solar energy plant and for making changes in the subjects related to inheritance of land holders in the whole of the state.

In order to implement the aforesaid decision the Uttar Pradesh Revenue Code (Amendment) Bill, 2018 was introduced in, and passed by, the Uttar Pradesh State Legislature. The said Bill was reserved by the Governor for the consideration of the President and sent to the Government of India for obtaining the assent of the President thereon. The Government of India had suggested certain amendments in the Bill. After considering the suggestion of the Government of India it was decided that the said Bill should be withdrawn and in place thereof the Uttar Pradesh Revenue Code (Amendment) Bill, 2019 by incorporating the amendments suggested by the Government of India shall be introduced in the State Legislature.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision the Uttar Pradesh Revenue Code (Amendment) Ordinance, 2019 (U.P. Ordinance no.2 of 2019) was promulgated by the Governor on March 10, 2019.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
J.P. SINGH-II,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 186 राजपत्र-(हिन्दी)-2019-(555)-599 प्रतियां-(कम्प्यूटर/टी/आफसेट)।
पी०एस०यू०पी०-ए०पी० 63 सा० विधायी-2019-(556)-300 प्रतियां-(कम्प्यूटर/टी/आफसेट)।

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Rajaswa Samhita (Sanshodhan) Adhiniyam, 2020 (Uttar Pradesh Adhiniyam Sankhya 28 of 2020) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 28, 2020. The Rajaswa Anubhag-1, is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH REVENUE CODE (AMENDMENT) ACT, 2020

(U.P. Act no. 28 OF 2020)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Revenue Code, 2006.

IT IS HEREBY enacted in the Seventy first Year of the Republic of India as follows:-

Short title

1. This Act may be called the Uttar Pradesh Revenue Code (Amendment) Act, 2020.

Amendment of Section 4 of the U.P. Act no 8 of 2012

2. In section 4 of the Uttar Pradesh Revenue Code, 2006 hereinafter referred to as the principal Act, for sub-section (10) the following sub-section shall be *substituted*, namely:-

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

Explanation- Third Gender means such a person who is of a gender different from the male or female gender.

Amendment of section 59

3. In sub-section (4) of section 59 of the principal Act-

(1) for clause (a) the following clause shall be *substituted*, namely:-

(a) (i) add to, amend, vary or rescind any earlier order issued under sub-section (1);

(ii) convert any land entrusted or deemed to be entrusted or transferred to any Gram Panchayat or local authority, which is not covered under sub-section (1) of section 77 to a land covered under sub-section (1) of section 77.

(2). for clause (c) the following clause shall be *substituted*, namely:-

(c) (i). resume any land or other thing so entrusted or deemed to be entrusted or transferred to any Gram Panchayat or local authority on such terms and conditions as prescribed.

(ii) add to, amend, vary or rescind any earlier order issued under clause (i);

Amendment of section 60

4. In sub-section (2) of section 60 of the principal Act, for clause (b) the following clause shall be *substituted*, namely:-

(b) the preservation, maintenance and development of forests, trees and pastures.

Amendment of section 77

5. In section 77 of the principal Act, for sub-section (2) the following sub-section shall be *substituted* namely:-

(2) Notwithstanding anything to the contrary contained in other provisions of this Code, where any land or part thereof specified in sub-section(1) of this section is, surrounded by or, in between, or on the edges and necessary for public purpose, the plot

or plots of land purchased, acquired or resumed for public purpose, the State Government may change the class of such public utility land, and if class of such public utility land is changed, any other land equivalent to or more than that of the aforesaid public utility land, shall be reserved for the same purpose in the same or any nearby Gram Panchayat or local authority, as the case may be or the State Government may permit the exchange thereof under section 101 of this Code in the manner prescribed.

Provided that the class of any public utility land may be changed only in exceptional cases on such terms and conditions, as may be prescribed. The reason for changing the class of public utility land shall be recorded in writing.

6. In sub-section (1) of section 80 of the principal Act, the following proviso shall be *inserted*, namely:-

Amendment of section 80

Provided that if the application for declaration is accompanied with the prescribed fee and in case of joint holding, no objection of co-tenure holders is attached in case of co-tenure holder and if the declaration is not made by the Sub-Divisional Officer with forty-five days as aforesaid, then the declaration shall be deemed to have been made. Tehsildar will make a record of it in the revenue records, with the comment "subject to the order of the Sub-Divisional Officer".

If any affected party wants to file an objection in relation to the said declaration, it may file an objection in the competent court.

7. In section 89 of the principal Act-

Amendment of section 89

(i) after sub-section (2) the following explanation shall be *inserted*, namely:-

Explanation- the expression 'person' in this sub-section means natural or legal person.

(ii) In sub-section (3), for the proviso the following proviso shall be *substituted*, namely:-

Provided that where the land has been acquired or purchased by a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any educational or a charitable institution, without obtaining prior approval under this sub-section or sub-section (3) of section 154 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 as enacted before the repeal, the State Government or an officer authorized for this purpose under this Act, may give its approval for regularizing such acquisition or purchase, after payment of an amount as fine, which shall be fifty percent of the cost of the land in excess of the limit prescribed under sub-section (2) calculated as per the circle rate prevailing at the time of making the application.

8. In section 101 of the principal Act, in clause (b) the following proviso shall be *inserted*, namely:-

Amendment of section 101

Provided that permission for exchange may be granted even if the valuation of private land offered for exchange is more than ten percent of the value of the public land.

In clause (c) the following proviso shall be *inserted*, namely:-

Provided that permission for exchange may be granted even if the area of private land offered for exchange is more than twenty five percent of the area of the public land.

9.(1) In section 108 of the principal Act, in sub-section (1) after the words "being a male" the words "Third Gender" shall be *inserted*.

Amendment of section 108

(2) For sub-section (2), the following sub-section shall be *substituted*, namely:-

The following relatives of the male third gender Bhumidhar, asami or government lessee are heirs subject to the provisions of sub section (1), namely-

(a) Widow, or third gender spouse, unmarried daughters, third gender issue and the male lineal descendants in the male line of descent per stirpes:

Provided that widow, unmarried daughters, third gender issue and sons howsoever low shall inherit per stripes the share which would have devolved upon the predeceased son had he been alive.

(b) Mother and father;

(c) Married daughter;

(d) Brother, unmarried sister, third gender sibling being respectively the son and daughter, third gender issue of the same father as the deceased, and son, unmarried daughter, third gender issue of predeceased brother, the predeceased brother, having been the son of the same father as the deceased.

(e) Son's daughter and third gender issue;

(f) Father's mother and father's father;

(g) Daughter's son, third gender issue and unmarried daughter;

(h) Married sister;

(i) Half sister, being the daughter of the same father as the deceased;

(j) Sister's son, third gender issue and unmarried daughter;

(k) Half sister's son, third gender issue and unmarried daughter the sister having been the daughter of the same father as the deceased;

(l) Brother's son's son, third gender issue and unmarried daughter;

(m) Father's father's son, third gender issue and unmarried daughter;

(n) Father's father's son's son, third gender issue and unmarried daughter;

(o) Mother's mother's son, third gender issue and unmarried daughter.

Amendment of
section 109

10. In section 109 of the principal Act, *after* the word "male", wherever occurring, the words "third gender" shall be *inserted*.

Amendment of
section 110

11. *For* section 110 of the principal Act, the following section shall be *substituted*, namely:-

110. Where any female bhumidhar asami or a government lessee dies, after the commencement of this code, then her interest in any holding or its part shall subject to the provisions of section 107 to 109, devolve, in accordance with the order of succession given below-

(a) Son, third gender issue, unmarried daughter, son's son, third gender issue, and unmarried daughter, son's son's son, third gender issue and unmarried daughter, predeceased son's widow, and predeceased son's predeceased son's widow, in equal shares as per stripes:

Provided firstly that the nearer shall exclude the remoter in the same branch:

Provided secondly that a widow who has remarried, shall be excluded.

(b) Husband or married third gender spouse;

(c) Married daughters;

(d) Daughter's son, third gender issue and unmarried daughter;

(e) Father;

(f) Widow mother;

(g) Brother being the son of the same father as the deceased, third gender sibling being the issue of the same father as the deceased and brother's son, third gender issue and unmarried daughter as per stirpes;

(h) Unmarried sister;

(i) Married sister;

(j) Sister's son, third gender issue and unmarried daughter.

12. In section 126 of the principal Act, the following proviso shall be *inserted* at the end, namely:- Amendment of section 126

Provided that preference shall be given to widow and physically disabled persons.

13. For sub-section (1-A) of section 128 of the principal Act, the following sub-section shall be *substituted*, namely:- Amendment of section 128

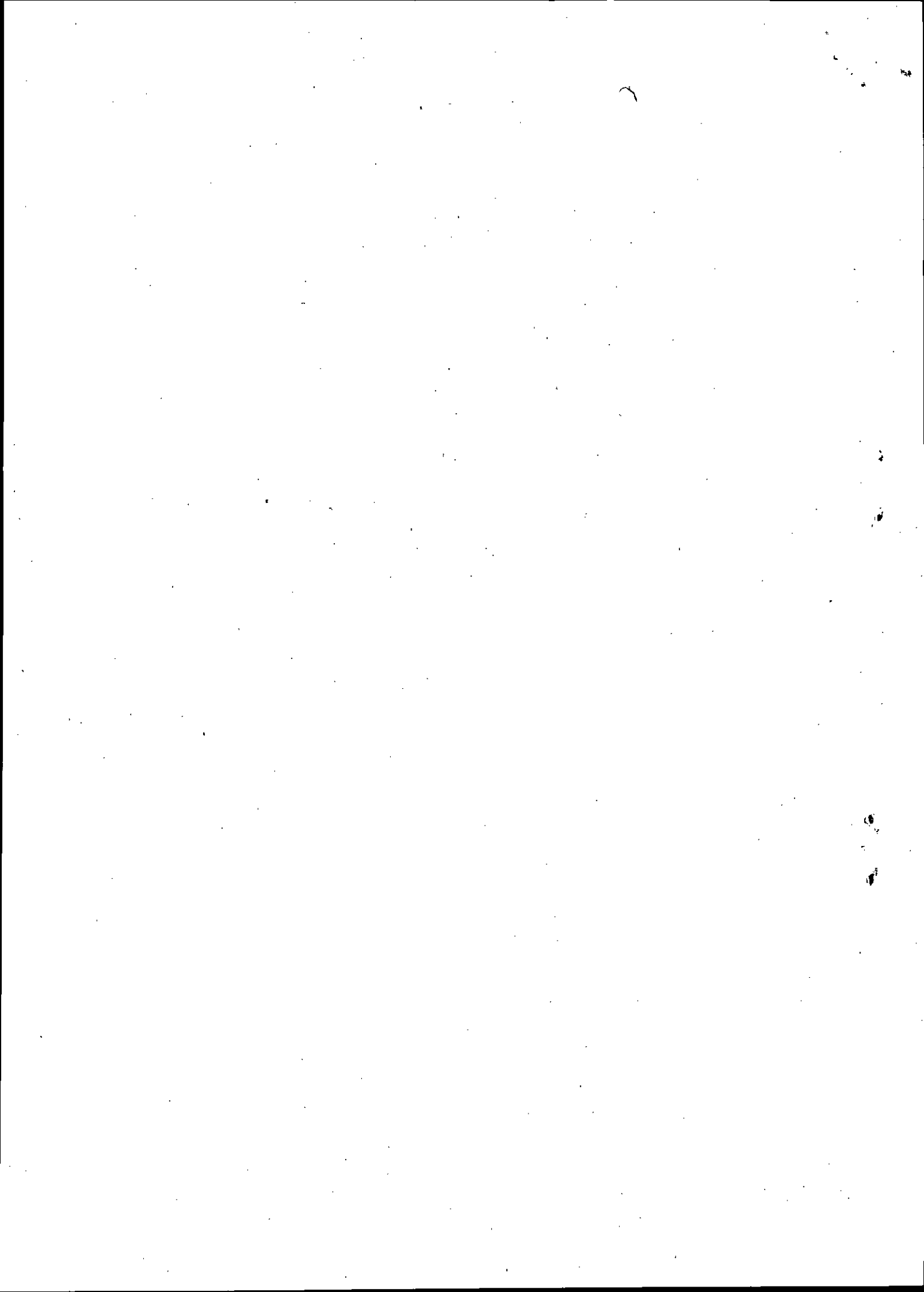
Under the provisions of sub section (1), an application may be moved in the case of an allotment or lease of land made before or after the commencement of this code, within five years from the date of such allotment of lease.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Revenue Code, 2006 has been enacted to consolidate and amend the law relating to land tenures and land revenue in the State of Uttar Pradesh. To ensure smooth availability of land for purposes of industrialization and for the better implementation of government schemes of the State, to simplify the process of exchange of land etc. for private industries, to secure land for public utility, to clarify the process of regularization of land over the prescribed limit, to make land use changes from agricultural use to non-agricultural land use, to include third gender as eligible for the succession rights of land ownership and to solve various procedural problems related to revenue matters certain amendments were required in the said Act. In view of the above, it has been decided to amend the aforesaid Act.

The Uttar Pradesh Revenue Code (Amendment) Bill, 2020 is introduced accordingly.

By order,
J. P. SINGH-II,
Pramukh Sachiv.





सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग-1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 5 मार्च, 2021

फाल्गुन 14, 1942 शक सम्बत्

उत्तर प्रदेश शासन

विधायी अनुभाग-1

संख्या 382/79-वि-1-21-1-क-1-21

लखनऊ, 5 मार्च, 2021

अधिसूचना

विधि

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश राजस्व संहिता (संशोधन) विधेयक, 2021 जिससे राजस्व अनुभाग-1 प्रशासनिक रूप से सम्बन्धित है, पर दिनांक 4 मार्च, 2021 को अनुमति प्रदान की और वह (उत्तर प्रदेश अधिनियम संख्या 4 सन् 2021) के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश राजस्व संहिता (संशोधन) अधिनियम, 2021

(उत्तर प्रदेश अधिनियम संख्या 4 सन् 2021)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश राजस्व संहिता, 2006 का संशोधन करने के लिये

अधिनियम

भारत गणराज्य के बहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-(1) यह अधिनियम उत्तर प्रदेश राजस्व संहिता (संशोधन) अधिनियम, 2021 संक्षिप्त नाम और
कहा जाएगा। राज्य

(2) यह दिनांक 28 दिसम्बर, 2020 को प्रवृत्त हुआ समझा जायेगा।

उत्तर प्रदेश
अधिनियम संख्या 8
सन् 2012 की
धारा 59 की
उपधारा (6) का
संशोधन

2-उत्तर प्रदेश राजस्व संहिता, 2006 (उत्तर प्रदेश अधिनियम संख्या 8 सन् 2012) जिसे आगे मूल अधिनियम कहा गया है, की धारा 59 की उपधारा (6) के पश्चात् निम्नलिखित स्पष्टीकरण बढ़ा दिया जायेगा, अर्थात् :-

स्पष्टीकरण :-

इस धारा के प्रयोजनार्थ शब्द "स्थानीय प्राधिकरण" में क्षेत्र पंचायत, जिला पंचायत, टाउन एरिया, नोटिफाइड एरिया, छावनी क्षेत्र, नगर पंचायत, नगर पालिका, नगर महापालिका, नगर निगम, नोएडा विकास प्राधिकरण, ग्रेटर नोएडा विकास प्राधिकरण एवं यमुना एक्सप्रेसवे विकास प्राधिकरण, अथवा भारत का संविधान के अनुच्छेद 243-थ के अन्तर्गत उत्तर प्रदेश औद्योगिक क्षेत्र विकास अधिनियम, 1976 के रूप में "औद्योगिक विकास क्षेत्रान्तर्गत घोषित कोई औद्योगिक नगरी सम्मिलित होंगे"।

धारा 80 का
संशोधन

3-मूल अधिनियम की धारा 80 में, उपधारा (2) का प्रथम परन्तुक निकाल दिया जायेगा।

धारा 89 की
उपधारा (2) का
संशोधन

4-मूल अधिनियम की धारा 89 में, उपधारा (2) का स्पष्टीकरण निकाल दिया जायेगा।

धारा 89 की
उपधारा (3) का
संशोधन

5-मूल अधिनियम की धारा 89 की उपधारा (3) में, परन्तुक के स्थान पर निम्नलिखित परन्तुक रख दिया जायेगा, अर्थात् :-

परन्तु यह कि जहाँ भूमि, किसी रजिस्ट्रीकृत फर्म, कम्पनी, पार्टनरशिप फर्म, लिमिटेड लाईबिलिटी पार्टनरशिप फर्म, न्यास, समिति अथवा किसी अन्य शैक्षिक या पूर्त संस्था द्वारा इस उपधारा, या निरसन के पूर्व यथा अधिनियमित उत्तर प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम, 1950 की धारा 154 की उपधारा (3) के अधीन पूर्व अनुमोदन प्राप्त किये बिना अर्जित अथवा क्रय की गयी हो, वहाँ राज्य सरकार अथवा इस अधिनियम के अधीन इस प्रयोजन हेतु प्राधिकृत कोई अधिकारी, जुर्माना स्वरूप ऐसी किसी धनराशि, जो आवेदन करते समय प्रचलित सर्किल दर के अनुसार आगणित उपधारा (2) के अधीन विहित सीमा से अधिक भूमि की लागत की दस प्रतिशत होगी, का भुगतान करने के पश्चात् ऐसे अर्जन अथवा क्रय को विनियमित करने के लिए अपना अनुमोदन प्रदान कर सकती/सकता है :

परन्तु यह और कि जहाँ राज्य सरकार का यह समाधान हो जाय कि कोई अन्तरण, लोकहित में विभिन्न विनिधान प्रोत्साहन नीतियों के अधीन अथवा राज्य सरकार द्वारा प्रोत्साहित की जा रही परियोजनाओं, निजी विश्वविद्यालयों तथा मेडिकल कालेजों की स्थापना के लिये किया गया है वहाँ वह ऐसे किसी अंतरिती को इस उपधारा के अधीन जुर्माना के संदाय से छूट प्रदान कर सकती है।

निरसन और
व्यावृत्ति

6-(1) उत्तर प्रदेश राजस्व संहिता (संशोधन) अध्यादेश, उत्तर प्रदेश
2020 एतद्वारा निरसित किया जाता है। अध्यादेश संख्या 22
सन् 2020

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबंधों के अधीन कृत कोई कार्य या की गई कोई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के सह प्रत्यर्थी उपबंधों के अधीन कृत या की गई समझी जायेगी मानो इस अधिनियम के उपबंध सभी सारवान समयों में प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश राज्य में भू-धृतियों और भू-राजस्व से संबंधित विधि को संमेलित करने तथा उसमें संशोधन करने के लिए उत्तर प्रदेश राजस्व संहिता, 2006 अधिनियमित किया गया है। औद्योगीकरण के प्रयोजनार्थ भूमि की सुगम उपलब्धता सुनिश्चित करने, राज्य में विनिधान का सम्वर्द्धन करने, औद्योगिक स्थापना में कठिनाइयों का निराकरण करने और सरकारी योजनाओं का उत्तम क्रियान्वयन करने के उद्देश्य से राज्य सरकार की पूर्वानुमति प्राप्त किये बिना कृत अर्जन या क्रय के विनियमितीकरण के लिये जुर्माना की धनराशि में कमी करने के लिये उक्त संहिता में संशोधन और पद 'स्थानीय प्राधिकरण' के अर्थ को स्पष्ट किये जाने हेतु कतिपय अन्य 'संशोधन' अपेक्षित थे, अतः पूर्वोक्त संशोधनों को सम्मिलित करने हेतु उक्त संहिता में संशोधन किये जाने का विनिश्चय किया गया था।

चूँकि राज्य विधान मण्डल सत्र में नहीं था और पूर्वोक्त विनिश्चय को क्रियान्वित करने के लिये तुरन्त विधायी कार्यवाही की जानी आवश्यक थी, अतः राज्यपाल द्वारा दिनांक 28 दिसम्बर, 2020 को उत्तर प्रदेश राजस्व संहिता (संशोधन) अध्यादेश, 2020 (उत्तर प्रदेश अध्यादेश संख्या 22 सन् 2020) प्रख्यापित किया गया।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिये पुरःस्थापित किया जाता है।

आज्ञा से,
अतुल श्रीवास्तव,
प्रमुख सचिव।

No. 382(2)/LXXIX-V-1-21-1-ka-1-21

Dated Lucknow, March 5, 2021

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Rajaswa Samhita (Sanshodhan) Adhiniyam, 2021 (Uttar Pradesh Adhiniyam Sankhya 4 of 2021) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 4, 2021. The Rajaswa Anubhag-1, is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH REVENUE CODE (AMENDMENT) ACT, 2021

(U.P. Act no. 4 of 2021)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to amend the Uttar Pradesh Revenue Code, 2006.

IT IS HEREBY enacted in the Seventy-second Year of the Republic of India as follows :-

1. (1) This Act may be called the Uttar Pradesh Revenue Code (Amendment) Act, 2021. Short title and commencement

(2) It shall be deemed to have come into force on December 28, 2020.

Amendment of
section 59 of U.P.
Act no. 8 of 2012

2. After sub-section (6) of section 59 of the Uttar Pradesh Revenue Code, 2006 hereinafter referred to as the principal Act, the following Explanation shall be *inserted*, namely :—

Explanation :

For the purpose of this section the word “Local Authority” includes Kshetra Panchayat, Zila Panchayat, Town Area, Notified Area, Cantonment Area, Nagar Panchayat, Nagar Palika, Nagar Mahapalika, Nagar Nigam, Noida Vikas Pradhikaran, Greater Noida Vikas Pradhikaran, Yamuna Expressway Vikas Pradhikaran or any Industrial township declared as an Industrial Development Area under the Uttar Pradesh Industrial Area Development Act, 1976 under Article 243-Q of the Constitution of India.

Amendment of
section 80

3. In section 80 of the principal Act, the first proviso to sub-section (2) shall be *omitted*.

Amendment of
section 89

4. In section 89 of the principal Act, the Explanation to sub-section (2) shall be *omitted*.

Amendment of
section 89

5. In sub-section (3) of section 89 of the principal Act for the proviso, the following proviso shall be *substituted*, namely :—

Provided that where the land has been acquired or purchased by a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any other educational or a charitable institution, without obtaining prior approval under this sub-section or sub-section (3) of section 154 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 as enacted before the repeal, the State Government or an officer authorized for this purpose under this Act, may give its approval for regularizing such acquisition or purchase, after payment of an amount as fine, which shall be ten percent of the cost of the land in excess of the limit prescribed under sub-section (2) calculated as per the circle rate prevailing at the time of making the application :

Provided further that where the State Government is satisfied that any transfer has been made in the public interest under various promotion investment policies or for the projects being encouraged by the State Government, for the establishment of private Universities and medical colleges, it may exempt any such transferee from the payment of fine under this sub-section.

Repeal and saving

6. (1) The Uttar Pradesh Revenue Code (Amendment) Ordinance, 2020 is hereby repealed.

U.P. Ordinance
no. 22 of 2020

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Revenue Code, 2006 has been enacted to consolidate and amend the law relating to land tenures and land revenue in the State of Uttar Pradesh. In order to ensure smooth availability of land for the purpose of industrialization, promote investment in the State, to remove difficulties in the establishment of industries and for better implementation of Government Schemes, amendments were required in the said Code to reduce the amount of fine for regularization of an acquisition or purchase done without obtaining prior approval of the State Government; to explain the meaning of the term 'local authority'; along with certain other amendments. It was decided to amend the aforesaid Code to incorporate the aforesaid amendments.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Revenue Code (Amendment) Ordinance, 2020 (U.P. Ordinance no. 22 of 2020) was promulgated by the Governor on December 28, 2020.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
ATUL SRIVASTAVA,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 777 राजपत्र-2021-(1650)-599 प्रतियां-(कम्प्यूटर/टी०/ऑफसेट)।
पी०एस०यू०पी०-ए०पी० 258 सा० विधायी-2021-(1651)-300 प्रतियां-(कम्प्यूटर/टी०/ऑफसेट)।